

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 165

49th Legislature, 2nd Session, 2010

Tracking Number: .180979.1

Short Title: Delay School Athletics Equity Act

Sponsor(s): Senator Cynthia Nava and Others

Analyst: Pamela Herman

Date: February 12, 2010 (revised)

Bill Summary:

SB 165 amends the *Public School Code* to delay by one year the date that reports are due under the *School Athletics Equity Act*, as follows:

- from August 31, 2011 to August 31, 2012, annual data that school districts must provide to the Public Education Department (PED), including:
 - public school enrollment and participation in athletics, both in total and by gender, as well as the numbers of boys' and girls' teams by sport and competitive level; and
 - detailed information concerning athletic directors, coaches, and other school personnel;
- from August 31, 2012 to August 31, 2013, the annual accounting of funding sources, expenses, benefits, and services provided by school districts to each team, that districts must provide to PED; and
- from December 1, 2011 to December 1, 2012, the report with recommendations on how to increase gender equity in athletics in public schools that PED must provide to the Governor and the Legislature.

Fiscal Impact:

SB 165 does not contain an appropriation.

Fiscal Issues:

According to the PED bill analysis, the *School Athletics Equity Act* was passed by the Legislature in 2009; however, no funding was made available for data collection, although compliance with the act will entail costs both at to school districts and the department. PED states that:

- in the 2009 interim, PED consulted with the New Mexico Activities Association (NMAA) and several school districts to determine the cost of data collection and submission required by the act;

- because most of the required data is not currently collected, PED determined that funding was needed to establish and maintain a data collection system that would become part of the data system of the NMAA or another viable entity;
- at the state level, it was estimated that \$100,000 in recurring dollars would be needed to develop a data collection and reporting system;
- at the school district level, it was estimated that the annual personnel cost per district to collect data for submission to PED would range from \$20,000 to \$55,000; and
- given budget shortfalls and potential funding cuts, a one year delay may allow for availability of funding in FY 12 to establish data systems and hire necessary staff to implement the requirements of the act.

Substantive Issues:

- As enacted in 2009, the *School Athletics Equity Act* provides a means to gather public school data and to assure compliance with the act and federal Title IX 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.
- SB 165 would delay by one year the full implementation of the act but not otherwise affect its requirements.

Background:

The analysis of the original bill to enact the *School Athletics Equity Act* by the Department of Health (DOH) in 2009 suggested that the bill addressed the issue of equal athletic opportunity for female students across the state by ensuring additional opportunities to participate in high school sports. Young women, 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 stated that, although the number of girls participating in school sports has increased since the passage of the federal *Title IX of the Educational Amendments of 1972*, prohibiting discrimination on the basis of sex in any federally funded education program or activity, inequities still exist. Schools need to work with their athletics administrators and designated Title IX officers to ensure compliance is achieved.

Related Bill(s):

None as of 2/12/2010.