

ARTICLE XVI-C
DISCLOSURE OF INTERSCHOLASTIC
ATHLETICS OPPORTUNITIES
(Art. added June 30, 2012, P.L.684, No.82)

Section 1601-C. Scope of article.

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

(1601-C added June 30, 2012, P.L.684, No.82)

Section 1602-C. Definitions.

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

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

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

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

"Participant." A secondary school student who is:

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

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

(3) listed on the team list on the day of the team's first scheduled competition, excluding preseason scrimmages.

"School entity." A school of a school district, joint school district, area career and technical school or charter school that provides interscholastic athletic opportunities for secondary school students. (Def. amended Oct. 30, 2019, P.L.460, No.76)

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

(1602-C added June 30, 2012, P.L.684, No.82)

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, 2013, 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 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.

(1603-C added June 30, 2012, P.L.684, No.82)
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 collected for all secondary school students in grades 7 through 12 and shall be included in the disclosure form:

(1) The total number of students in each 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 or ethnicity and the total number of female students by race or ethnicity.

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

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

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

(ii) The total number of male team participants by race or ethnicity and the total number of female team participants by race or 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.

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

(F) Compensation of athletic trainers per academic year.

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

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

(ix) The total number of competitions scheduled and played per team.

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

(c) Each school district subject to Title IX regulations shall be in compliance with Title IX of the federal Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), as it applies to athletics by performing the following:

(i) annual evaluation of its compliance with Title IX regulations and publishing a comprehensive report on the school district's public-accessible Internet website.

(a) evaluations shall be reported to the Department no later than November 1 of each year on the preceding school year

(ii) Designating an employee as the Title IX coordinator, providing the designee with appropriate Title IX training, and publishing the designee's name and contact information on the school district's public-accessible internet website.

(iii) Suspending an athletic director from interscholastic athletics responsibilities in the Commonwealth for three years if Title IX compliance is not achieved on or before January 1, 2025, and maintained for at least 6 months in each 12-month period after January 1, 2025.

(iv) Preserving each athletic program's standing and all athletic opportunities to the greatest extent possible. All other available and prudent athletic program cost-cutting options shall be implemented in accordance with Title IX requirements.

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

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

(1604-C added June 30, 2012, P.L.684, No.82)
Section 1605-C. Regulations.

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

(1605-C added June 30, 2012, P.L.684, No.82)

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(c) Each institution of higher education subject to Title IX regulations shall be in compliance with Title IX of the federal Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), as it applies to intercollegiate athletics by performing the following:

(i) annual evaluation of its compliance with Title IX regulations and publishing a comprehensive report on the institution's public-accessible Internet website.

(a) evaluations shall be reported to the Department no later than November 1 of each year on the preceding school year

(ii) Designating an employee as the Title IX coordinator, providing the designee with appropriate Title IX training, and publishing the designee's name and contact information on the institution's public-accessible internet website.

(iii) Suspending an athletic director from intercollegiate athletics responsibilities in the Commonwealth for three years if Title IX compliance is not achieved on or before January 1, 2025, and maintained for at least 6 months in each 12-month period after January 1, 2025.

(iv) Preserving each athletic program's standing and all athletic opportunities to the greatest extent possible. All other available and prudent athletic program cost-cutting options shall be implemented in accordance with Title IX requirements.