

AMENDMENTS TO HOUSE BILL NO. 1448

Sponsor: REPRESENTATIVE DIAMOND

Printer's No. 1632

1 Amend Bill, page 1, line 6, by inserting after "for"
2 parental control relating to instructional materials and books
3 containing sexually explicit content and for

4 Amend Bill, page 1, lines 9 through 11, by striking out all
5 of said lines and inserting

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

9 Section 1529. Parental Control Relating to Instructional
10 Materials and Books Containing Sexually Explicit Content.--(a)
11 The governing body of a school entity shall develop a public
12 policy that provides parental control of instructional materials
13 and books containing sexually explicit content and includes
14 information, guidance, procedures and standards relating to:

15 (1) Directly identifying specific instructional materials
16 containing sexually explicit subjects that are used by or made
17 available to students at schools in the school entity.

18 (2) Directly identifying books within libraries of the
19 schools containing sexually explicit content that are used by or
20 made available to students at schools in the school entity.

21 (3) Implementing the use of an opt-in form to ensure
22 parental control of sexually explicit content. The following
23 shall apply:

24 (i) A student shall be prohibited from being provided or
25 having access to sexually explicit content in the classroom or
26 library unless a parent or legal guardian has signed and
27 returned an opt-in form providing their permission.

28 (ii) If the student's parent or legal guardian does not give
29 permission for the student to be provided or have access to
30 sexually explicit content or the parent or legal guardian has
31 not submitted a completed opt-in form, the student shall be
32 provided with alternative nonexplicit instructional materials
33 and related activities.

34 (iii) The opt-in form must include the following language:
35 By signing this document I am giving permission for my child
36 to be provided books, handouts and instructional material
37 that may include written or visual depictions of sexual

1 conduct. Sexual conduct is defined in law as "Acts of
2 masturbation, sexual intercourse, sexual bestiality or
3 physical contact with a person's clothed or unclothed
4 genitals, pubic area, buttocks, or, if the person is a
5 female, breast."

6 (iv) The opt-in form must include a list of book titles and
7 materials scheduled to be used as part of curriculum and class
8 discussion or available within the school that meet the
9 definition of sexually explicit content.

10 (4) Permitting the parent or legal guardian of a student to
11 review instructional materials and library books that contain
12 sexually explicit content upon request.

13 (b) Prior to adopting the policies required under this
14 section, the governing body of a school entity shall seek input
15 at a public forum to ensure that the policies are consistent
16 with this section and adopted no later than August 30, 2023.

17 (c) Nothing in this section shall be construed to:

18 (1) Prohibit a school entity from implementing additional
19 transparency measures for sexually explicit content.

20 (2) Prohibit a school entity from determining that sexually
21 explicit content is not appropriate for minors or students of
22 certain ages within the school entity, notwithstanding if the
23 content would not violate other laws.

24 (3) Permit the distribution of sexually explicit materials
25 to minors that are prohibited by other law.

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

29 "School entity." A school district, intermediate unit, joint
30 school, area career and technical school, charter school,
31 regional charter school or cyber charter school.

32 "Sexual conduct." Acts of masturbation, sexual intercourse,
33 sexual bestiality or physical contact with a person's clothed or
34 unclothed genitals, pubic area, buttocks or, if the person is a
35 female, breast.

36 "Sexually explicit content." The term shall include the
37 following:

38 (1) Materials that contain visual or visually implied
39 depictions of sexual conduct or simulations of sexual conduct.

40 (2) Materials that contain explicit written descriptions of
41 sexual conduct.

42 (3) Materials that contain visual depictions of nudity
43 accessible to minors in kindergarten through grade eight.

44 Amend Bill, page 3, line 21, by striking out "immediately."
45 and inserting

46 as follows:

47 (1) The addition of section 1529 of the act shall take
48 effect in 60 days.

49 (2) The remainder of this act shall take effect

1 immediately.