

111TH CONGRESS
1ST SESSION

H. R. 2882

To amend the Elementary and Secondary Education Act of 1965 to direct certain coeducational elementary and secondary schools to make available information on equality in school athletic programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2009

Ms. SLAUGHTER (for herself, Mrs. CAPITO, Mr. CONYERS, Mr. FILNER, Mr. OBERSTAR, Mr. RANGEL, Mr. ARCURI, Ms. BERKLEY, Mrs. BIGGERT, Mr. BISHOP of New York, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Ms. DELAURO, Mr. ELLISON, Ms. FUDGE, Mr. GRIJALVA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, Mr. LANGEVIN, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCINTYRE, Mrs. MALONEY, Mr. MASSA, Mr. PAYNE, Mr. PLATTS, Ms. SCHAKOWSKY, Mrs. TAUSCHER, Mr. WEXLER, and Ms. HERSETH SANDLIN) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Elementary and Secondary Education Act of 1965 to direct certain coeducational elementary and secondary schools to make available information on equality in school athletic programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “High School Athletics
3 Accountability Act of 2009”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—The Congress finds as follows:

6 (1) Participation in sports teaches youth critical
7 life skills and has a significant positive impact on all
8 areas of their lives, especially for girls.

9 (2) Girls who participate in sports have higher
10 levels of confidence and self-esteem, lower levels of
11 depression, are less likely to be suicidal, are more
12 likely to have a positive body image than female
13 non-athletes, and are half as likely to experience an
14 unintended pregnancy as compared to female non-
15 athletes. Girls who participate in sports have higher
16 graduation rates, receive better grades, and are less
17 likely to smoke or use illegal drugs.

18 (3) Sports participation effectively combats obe-
19 sity, which is particularly significant given that one
20 in six girls are obese or overweight and African-
21 Americans and Hispanic girls face even greater
22 risks.

23 (4) Despite advances in athletic opportunities
24 for women and girls since the passage of title IX of
25 the Education Amendments of 1972, discrimination
26 still limits athletic opportunities for females in inter-

1 scholastic and intercollegiate athletics. Girls com-
2 prise 49 percent of the high school population, but
3 receive only 41 percent of all interscholastic athletic
4 participation opportunities nationwide. This trans-
5 lates into 1,300,000 fewer opportunities to play high
6 school sports for girls than for boys. These lost par-
7 ticipation opportunities also result in the loss of ath-
8 letic scholarships that make it possible for many
9 girls and young women to attend college.

10 (5) There is ample evidence that girls' teams
11 often receive inferior benefits and services when they
12 do play, in areas such as overall budgets; travel;
13 equipment; uniforms; facilities, including locker
14 rooms, fields, and practice and competitive facilities;
15 training and medical services; publicity; access to
16 coaches; and scheduling of practices, games, and
17 sports seasons.

18 (6) Without information about how athletic op-
19 portunities and benefits are being allocated at the el-
20 ementary and secondary school levels, students may
21 be deprived of opportunities to play sports and to re-
22 ceive athletic scholarships to attend college.

23 (7) Students, parents, and schools should be
24 aware of the athletic opportunities and benefits
25 available to male and female students so that they

1 can work to enhance athletic opportunities for all
2 and address any inequities.

3 (b) PURPOSES.—The purposes of this Act are as fol-
4 lows:

5 (1) To ensure that information about the allo-
6 cation of athletic opportunities and benefits at the
7 elementary and secondary school levels is available
8 to all students.

9 (2) To promote equal opportunities for both
10 boys and girls to engage in school-sponsored ath-
11 letics.

12 (3) To provide boys and girls with equal access
13 to the physical, psychological, health and other bene-
14 fits that result from playing sports.

15 **SEC. 3. DISCLOSURE OF STATISTICS ON EQUALITY IN ATH-**
16 **LETIC PROGRAMS.**

17 Subpart 2 of part E of title IX of the Elementary
18 and Secondary Education Act of 1965 (20 U.S.C. 7901
19 et seq.) is amended by adding at the end the following:

20 **“SEC. 9537. EQUALITY IN ATHLETIC PROGRAMS.**

21 **“(a) REPORT.—**Each coeducational elementary or
22 secondary school that participates in any program under
23 this Act and has an athletic program, shall annually, for
24 the immediately preceding academic year, prepare a report
25 that contains the following information:

1 “(1) The number of students that attended the
2 school and for each student an identification of such
3 student’s—

4 “(A) sex;

5 “(B) race; and

6 “(C) ethnicity.

7 “(2) A listing of the teams that competed in
8 athletic competition and for each such team the fol-
9 lowing data:

10 “(A) The total number of participants as
11 of the day of the first scheduled contest for the
12 team, and for each participant an identification
13 of such participant’s—

14 “(i) sex;

15 “(ii) race; and

16 “(iii) ethnicity.

17 “(B) The year the team began.

18 “(C) The total expenditures for each team
19 from school and nonschool sources, including a
20 listing of the following data for each team:

21 “(i) Expenditures for travel.

22 “(ii) Expenditures for equipment (in-
23 cluding any equipment replacement sched-
24 ule).

1 “(iii) Expenditures for uniforms (in-
2 cluding any uniform replacement sched-
3 ule).

4 “(iv) Expenditures for facilities (in-
5 cluding locker rooms, fields, and gym-
6 nasiums) and their maintenance and re-
7 pair.

8 “(v) Expenditures for training and
9 medical facilities and services.

10 “(vi) Expenditures for publicity for
11 competitions (including press guides, press
12 releases, game programs, and publicity
13 personnel).

14 “(D) The total number of trainers and
15 medical personnel, and for each trainer or med-
16 ical personnel an identification of such per-
17 son’s—

18 “(i) sex;

19 “(ii) employment status (including
20 whether such person is employed full-time
21 or part-time, and whether such person is a
22 head or assistant trainer or medical serv-
23 ices provider) and duties other than pro-
24 viding training or medical services; and

1 “(iii) qualifications, including whether
2 the person is a professional or student.

3 “(E) The total number of coaches, and for
4 each coach an identification of such coach’s—

5 “(i) sex;

6 “(ii) employment status (including
7 whether such coach is employed full-time
8 or part-time, and whether such coach is a
9 head or assistant coach) and duties other
10 than coaching; and

11 “(iii) qualifications, including whether
12 the person is a professional or student.

13 “(F) Total annual revenues generated by
14 the team (including contributions from outside
15 sources such as booster clubs), disaggregated by
16 source.

17 “(G) The total number of competitions
18 scheduled, and for each scheduled competition
19 an indication of what day of the week and time
20 the competition was scheduled.

21 “(H) The total number of practices sched-
22 uled, and for each scheduled practice an indica-
23 tion of what day of the week and time the prac-
24 tice was scheduled.

1 “(I) The season in which the team com-
2 peted.

3 “(J) Whether such team participated in
4 postseason competition, and the success of such
5 team in any postseason competition.

6 “(3) The average annual institutional salary at-
7 tributable to coaching of the head coaches of men’s
8 teams, across all offered sports, and the average an-
9 nual institutional salary attributable to coaching of
10 the head coaches of women’s teams, across all of-
11 fered sports.

12 “(4) The average annual institutional salary at-
13 tributable to coaching of the assistant coaches of
14 men’s teams, across all offered sports, and the aver-
15 age annual institutional salary attributable to coach-
16 ing of the assistant coaches of women’s teams,
17 across all offered sports.

18 “(b) SPECIAL RULE.—For the purpose of reporting
19 the information described in paragraphs (3) and (4) of
20 subsection (a), if a coach has responsibilities for more
21 than 1 team and the school does not allocate such coach’s
22 salary by team, the school should divide the salary by the
23 number of teams for which the coach has responsibility
24 and allocate the salary among the teams on a basis con-

1 sistent with the coach’s responsibilities for the different
2 teams.

3 “(c) DISCLOSURE OF INFORMATION TO STUDENTS
4 AND PUBLIC.—On an annual basis, each coeducational el-
5 ementary or secondary school described in subsection (a)
6 shall—

7 “(1) make available to students, potential stu-
8 dents, and the public, upon request, the information
9 contained in each report by the school under this
10 section by October 15 of each school year; and

11 “(2) ensure that all students at the school and
12 members of the relevant community are informed of
13 their right to request such information.

14 “(d) SUBMISSION; INFORMATION AVAILABILITY.—
15 On an annual basis, each coeducational elementary or sec-
16 ondary school described in subsection (a) shall provide the
17 information contained in each report by the school under
18 this section to the Commissioner for Education Statistics
19 not later than 15 days after the date that the school makes
20 such information available under subsection (c).

21 “(e) DUTIES OF COMMISSIONER FOR EDUCATION
22 STATISTICS.—The Commissioner for Education Statistics
23 shall—

1 “(1) ensure that the data required under this
2 section are posted on the Department of Education’s
3 Web site within a reasonable period of time; and
4 “(2) not later than 180 days after the date of
5 the enactment of the High School Athletics Account-
6 ability Act of 2009, notify all elementary and sec-
7 ondary schools in all States about the requirements
8 under subsection (c) and issue guidance to all ele-
9 mentary and secondary schools on how to collect and
10 report the information required under this section.”.

○