

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE SCHOOL ATHLETICS EQUITY ACT; REQUIRING CERTAIN DATA TO BE REPORTED TO THE PUBLIC EDUCATION DEPARTMENT AND THE PUBLIC.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"SHORT TITLE.--This act may be cited as the "School Athletics Equity Act"."

Section 2. A new section of the Public School Code is enacted to read:

"APPLICABILITY--NONDISCRIMINATION.--The School Athletics Equity Act applies to each public school that has an athletics program for grades seven through twelve. Each public school shall operate its program in a manner that does not discriminate against students or staff on the basis of gender."

Section 3. A new section of the Public School Code is enacted to read:

"DATA REPORTING.--The department shall collect annual data from public schools on their athletics programs. Each public school shall collect and submit the prior-year data required in this section in a format required by the department. The data submitted shall include:

A. by August 31, 2011, the following information pertaining to enrollment:

(1) the total enrollment in each public school as an average of enrollment at the eightieth and one hundred twentieth days of the school year;

(2) student enrollment by gender;

(3) total number of students participating in athletics;

(4) athletics participation by gender; and

(5) the number of boys' teams and girls' teams by sport and by competition level;

B. by August 31, 2011, the following information pertaining to athletic directors, coaches and other school personnel:

(1) the name and gender of each public school's athletic director;

(2) the name of each team's coaches and other team personnel, with their gender, job title and employment status, such as full-time, part-time, contract or seasonal, specified;

(3) the coach-to-athlete and staff-to-athlete ratio for each team; and

(4) the stipend or other compensation for coaching paid to coaches of boys' teams and to coaches of girls' teams for each public school;

C. by August 31, 2012, an accounting of the funding sources that are used to support the school's athletics programs and to which teams those funds are allocated; funding sources include state funding, federal funding, fundraising or booster clubs, game and concession receipts, gate receipts, cash or in-kind donations, grants and any other source;

D. by August 31, 2012, the following information regarding expenses, including:

(1) any capital outlay expenditures for each public school's athletics programs;

(2) the expenditures for each public school's athletics programs; and

(3) the expenditures for individual teams, including travel expenses such as transportation, meal allowances and overnight accommodations; equipment; uniforms; facilities; facilities improvements; publicity expenses; awards; banquets; insurance; and any other expenses incurred by each team; and

E. by August 31, 2012, a statement of benefits and services to each team, including:

(1) replacement schedules for equipment, uniforms and supplies;

(2) practice and game schedules;

(3) access to locker rooms, weight rooms and

practice, competitive and training facilities; and

(4) assistance in obtaining scholarships."

Section 4. A new section of the Public School Code is enacted to read:

"DISCLOSURE TO STUDENTS AND PUBLIC.--

A. Each public school shall make its data available to the public, including all materials relied upon to compile the data. Each public school shall inform all students at the public school of their right to review the data.

B. The department shall publish the following information:

(1) each public school's data; and

(2) a list of public schools that did not submit fully completed data.

C. Each public school shall maintain its data and all materials relied upon to complete the data for at least three years. Each public school shall publish its data in a newspaper of general circulation in the state or make the data available on a publicly accessible web site."

Section 5. A new section of the Public School Code is enacted to read:

"ASSURANCE OF COMPLIANCE.--

A. Each public school shall submit an assurance of compliance with Title 9 to its local school board or governing

body and provide a copy to the department no later than August 31 of each year. The assurance shall be signed by the superintendent of the district or the head administrator of the charter school. The department shall publish, in a newspaper of general circulation in the state or on a publicly accessible web site, a list of public schools that fail to submit the assurance of compliance with Title 9.

B. As used in this section, "Title 9" means federal Public Law 92-318, Title 9, of the Education Amendments of 1972, which is codified at 20 U.S.C. 1681, et seq., and the regulations promulgated pursuant to that act."

Section 6. A new section of the Public School Code is enacted to read:

"REPORT TO GOVERNOR AND LEGISLATURE.--Beginning December 1, 2011, the department shall submit annually a report on the School Athletics Equity Act to the governor and the legislature, including a summary of the data received from the public schools. The report shall include recommendations on how to increase gender equity in athletics in public schools. The department shall post the report on its web site."