

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2061 Session of  
2009

INTRODUCED BY BRIGGS, ROEBUCK, BELFANTI, BRADFORD, BRENNAN,  
DONATUCCI, FRANKEL, HOUGHTON, JOSEPHS, KORTZ, MAHONEY,  
MANDERINO, McILVAINE SMITH, MUNDY, M. O'BRIEN, PASHINSKI,  
SHAPIRO, SIPTROTH, K. SMITH, STURLA, YOUNGBLOOD AND WAGNER,  
OCTOBER 26, 2009

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 30, 2010

## AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," providing for disclosure by school  
6 entities of certain interscholastic athletic opportunity  
7 information.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
11 as the Public School Code of 1949, is amended by adding an  
12 article to read:

13 ARTICLE XVI-C

14 DISCLOSURE OF INTERSCHOLASTIC ATHLETICS OPPORTUNITIES

15 Section 1601-C. Scope of article.

16 This article requires reporting by school entities of  
17 athletic opportunities afforded to male and female secondary  
18 school students.

1 Section 1602-C. Definitions.

2 The following words and phrases when used in this article  
3 shall have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

5 "Athletic facilities." Locker rooms, playing fields,  
6 gymnasiums, field houses, arenas, ATHLETIC training rooms, ←  
7 STADIUMS, WEIGHT ROOMS or any other location used by secondary  
8 school students and their coaches for sports training, practice,  
9 competition and coaching.

10 "Department." The Department of Education of the  
11 Commonwealth.

12 "Equipment and supplies." Sport-specific equipment and  
13 supplies, general equipment and supplies, instructional devices  
14 and conditioning and weight training equipment.

15 "Participant." A student-athlete who is:

16 (1) receiving institutionally sponsored support normally  
17 provided to athletes competing at the institution involved,  
18 such as coaching, equipment, medical and training room  
19 services, on a regular basis during a sport's season;

20 (2) ~~is~~ participating in organized practice sessions and ←  
21 other team meetings and activities on a regular basis during  
22 a sport's season; and

23 (3) ~~is~~ listed on the team list on the day of the team's ←  
24 first scheduled competition, excluding preseason contests and ←  
25 scrimmages.

26 "Race/ethnicity." American Indian/Alaskan Native;  
27 Asian/Pacific Islander; Black, non-Hispanic; Hispanic and White,  
28 non-Hispanic.

29 "School entity." Any ~~institution of primary or secondary~~ ←  
30 educational grades which is subject to license or inspection and

1 ~~examination by the Department of Education, including, but not~~  
2 ~~limited to, a school district, a joint school district, an area~~  
3 ~~vocational technical school or charter school, a licensed~~  
4 ~~private academic school or a special education school~~ PUBLIC OR ←  
5 PRIVATE PRIMARY OR SECONDARY EDUCATIONAL PROGRAM OR ACTIVITY  
6 THAT RECEIVES FEDERAL FINANCIAL ASSISTANCE, AS DEFINED UNDER  
7 TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 (PUBLIC LAW 92-318,  
8 20 U.S.C. § 1681 ET SEQ.), that provides interscholastic  
9 athletic opportunities for secondary school students.

10 "Secondary school student." A student who attends a school  
11 entity in grade 7 through grade 12.

12 "Travel." Transportation, housing furnished during travel  
13 and per diem dining allowances.

14 "Uniforms." Clothing for practice and games, SUCH AS shoes, ←  
15 rain gear and warm-up suits.

16 Section 1603-C. Duty to disclose.

17 (a) Information.--A school entity shall annually submit  
18 information to the department regarding interscholastic athletic  
19 opportunity and treatment for male and female secondary school  
20 students for the preceding school year.

21 (b) Disclosure form.--The information shall be submitted on  
22 a disclosure form and in a manner to be established by the  
23 department.

24 (c) Submission.--By October 15, 2010, and October 15 of each  
25 year thereafter, a school entity shall submit to the department  
26 the completed disclosure form for the immediately preceding  
27 school year.

28 (d) Public access.--No later than November 1 of each year, a  
29 school entity shall make a copy of the completed disclosure form  
30 available for public inspection during regular business hours,

1 including on the ANY publicly accessible Internet website of the ←  
2 school entity, if one is maintained. The completed disclosure ←  
3 form shall constitute a public record subject to public  
4 inspection under the act of February 14, 2008 (P.L.6, No.3),  
5 known as the Right-to-Know Law.

6 (e) Notice to students and other affected individuals.--As  
7 soon as the disclosure form required by this section is  
8 completed, each school ENTITY shall provide notice of its ←  
9 availability for review to students, educational personnel,  
10 STUDENT athletes and parents by posting a notice on school ←  
11 bulletin boards, in the school newspaper, on any electronic  
12 mailing list or list serve, and by any other means reasonably  
13 likely to provide such notice.

14 Section 1604-C. Department duties.

15 (a) Duties.--The department shall establish a disclosure  
16 form for the submission of the required information for the  
17 immediately preceding school year by school entities. The  
18 department shall provide for the distribution of the disclosure  
19 form through the department's Internet website and shall provide  
20 technical assistance to school entities.

21 (b) Disclosure form information.--The following information  
22 shall be included in the disclosure form:

23 (1) The total number of students in each school entity  
24 and in each secondary school within a school entity as of  
25 October 1 of the immediately preceding school year,  
26 including:

27 (i) the total number of students by gender; and

28 (ii) the total number of male students by

29 race/ethnicity and the total number of female students by  
30 race/ethnicity.

1       (2) A listing by gender of each varsity, junior varsity  
2 and freshman athletic team that competed in interscholastic  
3 athletic competition.

4       (3) For each team identified in paragraph (2), the  
5 following information:

6           (i) The total number of team participants as of the  
7 day of the first scheduled competition for each team by  
8 gender.

9           (ii) The total number of male team participants by  
10 race/ethnicity and the total number of female team  
11 participants by race/ethnicity, as of the day of the  
12 first scheduled competition for each team.

13           (iii) For the initial submission under this article,  
14 the school year in which each existing interscholastic  
15 athletic team was established and, for teams that the  
16 school entity sponsored in the past but no longer  
17 sponsors, the identity of the team and the year it was  
18 eliminated or demoted from interscholastic competition.  
19 For each subsequent year, a listing of interscholastic  
20 athletic teams that were newly established,  
21 reestablished, eliminated or demoted from interscholastic  
22 competition during the reported school year.

23           (iv) The seasons during which each interscholastic  
24 athletic team competed.

25           ~~(v) The total expenditures for each team in the~~ ←  
26 ~~school year, including the value of contributions and~~  
27 ~~purchases made on behalf of teams by booster clubs,~~  
28 ~~alumni and any other nonschool sources.~~

29           ~~(vi) Expenditures, listed separately for each team~~  
30 ~~in each of the following categories:~~

1           (V) THE TOTAL VALUE OF CONTRIBUTIONS AND PURCHASES ←  
2           MADE ON BEHALF OF EACH TEAM BY BOOSTER CLUBS, ALUMNI AND  
3           ANY OTHER NONSCHOOL SOURCES.

4           (VI) THE TOTAL EXPENDITURES FOR EACH TEAM IN THE  
5           SCHOOL YEAR, INCLUDING A SEPARATE LISTING OF EXPENDITURES  
6           FOR EACH TEAM IN EACH OF THE FOLLOWING CATEGORIES:

7           (A) The total amount of expenditures for travel.

8           (B) The total amount of expenditures for  
9           purchase and replacement of athletic uniforms.

10          (C) The total amount of expenditures for  
11          purchase and replacement of equipment and supplies.

12          (D) Compensation of coaches, per sport and per  
13          season.

14          (E) Expenditures made for construction,  
15          renovation, expansion, maintenance, repair and rental  
16          of athletic facilities. For any facilities shared by  
17          multiple teams, expenditures per team shall be  
18          calculated either by dividing expenditures by the  
19          number of teams using the facility or percentage of  
20          time used by each team.

21          (F) Compensation of ~~trainers, per sport and per~~ ←  
22          ~~season~~ ATHLETIC TRAINERS PER ACADEMIC YEAR. ←

23          (vii) The total number of trainers ~~per team by~~ ←  
24          ~~employment status, full time, part time, head and~~  
25          ~~assistant~~, INCLUDING THE AMOUNT OF TIME SPENT BY EACH ←  
26          ATHLETIC TRAINER WITH EACH TEAM.

27          (viii) The total number of coaches per team by  
28          employment status, full-time, part-time, head and  
29          assistant.

30          (ix) The total number of competitions scheduled AND ←

1           PLAYED per team.

2           (X) THE NAME OF THE SCHOOL ENTITY'S TITLE IX ←  
3           COMPLIANCE OFFICER REQUIRED UNDER 34 CFR § 106.8(A)  
4           (RELATING TO DESIGNATION OF RESPONSIBLE EMPLOYEE AND  
5           ADOPTION OF GRIEVANCE PROCEDURES).

6           (c) Copies.--The department shall make copies of all  
7           submitted disclosures available for public inspection on the  
8           department's publicly accessible Internet website.

9           (d) Annual report.--No later than January 15 of each year,  
10          the department shall prepare and submit an annual report to the  
11          General Assembly regarding the compliance with the disclosure  
12          requirements of this article and summarizing the information  
13          submitted to it regarding interscholastic athletic opportunity  
14          for and treatment of each gender by race and ethnic group, and  
15          other such information as the department deems relevant.

16          Section 1605-C. Regulations.

17          The department may promulgate rules, regulations or standards  
18          to administer this article.

19          Section 2. This act shall take effect ~~in 60 days~~ AS FOLLOWS: ←

20                  (1) THE ADDITION OF SECTION 1604-C(B) (3) (V) OF THE ACT  
21                  SHALL TAKE EFFECT TWO YEARS FROM THE EFFECTIVE DATE OF THIS  
22                  SECTION.

23                  (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

24                  (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
25                  DAYS.