

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 890 Session of 2009

INTRODUCED BY M. WHITE, DINNIMAN, BAKER, PIPPY, FERLO,  
WASHINGTON, MCILHINNEY, O'PAKE, BROWNE, YAW, MELLOW, EARLL,  
BOSCOLA, WARD, FARNESE, STOUT, VANCE, FONTANA, KITCHEN, LEACH  
AND TARTAGLIONE, MAY 27, 2009

REFERRED TO EDUCATION, MAY 27, 2009

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 of secondary  
6 school athletics equity.

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

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

12 ARTICLE XVI-C

13 EQUITY IN INTERSCHOLASTIC ATHLETICS DISCLOSURE

14 Section 1601-C. Scope of article.

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

18 Section 1602-C. Definitions.

19 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Athletic facilities." Locker rooms, playing fields,  
4 gymnasiums, field houses, arenas, training rooms or any other  
5 location used by secondary school students and their coaches for  
6 sports training, practice, competition and coaching.

7 "Department." The Department of Education of the  
8 Commonwealth.

9 "Equipment and supplies." Sport-specific equipment and  
10 supplies, general equipment and supplies, instructional devices  
11 and conditioning and weight training equipment.

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

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

17 (2) is participating in organized practice sessions and  
18 other team meetings and activities on a regular basis during  
19 a sport's season; and

20 (3) is listed on the team list on the day of the team's  
21 first scheduled competition, excluding preseason contests and  
22 scrimmages.

23 "Race/ethnicity." American Indian/Alaskan Native;  
24 Asian/Pacific Islander; Black, non-Hispanic; Hispanic and White,  
25 non-Hispanic.

26 "School entity." Any institution of primary or secondary  
27 educational grades which is subject to license or inspection and  
28 examination by the Department of Education, including, but not  
29 limited to, a school district, a joint school district, an area  
30 vocational-technical school or charter school, a licensed

private academic school or a special education school 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, 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, 2009, 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 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

1 soon as the disclosure form required by this section is  
2 completed, each school shall provide notice of its availability  
3 for review to students, educational personnel, athletes and  
4 parents by posting a notice on school bulletin boards, in the  
5 school newspaper, on any electronic mailing list or list serve,  
6 and by any other means reasonably likely to provide such notice.  
7 Section 1604-C. Department duties.

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

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

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

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

21 (ii) the total number of male students by  
22 race/ethnicity and the total number of female students by  
23 race/ethnicity.

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

27 (3) For each team identified in paragraph (2), the  
28 following information:

29 (i) The total number of team participants as of the  
30 day of the first scheduled competition for each team by

gender.

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

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

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

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

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

(A) The total amount of expenditures for travel.

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

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

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

1                   (E) Expenditures made for construction,  
2                   renovation, expansion, maintenance, repair and rental  
3                   of athletic facilities. For any facilities shared by  
4                   multiple teams, expenditures per team shall be  
5                   calculated either by dividing expenditures by the  
6                   number of teams using the facility or percentage of  
7                   time used by each team.

8                   (F) Compensation of trainers, per sport and per  
9                   season.

10                  (vii) The total number of trainers per team by  
11                  employment status, full-time, part-time, head and  
12                  assistant.

13                  (viii) The total number of coaches per team by  
14                  employment status, full-time, part-time, head and  
15                  assistant.

16                  (ix) The total number of competitions scheduled per  
17                  team.

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

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

28                  Section 1605-C. Regulations.

29                  The department may promulgate rules, regulations or standards  
30                  to administer this article.

1       Section 2.   This act shall take effect in 60 days.