

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, TARTAGLIONE, STACK, WILLIAMS AND HUGHES, MAY 27, 2009

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
SEPTEMBER 21, 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 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:

ARTICLE XVI-CEQUITY 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.

The following words and phrases when used in this act 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 student-athlete 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.

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

"School entity." Any institution of primary or secondary 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 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~~ 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



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

8 Section 1604-C. Department duties.

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

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

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

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

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

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

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

30 (i) The total number of team participants as of the

1 day of the first scheduled competition for each team by
2 gender.

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

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

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

19 (v) The total value of contributions and purchases
20 made on behalf of each team by booster clubs, alumni and
21 any other nonschool sources.

22 (vi) The total expenditures for each team in the
23 school year, including a separate listing of expenditures
24 for each team in each of the following categories:

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

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

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

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

1 season.

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

9 (F) Compensation of athletic trainers per
10 academic year.

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

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

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

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

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

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

1 for and treatment of each gender by race and ethnic group, and
2 other such information as the department deems relevant.

3 Section 1605-C. Regulations.

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

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

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

10 (2) This section shall take effect immediately.

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