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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 987 Session of 2025

INTRODUCED BY M. MACKENZIE, HAMM, KAUFFMAN, SCIALABBA, KUZMA, BANTA AND ZIMMERMAN, MARCH 24, 2025

REFERRED TO COMMITTEE ON EDUCATION, MARCH 24, 2025

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in miscellaneous provisions relating to institutions of higher education, providing for prohibitions regarding ideological oaths or statements, for prohibition on diversity, equity and inclusion offices and employees, for statements required to be included in mission statement, bylaws, faculty handbook and student handbook, for certain mandatory training prohibited, for revoking tenure for diversity, equity and inclusion violations and for spending restricted; and imposing penalties.

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

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

Section 2005-I. Prohibitions regarding ideological oaths or statements.

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

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

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

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

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

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

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

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

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

(iii) Provide preferential consideration to a student enrolled at the public institution of higher education, an employee or contractor of the public institution of higher education or an applicant for admission to or employment or contracting at the public

institution of higher education on the basis of the person's unsolicited statement in support of an ideology described by subparagraph (i).

(2) This section may not be construed to:

(i) Restrict academic research or coursework.

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

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

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

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

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

(c) Reporting.--Beginning December 1, 2025, and not later than December 1 of each year thereafter, each public institution of higher education shall submit to the department, President pro tempore of the Senate and the Speaker of the House of Representatives a report certifying the public institution of higher education's compliance with this section.

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

"Department." The Department of Education of the

Commonwealth.

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

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

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

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

(4) The Thaddeus Stevens College of Technology.

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

Section 2006-I. Prohibition on diversity, equity and inclusion offices and employees.

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

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

(1) Academic course instruction.

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

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

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

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

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

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

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

(ii) Collect data.

(iii) Prohibit the public institution of higher education from:

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

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

(C) registering or recognizing student organizations at the public institution of higher education.

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

(d) Notification of Attorney General.--A person may notify

the Attorney General of a violation or potential violation of this section by a public institution of higher education. The Attorney General may file suit for a writ of mandamus compelling the public institution of higher education to comply with this section.

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

(1) Take the following action against the employee:

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

(ii) for a subsequent violation, discharge the employee.

(2) Report the determination and the action taken by the public institution of higher education to the department.

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

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

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

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

(h) Penalty.--If the department determines that a public institution of higher education has violated this section, the

department shall assess an administrative penalty against the public institution of higher education in an amount equal to the lesser of $1,000,000 or 1% of the amount of the public institution of higher education's operating expenses budgeted for the State fiscal year preceding the State fiscal year in which the violation occurred. All money received from fines shall be deposited into the General Fund.

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

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

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

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

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

(2) Promoting differential treatment of or providing special benefits to individuals on the basis of race, color or ethnicity.

(3) Promoting policies or procedures designed or

implemented in reference to race, color or ethnicity, other than policies or procedures approved in writing by the public institution of higher education's General Counsel and the Office of the Attorney General for the sole purpose of ensuring compliance with any applicable court order or Federal or State law.

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

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

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

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

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

(4) The Thaddeus Stevens College of Technology.

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

"Training." As follows:

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

(2) The term does not include:

(i) an academic course offered for credit; or

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

Section 2007-I. Statements required to be included in mission statement, bylaws, faculty handbook and student handbook.

(a) Institutional mission statements.--Each public institution of higher education shall adopt an institutional mission statement that includes, or incorporates into the public institution of higher education's institutional mission statement if the public institution of higher education has already adopted an institutional mission statement, the following statements in whole and without interruption:

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

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

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

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

(5) "We affirm our commitment to create a community

dedicated to civil and free inquiry that respects the intellectual freedom of each member, supports individual capacities for growth and tolerates the differences in opinion that naturally occur in a public university community."

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

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

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

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

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

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

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

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

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

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

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

(4) The Thaddeus Stevens College of Technology.

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

Section 2008-I. Certain mandatory training prohibited.

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

(1) Admission to or enrollment at the public institution of higher education.

(2) Employment or promotion at the public institution of higher education.

(3) Participation in any function of the public institution of higher education.

(4) Graduation from the public institution of higher education.

(b) Construction.--Subsection (a) shall not be construed to:

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

(2) prohibit any training:

(i) Developed by an attorney and approved in writing by the public institution of higher education's General Counsel and the Office of Attorney General as being required to comply with any applicable court order or

Federal or State law.

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

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

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

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

(1) Take the following action against the employee:

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

(ii) for a subsequent violation, discharge the employee and report the determination and the action taken by the public institution of higher education to the department.

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

(f) Hiring.--A public institution of higher education may

not hire an employee who is included on the department's list maintained under subsection (e) before:

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

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

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

(h) Appropriation.--An administrative penalty collected under subsection (g) may only be appropriated to a public institution of higher education that the department determines has not violated this section during the two State fiscal years preceding the State fiscal year for which the appropriation is made.

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

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

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

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

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

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

(4) The Thaddeus Stevens College of Technology.

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

"Training." As follows:

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

(2) The term does not include:

(i) An academic course offered for credit.

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

Section 2009-I. Revoking tenure for diversity, equity and inclusion violations.

For purposes of this section, good cause for revoking the tenure of a faculty member includes the faculty member's violation of section 2006-I(e)(ii) or section 2008-I(e)(ii).

Section 2010-I. Spending restricted.

A public institution of higher education may not spend money appropriated by the General Assembly for the State fiscal year beginning July 1, 2027, and each fiscal year thereafter, until the public institution of higher education's governing board has

filed with the department and posted on the public institution of higher education's publicly accessible Internet website a report that states the steps taken by the public institution of higher education to comply with sections 2005-I, 2006-I, 2007-I, 2008-I and 2009-I.

Section 2. The addition of sections 2005-I, 2006-I, 2007-I, 2008-I and 2009-I of the act shall apply beginning with the 2026-2027 academic year.

Section 3. This act shall take effect immediately.