

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2787 Session of 2020

INTRODUCED BY REESE, JONES, BARRAR, BERNSTINE, BOROWICZ, CAUSER, COX, SCHLEGEL CULVER, DAVANZO, DAY, DELOZIER, DOWLING, DUNBAR, DUSH, ECKER, EMRICK, EVERETT, FEE, GABLER, GLEIM, GROVE, HEFFLEY, HICKERNELL, IRVIN, JOZWIAK, KAUFFMAN, KEEFER, KLUNK, KNOWLES, KORTZ, LEWIS, MACKENZIE, MARSHALL, METCALFE, METZGAR, MILLARD, B. MILLER, MIZGORSKI, MOUL, NEILSON, NELSON, OBERLANDER, OWLETT, PEIFER, PICKETT, POLINCHOCK, READSHAW, RIGBY, ROAE, ROTHMAN, ROWE, RYAN, SANKEY, SAYLOR, SCHMITT, SONNEY, STAATS, THOMAS, TOPPER, WARNER, ZIMMERMAN, STRUZZI, LONGIETTI, SAINATO, BURNS, PETRARCA, KULIK, MIHALEK, KAIL, MUSTELLO, GAYDOS, O'NEAL, TOMLINSON AND JAMES, AUGUST 18, 2020

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 1, 2020

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 SCHOOL HEALTH SERVICES, PROVIDING <--
6 FOR PRECAUTIONS AGAINST SPREAD OF COVID-19; AND, in terms and
7 courses of study, providing for sports and extracurricular
8 activities during COVID-19 pandemic.

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~~ SECTIONS to read: <--

14 SECTION 1416.1. PRECAUTIONS AGAINST SPREAD OF COVID-19.-- <--

15 NOTWITHSTANDING ANY DESIGNATION BY THE FEDERAL GOVERNMENT THAT

1 TEACHERS AND SUPPORT STAFF ARE CONSIDERED ESSENTIAL PERSONNEL,  
2 NO PERSON HAVING ANY FORM OF COVID-19 IN A TRANSMISSIBLE STAGE  
3 MAY BE PERMITTED INSIDE A SCHOOL ENTITY OR TO PARTICIPATE IN  
4 PERSON IN ANY SPORTS OR EXTRACURRICULAR ACTIVITIES. THE  
5 SECRETARY OF HEALTH AND THE SECRETARY OF EDUCATION MAY ISSUE  
6 FURTHER GUIDANCE TO SCHOOL ENTITIES TO IMPLEMENT THE PROVISIONS  
7 OF THIS SECTION.

8 Section 1501.10. Sports and Extracurricular Activities  
9 During COVID-19 Pandemic.--(a) Notwithstanding any other  
10 provision of law, the governing authority of a school entity or  
11 nonpublic school shall have the exclusive authority to determine  
12 whether to hold school sports activities, including  
13 competitions, intramural play and scrimmages, and other in-  
14 person extracurricular activities during the 2020-2021 school  
15 year.

16 (b) A school entity shall develop an athletic, health and  
17 safety plan addressing school sports and other in-person  
18 extracurricular activities during the 2020-2021 school year. A  
19 school entity shall determine and include the following in the  
20 plan:

21 (1) Safety protocols for permitting visitors and spectators  
22 to attend sports and in-person extracurricular activities.

23 (2) Limits on gatherings for indoor and outdoor sports and  
24 in-person extracurricular activities to ensure social  
25 distancing.

26 (3) Protocols for sports consistent with the Centers for  
27 Disease Control and Prevention Considerations for Youth Sports.

28 (4) Methods of ensuring that social distancing and other  
29 safety measures are in place for students, staff and spectators.

30 (5) RULES THAT WILL BE ENFORCED TO ENSURE THAT THE

<--

1 REQUIREMENTS OF SECTION 1416.1 ARE MET.

2 (c) A school entity shall post the athletic, health and  
3 safety plan on its publicly accessible Internet website and  
4 submit the plan to the Department of Education. A school entity  
5 may amend the athletic, health and safety plan as needed.

6 ~~(d) A nonpublic school may develop an athletic, health and~~ <--  
7 ~~safety plan.~~

8 ~~(e) (D) As used in this section, the following words and~~ <--  
9 ~~phrases shall have the meanings given to them in this subsection~~  
10 ~~unless the context clearly indicates otherwise:~~

11 ~~"School entity." A school district, NONPUBLIC SCHOOL,~~ <--  
12 ~~intermediate unit, area career and technical school, charter~~  
13 ~~school, regional charter school or cyber charter school.~~

14 Section 2. This act shall take effect immediately.

# **SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE**

**BILL NO.** House Bill 2787

**PRINTER NO.** 4334

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

August 18, 2020

**PRIME SPONSOR**

Representative Reese

## **DESCRIPTION AND PURPOSE OF BILL**

House Bill 2787 establishes Section 1416.1 (Precautions Against the Spread of COVID-19) and Section 1501.10 (Sports and Extracurricular Activities During COVID-19 Pandemic) in the Public School Code to provide the governing body of a school entity with the exclusive authority to determine whether to hold sports and other in-person extracurricular activities.

The legislation requires a school entity to develop an athletic, health and safety plan addressing school sports and other in-person extracurricular activities during the 2020-21 school year. The plan must include the following:

- Safety protocols for permitting visitors and spectators to attend sports and other in-person extracurricular activities;
- Limits on gatherings for indoor and outdoor sports and in-person extracurricular activities to ensure social distancing;
- Protocols for sports consistent with the Centers for Disease Control and Prevention Considerations for Youth Sports;
- Methods of ensuring that social distancing and other safety measures are in place for students, staff and spectators; and
- Rules that will be enforced to ensure requirements which prohibit participation by persons having any form of transmissible COVID-19 are met.

The legislation requires a school entity to post its athletic, health and safety plan on its publicly accessible internet website and to submit the plan to the Department of Education.

The legislation also provides that no person having COVID-19 in a transmissible stage may be permitted inside a school entity or participate in any sports or extracurricular activities, and the Secretary of Health and the Secretary of Education may issue further guidance to school entities to implement this provision.

A school entity is defined as a school district, nonpublic school, intermediate unit, area career and technical school, charter school, regional charter school or cyber charter school.

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

The legislation is scheduled to take effect immediately.

### **FISCAL IMPACT:**

The enactment of House Bill 2787 will have no fiscal impact on Commonwealth funds. The administrative responsibilities delegated to the Secretary of Health and Secretary of Education to develop guidance and collect athletic, health and safety plans pose minimal expense and can be accommodated within the general government operations budgets of the Department of Health and the Department of Education.

In addition, the cost to school entities to develop, post and adhere to athletic, health and safety plans should be minimal and can be accomplished within their existing operating budgets.