

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 209 Session of 2011

INTRODUCED BY M. WHITE, YAW, EARLL, TARTAGLIONE, BROWNE,
FARNESE, TOMLINSON, PIPPY, WILLIAMS, RAFFERTY, LEACH,
BREWSTER, COSTA, BOSCOLA, BAKER, FONTANA, STACK, YUDICHAK,
WARD, WOZNIAK, DINNIMAN AND VANCE, FEBRUARY 17, 2011

REFERRED TO EDUCATION, FEBRUARY 17, 2011

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

15 ATHLETICS OPPORTUNITIES

16 Section 1601-C. Scope of article.

17 This article requires reporting by school entities of
18 athletic opportunities afforded to male and female secondary
19 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) 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) listed on the team list on the day of the team's
24 first scheduled competition, excluding preseason scrimmages.

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

28 "School entity." Any public or private primary or secondary
29 educational program or activity that receives Federal financial
30 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 grades 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, 2011, 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 any publicly accessible Internet website of the school entity. 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

1 completed, each school entity shall provide notice of its
2 availability for review to students, educational personnel,
3 student athletes and parents by posting a notice on school
4 bulletin boards, in the school newspaper, on any electronic
5 mailing list or list serve, and by any other means reasonably
6 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 value of contributions and purchases made on behalf of each team by booster clubs, alumni and any other nonschool sources.

(vi) The total expenditures for each team in the school year, including a separate listing of expenditures 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 athletic trainers per
9 academic year.

10 (vii) The total number of athletic trainers,
11 including the amount of time spent by each athletic
12 trainer with each team.

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 and
17 played per team.

18 (x) The name of the school entity's Title IX
19 compliance officer required under 34 CFR § 106.8(a)
20 (relating to designation of responsible employee and
21 adoption of grievance procedures).

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

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

1 other such information as the department deems relevant.

2 Section 1605-C. Regulations.

3 The department may promulgate rules, regulations or standards
4 to administer this article.

5 Section 2. This act shall take effect as follows:

6 (1) The addition of section 1604-C(b)(3)(v) of the act
7 shall take effect two years from the effective date of this
8 section.

9 (2) This section shall take effect immediately.

10 (3) The remainder of this act shall take effect in 60
11 days.