
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 319 Session of
2023

INTRODUCED BY BOROWICZ, ROAE, M. MACKENZIE, KAUFFMAN,
R. MACKENZIE, STAATS, HAMM, OWLETT, JAMES, LEADBETER, FINK,
ZIMMERMAN, GLEIM, ROWE, KEEFER, SCIALABBA, WARNER, SMITH,
M. BROWN, SCHEMEL AND SCHEUREN, MARCH 13, 2023

REFERRED TO COMMITTEE ON EDUCATION, MARCH 13, 2023

AN ACT

1 Providing for classroom instruction on sexual orientation and
2 gender identity and for parental notification of student
3 health care services; and establishing cause of action for
4 violation.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Parental
9 Rights in Education Act.

10 Section 2. Legislative intent.

11 The General Assembly finds and declares that it is the
12 fundamental right of a parent or legal guardian of a student to
13 make decisions regarding the student's upbringing and well-
14 being.

15 Section 3. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

1 "Professional employee." As the term "professional employe"
2 is defined in section 1101(1) of the act of March 10, 1949
3 (P.L.30, No.14), known as the Public School Code of 1949.

4 "School entity." A school district, intermediate unit, area
5 career and technical school, charter school, cyber charter
6 school or regional charter school.

7 Section 4. Classroom instruction on sexual orientation and
8 gender identity.

9 A school entity may not offer instruction on sexual
10 orientation or gender identity to a student in kindergarten
11 through fifth grade.

12 Section 5. Parental notification of student health care
13 services.

14 Beginning with the 2023-2024 school year and each school year
15 thereafter, a school entity shall implement a parental
16 notification procedure that reinforces the fundamental right of
17 a parent or legal guardian of a student to make decisions
18 regarding the student's upbringing and well-being and that
19 includes:

20 (1) A notice to parents or legal guardians of health
21 care services offered by the school entity.

22 (2) A form with an option for parents and legal
23 guardians to withhold consent or decline a health care
24 service offered by the school entity.

25 (3) A process for notifying a student's parent or legal
26 guardian of a change in the student's health care services or
27 monitoring related to a student's mental, emotional or
28 physical health.

29 Section 6. Student well-being questionnaires, health care
30 screening forms and surveys.

1 Before administering a student well-being questionnaire,
2 health care screening form or survey to a student in
3 kindergarten through fifth grade, a school entity must:

4 (1) Provide written notice to the parent or legal
5 guardian of the student well-being questionnaire, health care
6 screening form or survey.

7 (2) Publish a copy of the student well-being
8 questionnaire, health care screening form or survey on the
9 school entity's publicly accessible Internet website or
10 produce a hard copy upon request by the parent or legal
11 guardian.

12 (3) Provide an option for a parent or legal guardian to
13 withhold consent from the student's participation in the
14 student well-being questionnaire, health care screening form
15 or survey.

16 Section 7. Prohibited actions.

17 A school entity, professional employee or school
18 representative may not:

19 (1) Encourage, or the have the effect of encouraging, a
20 student to withhold information regarding the student's
21 mental or physical health from the student's parent or legal
22 guardian.

23 (2) Prohibit a parent or guardian of a student from
24 accessing the student's education or health records created,
25 maintained or used by the school entity.

26 (3) Retaliate or take adverse action against a student
27 who reports a violation of this act to the school entity or a
28 Federal or State agency with oversight of school entities in
29 this Commonwealth.

30 Section 8. Civil action.

1 A student, or parent or guardian on behalf of the student, of
2 a school entity that violates this act may bring a civil action
3 in a court of competent jurisdiction for appropriate injunctive
4 relief or damages, or both, within 180 days after the alleged
5 violation.

6 Section 9. Effective date.

7 This act shall take effect in 60 days.