

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2876 Session of 2022

INTRODUCED BY RABB, N. NELSON, LEWIS DELROSSO, BURGOS, KINKEAD,  
HARKINS, T. DAVIS, SANCHEZ, MADDEN, KRAJEWSKI, BRIGGS AND  
FRANKEL, OCTOBER 17, 2022

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 17, 2022

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 preliminary provisions, providing  
6 for school mascots; and, in duties and powers of boards of  
7 school directors, further providing for school athletics,  
8 publications and organizations.

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

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

14 Section 129. School Mascots.--(a) A school entity may not  
15 have or adopt a name, symbol or image that depicts or refers to  
16 a Native American tribe, individual, custom or tradition for a  
17 mascot, nickname, logo or letterhead unless the school entity:

18 (1) has received the express written consent of a tax-exempt  
19 corporation in good standing founded prior to 1945 whose mission  
20 focuses exclusively on Native American rights;

1     (2) conducts a school-wide program on Native American  
2 culture at least twice per school year;  
3     (3) offers a course of study to the school entity's students  
4 outlining Native American contributions to society; and  
5     (4) files an annual report with the State Board of Education  
6 detailing what academic programs on Native American culture and  
7 history the school entity has offered during the school year.

8     (b) A school entity that fails to comply with this section  
9 shall be ineligible to be a member of the Pennsylvania  
10 Interscholastic Athletic Association or participate in  
11 Pennsylvania Interscholastic Athletic Association sponsored  
12 athletic contests.

13     (c) As used in this section, the following words and phrases  
14 shall have the meanings given to them in this subsection unless  
15 the context clearly indicates otherwise:

16     "School entity." Any of the following:

17     (1) A school district.

18     (2) An intermediate unit.

19     (3) An area career and technical school.

20     (4) A charter school, cyber charter school or regional  
21 charter school.

22     Section 2. Section 511(b.1) of the act is amended to read:

23     Section 511. School Athletics, Publications, and  
24 Organizations.--

25     \* \* \*

26     (b.1) Private schools shall be permitted, if otherwise  
27 qualified, to be members of the Pennsylvania Interscholastic  
28 Athletic Association except that private schools located in  
29 cities of the second class which are members of the Pennsylvania  
30 Interscholastic Athletic Association shall, if they so elect, be

1 assigned to a district or section outside of the geographical  
2 boundary of the second class city but contiguous thereto, and  
3 shall participate in Pennsylvania Interscholastic Athletic  
4 Association sponsored athletic contests in that section. Private  
5 schools which do not comply with the requirements under section  
6 129 may not be members of the Pennsylvania Interscholastic  
7 Athletic Association or participate in Pennsylvania  
8 Interscholastic Athletic Association sponsored athletic  
9 contests. The association shall not prohibit a private school  
10 from being a member solely on the grounds that the coach or a  
11 member of the coaching staff of any athletic team is not a  
12 teacher, or professional employe, either full-time or part-time,  
13 at such private school, except that this provision shall not  
14 apply to coaches or members of the coaching staff initially  
15 employed after January 1, 1965.

16 \* \* \*

17 Section 3. This act shall take effect in 60 days.