

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

1 private academic school or a special education school that
2 provides interscholastic athletic opportunities for secondary
3 school students.

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

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

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

10 Section 1603-C. Duty to disclose.

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

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

18 (c) Submission.--By October 15, 2009, and October 15 of each
19 year thereafter, a school entity shall submit to the department
20 the completed disclosure form for the immediately preceding
21 school year.

22 (d) Public access.--No later than November 1 of each year, a
23 school entity shall make a copy of the completed disclosure form
24 available for public inspection during regular business hours,
25 including on the publicly accessible Internet website of the
26 school entity, if one is maintained. The completed disclosure
27 form shall constitute a public record subject to public
28 inspection under the act of February 14, 2008 (P.L.6, No.3),
29 known as the Right-to-Know Law.

30 (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

1 gender.

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

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

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

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

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

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

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

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

29 (D) Compensation of coaches, per sport and per
30 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.