

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 209 Session of 2011

INTRODUCED BY BRIGGS, BRADFORD, BRENNAN, CALTAGIRONE, DeLUCA, DePASQUALE, FABRIZIO, FREEMAN, JOSEPHS, KORTZ, KULA, MATZIE, MULLERY, MURT, M. O'BRIEN, ROEBUCK, SANTARSIERO, STURLA, SWANGER, TOEPEL, WAGNER AND YOUNGBLOOD, MARCH 21, 2011

REFERRED TO COMMITTEE ON EDUCATION, MARCH 21, 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 ATHLETICS OPPORTUNITIES

15 Section 1601-C. Scope of article.

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

19 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 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 public or private primary or secondary educational program or activity that receives Federal financial assistance, as defined under Title IX of the Education Amendments of 1972 (Public Law 92-318, 20 U.S.C. § 1681 et

1 seq.), that provides interscholastic athletic opportunities for
2 secondary school students.

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

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

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

9 Section 1603-C. Duty to disclose.

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

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

17 (c) Submission.--By October 15, 2012, and October 15 of each
18 year thereafter, a school entity shall submit to the department
19 the completed disclosure form for the immediately preceding
20 school year.

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

28 (e) Notice to students and other affected individuals.--As
29 soon as the disclosure form required by this section is
30 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.

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 included in the disclosure form:

(1) The total number of students in each school entity
and in each secondary school within a 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/ethnicity and the total number of female students by
race/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.

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

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

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

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

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

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

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

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

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

30 (E) Expenditures made for construction,

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

7 (F) Compensation of athletic trainers per
8 academic year.

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

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

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

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

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

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

1 Section 1605-C. Regulations.

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

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

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

8 (2) This section shall take effect immediately.

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