

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: CS/HB 432a¹

49th Legislature, 1st Session, 2009

Short Title: School Athletics Equity Act

Sponsor(s): Representative Danice Picraux and Others

Analyst: James Ball

Date: March 21, 2009

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR HOUSE BILL 432

AS AMENDED

The Senate Floor Amendment changes the required initial reporting dates as follows:

- **the date that schools must begin reporting to the Public Education Department (PED) prior-year information on (1) student enrollment information, and (2) athletic directors, coaches, and other school personnel is changed from August 31, 2010 to August 31, 2011;**
- **the date that schools must begin reporting to PED (1) an accounting of funding sources for the schools' athletics programs, (2) information regarding expenses for the athletic programs, and (3) a statement of benefits and services for each athletic team is changed from August 31, 2011 to August 31, 2012; and**
- **the date that PED must submit the first annual report to the Governor and the Legislature is changed from December 1, 2010 to December 1, 2011.**

The House Education Committee amendment changes the signatory of the assurance of compliance with Title 9 that public schools are required to submit: from the principal or Title 9 coordinator to the “superintendent of the district or the head administrator of the charter school.”

Original Bill Summary:

CS/HB 432 creates the *School Athletics Equity Act* (SAEA) in the *Public School Code* in order to provide a means to gather public school data and to assure compliance with the act and federal Title 9 regulations as they relate to gender equity in school athletic programs. The act applies to public schools with athletic programs for grades 7 through 12.

The bill adds new sections to the *Public School Code* to require the Public Education Department (PED) to gather data from public schools in order to comply with reporting requirements.

The first year's data must be gathered by August 31, 2010 and include:

- prior year enrollment information, including:

¹ Version .178081.2, received 03/07/2009.

- total enrollment in each public school as an average of the 80th and 120th days of the school year;
 - student enrollment by gender;
 - total number of students participating in athletics;
 - athletics participation by gender; and
 - number of boy and girl teams by sport and competition level; and
- certain information regarding athletic directors, coaches, and other school personnel, including: name, gender, job title, employment status, staff-to-athlete ratios; and compensation.

Among its other provisions, CS/HB 432 requires:

- PED in subsequent years to have completed annual data gathering by August 31;
- the following additional data elements to be collected beginning in 2011:
 - an accounting of the funding sources such as state and federal funding, booster clubs, and concession and gate receipts that are used to support the school's athletics program and to which teams those funds are allocated;
 - an accounting of expenditures for all athletic programs, including capital outlay, team travel, meal allowances, overnight accommodations, equipment, uniforms, facilities, publicity, awards, banquets, and insurance; and
 - statement of benefits and services for each team, including replacement schedules for equipment, uniforms, and supplies; practice and game schedules; access to locker rooms, weight rooms, and training facilities; and assistance in obtaining scholarships;
- each public school to make its data available to the public and to inform all students of their right to review the information and the materials relied upon to compile the data;
- PED to publish each public school's data and a list of public schools that did not submit complete data;
- each public school to retain for at least three years all materials used to complete the data;
- each public school to publish its data in a newspaper of general distribution or make it available on a publicly accessible website;
- each public school to submit an assurance of compliance with Title 9 and the SAEA to its local school board or governing body along with a copy of the assurance to PED by August 31 annually;
- PED to publish in a newspaper of general distribution or on a publicly accessible website, a list of public schools that fail to submit timely assurance of compliance; and
- PED to submit a report to the Governor and the Legislature by December 1, 2010 summarizing the data received from the public schools with recommendations on how to increase gender equity in athletics in public schools.

Fiscal Impact:

CS/HB 432 makes no appropriation.

Issues:

The analysis of the original HB 432 by the Department of Health (DOH) suggests that the bill addresses the issue of equal athletic opportunity for female students across the state by ensuring additional opportunities to participate in high school sports. Girls who play sports delay sexual activity, are less likely to become pregnant, are more likely to stay in school, and perform better academically. Additionally, physically active individuals have a decreased incidence of heart disease, high blood pressure, cancer, obesity, and many other health problems. With increased funding and availability for sports in recent years, more and more girls and women are regularly taking part in physical activity and sports.

DOH also states that, although the number of girls participating in school sports has increased since the passage of Title 9, inequities still exist. Schools need to work with their athletics administrators and designated Title 9 officers to ensure compliance is achieved.

Background:

In June 1972, the President signed *Title IX of the Education Amendments of 1972*, 20 U.S.C. §1681 *et seq.*, into law. Title 9 is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. The principal objective of Title 9 is to avoid the use of federal money to support sexually discriminatory practices in education programs and to provide individual citizens effective protection against those practices. Title 9 applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title 9 also applies to any education or training program operated by a recipient of federal financial assistance.

Related Bills:

None as of 03-21-2009.