

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1727 Session of
2023

INTRODUCED BY SCIALABBA, M. MACKENZIE, R. MACKENZIE, HAMM,
LEADBETER, ROWE, MARCELL, BERNSTINE, STAMBAUGH, ECKER, GILLEN
AND KEEFER, SEPTEMBER 29, 2023

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 29, 2023

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, providing for parental notification and
7 permission for participation in clubs and organizations.

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 a
12 section to read:

13 Section 511.1. Parental Notification and Permission for
14 Participation in Clubs and Organizations.--(a) In addition to
15 the requirements of section 511, the governing board of a school
16 entity shall include in the student code of conduct adopted in
17 accordance with 22 Pa. Code § 12.3 (relating to school rules)
18 information regarding school clubs and organizations as
19 described under subsection (b). The information shall also be
20 provided to parents or legal guardians in a manner that is most

1 commonly used for other communications to parents or legal
2 guardians and shall be posted on the school entity's publicly
3 accessible Internet website at least two weeks prior to the
4 start of the school year or, for a club or organization that is
5 created after the start of the school year, at least two weeks
6 prior to the first meeting or activity of the club or
7 organization.

8 (b) The following information shall be provided to students
9 and parents or legal guardians of students for a club or
10 organization:

11 (1) A statement that a student may not participate in the
12 club or organization without the written permission of the
13 student's parent or legal guardian.

14 (2) The name of the club or organization.

15 (3) The mission or purpose of the club or organization with
16 sufficient detail to clearly describe the meetings and
17 activities of the club or organization.

18 (4) The name of the faculty advisor for the club or
19 organization.

20 (5) A description of past or planned meetings and
21 activities, including a description of meetings and activities
22 during the immediately preceding school year and a description
23 of meetings and activities planned for the current or upcoming
24 school year with sufficient detail to clearly describe the
25 meetings and activities.

26 (6) A statement that a parent or legal guardian has the
27 right to attend a meeting or activity of a club or organization
28 unless good cause for the exclusion of the parent or legal
29 guardian is documented by the governing board of the school
30 entity.

1 (7) A statement that a parent or legal guardian has a
2 private right of action against the governing board of a school
3 entity for wrongful exclusion.

4 (c) (1) The governing board of a school entity may not
5 permit a student to participate in a club or organization
6 without specific written permission from the parent or legal
7 guardian of the student for each club or organization.

8 (2) The parent or legal guardian may, at any time, withdraw
9 permission in writing. Unless otherwise specified in writing,
10 the withdrawal of permission shall take effect immediately upon
11 delivery to a school official.

12 (3) The school entity shall provide a written procedure and
13 a sample consent or withdrawal form in the school administration
14 office and on its publicly accessible Internet website, if the
15 school entity has one, for a parent or legal guardian to provide
16 or withdraw permission for the student of the parent or legal
17 guardian to participate or withdraw from participation in a club
18 or organization. The consent or withdrawal form shall not be
19 drafted or presented in a manner that makes it more complicated
20 to withhold or revoke consent than it is to grant consent.

21 (d) For a club or organization created after the start of
22 the school year, the governing board of a school entity may
23 accept written permission from a parent or legal guardian of a
24 student only after the information required by subsection (b)
25 has been provided in advance, as required by subsection (a), to
26 the parents or legal guardians of all enrolled students.

27 (e) The meetings and activities of a club or organization
28 must be conducted consistent with the information required under
29 subsection (b).

30 (f) A parent or legal guardian of a student may not be

prohibited from attending a meeting or activity of a club or organization in which the student participates except for good cause which shall be documented by the governing board of the school entity and provided in writing to the parent or legal guardian.

(g) A parent or legal guardian of a student who has given permission in accordance with this section for the student to participate in a club or organization and who reasonably believes that the parent or legal guardian has been denied attendance at the meeting or activity without good cause has a private right of action against the governing body of the school entity.

(h) 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:

"Club or organization" shall mean a group of students who wish to organize and meet for a common goal, objective or purpose and which group is under the direct sponsorship, direction and control of the school entity. The term includes an activity reasonably related to the group, but does not include an event held under the sponsorship of a school entity that involves its students in competition between individuals or groups representing two or more school entities. The term shall include cheerleading, band and chorus.

"Governing board" shall mean the board of directors or board of trustees of a school entity.

"School entity" shall mean a school district, intermediate unit, area career and technical school, charter school, regional charter school or cyber charter school.

"School official" shall include a teacher, school principal,

1 school administrator or a designee.

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