

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:

ARTICLE XVI-CDISCLOSURE OF INTERSCHOLASTIC ATHLETICS OPPORTUNITIESSection 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

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

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

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

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

Section 1603-C. Duty to disclose.

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

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

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

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

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

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

Section 1604-C. Department duties.

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

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

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

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

(ii) the total number of male students by

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