
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 919 Session of
2021

INTRODUCED BY D. MILLER, BENHAM, HILL-EVANS, SANCHEZ,
HOHENSTEIN, D. WILLIAMS, WARREN, BRIGGS, MADDEN, SIMS AND
SCHWEYER, APRIL 21, 2021

REFERRED TO COMMITTEE ON EDUCATION, APRIL 21, 2021

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 prohibition against discrimination in athletics.

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

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

12 Section 129. Prohibition Against Discrimination in
13 Athletics.--(a) An educational institution subject to Title IX
14 of the Education Amendments of 1972 (Public Law 92-318, 20
15 U.S.C. Ch. 38) with respect to interscholastic or
16 intercollegiate athletics shall:

17 (1) Perform an annual evaluation of compliance by the
18 educational institution with the regulations under 34 CFR 106.41
19 (relating to athletics). The following apply:

1 (i) Not later than November 1 of each year, the educational
2 institution shall report to the Department of Education the
3 findings of the evaluation regarding the preceding school year
4 or academic year.

5 (ii) The educational institution shall publish a
6 comprehensive report of the evaluation on an annual basis and
7 post the report on the publicly accessible Internet website of
8 the educational institution.

9 (2) Designate an employe of the educational institution as
10 the Title IX coordinator of the educational institution. The
11 educational institution shall:

12 (i) Provide the employe with appropriate training regarding
13 Title IX of the Education Amendments of 1972.

14 (ii) Post the name and contact information of the employe on
15 the publicly accessible Internet website of the educational
16 institution.

17 (3) Suspend an athletic director from responsibilities
18 regarding athletics for three years if the athletic director
19 does not:

20 (i) Achieve compliance with this section before January 1,
21 2025.

22 (ii) Maintain compliance with this section for at least six
23 months in each twelve-month period that begins on or after
24 January 1, 2025.

25 (4) Preserve the educational institution's athletic program
26 standing and all athletic opportunities to the greatest extent
27 possible, with all other available and prudent athletic program
28 cost-cutting options implemented in accordance with the
29 requirements under Title IX of the Education Amendments of 1972.

30 (b) As used in this section, the following words and phrases

1 shall have the meanings given to them in this subsection unless
2 the context clearly indicates otherwise:

3 "Educational institution." As defined in Title IX of the
4 Education Amendments of 1972 (Public Law 92-318, 20 U.S.C. §
5 1681(c)). The term includes the following:

6 (1) A school entity operating within this Commonwealth,
7 including the following:

8 (i) A school district.

9 (ii) A public school.

10 (iii) A nonpublic school.

11 (iv) A private school.

12 (v) An intermediate unit.

13 (vi) A charter school.

14 (vii) A cyber charter school.

15 (viii) A regional charter school.

16 (ix) An area career and technical school.

17 (2) An institution of higher education, including the
18 following:

19 (i) A university within the State System of Higher Education
20 under Article XX-A.

21 (ii) The Pennsylvania State University, the University of
22 Pittsburgh, Temple University, Lincoln University or any other
23 institution designated as State-related by the Commonwealth.

24 (iii) The Thaddeus Stevens College of Technology.

25 (iv) A community college under Article XIX-A.

26 (v) A college established under Article XIX-G.

27 (vi) An institution of higher education located in and
28 incorporated or chartered by the Commonwealth and entitled to
29 confer degrees as specified in 24 Pa.C.S. § 6505 (relating to
30 power to confer degrees) and as provided for by the standards

1 and qualifications prescribed by the State Board of Education
2 under 24 Pa.C.S. Ch. 65 (relating to private colleges,
3 universities and seminaries).

4 (vii) A private school licensed under the act of December
5 15, 1986 (P.L.1585, No.174), known as the "Private Licensed
6 Schools Act."

7 (viii) A foreign corporation approved to operate an
8 educational enterprise under 22 Pa. Code Ch. 36 (relating to
9 foreign corporation standards).

10 Section 2. This act shall take effect in 60 days.