

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1135 Session of
2009

INTRODUCED BY ORIE, ROBBINS, KASUNIC, ALLOWAY, BAKER, BROWNE,
ERICKSON, LOGAN, RAFFERTY, TARTAGLIONE, D. WHITE AND YAW,
NOVEMBER 10, 2009

SENATOR PICCOLA, EDUCATION, AS AMENDED, DECEMBER 16, 2009

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in interscholastic athletics
6 accountability, further providing for council recommendations
7 and standards and for the Pennsylvania Athletic Oversight
8 Committee.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 1604-A(b) of the act of March 10, 1949
12 (P.L.30, No.14), known as the Public School Code of 1949, is
13 amended by adding a paragraph to read:

14 Section 1604-A. Council Recommendations and Standards.--* *

15 *

16 (b) The association shall take all steps necessary to comply
17 with the following standards:

18 * * *

19 ~~(14) Notwithstanding any other provision of law, for a~~
20 ~~period of five (5) years from the effective date of this~~



~~paragraph, the association shall be exempt from the requirements~~
~~of the act of February 14, 2008 (P.L.6, No.3), known as the~~
~~"Right to Know Law," but shall, nevertheless, adopt and adhere~~
~~to a policy satisfactory to the Pennsylvania Athletic Oversight~~
~~Committee providing for access to its records consistent with~~
~~the purpose of the "Right to Know Law" for disclosure of~~
~~records, taking into account the association's status as a~~
~~voluntary membership, nonprofit corporation and its role in~~
~~addressing issues relating to juveniles.~~ WITH THE APPROVAL OF
THE PENNSYLVANIA ATHLETIC OVERSIGHT COMMITTEE, ADOPT AND ADHERE
TO A RECORDS-ACCESS POLICY CONSISTENT WITH THE ACT OF FEBRUARY
14, 2008 (P.L.6, NO.3), KNOWN AS THE "RIGHT-TO-KNOW LAW."
NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE ASSOCIATION
SHALL BE EXEMPT FROM THE REQUIREMENTS OF THE "RIGHT-TO-KNOW
LAW." THIS PARAGRAPH SHALL EXPIRE FIVE (5) YEARS FROM THE
EFFECTIVE DATE OF THIS PARAGRAPH.

Section 2. Section ~~1605-A(e)~~ 1605-A(B) AND (C) of the act,
added July 4, 2004 (P.L.536, No.70), ~~is~~ ARE amended to read:

Section 1605-A. Pennsylvania Athletic Oversight Committee.--

* * *

(B) THE [COMMITTEE] PENNSYLVANIA ATHLETIC OVERSIGHT
COMMITTEE SHALL HAVE SIX VOTING MEMBERS WHO SHALL SERVE AT THE
PLEASURE OF THE APPOINTING AUTHORITY AND BE APPOINTED AS
FOLLOWS:

(1) THREE MEMBERS OF THE SENATE, OF WHOM TWO SHALL BE
APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND ONE
SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. TO THE
GREATEST EXTENT POSSIBLE, APPOINTEES SHOULD HAVE SOME EXPERIENCE
IN INTERSCHOLASTIC ATHLETICS OR SHALL BE PARENTS OF STUDENTS
INVOLVED IN INTERSCHOLASTIC ATHLETICS.

(2) THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES, OF WHOM TWO SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE SHALL BE APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES. TO THE GREATEST EXTENT POSSIBLE, APPOINTEES SHOULD HAVE SOME EXPERIENCE IN INTERSCHOLASTIC ATHLETICS OR SHALL BE PARENTS OF STUDENTS INVOLVED IN INTERSCHOLASTIC ATHLETICS.

(3) A CHAIRMAN AND VICE CHAIRMAN SHALL BE ELECTED FROM AMONG THE MEMBERS APPOINTED UNDER THIS SUBSECTION.

(c) The [committee] PENNSYLVANIA ATHLETIC OVERSIGHT COMMITTEE shall meet at least once each year for the purpose of reviewing the association's continued compliance with the criteria listed in section 1604-A(a) and (b) and responding to issues related to the activities of the association referred to the [committee] PENNSYLVANIA ATHLETIC OVERSIGHT COMMITTEE. The [committee] PENNSYLVANIA ATHLETIC OVERSIGHT COMMITTEE shall issue an annual report of its findings to the President pro tempore of the Senate and the Speaker of the House of Representatives. ~~It shall be the duty of the committee to recommend to the General Assembly whether or not to extend the exemption under section 1604-A(b)(14) for an additional five (5) years. An extension of the exemption under this section shall require an act of the General Assembly.~~ THE PENNSYLVANIA ATHLETIC OVERSIGHT COMMITTEE SHALL MAKE A RECOMMENDATION TO THE GENERAL ASSEMBLY WHETHER OR NOT TO EXTEND THE PROVISIONS OF SECTION 1604-A(B) (14) FOR AN ADDITIONAL FIVE (5) YEARS.

Section 3. This act shall take effect immediately.