

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2537 Session of  
2000

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FICHTER, RAMOS, MELIO, EACHUS AND GRUCELA, MAY 10, 2000

REFERRED TO COMMITTEE ON EDUCATION, MAY 10, 2000

AN ACT

1 Providing for interscholastic athletic accountability;  
2 establishing the Pennsylvania Athletic Oversight Council;  
3 providing for powers and duties of the State Board of  
4 Education; establishing eligibility appeal boards; and making  
5 a repeal.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Pennsylvania  
10 Interscholastic Athletics Accountability Act.

11 Section 2. Findings and declarations.

12 Interscholastic athletics is inextricably connected with the  
13 provision of education in this Commonwealth. Therefore, it is in  
14 the interest of Pennsylvania's student athletes and their  
15 families that interscholastic athletics be regulated by the  
16 Commonwealth. Notwithstanding any other provisions of law,  
17 regulation or contract to the contrary, responsibility for  
18 overseeing interscholastic athletics shall rest with the:

1           (1) Pennsylvania Athletic Oversight Council. The council  
2 shall have authority to award a license to a qualified  
3 nonprofit entity for the administration of certain aspects of  
4 interscholastic athletics.

5           (2) The State Board of Education. The State board shall  
6 have authority to promulgate regulations governing the  
7 eligibility of student athletes to participate in  
8 interscholastic athletics.

9           (3) The Pennsylvania Athletic Eligibility Appeal Board.  
10 The appeal board shall have authority to hear all appeals  
11 from regional appeal boards regarding the eligibility of  
12 student athletes to participate in interscholastic athletics  
13 and to establish rules of procedure for the hearing of those  
14 appeals.

15           (4) Regional athletic eligibility boards. The regional  
16 boards shall have the authority to hear all appeals in their  
17 specified region regarding the eligibility of student  
18 athletes to participate in interscholastic athletics.

19 Section 3. Definitions.

20       The following words and phrases when used in this act shall  
21 have the meanings given to them in this section unless the  
22 context clearly indicates otherwise:

23       "Appeal board." The Pennsylvania Athletic Eligibility Appeal  
24 Board as established in section 5.

25       "Council." The Pennsylvania Athletic Oversight Council as  
26 established in section 4.

27       "Interscholastic athletics." All athletic contests or  
28 competitions conducted between or among school entities situated  
29 in counties of the second class, second class A, third class,  
30 fourth class, fifth class, sixth class, seventh class and eighth

1 class.

2 "Licensee." A nonprofit organization licensed by the  
3 Pennsylvania Athletic Oversight Council pursuant to section 7 or  
4 an applicant for licensure under section 7.

5 "Regional board." One of seven regional athletic eligibility  
6 appeal boards as established in section 6.

7 "School entity." Any public school, school district,  
8 nonpublic school or private school in this Commonwealth other  
9 than a private or nonpublic school which elects not to become a  
10 member of a licensee organization.

11 "State board." The State Board of Education.

12 Section 4. The Pennsylvania Athletic Oversight Council.

13 (a) Establishment.--The Pennsylvania Athletic Oversight  
14 Council is hereby established.

15 (b) Composition.--The council shall have 17 voting members  
16 and two nonvoting advisory members, appointed as follows:

17 (1) Four members appointed by the Senate, two appointed  
18 by the President pro tempore of the Senate and two appointed  
19 by the Minority Leader of the Senate. Appointees shall have  
20 some experience in interscholastic athletics or shall be  
21 parents of students involved in interscholastic athletics.

22 (2) Four members appointed by the House of  
23 Representatives, two appointed by the Speaker of the House of  
24 Representatives and two appointed by the Minority Leader of  
25 the House of Representatives. Appointees shall have some  
26 experience in interscholastic athletics or shall be parents  
27 of students involved in interscholastic athletics.

28 (3) The Secretary of Education or his designee.

29 (4) The chairman of the State board or his designee.

30 (5) The following seven members shall be appointed by

1 the Governor and confirmed by a majority of the Senate. They  
2 shall include:

3 (i) One athletic director.

4 (ii) One referee.

5 (iii) One coach.

6 (iv) One school superintendent.

7 (v) Two parents.

8 (vi) One member representing private schools.

9 (6) The following two members shall serve as nonvoting  
10 advisory members. They shall include:

11 (i) The chairman of the State Athletic Commission or  
12 his designee.

13 (ii) The president of the organization licensed by  
14 the council under section 7 or his designee.

15 (c) Terms.--

16 (1) No member shall serve for a period exceeding eight  
17 years.

18 (2) Initial terms of the members appointed by the  
19 Governor shall be at the discretion of the Governor as  
20 follows:

21 (i) Three members for terms of two years each.

22 (ii) Three members for terms of three years each.

23 (iii) One member for a term of four years.

24 (3) Thereafter, except for members appointed by the  
25 General Assembly, all terms shall be staggered for a period  
26 of four years.

27 (d) Compensation; expenses.--The members of the council  
28 shall receive no actual compensation for their services,  
29 however, all expenses reasonably necessary for the members of  
30 the council shall be paid by the State Athletic Commission.

1 (e) Duties.--The duties and responsibilities of the council  
2 shall be as follows:

3 (1) To meet no less than four times a year, at the call  
4 of the chair.

5 (2) Make recommendations concerning Statewide changes to  
6 administration of interscholastic athletics to the General  
7 Assembly.

8 (3) To review and comment on any and all regulations  
9 that may be promulgated by the State board concerning  
10 eligibility for interscholastic athletics.

11 (4) Appoint members of the appeal board as defined in  
12 section 5 and advise the appeal board on the adoption of  
13 rules governing its proceedings.

14 (5) Divide this Commonwealth into seven administrative  
15 regions for the purpose of establishing regional boards as  
16 defined in section 6.

17 (6) Appoint members of the regional boards as defined in  
18 section 6.

19 (7) To determine the extent of the authorities of a  
20 single organization licensed under section 7, to set the  
21 qualifications required of a single organization licensed  
22 under section 7, to issue a license to a qualified nonprofit  
23 organization for the administration of interscholastic  
24 athletics as defined by section 7 and to conduct periodic  
25 reviews of the organization licensed under section 7.

26 (8) To review and approve all contracts dealing with the  
27 terms and conditions of employment of employees of the  
28 organization licensed under section 7.

29 (9) Issue an annual report to the Governor, the  
30 Secretary of Education, the chairman of the State board, the

1 chairman of the appeal board, the chairman of the Education  
2 Committee of the Senate, the chairman of the Education  
3 Committee of the House of Representatives and the president  
4 of the organization licensed under the provisions of section  
5 7 summarizing:

6 (i) the council's meetings and other action taken by  
7 the council;

8 (ii) the performance of the organization licensed  
9 under the provisions of section 7; and

10 (iii) the decisions rendered by the appeal board  
11 under section 5 and the regional boards under section 6.

12 (f) Staff.--The State Athletic Commission shall provide  
13 support staff as needed to the council.

14 Section 5. Pennsylvania Athletic Eligibility Appeal Board.

15 (a) Establishment.--The Pennsylvania Athletic Eligibility  
16 Appeal Board is hereby established.

17 (b) Membership.--The appeal board shall be composed of seven  
18 members, appointed by the council. Members shall include:

19 (1) One member representing school boards of directors.

20 (2) One member representing private schools.

21 (3) One member representing principals.

22 (4) One member representing coaches.

23 (5) Three members representing parents.

24 (c) Duties.--The appeal board shall have the following  
25 duties:

26 (1) To hear all appeals from regional boards related to  
27 the compliance of a student athlete with State board  
28 regulations governing the eligibility of student athletes to  
29 compete in interscholastic athletics and issue written  
30 opinions on their findings and conclusions.

1           (2) To meet monthly to consider any and all appeals  
2 filed with the appeal board within the preceding 30 days.

3           (3) To adopt a procedure to immediately consider appeals  
4 from regional boards that are referred to the appeal board  
5 seeking an emergency hearing.

6           (4) In conformity with 2 Pa.C.S. Ch. 5 Subch. A  
7 (relating to practice and procedure of Commonwealth agencies)  
8 to adopt, with the advice of the council, rules of procedure  
9 governing the conduct of hearings. Such rules shall include,  
10 but are not limited to, the following:

11           (i) Direct notification of the parents of student  
12 athletes involved. Such notification shall include a  
13 summary of the rules of procedure, identification of the  
14 party bringing the appeal and a summary of the appeal.

15           (ii) Procedures for the admission and presentation  
16 of relevant evidence.

17           (iii) Procedures for the calling and examination of  
18 witnesses.

19           (iv) Procedures for the recording or transcription  
20 of the proceedings.

21           (v) The party bringing the appeal shall have the  
22 burden of proof in any proceeding before the appeal  
23 board, the appeal board shall determine the standard of  
24 proof through its rules of procedure.

25           (vi) The licensee licensed under section 7 shall  
26 have no standing to bring an appeal.

27           (d) Terms.--Members of the appeal board shall serve for  
28 terms of four years and shall serve no more than two terms.

29           (e) Compensation; expenses.--The members of the appeal board  
30 shall receive no actual compensation for their services;

1 however, all expenses reasonably necessary for the members of  
2 the appeal board shall be paid by the State Athletic Commission.

3 (f) Administrative agency law.--Proceedings under this  
4 section are subject to 2 Pa.C.S. Chs. 5 Subch. A and 7 Subch. A  
5 (relating to judicial review of Commonwealth agency action).

6 Section 6. Regional athletic eligibility appeal boards.

7 (a) Establishment.--Seven regional athletic eligibility  
8 appeal boards are hereby established, one situated in each  
9 administrative region established by the council.

10 (b) Membership.--Each regional board shall be composed of  
11 five members, appointed by the council. Members shall include:

12 (1) One member representing school boards of directors.

13 (2) One member representing private schools.

14 (3) One member representing principals.

15 (4) One member representing coaches.

16 (5) One member representing parents.

17 (c) Duties.--The regional boards shall have the following  
18 duties:

19 (1) To hear all appeals from school entity decisions  
20 related to the compliance of a student athlete with State  
21 board regulations governing the eligibility of student  
22 athletes to compete in interscholastic athletics and issue  
23 written opinions on their findings and conclusions.

24 (2) To meet monthly to consider any and all appeals  
25 filed with the regional board within the preceding 30 days.

26 (3) To adopt a procedure to immediately consider appeals  
27 from school entities that are referred to a regional board  
28 seeking an emergency hearing.

29 (4) To adopt the rules of procedure adopted by the  
30 appeal board.



(5) To adjudicate disputes between school entities related to the compliance of a student athlete with State board regulations governing the eligibility of student athletes to compete in interscholastic athletics and issue written opinions on their findings and conclusions.

(d) Terms.--Members of the regional boards shall serve for terms of four years and may be reappointed by the council.

(e) Compensation; expenses.--The members of the regional boards shall receive no actual compensation for their services; however, all expenses reasonably necessary for the members of the regional boards shall be paid by the State Athletic Commission.

(f) Administrative agency law.--Proceedings under this section are subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies).

Section 7. Licensure of qualified organizations.

(a) Licensure.--The council shall license a single qualified nonprofit organization to administer the functions of interscholastic athletics in this Commonwealth not specifically delegated to the council, the State board, the appeal board or the regional boards. As of the effective date of this section, no school entity engaging in interscholastic athletics as defined by this act may enroll as a member of an organization for the administration of interscholastic athletics that does not hold a license issued by the council.

(1) The license shall be valid for a period of three years from the date of issuance.

(2) The license shall state the extent of the licensee's authorities over the administration of interscholastic athletics and shall state that such license may be revoked

1 upon a finding that the licensee has violated the licensee's  
2 authorities.

3 (3) The license shall state that it may be revoked for  
4 cause shown subsequent to a periodic review authorized by  
5 subsection (c) concluding that the licensee has acted  
6 contrary to any of the qualifications stated in subsection  
7 (b).

8 (4) The license shall state the council:

9 (i) Shall have access to all books, papers,  
10 documents and records of the licensee in order to effect  
11 the periodic reviews required in subsection (c).

12 (ii) Shall have the authority to review the  
13 performance of any and all employees of the licensee in  
14 order to effect the periodic reviews required in  
15 subsection (c).

16 (b) Required qualifications.--The council shall determine  
17 the qualifications required for the issuance or renewal of a  
18 license. To be qualified for licensure, the licensee shall:

19 (1) Agree to independent review of the licensee's  
20 financial practices and employee performance and a  
21 determination that the licensee has or will:

22 (i) Conform with accepted financial practices.

23 (ii) Conform with all Federal and State statutes,  
24 regulations and policies governing the administration of  
25 nonprofit organizations.

26 (iii) Conform with accepted administrative  
27 practices.

28 (iv) Contract with employees who have or will  
29 fulfill the duties for which they were contracted and act  
30 in the best interests of interscholastic athletics.

1           (2) Agree to a review of the performance of any  
2 employees of the licensee and a determination that all  
3 employees of the licensee have satisfactorily performed the  
4 duties required in their employment contracts.

5           (3) Adopt a policy requiring that the licensee's  
6 meetings and discussions shall comply with all duties and  
7 responsibilities of a covered agency under 65 Pa.C.S. Ch. 7  
8 (relating to open meetings).

9           (4) Demonstrate that it will be governed by a board of  
10 directors that includes representation from the following,  
11 who shall be full voting members:

12                 (i) One member representing coaches.

13                 (ii) One member representing officials.

14                 (iii) Two members representing parents.

15                 (iv) One member representing the Department of  
16 Education.

17                 (v) One member representing the Pennsylvania  
18 Association of School Administrators.

19                 (vi) One member representing women's athletics.

20                 (vii) One member representing private schools.

21           (5) Adopt policies prohibiting it from requiring any  
22 member to reimburse the licensee for legal fees and expenses  
23 incurred by the licensee or any of its personnel in defending  
24 a suit authorized by the school district and brought against  
25 the licensee or any of its personnel.

26           (6) Agree to adopt no rules restricting media access to  
27 interscholastic athletic competitions or restricting the  
28 substance of any commentary offered by media reporting of  
29 interscholastic athletic competitions.

30           (7) Adopt rules intended to discourage its member

1 schools from recruiting student athletes, provided that:

2 (i) Such rules and any penalties levied for their  
3 breach shall be directed at the association's member  
4 schools and not at individual student athletes who may  
5 have been the subject of recruiting.

6 (ii) Any and all procedures established to gather  
7 evidence related to the enforcement of such rules shall  
8 place the burden of proof of the breach of such rules on  
9 the license applicant, and shall afford any member school  
10 due process rights in defending itself against the  
11 allegations, including a right to a hearing on the  
12 charges before the imposition of penalties.

13 (iii) The license applicant is specifically  
14 prohibited from identifying individual student athletes  
15 as subjects or targets of such procedures.

16 (iv) Nothing in this paragraph shall be construed as  
17 vesting with the licensee or the license applicant the  
18 power to determine the eligibility of student athletes to  
19 participate in interscholastic athletics within this  
20 Commonwealth.

21 (c) Periodic review.--The council shall periodically review  
22 the performance of the licensee and its employees in order to  
23 ensure that the licensee continues to comply with the terms of  
24 its license during the course of the license term.

25 Section 8. State Board of Education.

26 (a) Regulations.--The State board shall promulgate  
27 regulations governing student athletes' participation in  
28 interscholastic athletics in this Commonwealth which shall be  
29 applicable to all student athletes participating in  
30 interscholastic athletic competitions in this Commonwealth. Such

1 regulations shall govern:

2 (1) School attendance necessary to make a student  
3 eligible for participation in interscholastic athletics.

4 (2) The ages through which a student athlete is eligible  
5 to participate in interscholastic athletics.

6 (3) The number of years a student may participate in  
7 interscholastic athletics.

8 (4) The academic performance necessary to make a student  
9 eligible to participate in interscholastic athletics.

10 (5) The standards of health and physical fitness  
11 necessary to make a student eligible to participate in  
12 interscholastic athletics.

13 (6) Residency requirements and transfers, provided that:

14 (i) To be eligible to participate in interscholastic  
15 athletics in a public school, a student must be enrolled  
16 in the public school district 30 days prior to the  
17 commencement of the athletic season in which he or she  
18 will participate.

19 (ii) To be eligible to participate in  
20 interscholastic athletics in a nonpublic or private  
21 school, a student must enroll in the nonpublic or private  
22 school 30 days prior to the commencement of the athletic  
23 season in which he or she will participate.

24 (iii) A public school student who does not reside in  
25 a school district as required by subparagraph (i) or a  
26 nonpublic school student who is not enrolled in a  
27 nonpublic school as required by subparagraph (ii) shall  
28 be ineligible to participate in the athletic season.

29 (b) Principles of athletic eligibility.--Such regulations  
30 shall, to every extent possible, embody the following principles

1 of athletic eligibility:

2 (1) Participation in interscholastic athletics has a  
3 positive effect on academic performance.

4 (2) Restrictions placed on participation in  
5 interscholastic athletics should be limited.

6 (c) Savings clause.--All aspects of eligibility not  
7 regulated by the State board under this section may be addressed  
8 by a board of school directors in a school district under  
9 section 511(a) of the act of March 10, 1949 (P.L.30, No.14),  
10 known as the Public School Code of 1949.

11 Section 9. Repeal.

12 Section 511(b) and (b.1) of the act of March 10, 1949  
13 (P.L.30, No.14), known as the Public School Code of 1949, is  
14 repealed insofar as it is inconsistent with this act.

15 Section 10. Effective date.

16 This act shall take effect as follows:

17 (1) Section 4 and this section shall take effect  
18 immediately.

19 (2) Section 7 shall take effect in 6 months.

20 (3) The remainder of this act shall take effect in 90  
21 days.