

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1403 Session of  
2000

INTRODUCED BY RHOADES, JUBELIRER, MELLOW, ROBBINS, O'PAKE,  
GERLACH, SLOCUM, LAVALLE, COSTA, TOMLINSON, BELL, WHITE,  
SALVATORE, TARTAGLIONE, GREENLEAF, STOUT, MURPHY, KASUNIC,  
KITCHEN, MUSTO, FUMO, WOZNIAK, HUGHES, HELFRICK, BRIGHTBILL,  
DENT, HART, HOLL, THOMPSON AND LEMMOND, MARCH 28, 2000

SENATOR RHOADES, EDUCATION, AS AMENDED, MAY 16, 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.~~ ANY ORGANIZATION GOVERNING INTERSCHOLASTIC <—

17 ATHLETICS FOR SCHOOL ENTITIES IN THIS COMMONWEALTH BE

18 ACCOUNTABLE TO THE COMMONWEALTH. Notwithstanding any other

1 provisions of law, regulation or contract to the contrary,  
2 responsibility for overseeing interscholastic athletics shall  
3 rest with the:

4 (1) Pennsylvania Athletic Oversight Council. The council  
5 shall have authority to ANNUALLY DETERMINE WHETHER THE <—  
6 PENNSYLVANIA INTERSCHOLASTIC ATHLETIC ASSOCIATION HAS  
7 COMPLIED WITH THE PROVISIONS OF THIS ACT AND TO award a  
8 license to a qualified nonprofit entity for the  
9 administration of certain aspects of interscholastic  
10 athletics IF THE PENNSYLVANIA INTERSCHOLASTIC ATHLETIC <—  
11 ASSOCIATION HAS FAILED TO COMPLY WITH THE PROVISIONS OF THIS  
12 ACT.

13 (2) THE PENNSYLVANIA INTERSCHOLASTIC ATHLETIC  
14 ASSOCIATION. THE ASSOCIATION SHALL BE DESIGNATED AS THE  
15 GOVERNING ORGANIZATION OF INTERSCHOLASTIC ATHLETICS FOR  
16 SCHOOL ENTITIES IN THIS COMMONWEALTH, PROVIDED THAT IT HAS  
17 COMPLIED WITH THE PROVISIONS OF THIS ACT.

18 ~~(2)~~ (3) The State Board of Education. The State board <—  
19 shall have authority to promulgate regulations governing the  
20 eligibility of student athletes to participate in  
21 interscholastic athletics.

22 ~~(3)~~ (4) The Pennsylvania Athletic Eligibility Appeal <—  
23 Board. The appeal board shall have authority to hear all  
24 appeals from regional appeal boards regarding the eligibility  
25 of student athletes to participate in interscholastic  
26 athletics and to establish rules of procedure for the hearing  
27 of those appeals.

28 ~~(4)~~ (5) Regional athletic eligibility boards. The <—  
29 regional boards shall have the authority to hear all appeals  
30 in their specified region regarding the eligibility of

1 student athletes to participate in interscholastic athletics.

2 Section 3. Definitions.

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

6 "Appeal board." The Pennsylvania Athletic Eligibility Appeal  
7 Board as established in section ~~5~~. 5.1. <—

8 "ASSOCIATION." THE PENNSYLVANIA INTERSCHOLASTIC ATHLETIC  
9 ASSOCIATION.

10 "COMMITTEE." THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE.

11 "Council." The Pennsylvania Athletic Oversight Council as  
12 established in section 4.

13 "Interscholastic athletics." All athletic contests or  
14 competitions conducted between or among school entities situated  
15 in counties of the second class, second class A, third class,  
16 fourth class, fifth class, sixth class, seventh class and eighth  
17 class.

18 "Licensee." A nonprofit organization licensed by the  
19 Pennsylvania Athletic Oversight Council pursuant to section 7 or  
20 an applicant for licensure under section 7.

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

23 "School entity." Any public school, school district,  
24 nonpublic school or private school in this Commonwealth other  
25 than a private or nonpublic school which elects not to become a  
26 member of a licensee organization.

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

28 Section 4. The Pennsylvania Athletic Oversight Council.

29 (a) Establishment.--The Pennsylvania Athletic Oversight  
30 Council is hereby established.

1 (b) Composition.--The council shall have ~~17~~ 21 voting <—  
2 members ~~and two nonvoting advisory members~~, appointed as <—  
3 follows:

4 (1) Four members appointed by the Senate, two appointed  
5 by the President pro tempore of the Senate and two appointed  
6 by the Minority Leader of the Senate. Appointees shall have  
7 some experience in interscholastic athletics or shall be  
8 parents of students involved in interscholastic athletics.

9 (2) Four members appointed by the House of  
10 Representatives, two appointed by the Speaker of the House of  
11 Representatives and two appointed by the Minority Leader of  
12 the House of Representatives. Appointees shall have some  
13 experience in interscholastic athletics or shall be parents  
14 of students involved in interscholastic athletics.

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

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

17 (5) THE CHAIRMAN OF THE STATE ATHLETIC COMMISSION OR HIS <—  
18 DESIGNEE.

19 ~~(5)~~ (6) The following ~~seven~~ TEN members shall be <—  
20 appointed by the Governor and confirmed by a majority of the  
21 Senate. They shall include:

22 (i) One athletic director.

23 (ii) One referee.

24 (iii) One coach.

25 (iv) One school superintendent.

26 (v) Two parents.

27 (vi) One member representing private schools.

28 ~~(6) The following two members shall serve as nonvoting <—~~  
29 ~~advisory members. They shall include:~~

30 ~~(i) The chairman of the State Athletic Commission or~~

1           ~~his designee.~~

2           ~~(ii) The president of the organization licensed by~~  
3           ~~the council under section 7 or his designee.~~

4           (VII) TWO MEMBERS REPRESENTING SCHOOL BUILDING           <—  
5           PRINCIPALS.

6           (VIII) ONE MEMBER REPRESENTING SCHOOL BOARDS OF  
7           DIRECTORS.

8       (c) Terms.--

9           (1) No member shall serve for a period exceeding eight  
10          years.

11          (2) Initial terms of the members appointed by the  
12          Governor shall be at the discretion of the Governor as  
13          follows:

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

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

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

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

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

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

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

28               (2) Make recommendations concerning Statewide changes to  
29               administration of interscholastic athletics to the General  
30               Assembly.

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

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

7           (5) Divide this Commonwealth into seven administrative  
8 regions for the purpose of establishing regional boards as  
9 defined in section 6.

10          (6) Appoint members of the regional boards as defined in  
11 section 6.

12          ~~(7) To determine the extent of the authorities of a~~ <—  
13 ~~single organization licensed under section 7, to set the~~  
14 ~~qualifications required of a single organization licensed~~  
15 ~~under section 7, to issue a license to a qualified nonprofit~~  
16 ~~organization for the administration of interscholastic~~  
17 ~~athletics as defined by section 7 and to conduct periodic~~  
18 ~~reviews of the organization licensed under section 7.~~

19          ~~(8) To review and approve all contracts dealing with the~~  
20 ~~terms and conditions of employment of employees of the~~  
21 ~~organization licensed under section 7.~~

22          (7) TO, NO SOONER THAN 30 DAYS AFTER ITS RECEIPT, <—  
23 ANNUALLY REVIEW THE REPORT COMPLETED BY THE COMMITTEE  
24 PURSUANT TO SECTION 5(C) FOR THE PURPOSE OF DETERMINING  
25 WHETHER THE ASSOCIATION HAS COMPLIED WITH SECTION 5(B).  
26 SHOULD THE COUNCIL DETERMINE THAT THE ASSOCIATION HAS  
27 COMPLIED WITH SECTION 5(B), IT SHALL VOTE TO CONTINUE THE  
28 ASSOCIATION'S DESIGNATION AS THE GOVERNING ORGANIZATION OF  
29 INTERSCHOLASTIC ATHLETICS FOR SCHOOL ENTITIES IN THIS  
30 COMMONWEALTH. SHOULD THE COUNCIL DETERMINE THAT THE

1       ASSOCIATION HAS FAILED TO COMPLY WITH SECTION 5(B), IT SHALL  
2       VOTE TO RESCIND THE ASSOCIATION'S DESIGNATION AS THE  
3       GOVERNING ORGANIZATION OF INTERSCHOLASTIC ATHLETICS FOR  
4       SCHOOL ENTITIES IN THIS COMMONWEALTH.

5           (8)   SUBJECT TO THE DETERMINATION THAT THE ASSOCIATION  
6       HAS FAILED TO COMPLY WITH SECTION 5(B), THE COUNCIL SHALL  
7       IMMEDIATELY INITIATE THE LICENSURE PROCEDURES PURSUANT TO  
8       SECTION 7. IN SUCH EVENT, THE COUNCIL SHALL:

9           (I)   DETERMINE THE EXTENT OF THE ADMINISTRATIVE  
10      AUTHORITY OF THE SINGLE ORGANIZATION LICENSED UNDER  
11      SECTION 7;

12          (II)   SET THE QUALIFICATIONS OF THE SINGLE  
13      ORGANIZATION LICENSED UNDER SECTION 7;

14          (III)   ISSUE A LICENSE TO A QUALIFIED NONPROFIT  
15      ORGANIZATION FOR THE ADMINISTRATION OF INTERSCHOLASTIC  
16      ATHLETICS AS DEFINED BY SECTION 7;

17          (IV)   CONDUCT PERIODIC REVIEWS OF THE ORGANIZATION  
18      LICENSED UNDER SECTION 7; AND

19          (V)   REVIEW AND APPROVE ALL CONTRACTS DEALING WITH  
20      THE TERMS AND CONDITIONS OF EMPLOYMENT OF EMPLOYEES OF  
21      THE ORGANIZATION LICENSED PURSUANT TO SECTION 7.

22          (9)   Issue an annual report to the Governor, the  
23      Secretary of Education, the chairman of the State board, the  
24      chairman of the appeal board, the chairman of the Education  
25      Committee of the Senate, the chairman of the Education  
26      Committee of the House of Representatives and the president  
27      of the organization licensed under the provisions of section  
28      7 summarizing:

29           (i)   the council's meetings and other action taken by  
30      the council;

(ii) the performance of the organization licensed under the provisions of section 7 IF THE ASSOCIATION'S DESIGNATION AS THE GOVERNING ORGANIZATION OF INTERSCHOLASTIC ATHLETICS FOR SCHOOL ENTITIES IN THIS COMMONWEALTH HAS BEEN RESCINDED UNDER SECTION 4(E)(7); and

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

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

#### SECTION 5. GOVERNING ORGANIZATION.

(A) PROVISIONAL DESIGNATION.--THE PENNSYLVANIA INTERSCHOLASTIC ATHLETIC ASSOCIATION IS HEREBY DESIGNATED AS THE GOVERNING ORGANIZATION OF INTERSCHOLASTIC ATHLETICS FOR SCHOOL ENTITIES IN THIS COMMONWEALTH, PROVIDED THAT THE ASSOCIATION IS CERTIFIED BY THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE AS COMPLYING WITH THE PROVISIONS OF THIS SECTION BY DECEMBER 31, 2000, AND EACH YEAR THEREAFTER.

(B) REQUIRED COMPLIANCE.--TO BE DESIGNATED AS THE GOVERNING ORGANIZATION OF INTERSCHOLASTIC ATHLETICS FOR SCHOOL ENTITIES IN THIS COMMONWEALTH, THE ASSOCIATION SHALL:

(1) ADOPT AND ADHERE TO POLICIES GOVERNING THE CONDUCT OF OPEN MEETINGS THAT CONFORM WITH THE REQUIREMENTS OF 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

(2) ADOPT AND ADHERE TO A POLICY ESTABLISHING A COMPETITIVE BIDDING PROCESS FOR THE PURCHASE OF NONINCIDENTAL MERCHANDISE AND SERVICES THAT CONFORM WITH THE REQUIREMENTS OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949.

(3) ADOPT AND ADHERE TO A POLICY ESTABLISHING A



1 COMPETITIVE PROCESS FOR THE SELECTION OF SITES FOR  
2 CHAMPIONSHIP COMPETITIONS.

3 (4) AGREE TO AN ANNUAL FINANCIAL, MANAGEMENT AND  
4 EMPLOYEE PERFORMANCE REVIEW CONDUCTED BY THE COMMITTEE. SUCH  
5 REVIEWS SHALL INDICATE WHETHER THE ASSOCIATION HAS:

6 (I) CONFORMED WITH ACCEPTED ACCOUNTING PRACTICES;

7 (II) CONFORMED WITH ALL FEDERAL AND STATE STATUTES  
8 GOVERNING THE ADMINISTRATION OF NONPROFIT ORGANIZATIONS;

9 (III) CONFORMED WITH ACCEPTED ADMINISTRATIVE AND  
10 MANAGEMENT PRACTICES;

11 (IV) CONTRACTED WITH EMPLOYEES WHO HAVE FULFILLED  
12 THE DUTIES FOR WHICH THEY WERE CONTRACTED AND ACT IN THE  
13 BEST INTERESTS OF INTERSCHOLASTIC ATHLETICS; AND

14 (V) ENFORCED ANY AND ALL REMEDIAL ACTIONS AGAINST  
15 EMPLOYEES FOUND TO BE IN VIOLATION OF THEIR EMPLOYMENT  
16 CONTRACTS.

17 (5) EXPAND THE MEMBERSHIP OF ITS BOARD OF DIRECTORS TO  
18 INCLUDE THE FOLLOWING WHO SHALL BE FULL, VOTING MEMBERS:

19 (I) ONE MEMBER REPRESENTING SCHOOL BOARDS OF  
20 DIRECTORS WHO IS AN ELECTED MEMBER OF A SCHOOL BOARD OF  
21 DIRECTORS AT THE TIME OF APPOINTMENT.

22 (II) ONE MEMBER REPRESENTING ATHLETIC DIRECTORS WHO  
23 IS EMPLOYED AS AN ATHLETIC DIRECTOR AT THE TIME OF  
24 APPOINTMENT.

25 (III) ONE MEMBER REPRESENTING COACHES WHO IS  
26 EMPLOYED AS A COACH AT THE TIME OF APPOINTMENT.

27 (IV) ONE MEMBER REPRESENTING OFFICIALS WHO IS AN  
28 ACTIVE OFFICIAL AT THE TIME OF APPOINTMENT.

29 (V) ONE MEMBER REPRESENTING THE DEPARTMENT OF  
30 EDUCATION.

(VI) ONE MEMBER REPRESENTING SCHOOL ADMINISTRATORS  
WHO IS EMPLOYED AS A SCHOOL ADMINISTRATOR AT THE TIME OF  
APPOINTMENT.

(VII) ONE MEMBER REPRESENTING WOMEN'S ATHLETICS.

(VIII) ONE MEMBER REPRESENTING PRIVATE SCHOOLS.

(IX) TWO MEMBERS REPRESENTING PARENTS.

(6) NOT REQUIRE ANY MEMBER TO REIMBURSE THE ASSOCIATION  
FOR LEGAL FEES AND EXPENSES INCURRED BY THE ASSOCIATION OR  
ANY OF ITS PERSONNEL IN DEFENDING A LEGAL ACTION AUTHORIZED  
BY A MEMBER SCHOOL AND BROUGHT AGAINST THE ASSOCIATION OR ANY  
OF ITS PERSONNEL AND REPEAL ANY PRESENT RULE OR POLICY  
AUTHORIZING SUCH REIMBURSEMENT PRIOR TO JULY 1, 2001.

(7) ADOPT AN EVALUATION SYSTEM FOR GAME OFFICIALS AT  
DISTRICT, INTERDISTRICT AND CHAMPIONSHIP COMPETITIONS AND  
UTILIZE THAT EVALUATION SYSTEM IN THE SELECTION OF  
INDIVIDUALS TO OFFICIATE THOSE CONTESTS.

(8) ADOPT AND ADHERE TO A POLICY PROHIBITING CONFLICTS  
OF INTEREST AND SETTING FORTH RULES OF ETHICS TO BE FOLLOWED  
BY ASSOCIATION BOARD MEMBERS AND EMPLOYEES.

(9) EMPLOY IN-HOUSE COUNSEL.

(10) EVALUATE THE PERFORMANCE OF THE ASSOCIATION'S  
CONTRACTED EMPLOYEES TO DETERMINE WHETHER ASSOCIATION  
EMPLOYEES HAVE COMPLIED WITH THE PROVISIONS OF THEIR  
CONTRACTS AND TO DETERMINE WHETHER TERMINATION IS APPROPRIATE  
FOR ANY ASSOCIATION EMPLOYEES WHO HAVE VIOLATED THE  
PROVISIONS OF THEIR CONTRACTS. SUCH EVALUATIONS SHALL BE  
SUBMITTED TO THE COMMITTEE.

(C) NO LATER THAN DECEMBER 31 OF EACH YEAR, THE COMMITTEE  
SHALL EVALUATE THE ASSOCIATION'S COMPLIANCE WITH THE PROVISIONS  
OF SUBSECTION (B) AND COMPLETE A REPORT OF ITS FINDINGS. SUCH

1 REPORT SHALL BE FORWARDED TO THE ASSOCIATION AND TO THE COUNCIL  
2 FOR ITS CONSIDERATION PURSUANT TO SECTION 4(E)(7).

3 Section ~~5~~ 5.1. Pennsylvania Athletic Eligibility Appeal Board. <—

4 (a) Establishment.--The Pennsylvania Athletic Eligibility  
5 Appeal Board is hereby established.

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

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

9 (2) One member representing private schools.

10 (3) One member representing principals.

11 (4) One member representing coaches.

12 (5) Three members representing parents.

13 (c) Duties.--The appeal board shall have the following  
14 duties:

15 (1) To hear all appeals from regional boards related to  
16 the compliance of a student athlete with State board  
17 regulations governing the eligibility of student athletes to  
18 compete in interscholastic athletics and issue written  
19 opinions on their findings and conclusions.

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

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

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

30 (i) Direct notification of the parents of student

1 athletes involved. Such notification shall include a  
2 summary of the rules of procedure, identification of the  
3 party bringing the appeal and a summary of the appeal.

4 (ii) Procedures for the admission and presentation  
5 of relevant evidence.

6 (iii) Procedures for the calling and examination of  
7 witnesses.

8 (iv) Procedures for the recording or transcription  
9 of the proceedings.

10 (v) The party bringing the appeal shall have the  
11 burden of proof in any proceeding before the appeal  
12 board, the appeal board shall determine the standard of  
13 proof through its rules of procedure.

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

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

18 (e) Compensation; expenses.--The members of the appeal board  
19 shall receive no actual compensation for their services;  
20 however, all expenses reasonably necessary for the members of  
21 the appeal board shall be paid by the State Athletic Commission.

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

25 Section 6. Regional athletic eligibility appeal boards.

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

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

- 1 (1) One member representing school boards of directors.
- 2 (2) One member representing private schools.
- 3 (3) One member representing principals.
- 4 (4) One member representing coaches.
- 5 (5) One member representing parents.

6 (c) Duties.--The regional boards shall have the following  
7 duties:

- 8 (1) To hear all appeals from school entity decisions  
9 related to the compliance of a student athlete with State  
10 board regulations governing the eligibility of student  
11 athletes to compete in interscholastic athletics and issue  
12 written opinions on their findings and conclusions.
- 13 (2) To meet monthly to consider any and all appeals  
14 filed with the regional board within the preceding 30 days.
- 15 (3) To adopt a procedure to immediately consider appeals  
16 from school entities that are referred to a regional board  
17 seeking an emergency hearing.
- 18 (4) To adopt the rules of procedure adopted by the  
19 appeal board.
- 20 (5) To adjudicate disputes between school entities  
21 related to the compliance of a student athlete with State  
22 board regulations governing the eligibility of student  
23 athletes to compete in interscholastic athletics and issue  
24 written opinions on their findings and conclusions.

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

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

1 Commission.

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

5 Section 7. Licensure of qualified organizations.

6 (a) Licensure.--~~The~~ UPON A DETERMINATION THAT THE <—  
7 ASSOCIATION HAS FAILED TO COMPLY WITH SECTION 5(B) AND  
8 SUBSEQUENT TO A VOTE BY THE COUNCIL TO RESCIND THE ASSOCIATION'S  
9 DESIGNATION AS THE GOVERNING ORGANIZATION FOR INTERSCHOLASTIC  
10 ATHLETICS FOR SCHOOL ENTITIES IN THIS COMMONWEALTH, THE council  
11 shall license a single qualified nonprofit organization to  
12 administer the functions of interscholastic athletics in this  
13 Commonwealth not specifically delegated to the council, the  
14 State board, the appeal board or the regional boards. ~~As of the~~ <—  
15 ~~effective date of this section~~ UPON THE RESCISSION OF THE <—  
16 ASSOCIATION'S DESIGNATION AS THE GOVERNING ORGANIZATION FOR  
17 INTERSCHOLASTIC ATHLETICS FOR SCHOOL ENTITIES IN THIS  
18 COMMONWEALTH, no school entity engaging in interscholastic  
19 athletics as defined by this act may enroll as a member of an  
20 organization for the administration of interscholastic athletics  
21 that does not hold a license issued by the council.

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

24 (2) The license shall state the extent of the licensee's  
25 authorities over the administration of interscholastic  
26 athletics and shall state that such license may be revoked  
27 upon a finding that the licensee has violated the licensee's  
28 authorities.

29 (3) The license shall state that it may be revoked for  
30 cause shown subsequent to a periodic review authorized by

subsection (c) concluding that the licensee has acted  
contrary to any of the qualifications stated in subsection  
(b).

(4) The license shall state the council:

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

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

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

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

~~(i) Conform with accepted financial practices.~~

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

~~(iii) Conform with accepted administrative  
practices.~~

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

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

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

5       ~~(4) Demonstrate that it will be governed by a board of~~  
6       ~~directors that includes representation from the following,~~  
7       ~~who shall be full voting members:~~

8               ~~(i) One member representing coaches.~~

9               ~~(ii) One member representing officials.~~

10              ~~(iii) Two members representing parents.~~

11              ~~(iv) One member representing the Department of~~  
12       ~~Education.~~

13              ~~(v) One member representing the Pennsylvania~~  
14       ~~Association of School Administrators.~~

15              ~~(vi) One member representing women's athletics.~~

16              ~~(vii) One member representing private schools.~~

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

22              (1) ADOPT AND ADHERE TO POLICIES GOVERNING THE CONDUCT       <—  
23       OF OPEN MEETINGS THAT CONFORM WITH THE REQUIREMENTS OF 65  
24       PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS).

25              (2) ADOPT AND ADHERE TO A POLICY ESTABLISHING A  
26       COMPETITIVE BIDDING PROCESS FOR THE PURCHASE OF NONINCIDENTAL  
27       MERCHANDISE AND SERVICES THAT CONFORM WITH THE REQUIREMENTS  
28       OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE  
29       PUBLIC SCHOOL CODE OF 1949.

30              (3) ADOPT AND ADHERE TO A POLICY ESTABLISHING A



1 COMPETITIVE PROCESS FOR THE SELECTION OF SITES FOR  
2 CHAMPIONSHIP COMPETITIONS.

3 (4) AGREE TO AN INDEPENDENT FINANCIAL, MANAGEMENT AND  
4 EMPLOYEE PERFORMANCE REVIEW. SUCH REVIEWS SHALL INDICATE  
5 WHETHER THE LICENSEE HAS:

6 (I) CONFORMED WITH ACCEPTED ACCOUNTING PRACTICES;

7 (II) CONFORMED WITH ALL FEDERAL AND STATE STATUTES  
8 GOVERNING THE ADMINISTRATION OF NONPROFIT ORGANIZATIONS;

9 (III) CONFORMED WITH ACCEPTED ADMINISTRATIVE AND  
10 MANAGEMENT PRACTICES;

11 (IV) CONTRACTED WITH EMPLOYEES WHO HAVE FULFILLED  
12 THE DUTIES FOR WHICH THEY WERE CONTRACTED AND ACT IN THE  
13 BEST INTERESTS OF INTERSCHOLASTIC ATHLETICS; AND

14 (V) ENFORCED ANY AND ALL REMEDIAL ACTIONS AGAINST  
15 EMPLOYEES FOUND TO BE IN VIOLATION OF THEIR EMPLOYMENT  
16 CONTRACTS.

17 (5) INSURE THAT THE MEMBERSHIP OF ITS BOARD OF DIRECTORS  
18 INCLUDES THE FOLLOWING WHO SHALL BE FULL, VOTING MEMBERS:

19 (I) ONE MEMBER REPRESENTING SCHOOL BOARDS OF  
20 DIRECTORS WHO IS AN ELECTED MEMBER OF A SCHOOL BOARD OF  
21 DIRECTORS AT THE TIME OF APPOINTMENT.

22 (II) ONE MEMBER REPRESENTING ATHLETIC DIRECTORS WHO  
23 IS EMPLOYED AS AN ATHLETIC DIRECTOR AT THE TIME OF  
24 APPOINTMENT.

25 (III) ONE MEMBER REPRESENTING COACHES WHO IS  
26 EMPLOYED AS A COACH AT THE TIME OF APPOINTMENT.

27 (IV) ONE MEMBER REPRESENTING OFFICIALS WHO IS AN  
28 ACTIVE OFFICIAL AT THE TIME OF APPOINTMENT.

29 (V) ONE MEMBER REPRESENTING THE DEPARTMENT OF  
30 EDUCATION.

(VI) ONE MEMBER REPRESENTING SCHOOL ADMINISTRATORS  
WHO IS EMPLOYED AS A SCHOOL ADMINISTRATOR AT THE TIME OF  
APPOINTMENT.

(VII) ONE MEMBER REPRESENTING WOMEN'S ATHLETICS.

(VIII) ONE MEMBER REPRESENTING PRIVATE SCHOOLS.

(IX) TWO MEMBERS REPRESENTING PARENTS.

(6) NOT REQUIRE ANY MEMBER TO REIMBURSE THE LICENSEE FOR  
LEGAL FEES AND EXPENSES INCURRED BY THE LICENSEE OR ANY OF  
ITS PERSONNEL IN DEFENDING A LEGAL ACTION AUTHORIZED BY A  
MEMBER SCHOOL AND BROUGHT AGAINST THE LICENSEE OR ANY OF ITS  
PERSONNEL AND REPEAL ANY PRESENT RULE OR POLICY AUTHORIZING  
SUCH REIMBURSEMENT PRIOR TO JULY 1, 2001.

(7) ADOPT AN EVALUATION SYSTEM FOR GAME OFFICIALS AT  
DISTRICT, INTERDISTRICT AND CHAMPIONSHIP COMPETITIONS AND  
UTILIZE THAT EVALUATION SYSTEM IN THE SELECTION OF  
INDIVIDUALS TO OFFICIATE THOSE CONTESTS.

(8) ADOPT AND ADHERE TO A POLICY PROHIBITING CONFLICTS  
OF INTEREST AND SETTING FORTH RULES OF ETHICS TO BE FOLLOWED  
BY LICENSEE BOARD MEMBERS AND EMPLOYEES.

(9) EMPLOY IN-HOUSE COUNSEL.

(10) EVALUATE THE PERFORMANCE OF THE LICENSEE'S  
CONTRACTED EMPLOYEES TO DETERMINE WHETHER LICENSEE EMPLOYEES  
HAVE COMPLIED WITH THE PROVISIONS OF THEIR CONTRACTS AND TO  
DETERMINE WHETHER TERMINATION IS APPROPRIATE FOR ANY LICENSEE  
EMPLOYEES WHO HAVE VIOLATED THE PROVISIONS OF THEIR  
CONTRACTS. SUCH EVALUATIONS SHALL BE SUBMITTED TO THE  
COMMITTEE.

~~(6)~~ (11) Agree to adopt no rules restricting media  
access to interscholastic athletic competitions or  
restricting the substance of any commentary offered by media

<—

1 reporting of interscholastic athletic competitions.

2 ~~(7)~~ (12) Adopt rules intended to discourage its member <—  
3 schools from recruiting student athletes, provided that:

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

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

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

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

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

27 Section 8. State Board of Education.

28 (a) Regulations.--The State board shall promulgate  
29 regulations governing student athletes' participation in  
30 interscholastic athletics in this Commonwealth which shall be

1 applicable to all student athletes participating in  
2 interscholastic athletic competitions in this Commonwealth. Such  
3 regulations shall govern:

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

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

8 (3) The number of years a student may participate in  
9 interscholastic athletics.

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

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

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

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

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

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

1 (b) Principles of athletic eligibility.--Such regulations  
2 shall, to every extent possible, embody the following principles  
3 of athletic eligibility:

4 (1) Participation in interscholastic athletics has a  
5 positive effect on academic performance.

6 (2) Restrictions placed on participation in  
7 interscholastic athletics should be limited.

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

13 Section 9. Repeal.

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

17 Section 10. Effective date.

18 This act shall take effect as follows:

19 (1) Section 4 and this section shall take effect  
20 immediately.

21 ~~(2) Section 7 shall take effect in 6 months.~~ <—

22 ~~(3)~~ (2) The remainder of this act shall take effect in <—  
23 90 days.