

**Discrimination on
the Basis of
Disability**

In providing physical education courses and athletics and similar aid, benefits, or services to any of its students, a recipient to which 34 C.F.R. Part 104, Subpart E applies, including a college district, may not discriminate on the basis of disability. A recipient that offers physical education courses or operates or sponsors intercollegiate, club, or intramural athletics shall provide to qualified students with disabilities an equal opportunity for participation in these activities.

A recipient may offer to students with disabilities physical education and athletic activities that are separate or different only if separation or differentiation is consistent with the requirements of offering the most integrated setting appropriate and only if no qualified student with disabilities is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

34 C.F.R. 104.43(d), .47(a)

**Discrimination on
the Basis of Sex**

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person, or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient of federal funding, and no recipient shall provide any such athletics separately on such basis.

Notwithstanding the requirements above, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

A recipient that operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available, the U.S. Department of Education Office of Civil Rights (OCR) will consider, among other factors:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
2. The provision of equipment and supplies;

3. Scheduling of games and practice time;
4. Travel and per diem allowance;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches and tutors;
7. Provision of locker rooms, practice, and competitive facilities;
8. Provision of medical and training facilities and services;
9. Provision of housing and dining facilities and services; and
10. Publicity.

Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but OCR may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.

34 C.F.R. 106.41

Athlete Agents

"Institution of higher education" means an institution of higher education or a private or independent institution of higher education, as defined by Education Code 61.003, including a community college, that is a member of a national association for the promotion and regulation of intercollegiate athletics. *Occupations Code 2051.001(5)*

Compliance
Coordinator

An institution of higher education shall designate an individual to serve as a compliance coordinator for that institution and report the name of the compliance coordinator to the secretary of state in a manner prescribed by the secretary. *Occupations Code 2051.253*

Compliance
Standards

An institution of higher education shall adopt standards relating to the implementation of Occupations Code Chapter 2051, including specific guidelines governing the athlete agent interview program sponsored by the institution under Occupations Code 2051.301.

The guidelines relating to the athlete agent interview program must specify:

1. The scheduling of interview periods;
2. The duration of an interview period;
3. The location on the institution's campus for conducting interviews; and

4. Any terms or conditions under which an athlete agent may contact an athlete during an interview period.

After adopting implementation standards under Occupations Code 2051.251, an institution of higher education shall:

1. Submit the standards to the institution's athletic council or other analogous body for approval; and
2. File a copy of the approved standards with the secretary of state not later than the 30th day after the date the standards are approved.

If an institution of higher education amends the implementation standards, the institution shall, not later than the 30th day after the date the amendment is effective, file a copy of the amended standards with the secretary.

On receipt of a written request from a registered athlete agent, the secretary of state or a compliance coordinator designated under Occupations Code 2051.253 shall provide a copy of the implementation standards adopted by an institution of higher education.

Occupations Code 2051.251-.252, .254

Interview Program

Each institution of higher education shall sponsor an athlete agent interview program on the institution's campus. An athlete agent interview program may not continue for more than 30 consecutive business days as determined by the athlete's institution of higher education and must be conducted during the off-season period before the completion of the athlete's final year of eligibility.

Each compliance coordinator shall:

1. Establish the schedule for the athlete agent interview program sponsored under Section 2051.301 by the coordinator's institution of higher education;
2. Not later than the 30th day before the date on which the athlete agent interview program begins, notify each registered athlete agent, in writing, of the interview program, unless the secretary of state provides notification under Section 2051.301(c); and
3. Ensure that the coordinator's institution of higher education and the athletes attending the institution comply with this chapter and the rules adopted under Occupations Code Chapter 2051.

Occupations Code 2051.301(a), (c), .302-.303

STUDENT ACTIVITIES

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(LEGAL)

Reporting

Athletic Program
Participation Rates
and Financial
Support Data

A co-educational institution of higher education that participates in any Title IV, Higher Education Act (HEA) program and has an inter-collegiate athletic program must annually, for the preceding reporting year, prepare a report that contains the information described at 34 C.F.R 668.47. *34 C.F.R 668.47(a), (c)*

Completion or
Graduation Rates
for Student-Athletes

Annually, by July 1, an institution that is attended by students receiving athletically-related student aid must produce a report containing the information described at 34 C.F.R 668.48. *34 C.F.R 668.48(a)*