
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2546 Session of
2024

INTRODUCED BY M. MACKENZIE, R. MACKENZIE, GILLEN, HAMM, HEFFLEY,
M. JONES, KAUFFMAN AND ZIMMERMAN, SEPTEMBER 6, 2024

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 6, 2024

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 miscellaneous provisions relating
6 to institutions of higher education, providing for
7 prohibitions regarding ideological oaths or statements, for
8 prohibition on diversity, equity and inclusion offices and
9 employees, for statements required to be included in mission
10 statement, bylaws, faculty handbook and student handbook, for
11 certain mandatory training prohibited, for revoking tenure
12 diversity, equality and inclusion violations and for spending
13 prohibited.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
17 as the Public School Code of 1949, is amended by adding sections
18 to read:

19 Section 2004-I. Prohibitions regarding ideological oaths or
20 statements.

21 (a) Purpose.--The purpose of this section is to prohibit
22 public institutions of higher education from requiring or giving
23 preferential consideration for ideological oaths or statements

1 that undermine academic freedom and open inquiry and impede the
2 discovery, preservation and transmission of knowledge.

3 (b) Prohibitions regarding ideological oaths or
4 statements.--

5 (1) A public institution of higher education may not
6 compel, require, induce or solicit a student enrolled at the
7 institution, an employee or contractor of the institution or
8 an applicant for admission to or employment or contracting at
9 the institution to:

10 (i) Endorse an ideology that promotes the
11 differential treatment of an individual or group of
12 individuals based on race, color or ethnicity.

13 (ii) Provide a statement of the person's:

14 (A) Race, color, ethnicity or national origin,
15 except to record any necessary demographic
16 information.

17 (B) Views on, experience with or past or planned
18 contributions to efforts involving diversity, equity
19 and inclusion, marginalized groups, antiracism,
20 social justice, intersectionality or related
21 concepts.

22 (C) Views on or experience with race, color,
23 ethnicity, national origin or other immutable
24 characteristics.

25 (iii) Provide preferential consideration to a
26 student enrolled at the institution, an employee or
27 contractor of the institution or an applicant for
28 admission to or employment or contracting at the
29 institution on the basis of the person's unsolicited
30 statement in support of an ideology described by

1 subparagraph (i).

2 (2) This section may not be construed to:

3 (i) Restrict academic research or coursework.

4 (ii) Prevent a person from providing to a public
5 institution of higher education information described by
6 paragraph (1) on the person's own initiative separate
7 from any specific requirement or request from the
8 institution.

9 (iii) Prevent a public institution of higher
10 education from requiring an applicant for admission to or
11 employment or contracting at the institution to:

12 (A) Disclose or discuss the content of the
13 applicant's research or artistic creations.

14 (B) Certify compliance with Federal and State
15 antidiscrimination law.

16 (C) Discuss pedagogical approaches or experience
17 with students with learning disabilities.

18 (c) Reporting.--Beginning December 1, 2024, and not later
19 than December 1 of each year thereafter, each public institution
20 of higher education shall submit to the department, President
21 pro tempore of the Senate and the Speaker of the House of
22 Representatives a report certifying the institution's compliance
23 with this section.

24 (d) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection unless the context clearly indicates otherwise:

27 "Department." The Department of Education of the
28 Commonwealth.

29 "Public institution of higher education." Includes the
30 following:

1 (1) A community college operating under Article XIX-A.

2 (2) A university within the State System of Higher
3 Education.

4 (3) The Pennsylvania State University, the University of
5 Pittsburgh, Temple University, Lincoln University or any
6 other institution designated as State-related by the
7 Commonwealth.

8 (4) The Thaddeus Stevens College of Technology.

9 (5) A college established under Article XIX-G.

10 "Training."

11 (1) The term includes a seminar, discussion group,
12 workshop or other instructional program, whether provided in
13 person, online or by any other means, with a purpose of
14 advising, counseling, influencing or teaching participants.

15 (2) The term does not include an:

16 (i) academic course offered for credit; or

17 (ii) activity of a student organization registered
18 with or recognized by a public institution of higher
19 education that affects only the student organization's
20 members.

21 Section 2005-I. Prohibition on diversity, equity and inclusion
22 offices and employees.

23 (a) Prohibition on diversity, equality and inclusion
24 offices.--A public institution of higher education may not
25 establish or maintain a diversity, equity and inclusion office
26 or hire or assign an employee of the institution, or contract
27 with a third party, to perform the duties of a diversity, equity
28 and inclusion office.

29 (b) Construction.--Subsection (a) shall not be construed to
30 restrict any of the following:

1 (1) Academic course instruction.

2 (2) Research or creative works by a public institution
3 of higher education's students or faculty.

4 (3) Activities of student organizations registered with
5 or recognized by a public institution of higher education.

6 (4) Guest speakers or performers who may be invited to
7 speak or perform at a public institution of higher education
8 for short-term engagements.

9 (5) Health services provided by licensed professionals
10 at a public institution of higher education.

11 (6) Services provided by appropriate professionals at a
12 public institution of higher education to veterans of the
13 armed forces of the United States or persons with a physical
14 or cognitive disability.

15 (7) A public institution of higher education's ability
16 to:

17 (i) Respond to a request for information from a
18 grant making agency or athletic association.

19 (ii) Collect data.

20 (iii) Prohibit a public institution of higher
21 education from:

22 (A) establishing or maintaining a legal office
23 or other unit, hiring or assigning an employee who is
24 an attorney or contracting with a third-party
25 attorney or law firm to ensure the institution's
26 compliance with any applicable court order or Federal
27 or State law;

28 (B) establishing or maintaining an academic
29 department that does not establish policy or
30 procedures for other departments; or

1 (C) registering or recognizing student
2 organizations at the institution.

3 (c) Prohibition.--Nothing in this section shall be construed
4 as prohibiting bona fide qualifications based on sex that are
5 reasonably necessary to the normal operation of a public
6 institution of higher education.

7 (d) Notification of Attorney General.--A person may notify
8 the Attorney General of a violation or potential violation of
9 this section by a public institution of higher education. The
10 Attorney General may file suit for a writ of mandamus compelling
11 the institution to comply with this section.

12 (e) Employee violations.--If a public institution of higher
13 education determines that an employee of the institution has
14 violated this section, the institution shall:

15 (1) Take the following action against the employee:

16 (i) for the first violation, place the employee on
17 unpaid leave for the next academic year; or

18 (ii) for the second or a subsequent violation,
19 discharge the employee.

20 (2) Report the determination and the action taken by the
21 institution to the department.

22 (f) Records.--The department shall maintain and provide to
23 each public institution of higher education a list of persons
24 against whom action has been taken under subsection (e).

25 (g) Hiring.--A public institution of higher education may
26 not hire an employee who is included on the department's list
27 maintained under subsection (f) before:

28 (1) if the employee was placed on unpaid leave under
29 subsection (e) (1) (i), the end of the academic year for which
30 the employee is placed on unpaid leave; or

1 (2) if the employee was discharged under subsection (e)
2 (1)(ii), the fifth anniversary of the date on which the
3 employee was discharged.

4 (h) Institution violations.--If the department determines
5 that a public institution of higher education has violated this
6 section, the department shall assess an administrative penalty
7 against the institution in an amount equal to the lesser of
8 \$1,000,000 or 1% of the amount of the institution's operating
9 expenses budgeted for the State fiscal year preceding the State
10 fiscal year in which the violation occurred.

11 (i) Penalty.--An administrative penalty collected under
12 subsection (h) may only be appropriated to a public institution
13 of higher education that the department has not determined to
14 have violated this section during the two State fiscal years
15 preceding the State fiscal year for which the appropriation is
16 made.

17 (j) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection unless the context clearly indicates otherwise:

20 "Department." The Department of Education of the
21 Commonwealth.

22 "Diversity, equity and inclusion office." An office,
23 division or other unit of an institution of higher education
24 established for the purpose of any of the following:

25 (1) Influencing hiring or employment practices at the
26 institution with respect to race, sex, color or ethnicity,
27 other than through the use of color-blind and sex-neutral
28 hiring processes in accordance with any applicable State and
29 Federal antidiscrimination laws.

30 (2) Promoting differential treatment of or providing

1 special benefits to individuals on the basis of race, color
2 or ethnicity.

3 (3) Promoting policies or procedures designed or
4 implemented in reference to race, color or ethnicity, other
5 than policies or procedures approved in writing by the
6 institution's General Counsel and the Office of the Attorney
7 General for the sole purpose of ensuring compliance with any
8 applicable court order or Federal or State law.

9 (4) Conducting trainings, programs or activities
10 designed or implemented in reference to race, color,
11 ethnicity, gender identity or sexual orientation, other than
12 trainings, programs or activities developed by an attorney
13 and approved in writing by the institution's General Counsel
14 and the Office of Attorney General for the sole purpose of
15 ensuring compliance with any applicable court order or
16 Federal or State law.

17 "Public institution of higher education."

18 (1) A community college operating under Article XIX-A.

19 (2) A university within the State System of Higher
20 Education.

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

25 (4) The Thaddeus Stevens College of Technology.

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

27 Section 2006-I. Statements required to be included in mission
28 statement, bylaws, faculty handbook and student
29 handbook.

30 (a) Institutional mission statements.--Each public

1 institution of higher education shall adopt an institutional
2 mission statement that includes, or incorporates into the
3 institution's institutional mission statement if the institution
4 has already adopted an institutional mission statement, the
5 following statements in whole and without interruption:

6 (1) "We affirm that (name of institution) will educate
7 students by means of free, open and rigorous intellectual
8 inquiry to seek the truth."

9 (2) "We affirm our duty to equip students with the
10 intellectual skills they need to reach their own informed
11 conclusions on matters of social and political importance."

12 (3) "We affirm the value of viewpoint diversity in
13 campus intellectual life, including in faculty recruitment
14 and hiring."

15 (4) "We affirm our duty to ensure that no aspects of
16 (name of institution) life, in or outside the classroom,
17 require, favor, disfavor or prohibit speech or action that
18 supports any political, social or religious belief."

19 (5) "We affirm our commitment to create a community
20 dedicated to civil and free inquiry that respects the
21 intellectual freedom of each member, supports individual
22 capacities for growth and tolerates the differences in
23 opinion that naturally occur in a public university
24 community."

25 (6) "We affirm the value of institutional neutrality:
26 that public institutions of higher education should not take
27 collective positions on political and social controversies of
28 the day."

29 (7) "These values take priority over any other value we
30 may also adopt."

1 (b) Institutional bylaws.--Each public institution of higher
2 education shall incorporate into the institution's bylaws,
3 faculty handbook and student handbook the substance of the
4 following reports issued by the University of Chicago:

5 (1) The Report of the Committee on Freedom of
6 Expression.

7 (2) The Kalven Committee Report on the University's Role
8 in Political and Social Action.

9 (c) Definitions.--As used in this section, the following
10 words and phrases shall have the meanings given to them in this
11 subsection unless the context clearly indicates otherwise:

12 "Department." The Department of Education of the
13 Commonwealth.

14 "Public institution of higher education."

15 (1) A community college operating under Article XIX-A.

16 (2) A university within the State System of Higher
17 Education.

18 (3) The Pennsylvania State University, the University of
19 Pittsburgh, Temple University, Lincoln University or any
20 other institution designated as State-related by the
21 Commonwealth.

22 (4) The Thaddeus Stevens College of Technology.

23 (5) A college established under Article XIX-G.
24 Section 2007-I. Certain mandatory training prohibited.

25 (a) Prohibition of diversity, equity and inclusion
26 training.--A public institution of higher education may not
27 require a student, employee or applicant for employment at the
28 institution to participate in training on diversity, equity,
29 inclusion, bias, oppression, gender identity or related concepts
30 as a condition of:

- 1 (1) Admission to or enrollment at the institution.
2 (2) Employment or promotion at the institution.
3 (3) Participating in any function of the institution.
4 (4) Graduating from the institution.

5 (b) Limitation.--Subsection (a) may not be construed to:

6 (1) limit the academic freedom of any individual faculty
7 member to direct the instruction of a course taught by the
8 faculty member; or

9 (2) prohibit any training:

10 (i) Developed by an attorney and approved in writing
11 by the institution's General Counsel and the Office of
12 Attorney General as being required to comply with any
13 applicable court order or Federal or State law.

14 (ii) For which the materials are made publicly
15 available on the public institution of higher education's
16 Internet website.

17 (c) Violation notification.--A person may notify the
18 Attorney General of a violation or potential violation of this
19 section by a public institution of higher education. The
20 Attorney General may file suit for a writ of mandamus compelling
21 the institution to comply with this section.

22 (d) Student and employee recourse.--A student or employee of
23 a public institution of higher education who is required to
24 participate in training in violation of this section may bring
25 an action against the institution for injunctive or declaratory
26 relief.

27 (e) Institution response to violation.--If a public
28 institution of higher education determines that an employee of
29 the institution has violated this section, the institution
30 shall:

1 (1) Take the following action against the employee:

2 (i) for the first violation, place the employee on
3 unpaid leave for the next academic year; or

4 (ii) for the second or a subsequent violation,
5 discharge the employee and report the determination and
6 the action taken by the institution to the department.

7 (2) The department shall maintain and provide to each
8 public institution of higher education a list of persons
9 against whom action has been taken under paragraph (1).

10 (f) Hiring.--An institution of higher education may not hire
11 an employee who is included on the department's list maintained
12 under subsection (e) before:

13 (1) if the employee was placed on unpaid leave under
14 subsection (e)(1)(i), the end of the academic year for which
15 the employee is placed on unpaid leave; or

16 (2) if the employee was discharged under subsection (e)
17 (1)(ii), the fifth anniversary of the date on which the
18 employee was discharged.

19 (g) Penalty.--If the department determines that a public
20 institution of higher education has violated this section, the
21 department shall assess an administrative penalty against the
22 institution in an amount equal to the lesser of \$1,000,000 or 1%
23 of the amount of the institution's operating expenses budgeted
24 for the State fiscal year preceding the State fiscal year in
25 which the violation occurred.

26 (h) Appropriation.--An administrative penalty collected
27 under subsection (g) may only be appropriated to a public
28 institution of higher education that the department has not
29 determined to have violated this section during the two State
30 fiscal years preceding the State fiscal year for which the

1 appropriation is made.

2 (i) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection unless the context clearly indicates otherwise:

5 "Department." The Department of Education of the
6 Commonwealth.

7 "Public institution of higher education."

8 (1) A community college operating under Article XIX-A.

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10 Education.

11 (3) The Pennsylvania State University, the University of
12 Pittsburgh, Temple University, Lincoln University or any
13 other institution designated as State-related by the
14 Commonwealth.

15 (4) The Thaddeus Stevens College of Technology.

16 (5) A college established under Article XIX-G.

17 "Training."

18 (1) The term includes a training, seminar, discussion
19 group, workshop or other instructional program, whether
20 provided in person, online or by any other means, with a
21 purpose of advising, counseling, influencing or teaching
22 participants.

23 (2) The term does not include:

24 (1) An academic course offered for credit.

25 (2) An activity of a student organization registered
26 with or recognized by a public institution of higher
27 education that affects only the organization's members.

28 Section 2008-I. Revoking tenure diversity, equality and
29 inclusion violations.

30 For purposes of this section, good cause for revoking the

1 tenure of a faculty member includes the faculty member's
2 violation of section 2005-I(e)(ii) or section 2007-I(e)(ii).
3 Section 2009-I. Spending prohibited.

4 A public institution of higher education may not spend money
5 appropriated by the General Assembly for the State fiscal year
6 beginning July 1, 2026, until the institution's governing board
7 has filed with the department and posted on the institution's
8 publicly accessible Internet website a report that states the
9 steps taken by the institution to comply with sections 2004-I,
10 2005-I, 2006-I, 2007-I and 2008-I.

11 Section 2. The addition of sections 2004-I, 2005-I, 2006-I,
12 2007-I and 2008-I of the act shall apply beginning with the
13 2025-2026 academic year.

14 Section 3. This act shall take effect immediately.