
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1278 Session of
2022

INTRODUCED BY MARTIN, AUMENT, CORMAN, J. WARD, ARGALL, PITTMAN,
DISANTO, PHILLIPS-HILL AND STEFANO, JUNE 10, 2022

REFERRED TO EDUCATION, JUNE 10, 2022

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," providing for student well-being.

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

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

11 ARTICLE XIV-C

12 STUDENT WELL-BEING

13 Section 1401-C. Scope of article.

14 This article provides for parental notifications regarding a
15 student's mental, emotional or physical health or well-being.

16 Section 1402-C. Definitions.

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

1 "Abandoned." As defined in 23 Pa.C.S. § 5402 (relating to
2 definitions).

3 "Child abuse." As defined in 23 Pa.C.S. § 6303(b.1)
4 (relating to definitions).

5 "Pre-kindergarten program." As defined in section 2002-B.

6 "School entity." A school district, intermediate unit, joint
7 school district, area career and technical school, charter
8 school, regional charter school or cyber charter school.

9 Section 1403-C. Parental notification.

10 (a) Required procedure.--A governing body of a school entity
11 shall adopt a policy or modify an existing policy, for the 2022-
12 2023 school year and each school year thereafter, for notifying
13 a student's parent or legal guardian when there is a change in
14 the student's services or monitoring related to the student's
15 mental, emotional or physical health or well-being and the
16 school's ability to provide a safe and supportive learning
17 environment for the student. School entity procedures must
18 reinforce the fundamental right of the parent or legal guardian
19 to make decisions regarding the parent or legal guardian's child
20 and encourage a student to discuss issues relating to the
21 student's well-being with the parent or legal guardian or to
22 facilitate discussion of the issue with the parent or legal
23 guardian. The procedures may not:

24 (1) Prohibit a student's parent or legal guardian from
25 accessing any of the student's education and health records
26 created, maintained or used by the school entity unless
27 prohibited by law or court order.

28 (2) Prohibit school personnel from notifying a student's
29 parent or legal guardian about the student's mental,
30 emotional or physical health or well-being, or a change in

1 related services or monitoring, or that encourage or have the
2 effect of encouraging a student to withhold from a parent or
3 legal guardian the information.

4 (b) Withholding information.--Subsection (a) may not
5 prohibit a school entity from adopting procedures that permit
6 school personnel to withhold this information from a parent or
7 legal guardian if a reasonably prudent person would believe,
8 based on the documented testimony of the student or a history of
9 documented incidents, that disclosure would result in child
10 abuse or the child being abandoned.

11 Section 1404-C. Government endorsement prohibited and speech
12 protected.

13 (a) Neutrality.--School personnel must remain neutral and
14 use existing, familiar and well-defined constitutional framework
15 applicable to religious beliefs in public schools for matters
16 relating to sexual orientation and gender identity to prevent
17 government endorsement of beliefs about sexual orientation and
18 gender identity in public schools. First amendment speech
19 protections for students and public employees applicable to
20 religious speech shall be applied identically to protections for
21 speech regarding sexual orientation and gender identity.

22 (b) Age appropriateness.--Classroom instruction by school
23 personnel or third parties on sexual orientation or gender
24 identity:

25 (1) is not age-appropriate for students in a pre-
26 kindergarten program or in kindergarten through fifth grade
27 and therefore may not occur; and

28 (2) may not occur in sixth through twelfth grade in a
29 manner that is not age-appropriate or developmentally
30 appropriate in accordance with State standards.

1 (c) Limitations on restriction.--Nothing in this section
2 shall be construed to restrict school personnel from providing
3 support services to a student who has initiated communication
4 with school personnel related to sexual orientation or gender
5 identity if the school personnel has received permission from
6 the parent or legal guardian of the student, unless the student
7 is subject to section 1403-C(b).

8 Section 1405-C. Health care services notice and opt-out.

9 At the beginning of the school year, each school entity shall
10 notify parents and legal guardians of each health care service
11 offered at the student's school and the option to withhold
12 consent or decline any specific service. Parent or legal
13 guardian consent to a health care service does not waive the
14 parent or legal guardian's right to access the student's
15 educational or health records or be notified about a change in
16 the student's services or monitoring.

17 Section 1406-C. Surveys.

18 At least seven days before administering a student well-being
19 questionnaire, survey or health screening form to a student, the
20 school entity must provide all of the following:

21 (1) Notice to the parent or legal guardian.

22 (2) The questionnaire, survey or health screening form
23 electronically on the school entity's publicly accessible
24 Internet website or as a hard copy upon request.

25 (3) The option for a parent or legal guardian to opt the
26 child out of participating in the questionnaire, survey or
27 screening.

28 Section 1407-C. Cause of action.

29 (a) Private right of action.--A resident student through
30 their parent or guardian may bring a cause of action for

1 injunctive relief for a violation of section 1404-C, any
2 damages, attorney fees and costs and any other relief available
3 under law against the school entity.

4 (b) Retaliation.--A student who is subject to retaliation or
5 other adverse action by a school entity as a result of reporting
6 a violation of section 1404-C to an employee or representative
7 of the school entity or to any Federal or State agency with
8 oversight of school entities in this Commonwealth, may bring a
9 cause of action for injunctive relief, damages, attorney fees
10 and costs and any other relief available under law against the
11 school entity.

12 (c) Limitation.--A person may not bring a civil action under
13 this section later than two years after the day on which the
14 harm underlying the cause of action occurs.

15 Section 2. If a part of this act is found invalid, all valid
16 parts that are severable from the invalid part shall remain in
17 effect. If a part of this act is invalid in one or more of its
18 applications, the part remains in effect in all valid
19 applications that are severable from the invalid applications.

20 Section 3. This act shall take effect July 1, 2022, or
21 immediately, whichever is later.