

AN ACT

D.C. ACT 21-141

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2015

To require public and public charter high schools beginning in the 2016-2017 school year and middle schools beginning in the 2017-2018 school year to submit an annual assurance of compliance with Title IX, to require the Office of the State Superintendent of Education to publish a list of schools that do not submit an assurance of compliance, to require schools to annually report data on their athletic programming and make the data publicly available, to require the Office of the State Superintendent of Education to develop 5-year athletic equity strategic plans, to require the Office of the State Superintendent of Education to designate a Title IX Coordinator for the District's interscholastic athletics, to require each local education agency to designate a LEA Title IX Athletic Coordinator, to require an applicable school to designate a School Title IX Athletic Liaison, and to provide the District of Columbia State Athletic Association with education responsibilities for Title IX and college athletic eligibility and scholarships.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Title IX Athletic Equity Act of 2015".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Applicable schools" means any public or public charter high school beginning in the 2016-2017 school year and any public or public charter middle school beginning in the 2017-2018 school year.

(2) "Athletic program" means all interscholastic sports offered to students by an applicable school.

(3) "Competition level" means the division or categorization of teams by ability or competitiveness, which may include varsity, junior varsity, and intramural.

(4) "GERC" means a Gender Equity Review Committee established pursuant to section 5(a).

(5) "Interscholastic athletics program" means all athletic activities or sports offered within a school, the purpose of which is to provide opportunities for students to compete with other students on like teams in other schools.

(6) "Local education agency" or "LEA" means the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single

charter.

(7) "OSSE" means the Office of the State Superintendent of Education.

(8) "Participant" means a student who is attending an applicable school and a member on the tryout roster or official team roster of an interscholastic or intramural activity or sport who participated in team practices, contests, and competitions, or otherwise engaging in other activities as part of the team and was eligible for participation.

(9) "Participation rate" means the ratio of the number of participants of that gender in the athletic program to the number of students of that gender in the student body.

(10) "Title IX" means Title IX of the Education Amendments of 1972, approved June 23, 1972 (86 Stat. 373; 20 U.S.C. §§ 1681-1688).

(11) "Title IX regulations" means 34 CFR § 106.1 *et seq.*

Sec. 3. Nondiscrimination.

Each applicable school in the District shall operate its athletic programs in a manner that does not discriminate against students or staff on the basis of sex, gender, or gender identity.

Sec. 4. Athletic equity reporting.

(a) Each applicable school shall report to the LEA annually by July 1 a statement of compliance with Title IX and submit the following information:

- (1) The total enrollment in the school by gender, race, and ethnicity;
- (2) The number of students participating in athletics by team and competition level and by gender, categorized by race or ethnicity, if available;
- (3) The coach-to-athlete ratio for each team;
- (4) The total number of athletic directors, athletic staff, coaches, trainers, and medical service providers, and for those identified, the following information, to be provided in aggregate by gender:
 - (A) Total compensation, separated by primary duties and athletic duties, if applicable, and race or ethnicity, if the information is available;
 - (B) Employment status, such as full-time, part-time, contract, or volunteer;
 - (C) Qualifications and experience, including relevant certifications and length of time in the current position grouped by number of years: through 5 years; more than 5 years through 10 years; and more than 10 years;
- (5) The funding sources for athletic programs and amount by team, if available, including state and federal funding, fundraising, booster clubs, game and concession receipts, donations, grants, and other sources;
- (6) The total annual expenditures by athletics team, including:
 - (A) Expenditures for travel;
 - (B) Expenditures for equipment, including any equipment replacement schedule;
 - (C) Expenditures for uniforms, including any uniform replacement schedule;
 - (D) Expenditures for construction, renovation, expansion, maintenance,

repair and rental of athletic facilities, including medical facilities, locker rooms, fields, and gymnasiums;

(E) Publicity and marketing; and

(F) Awards, banquets, insurance, and any other expenses;

(7) The practice and competition schedule, including the days of the week, times, and locations where practices or competitions were scheduled;

(8) The season in which each team competed;

(9) Whether each team participated in post-season competition and the success of the team in any post-season competition;

(10) The nature and extent of training provided to athletic administrators, coaches, and other staff regarding the requirements of Title IX and strategies to promote gender equity in athletics;

(11) The availability of additional academic supports, including tutors, designed exclusively for or available exclusively to athletes;

(12) The conditions and locations of all athletic facilities and a listing of the teams that use each facility;

(13) The graduation rates and college and college athletic scholarship offer and acceptance rates of students by gender, race, and ethnicity; and

(14) For the initial submission under this section, the school year in which each existing team was established and, for each subsequent year, a listing of teams that were newly established, reestablished, eliminated, or demoted from competition during the school year.

(b) If the data reported shows that the allocation of resources, athletic participation opportunities, and benefits and services from interscholastic athletic programs for males and females is not substantially proportional to their respective enrollment numbers, or that the allocation is not substantially proportional within the genders by race and ethnicity, then the statement of compliance that accompanies the data described in subsection (a) of this section shall include an explanation of the disproportion, how it will be remedied, and the timeline for effectuating the remedy.

(c) Each LEA shall submit the assurance of compliance for each school under its control to OSSE by August 1 annually. If an LEA fails to submit the assurance of compliance by the required date, the school shall complete an OSSE-approved Title IX training. If a school fails to complete the OSSE-approved Title IX training by October 1, the school shall be barred from competing in a new season for any District of Columbia State Athletic Association athletic event until the school both submits the required assurance of compliance and completes an OSSE-approved Title IX training.

(d) OSSE shall publish, annually within 90 days of August 1, a list of applicable schools that failed to submit the assurance of compliance. OSSE shall publish the information submitted pursuant to subsections (a) and (b) of this section on its website and submit the information to the Council.

Sec. 5. Additional requirements.

(a) Each public or public charter high school shall establish a 3-member Gender Equity

Review Committee or identify at least 3 senior administrators to establish criteria for ensuring the gender equity in the school's athletic program, evaluate the athletics program, and manage Title IX issues at the LEA. This grievance procedures and criteria shall be posted publicly on the school's website.

(b) An LEA shall develop grievance procedures that are made available upon request or to any person alleging a violation of Title IX in accordance with Title IX regulations.

(c) An applicable school shall maintain Title IX records for a minimum of 10 years. The Title IX records shall be subject to review by the Mayor and shall include the following:

(1) A Title IX Plan, which shall include a self-evaluation of the school's entire athletic program based on the annual assurance of compliance required by this act and proposed plans and timetables, as appropriate, to ensure gender equity in the athletics program, including items such as practice times, facilities, coaching stipends, and athletic budgets;

(2) A summary of Title IX complaints, including the resolution of each, for the current and previous 9 years;

(3) A copy of the school's grievance procedures; and

(4) For public and public charter high schools, a list of members of the GERC or the 3 senior administrators serving in this capacity and their contact information.

Sec. 6. Designation of Title IX athletic coordinators.

(a) OSSE shall designate a Title IX Coordinator for the District's interscholastic athletics who shall coordinate the District's efforts to ensure and encourage compliance with the athletics aspects of Title IX and this act. The responsibilities of the Title IX Coordinator shall include those described in 34 C.F.R. § 106.8(a). OSSE shall annually notify all students and the students' guardians of and make publicly available on a website the name, office address, e-mail address, and phone number of the Title IX Coordinator designated pursuant to this section. Each applicable school shall post a notice with this information in the school's athletic facilities.

(b) Each LEA shall designate an LEA Title IX Athletic Coordinator who shall oversee and monitor each applicable school within the LEA to ensure and encourage compliance with the athletic aspects of Title IX and this act; and

(c) Each applicable school shall designate a School Title IX Athletic Liaison, in accordance with 34 C.F.R. § 106.8(a), who coordinates the activities at the school level that are designed to promote gender equity in athletics. The School Title IX Athletic Liaison is not required to, but may, serve as one of the 3 members of the GERC. Additionally, the School Title IX Athletic Liaison shall:

(1) Receive and process complaints and inquiries related to Title IX and athletics;

(2) Make recommendations to the school's GERC on promoting gender equity in athletics;

(3) Maintain the school's Title IX records as described in section 5(c);

(4) Enforce the school's athletic non-discrimination policy, if any; and

(5) Implement corrective measures to comply with Title IX.

(d) If an applicable school is also an LEA, the LEA Title IX Athletic Coordinator shall carry out the responsibilities of both the LEA Title IX Athletic Coordinator and the School Title

IX Athletic Liaison.

Sec. 7. District of Columbia State Athletic Association responsibility.

The District of Columbia State Athletic Association shall coordinate with each applicable school to educate the school, its students, and the students' guardians regarding National Collegiate Athletic Association eligibility requirements and collegiate athletic scholarships, with particular emphasis on outreach to girls.

Sec. 8. Title IX athletic equity strategic plans.

By August 1, 2016, and every 5 years thereafter, OSSE shall develop a 5-year strategic plan to encourage and ensure gender equity in compliance with Title IX in public and public charter high schools. The plan shall include:

- (1) Data submitted to the OSSE under this act for the prior 5 years;
- (2) A listing of schools by gender participation gap by greatest to least, to be measured by the difference between the percentage of enrolled students who are girls and the percentage of total athletic opportunities, measured as spots on teams, provided to girls;
- (3) A description of athletic funding, by school;
- (4) A strategy for ensuring athletic gender equity;
- (5) An account of the District's high school student-athlete graduation rates, college attendance rates, and college athletic scholarship acceptance rates by gender, as available; and
- (6) A survey of best practices from other national membership organizations, states, municipalities, and local community-based organizations.

Sec. 9. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

Sec. 10. Fiscal impact statement.

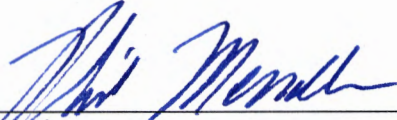
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 11. Effective date.

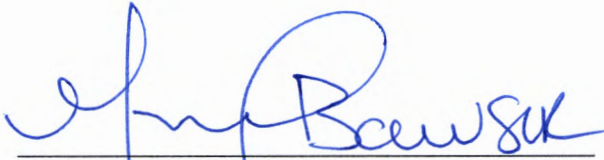
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 31, 2015



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. **B21-31**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 06/30/2015

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange				X
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

7-17-15

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 07/14/2015

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie				X					
Cheh	X				Nadeau	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

7-17-15

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Evans					Orange				
Alexander					Grosso					Silverman				
Allen					May					Todd				
Bonds					McDuffie									
Cheh					Nadeau									

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

Date