

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 13 PUBLIC SCHOOL ADMINISTRATION - INTERSCHOLASTIC ACTIVITIES
PART 4 GOVERNING GENDER EQUITY IN PARTICIPATION IN INTERSCHOLASTIC
SPORTS

6.13.4.1 ISSUING AGENCY: Public Education Department
[01-29-99; 07-30-99; 6.13.4.1 NMAC - Rn, 6 NMAC 1.2.3.1, 12-29-00; A, 11-13-09]

6.13.4.2 SCOPE: This rule applies to school districts and charter schools.
[01-29-99; 6.13.4.2 NMAC - Rn, 6 NMAC 1.2.3.2, 12-29-00; A, 11-13-09]

6.13.4.3 STATUTORY AUTHORITY: This rule is adopted pursuant to Sections 22-2-1, 22-2-2 NMSA 1978, the School Athletics Equity Act [22-31-1 to 22-31-6 NMSA 1978], and 20 U.S. Code 1681, et seq.
[01-29-99; 6.13.4.3 NMAC - Rn, 6 NMAC 1.2.3.3, 12-29-00; A, 11-13-09]

6.13.4.4 DURATION: Permanent
[01-29-99; 6.13.4.4 NMAC - Rn, 6 NMAC 1.2.3.4, 12-29-00]

6.13.4.5 EFFECTIVE DATE: January 29, 1999, unless a later date is cited at the end of a section.
[01-29-99; 6.13.4.5 NMAC - Rn, 6 NMAC 1.2.3.5, 12-29-00]

6.13.4.6 OBJECTIVE: The purpose of this rule is to prohibit discrimination on the basis of gender in interscholastic sports.
[01-29-99; 6.13.4.6 NMAC - Rn, 6 NMAC 1.2.3.6, 12-29-00; A, 11-13-09]

6.13.4.7 DEFINITIONS:

- A. “Department” means the public education department.
- B. “School Athletics Equity Act” means a state law enacted to require annual data collection and reporting to ensure that any public school operating an athletics program for grades seven through twelve shall do so in a manner that does not discriminate against students or staff on the basis of gender.
- C. “Title 9” means federal Public Law 92-318, Title 9 of the Education Amendments of 1972 which is codified at 20 U.S. Code 1681, et seq.

[01-29-99; 6.13.4.7 NMAC - Rn, 6 NMAC 1.2.3.7, 12-29-00; A, 11-13-09]

6.13.4.8 REQUIREMENTS:

- A. No officer, agent or employee of any local school board, school district or charter school shall subject any person to discrimination based on gender in any interscholastic sport. Nor shall any public school operate its interscholastic program in a manner that discriminates against students or staff on the basis of gender.
- B. School districts and charter schools shall provide comparable athletic opportunity in interscholastic sports for both genders. Each school district and charter school has the option of prohibiting participation by both genders on the same team, where comparable or separate athletic opportunity exists for both genders. Comparable athletic opportunity exists only where a good faith effort is made so that teams are provided with comparable facilities, equipment, supplies, game and practice schedules, travel and per diem allowances, coaching (including assignment and compensation of coaches), academic tutoring, housing, dining facilities and publicity.
- C. All school districts and charter schools shall designate at least one Title 9 coordinator whose name, title, school address and telephone number shall be prominently displayed on the district’s or charter school’s website and in school publications and handbooks. A Title 9 coordinator shall at a minimum have the following responsibilities:
 - (1) to receive and process complaints and inquiries related to Title 9;
 - (2) to make recommendations to the school administration on best practices for avoiding and correcting sex discrimination in school athletics programs;
 - (3) to carry out the local school’s athletic non-discrimination policy; and
 - (4) to enforce corrective measures to comply with Title 9 after an adjudication or determination of non-compliance.

D. In determining comparable athletic opportunity, each public school that has an athletics program for grades seven through twelve shall undertake self-evaluation and continuing reappraisal of student needs as determined by the total educational program. To assist in the self-evaluation, each public school that has an athletics program for grades seven through twelve shall report the following data to the department;

(1) Beginning August 31, 2011 and each year thereafter no later than August 31st, the following data shall be submitted to the department in a format required by the department:

(a) the following information pertaining to enrollment:

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

(ii) student enrollment by gender;

(iii) total number of students participating in athletics;

(iv) athletics participation by gender; and

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

(b) the following information pertaining to athletic directors, coaches and other school

personnel:

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

(ii) 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;

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

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

(2) Beginning August 31, 2012 and each year thereafter no later than August 31st, the following data shall be submitted to the department in a format required by the department:

(a) 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;

(i) state funding;

(ii) federal funding;

(iii) fund raising or booster clubs;

(iv) game and concession receipts;

(v) gate receipts;;

(vi) cash or in-kind donations;

(vii) grants; and

(viii) any other sources;

(b) the following information regarding expenditures;

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

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

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

(c) a statement of benefits and services to each team.

E. Each public school shall:

(1) make the above referenced data available to the public including all materials relied upon to compile the data;

(2) at least annually inform all students attending their school of their right to review the data;

(3) maintain in a retrievable form its data and all materials relied upon to complete the data for at least three years;

(4) annually publish its data in a newspaper of general circulation in the state or make the data available on its publicly accessible website; and

(5) no later than August 31st of each year submit an assurance of compliance with Title 9 to its local school board or governing body and provide a copy to the department.

F. The department shall publish and submit an annual report to the governor and legislature including the following information:

(1) each public school's data;

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

(3) a list of public school that fail to submit the assurance of compliance with Title 9; and

(4) recommendations on how to increase gender equity in athletics in public schools.

[01-29-99; 6.13.4.8 NMAC - Rn, 6 NMAC 1.2.3.8, 12-29-00; A, 11-13-09]

HISTORY OF 6.13.4 NMAC:

PRE-NMAC HISTORY: The material in this regulation is derived from that previously filed with the State Records Center and Archives under: State Board of Education Regulation No. 76-6, Governing Participation in Interscholastic Sports, filed May 14, 1976.