

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 612 Session of
1999

INTRODUCED BY KREBS, STAIRS, COLAFELLA, MUNDY, PLATTS, KIRKLAND,
WILLIAMS, FLICK, FEESE, NAILOR, STEVENSON, CURRY, GRUCELA,
STEELMAN, B. SMITH, GEORGE, BARRAR, GEIST, VANCE, CLYMER,
STABACK, YOUNGBLOOD, MARKOSEK, CLARK, HERSHEY, SAYLOR, PESCI,
M. COHEN, SANTONI, McNAUGHTON, LAUGHLIN, J. TAYLOR, SHANER,
LYNCH, RUBLEY, S. MILLER, HENNESSEY, MAHER, PETRARCA, RAMOS,
SCRIMENTI, GODSHALL, WASHINGTON, DeLUCA, BENNINGHOFF,
S. H. SMITH, E. Z. TAYLOR AND WILT, FEBRUARY 22, 1999

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 22, 1999

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," establishing the rights of parents to
6 be informed and participate in the education of their
7 children; and providing for certain medical examinations.

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

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

13 Section 113. Parental Rights.--(a) A parent of a student
14 enrolled in a public school of this Commonwealth shall have the
15 following rights:

16 (1) To obtain information about the organizational pattern,
17 curriculum, instructional methods and assessment techniques used

in the school in which the student is enrolled.

(2) To review the instructional materials used in the school in which the student is enrolled upon request in accordance with subsection (e).

(3) To review supplementary materials used in connection with any experimental program upon request in accordance with subsection (e).

(4) To have the student excused from specific instruction which conflicts with the parent's religious beliefs, upon submission to the school district of a written request in accordance with subsection (f).

(5) To have the student released from participation unless the parent gives prior written permission for the student to participate in any survey, analysis or evaluation that reveals any of the following information concerning the parent or the parent's family or household:

(i) political affiliations;

(ii) mental and psychological problems potentially embarrassing to the student or the student's family;

(iii) sexual behavior and attitudes;

(iv) illegal, antisocial, self-incriminating and demeaning behavior;

(v) critical appraisals of other individuals with whom the parent or student has family relationships;

(vi) legally recognized, privileged or analogous relationships, such as those of lawyers, physicians and ministers; or

(vii) income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

1 (6) To review the education records of the student in
2 accordance with procedures established by the State Board of
3 Education.

4 (7) To have the student's education records confidentially
5 maintained and released only on the parent's consent in
6 accordance with the procedures established by the State Board of
7 Education.

8 (8) To give informed written consent prior to any physical
9 examination by a school physician or dentist under section
10 1402(e).

11 (9) To be advised in advance of the date of any examination
12 by any school physician or dentist and encouraged to be present
13 for any such examination and to have the examination performed
14 by a physician or dentist of the parent's choice in accordance
15 with sections 1405 and 1407.

16 (10) To exempt the student from medical or dental
17 examinations for religious reasons in accordance with section
18 1419.

19 (11) To have the student's health records released to a
20 physician of the parent's choice and to otherwise maintain the
21 records in confidence in accordance with section 1409.

22 Nothing in this subsection shall limit the authority of any
23 public school official to collect information necessary to
24 comply with the reporting requirement of 23 Pa.C.S. Ch. 63
25 (relating to child protective services) or any other law.

26 (b) A parent shall be mailed written information about the
27 parent's rights under this section, including the name,
28 telephone number and address of the person in each school
29 responsible for compliance.

30 (c) The superintendent shall designate one person in each

1 school building to be responsible for receiving requests under
2 this section.

3 (d) The board of school directors may adopt reasonable rules
4 and regulations to implement this section.

5 (e) Instructional materials subject to review shall be
6 accessible at reasonable times and convenient places during days
7 when a public school is open to allow parents adequate
8 opportunity to review materials. The school may request up to a
9 forty-eight (48) hour notice of a parent in order to have the
10 materials requested available. A parent shall submit a request
11 for review of materials in writing. A public school may maintain
12 a log of all requests received, the time reserved for any review
13 and any comments received on the material following the review.

14 (f) A public school shall make available to a parent forms
15 to be used to request excuse of the parent's child from the
16 activities or programs from which the child may be excused under
17 this section. The form shall include the name and address of the
18 person in each building to whom the request should be addressed.

19 (g) As used in this section, the following words and phrases
20 shall have the following meanings:

21 "Education record" means as that term is defined in the
22 Family Educational Rights and Privacy Act of 1974 (Public Law
23 93-380, 20 U.S.C. § 1230 et seq.).

24 "Experimental program" means a program which receives special
25 funding from an agency of the Federal or State Government, a
26 private corporation or foundation or institution of higher
27 education, a condition of which is to conduct a pretest and
28 posttest and provide all or some students tested with a
29 specified treatment.

30 "Instructional materials" means all materials to which a

1 student is to be directly exposed, including, but not limited
2 to, textbooks, materials in the school library accessible to
3 students, videos, films, tapes, computer discs, charts and/or
4 graphs.

5 "Parent" means a natural or adoptive parent or parents or a
6 court-appointed guardian or guardians.

7 "Supplementary material" includes, but is not limited to,
8 teacher manuals, lesson plans and other material designed to
9 inform the instruction but not necessarily to be shared with the
10 student receiving instruction.

11 Section 501.1. Policy Relating to Medical Examinations and
12 Other Health Services.--The board of school directors in any
13 school district may, by the affirmative vote of a majority of
14 its members, establish a policy which excludes a child from
15 attending school unless the parent or guardian of the child has
16 provided the school district with acceptable evidence that a
17 medical examination has been conducted as required by section
18 1402(e). Acceptable evidence may include a medical report of
19 examination by a private physician as provided for in section
20 1407 or a parent may exercise their right to object to the
21 examination on religious grounds as provided in section 1419.
22 The board of school directors, at its discretion, may include
23 other required health services as required by 28 Pa. Code Ch. 23
24 (relating to school health) within the scope of the policy
25 established according to this section.

26 Section 1405.1. Informed Parental Consent Required for
27 Medical Examinations.--(a) No superintendent or a designee of
28 that superintendent shall allow a medical examination as
29 required by section 1402(e) to be administered by a school
30 physician unless the informed written consent of the parent has

1 been obtained prior to the examination.

2 (b) School districts shall inform parents or guardians of
3 their right to be present during the medical examination and
4 their right to have their child examined by a private physician.

5 (c) As used in this section, the term "informed written
6 consent" shall mean a signature by a parent or guardian giving
7 consent for the administration of a medical examination after
8 having received written notification from the school district
9 containing the approximate time, place, date and extent of the
10 medical examination to be conducted. The school district shall
11 include with the notification to parents a list of items and
12 areas to be examined.

13 Section 2. This act shall take effect in 60 days.