

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 2024 Session of  
2024

---

INTRODUCED BY SMITH-WADE-EL, HOHENSTEIN, GUENST, TAKAC, KHAN,  
HILL-EVANS, MADDEN, BOROWSKI, SCHLOSSBERG, SANCHEZ, STURLA,  
OTTEN, DELLOSO, BRIGGS, FIEDLER, WEBSTER, T. DAVIS,  
KRAJEWSKI, CERRATO, WAXMAN AND GREEN, FEBRUARY 9, 2024

---

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 9, 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 duties and powers of boards of  
6 school directors, further providing for school athletics,  
7 publications, and organizations; in grounds and buildings,  
8 further providing for water-closets or out-houses and  
9 providing for bathroom and athletic facilities for  
10 transgender students; and, in school health services, further  
11 providing for examinations of school buildings and grounds.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Sections 511(a) and 740 of the act of March 10,  
15 1949 (P.L.30, No.14), known as the Public School Code of 1949,  
16 are amended to read:

17 Section 511. School Athletics, Publications, and  
18 Organizations.--

19 (a) The board of school directors in every school district  
20 shall prescribe, adopt, and enforce such reasonable rules and  
21 regulations as it may deem proper, regarding (1) the management,

1 supervision, control, or prohibition of exercises, athletics, or  
2 games of any kind, school publications, debating, forensic,  
3 dramatic, musical, and other activities related to the school  
4 program, including raising and disbursing funds for any or all  
5 of such purposes and for scholarships, and (2) the organization,  
6 management, supervision, control, financing, or prohibition of  
7 organizations, clubs, societies and groups of the members of any  
8 class or school, and may provide for the suspension, dismissal,  
9 or other reasonable penalty in the case of any appointee,  
10 professional or other employe, or pupil who violates any of  
11 [such] the rules or regulations. The rules and regulations shall  
12 allow a student to participate in school athletics consistent  
13 with the gender identity of the student.

14 \* \* \*

15 Section 740. [Water-closets or Out-houses.--The board of  
16 school directors in every] Bathrooms.--(a) Except as provided  
17 in subsection (c), the board of school directors in a school  
18 district shall, with every building used for school purposes,  
19 provide and maintain in a proper manner, a suitable number of  
20 [water-closets or out-houses] bathrooms, not less than two for  
21 each building, where both sexes are in attendance. [Such water-  
22 closets or out-houses] The bathrooms shall be suitably  
23 constructed for, and used separately by, the sexes. When [any  
24 water-closets or out-houses] bathrooms are outside and detached  
25 from the school building, the entrances thereto shall be  
26 properly screened, and they shall, unless constructed at a  
27 remote distance from each other, have separate means of access  
28 thereto, and, if possible, for not less than twenty-five (25)  
29 feet from [such water-closets or out-houses] the bathrooms, such  
30 means of access or walks leading [thereto] to them shall be

1 separated by a closed partition, wall, or fence, not less than  
2 seven (7) feet high.

3 (b) The board of school directors shall keep all [water-  
4 closets or out-houses] bathrooms, used in connection with [any]  
5 a school building, in a clean and sanitary condition, and shall,  
6 not less than ten (10) days prior to the opening of [any] a term  
7 of school, and [oftener] more often if necessary, have them  
8 properly cleaned and disinfected by the use of fresh-dry-slacked  
9 lime, or other proper disinfecting materials.

10 (c) Beginning in the 2024-2025 school year, and every school  
11 year thereafter, the board of school directors in a school  
12 district shall ensure that each newly constructed or renovated  
13 school building used for school purposes provides for a suitable  
14 number of bathrooms, not less than three (3) for the building,  
15 including at least one (1) gender-neutral bathroom. In a school  
16 building used for school purposes with more than three (3)  
17 bathrooms, there shall be at least one (1) gender-neutral  
18 bathroom for every two (2) single-gender bathrooms.

19 Section 2. The act is amended by adding a section to read:

20 Section 743. Bathroom and Athletic Facilities for  
21 Transgender Students.--The board of school directors in a  
22 district shall adopt, administer and enforce a policy that  
23 allows a student to use all bathrooms and athletic facilities,  
24 as defined in section 1602-C, in the district consistent with  
25 the gender identity of the student.

26 Section 3. Section 1420 of the act is amended to read:

27 Section 1420. Examinations of School Buildings and  
28 Grounds.--The Secretary of Health shall employ sanitarians or  
29 request local health authorities to assign a sanitarian to make  
30 a careful examination of all [privies, water-closets, urinals]

1 bathrooms, cellars, the water-supply and drinking-vessels and  
2 utensils and sewage and refuse disposal systems, lighting,  
3 heating and ventilating systems, and such additional  
4 examinations of the sanitary conditions of the school buildings  
5 and grounds as the regulations of the Secretary of Health may  
6 require.

7 Section 4. This act shall take effect immediately.