



# Senate Education Committee

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## BILL SUMMARY

Senate Bill 209, Printer's No. 562

Prime Sponsor: M. White

### A. SYNOPSIS:

Senate Bill 209 would add a new article to the Pennsylvania Public School Code of 1949, entitled "Disclosure of Interscholastic Athletics Opportunities." The bill would require Pennsylvania school entities to report on the interscholastic athletic opportunities available to their male and female secondary school students. The bill also would require the Department of Education (PDE) to develop and distribute the reporting form, provide technical assistance to school entities, disclose the reporting results publicly and submit an annual report of the reporting results to the General Assembly. Under the bill, PDE would be permitted to promulgate rules, regulations or standards necessary to administer the law.

### B. BILL ANALYSIS:

Under S.B. 209, each school entity (*i.e.*, a public or private primary or secondary educational program or activity that receives Federal financial assistance under Title IX and provides interscholastic athletic opportunities for secondary students in grades 7 through 12) would be required to submit by October 15 of each year information to PDE disclosing interscholastic athletic opportunities and treatment for their male and female secondary school students for the preceding school year. The bill would require school entities to make their completed annual disclosure forms available for public inspection during regular business hours and on the school entity's website. The completed disclosure form would constitute a public record subject to the Right-to-Know Law. The school entity would be required to provide notice of the availability of the completed form to students, educational personnel, student athletes and parents through school bulletin boards, the school newspaper, electronic mailing lists, list serves and any other means reasonably likely to provide notice.

The bill would require PDE to develop the disclosure form and manner of reporting, distribute the disclosure form to school entities through its website and provide school entities with technical assistance. The disclosure form must require the following information for the immediately preceding school year:

1. The number of students in the school entity and in each secondary school within the school entity as of October 1, in total as well as broken down by gender and race/ethnicity;
2. A list by gender of each varsity, junior varsity and freshman athletic team that competed in interscholastic competition;
3. For each team identified in 2, the total number of participants as of the day of the team's first scheduled competition, broken down by gender and race/ethnicity;
4. For the initial disclosure form submission, 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;
5. For each subsequent year after the initial submission, a listing of interscholastic athletic teams that were newly established, reestablished, eliminated or demoted from interscholastic competition during the reported school year;
6. The seasons during which each interscholastic athletic team competed;

7. The total value of contributions and purchases made on behalf of each team by booster clubs, alumni and other nonschool sources;
8. The total expenditures for each team in the school year, including a separate list of expenditures for each team in the following categories:
  - a. Travel;
  - b. Purchase and replacement of athletic uniforms;
  - c. Purchase and replacement of equipment and supplies;
  - d. Compensation of coaches, per sport and per season;
  - e. Construction, renovation, expansion, maintenance, repair and rental of athletic facilities (for facilities shared by multiple teams, expenditures in this category must be divided by the number of teams using the facility or by the percentage of time the facility is used by each team); and
  - f. Compensation of athletic trainers, per academic year;
9. The total number of athletic trainers, including the amount of time spent by each athletic trainer with each team;
10. The total number of coaches per team, by employment status (full-time, part-time, head and assistant);
11. The number of competitions scheduled and played per team; and
12. 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).

PDE also would be required to make all submitted disclosures available on its website and submit a report to the General Assembly by January 15 of each year regarding compliance with the disclosure requirements of the law and summarizing the information submitted and other information PDE deems relevant. PDE would be permitted to promulgate rules, regulations or standards necessary to administer the law.

The bill would take effect 60 days after enactment.

**C. SUMMARY OF RELEVANT EXISTING LAW:**

Title IX, a federal law passed in 1972, requires gender equity in every educational program that receives federal funding.



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## Amendment Summary A08082 to SB 209

Amendment A08082 makes the following technical changes:

- The undefined term *student-athlete* is struck from the definition of *participant* and replaced with the defined term of *secondary school student*.
- The term *race/ethnicity* is replaced with the common phrase of *race or ethnicity*, which is already used in the Public School Code.
- The term *school entity* is tightened to reflect the intention of the bill to gather information from secondary schools of all public schools providing interscholastic athletic opportunities for secondary school students. A phrase in Section 1604-C (Department duties) that is redundant due to the new definition of *school entity* is struck.
- The due date of the first report is modified from October 2011 to October 2013.
- A phrase is added to clarify that the information on the disclosure form shall be collected for all secondary school students in grades 7 through 12.

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

1 Amendments of 1972 (Public Law 92-318, 20 U.S.C. § 1681 et  
2 seq.), that provides interscholastic athletic opportunities for  
3 secondary school students.

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

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

8 "Uniforms." Clothing for practice and games, such as shoes,  
9 rain 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, 2011, 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 any publicly accessible Internet website of the  
26 school entity. The completed disclosure form shall constitute a  
27 public record subject to public inspection under the act of  
28 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

29 (e) Notice to students and other affected individuals.--As  
30 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

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 value of contributions and purchases  
19 made on behalf of each team by booster clubs, alumni and  
20 any other nonschool sources.

21 (vi) The total expenditures for each team in the  
22 school year, including a separate listing of expenditures  
23 for each team 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 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.