
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2105 Session of
1995

INTRODUCED BY ROHRER, GAMBLE, PITTS, BIRMELIN, BROWN, EGOLF,
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LAUGHLIN, OLASZ, STISH, YEWIC AND MICOZZIE, OCTOBER 30, 1995

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 30, 1995

AN ACT

1 Providing for local education control, for parental rights, for
2 teachers' rights and for academic freedom.

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27 The General Assembly of the Commonwealth of Pennsylvania
28 hereby enacts as follows:

29 CHAPTER 1
30 GENERAL PROVISIONS

1 Section 101. Short title.

2 This act shall be known and may be cited as the Pennsylvania
3 Education Restoration Act of 1995.

4 CHAPTER 3

5 LOCAL CONTROL

6 Section 301. Short title of chapter.

7 This chapter shall be known and may be cited as the Local
8 Control Restoration Act.

9 Section 302. Legislative findings and purpose.

10 (a) Findings.--The General Assembly finds that:

11 (1) The Constitution of Pennsylvania states as follows:

12 "The General Assembly shall provide for the maintenance and
13 support of a thorough and efficient public education to serve
14 the needs of the Commonwealth" and no more.

15 (2) State law cannot arbitrarily and unreasonably
16 interfere with the natural duty of the parent to educate his
17 children.

18 (3) Local control over the education of children in this
19 Commonwealth allows citizens to participate in decision
20 making and allows innovations so that school programs can fit
21 local needs.

22 (4) Local autonomy of school districts is a vital
23 Commonwealth tradition.

24 (b) Purpose.--The purpose of this act is to restore control
25 of education to the local community and board of school
26 directors and provide for the encouragement of a rigorous,
27 academic education for all students enrolled in the public
28 schools of this Commonwealth.

29 Section 303. Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Arts and humanities." Courses that embrace fine arts,
4 literature, language, history and philosophy or additional
5 courses in English.

6 "Carnegie units." For graduation purposes, a Carnegie unit
7 shall represent formal, quantitative recognition by a school
8 board and the Department of Education of satisfactory completion
9 of a planned course of 120 hours of instruction in grades 9
10 through 12. A school district may offer a planned course of less
11 than 120 hours and course credit shall be awarded based on the
12 fraction thereof. For example, a school district may offer a
13 planned course in art for a semester. The students would receive
14 60 hours of instruction and thus, 1/2 unit of credit. Two
15 semester courses in art would equal 120 hours or 1 unit of
16 credit.

17 "Direct intensive systematic phonics." An exact,
18 concentrated, thorough, sequential presentation of phonetic
19 knowledge through techniques and practices which are introduced
20 incrementally, logically and systematically such that students
21 are taught to read, enunciate and spell accurately by learning
22 the letter/sounds associations of individual letters, letter
23 groups and syllables, as well as the principles governing these
24 associations.

25 "Parent." A father or mother or legal guardian.

26 "Psychological testing." A method of obtaining information,
27 including a group activity, that is not directly related to
28 academic instruction and that is designed to elicit information
29 about attitudes, habits, traits, opinions, beliefs and feelings.

30 "School entity." Any State educational agency, local

1 educational agency, intermediate unit, school or provider of
2 medical, psychological, psychiatric or social services to a
3 local educational agency.

4 "Social studies." Courses that embrace economics, geography,
5 government, history and political science.

6 "Student record." Any item, collection or grouping of
7 information about the student or student's family that is
8 maintained, including, but not limited to, educational,
9 financial transactions and history, health data, medical
10 history, criminal or employment history, teacher observations
11 and evaluations, journals, portfolio materials, identifying
12 material, academic work completed, grades, standardized
13 achievement scores, examples of student's work, attendance data,
14 scores on standardized intelligence, aptitude or psychological
15 tests, interest inventory results, family background
16 information, teacher or counselor ratings or observations,
17 unverifiable data and verified reports of serious or recurrent
18 behavior patterns.

19 Section 304. Graduation requirements.

20 (a) Authority.--Only the General Assembly shall have the
21 authority to prescribe minimum Carnegie units required for
22 graduation in this Commonwealth. No State agency shall infuse
23 any course or set of instructional requirements beyond the
24 minimum Carnegie units. All other course and instruction
25 requirements shall be set by and under the sole discretion of
26 the local school board, hereafter referred to as board of school
27 directors. The board of school directors shall possess the
28 exclusive authority to determine course content and
29 instructional methodology in the school.

30 (b) Curriculum.--Boards of school directors shall have the

1 greatest possible flexibility in curriculum planning that is
2 consistent with providing quality education and is in compliance
3 with the act of March 10, 1949 (P.L.30, No.14), known as the
4 Public School Code of 1949.

5 (c) Fairness.--It is the policy of the General Assembly that
6 educational programs shall be provided without discrimination on
7 the basis of race, sex, color, religion or national origin.

8 Section 305. Elementary grades.

9 (a) Required planned courses for all students to be taught
10 every year.--The following subjects shall be taught to every
11 student every year, shall conform to the criteria established
12 for planned courses and may be integrated into other appropriate
13 planned courses:

14 (1) English, including listening and speaking.

15 (2) Reading.

16 (3) Spelling.

17 (4) Writing.

18 (5) Mathematics.

19 (6) Science.

20 (7) Social studies.

21 (8) Health.

22 (9) Physical education.

23 (10) Music.

24 (11) Art.

25 (b) Required planned courses for all students to be taught
26 at least once during the elementary grades.--The following
27 subjects shall be taught to every student at least once during
28 the elementary grades and may be taught as separate planned
29 courses or integrated in other appropriate planned courses:

30 (1) History of United States.

1 (2) History of Pennsylvania.

2 (3) Geography.

3 (4) Civics.

4 (5) Safety education.

5 Section 306. Secondary grades.

6 (a) Required planned courses for all students to be taught
7 every year.--The following subjects shall be taught to every
8 student every year and shall conform to the criteria established
9 for planned courses.

10 (1) English, which may include one planned course in
11 speech.

12 (2) Physical education, which may be offered as a
13 fractional planned course.

14 (b) Required planned courses for all students to be taught
15 during the secondary grades.--

16 (1) Each of the following planned courses shall be
17 taught during the secondary grades:

18 (i) Mathematics, five planned courses, three of
19 which must be 120 clock hours each.

20 (ii) Science, five planned courses, which may
21 include laboratory sciences, three of which must be 120
22 clock hours each.

23 (iii) Social studies, five planned courses, three of
24 which must be 120 clock hours each, taken from the social
25 sciences which may include anthropology, economics,
26 geography, history, political science, psychology,
27 sociology, American culture, world cultures and history
28 and government of the United States and Pennsylvania as
29 required in the act of March 10, 1949 (P.L.30, No.14),
30 known as the Public School Code of 1949.

(2) The following planned courses shall be taught and may be offered as fractional courses:

(i) Art, two planned courses.

(ii) Music, two planned courses.

(iii) Home economics, one planned course.

(iv) Industrial arts, one planned course.

(v) Reading, one planned course.

(vi) Health, two planned courses.

(vii) Environmental education, one planned course which may be integrated in other appropriate planned courses.

(c) Offered courses.--The following planned courses shall be offered to all students enrolled in secondary grades.

(1) Vocational education.

(2) Business education.

(3) Consumer education.

(4) Foreign languages.

(5) Laboratory sciences, including biology, physics and chemistry.

(6) Computer science, which may be integrated in other appropriate planned courses.

(7) Industrial arts.

(8) Home economics.

Section 307. Graduation credit.

(a) Written plans.--Each board of school directors shall identify planned courses for which credit toward graduation shall be awarded. These written plans shall be filed at the school district and be available upon request for review by designated representatives of the department.

(b) Credits.--In grades 9 through 12 every student shall

1 obtain at least 21 units of credit:

2	Units of Credit	Course Title
3	4	English
4	3	Mathematics
5	3	Science
6	3	Social studies
7	2	Arts and humanities or both
8	1	Health and physical education
9	5	Student selects five additional
10		courses from among those approved
11		for credit toward graduation by the
12		school district, including approved
13		vocational education courses.

14 (c) Excused material.--

15 (1) Students who are enrolled in grade 11 on the
16 effective date of this act shall be excused from one year of
17 each subject listed in subsection (b) if the foregoing
18 requirements would delay their graduation beyond its normal
19 date.

20 (2) Students who are enrolled in grade 12 on the
21 effective date of this act shall be excused from up to two
22 years of each subject listed in subsection (b) if the
23 foregoing requirements would delay their graduation beyond
24 its normal date.

25 Section 308. Languages.

26 (a) Requirement.--Every school district shall provide
27 instruction in at least two second languages other than English,
28 one of which must be a modern language. One foreign language
29 shall be implemented in a minimum four-year sequence consisting
30 of four consecutive planned courses. Foreign languages may also

1 be offered at the elementary level.

2 (b) English proficiency.--Each school district shall provide
3 for a program for each student whose dominant language is not
4 English for the purpose of facilitating English proficiency.

5 (c) Issuance of diploma.--The board of school directors
6 shall award a diploma to each student satisfactorily completing
7 the prescribed course of instruction set in the high school by
8 the board of school directors and who, at the least, meets the
9 requirements of section 307(b).

10 Section 309. State evaluations.

11 (a) Evaluations.--The General Assembly shall develop or
12 cause to be developed an evaluation procedure designed to
13 objectively measure the adequacy and efficiency of the
14 educational programs offered by the public schools. The
15 evaluation procedure shall:

16 (1) Include only tests which are nationally normed,
17 standardized achievement tests, rigorous and academic in
18 content.

19 (2) Be administered to students in grades 5, 8 and 11.

20 (3) Include evaluations of the following academic
21 content areas:

22 (i) Grade 5 -- Reading, mathematics and English
23 proficiency.

24 (ii) Grade 8 -- Reading, mathematics, English
25 proficiency and history.

26 (iii) Grade 11 -- Reading, mathematics, English
27 proficiency and history.

28 (b) Uses.--

29 (1) The evaluation procedure shall be so constructed so
30 as to provide:

1 (i) A uniform evaluation of each school district.

2 (ii) Each school district with relevant comparative
3 data to enable the board of school directors and school
4 administration to appraise the educational performance of
5 the district's programs.

6 (iii) Information to the general public as to the
7 educational performance of public schools within this
8 Commonwealth.

9 (2) No test or results of tests developed under this
10 section may be applied to the individual student level for
11 any purpose, including, but not limited to, the purpose of
12 grading, promotion, graduation or identification for remedial
13 instruction.

14 (c) Confidentiality.--All tests developed under this section
15 shall not include student names, student Social Security
16 numbers, identification numbers or any other individually
17 identifiable information.

18 (d) Anonymity.--All tests developed under this section shall
19 be anonymously administered and scored. No method of test
20 administration or scoring is permitted which may result in the
21 individual identification of a student.

22 (e) Evaluation, validity and reliability.--All tests
23 developed for the purpose of State evaluations under this
24 section shall be independently verified to be valid and reliable
25 by a nationally recognized testing organization.

26 (f) Performance requirements.--The General Assembly shall
27 set minimum performance requirements for the State evaluation.
28 All participating school districts will be required to achieve
29 minimum performance levels in order to qualify for any increase
30 in State funding levels in the following year. Any school

1 district which fails to achieve the minimum performance levels
2 shall not qualify for any increase in State funding levels in
3 the following year.

4 Section 310. Objective academic evaluation.

5 (a) New standards.--This Commonwealth's participation in the
6 New Standards Project under contract in the Department of
7 Education as of the effective date of this act is hereby
8 terminated.

9 (b) Prohibiting use of performance-based assessments.--The
10 use of mandated, Statewide performance-based assessments,
11 including portfolios, shall be prohibited as a basis for
12 grading, promotion or graduation in all public schools.

13 CHAPTER 5

14 PARENTAL RIGHTS

15 Section 501. Short title.

16 This chapter shall be known and may be cited as the Parental
17 Bill of Rights in Education Act of 1995.

18 Section 502. Declaration, findings and purpose and policy.

19 The General Assembly finds that:

20 (1) The Tenth Amendment to the Constitution of the
21 United States reads as follows: "The powers not delegated to
22 the United States by the Constitution, nor prohibited by it
23 to the States, are reserved to the States respectively, or to
24 the people."

25 (2) The Tenth Amendment defines the total scope of
26 Federal power as being specifically granted by the United
27 States Constitution and no more.

28 (3) The Constitution of the United States does not
29 reserve to the Federal Government any exclusive or limited
30 powers relating to the control of education, nor does it

1 prohibit states from exercising those powers.

2 (4) The provision of the education of our people,
3 including the preparation and monitoring of those who are
4 responsible for providing that education, is reserved to the
5 parents first, then to the states and to the local school
6 districts.

7 (5) Control of education by parents, by local school
8 boards and by the General Assembly is vital to the
9 maintenance of our republican form of government.

10 (6) The right of parents to guide the education of their
11 children is an enduring American tradition at the very heart
12 of the precepts of our country and our liberty.

13 (7) The United States Supreme Court has ruled in Pierce
14 v. Society of Sisters (1925), "The fundamental theory of
15 liberty upon which all governments in this Union repose
16 excludes any general power of the State to standardize its
17 children by forcing them to accept instruction from public
18 teachers only. The child is not the mere creature of the
19 State; those who nurture him and direct his destiny have the
20 right, coupled with the high duty, to recognize and prepare
21 him for additional obligations."

22 (8) The United States Supreme Court has ruled in Parham
23 v. J.R. (1979), "Our jurisprudence history has reflected
24 Western civilization concepts of the family as united with
25 broad parental authority over minor children...The law's
26 concept of the family rests on a presumption that parents
27 possess what a child lacks in maturity, experience, and
28 capacity for judgement required in making life's difficult
29 decisions. More importantly, historically it has been
30 recognized that...parents...act in the child's best

1 interest...The staidest notion that government power should
2 supersede parental authority in all cases because some
3 parents abuse and neglect children is repugnant to American
4 tradition."

5 (9) The United States Supreme Court set forth in Meyer
6 v. Nebraska (1923), that state law cannot arbitrarily and
7 unreasonably interfere with the natural duty of the parent to
8 educate his children.

9 (10) The United States Supreme Court has ruled in
10 Wisconsin v. Yoder (1972), "Any conflict between public
11 schooling and family's basic and sincerely held values
12 interferes with the family's First Amendment Rights."

13 (11) Any forced imposition of Federal standards
14 jeopardizes the foundation on which our form of government is
15 based.

16 (12) The rights of parents to direct the instruction and
17 education of their children shall not be infringed and that
18 the rights hereby asserted are of the natural rights of
19 mankind and that, if any act be passed to repeal or to narrow
20 the operation of such rights, such act will be an
21 infringement of the natural rights and a violation of the
22 Constitution of the United States.

23 (13) Parents have the primary responsibility for the
24 education of their children, and the states, localities and
25 private institutions have the primary responsibility for
26 supporting that parental role.

27 Section 503. Parental authority.

28 Parents shall possess supreme authority and control over the
29 instruction and education of their minor children until the
30 children reach the age of 18 and have not graduated from high

1 school and are not self-sufficient or self-dependent. Parents
2 shall possess complete autonomy in all decisions concerning
3 their children with regard to their participation in and
4 exposure to school programs. The parents of special education
5 children as defined under 22 Pa. Code Ch. 14 (relating to
6 special education services and programs) shall retain the right
7 to negotiate an Individualized Education Program to satisfy
8 their child's special needs.

9 Section 504. Parental right in schooling.

10 Every parent shall have the right to private, religious or
11 home school their minor children without interference from any
12 State or local department, agency, officer or employee except as
13 provided by State law.

14 Section 505. Course and instruction requirements.

15 No school entity shall prescribe any course or set of
16 instruction beyond minimum Carnegie units required for
17 graduation in any particular state. No school entity shall
18 infuse any course or instructional requirements beyond the
19 minimum Carnegie units. All other course and instruction
20 requirements shall be set by and under the sole discretion of
21 the local school board. No school entity shall require
22 demonstration, competency, testing or surveying of values,
23 attitudes, beliefs, orientations or opinions as a basis for
24 grading, promotion or graduation.

25 Section 506. Testing, instruction and curriculum.

26 (a) Inspection.--All instructional materials and
27 assessments, including textbooks, teacher's manuals, films,
28 tapes, software, electronic media or other supplementary
29 material shall be available for inspection by the parent within
30 one school day after receipt of written or verbal request.

1 (b) Observation.--It shall not be permissible for any entity
2 to prohibit any parent from observing any class or activity in
3 which the parent's child is enrolled or participating. Upon
4 written request by the parent, school officials have one school
5 day to arrange for the parental observation of requested class
6 or classes or activities by that parent.

7 (c) Parental consent.--It shall not be permissible for any
8 entity to require any student to submit to any examination,
9 test, instructional methodology, psychological techniques which
10 are not exclusively academic in content, curricula, field trip,
11 extracurricular activity or any project which utilizes the
12 surveying, analyzing or evaluation of information concerning:

13 (1) personal values, attitudes and beliefs;

14 (2) family values, attitudes and beliefs;

15 (3) sexual behavior, attitudes and orientation;

16 (4) political affiliations, philosophies or
17 orientations;

18 (5) critical appraisals of other individuals with whom
19 the student or family members have close family
20 relationships;

21 (6) illegal, antisocial, self-incriminating or demeaning
22 behavior;

23 (7) religious affiliations or beliefs;

24 (8) mental or psychological problems;

25 (9) legally recognized privileged and analogous
26 relationships, such as those with lawyers, medical personnel
27 or ministers; or

28 (10) income, other than that required by law to
29 determine eligibility for participation in a program or for
30 receiving financial assistance under such program without the

1 prior written consent of a parent who has been first informed
2 of the purpose of such examination, test, instructional
3 methodology, curricula, field trip, extracurricular activity,
4 project or information sought to be obtained.

5 (d) Valid consent.--Written parental consent is valid only
6 if a parent has first been given verified, personal, written
7 notice and a reasonable opportunity to obtain written
8 information concerning:

9 (1) Records or information, including information about
10 attitudes, values and relationships, that may be examined or
11 requested.

12 (2) The means by which the records or information shall
13 be examined or reviewed.

14 (3) The means by which the information is to be
15 obtained.

16 (4) The purposes for which the records or information is
17 needed.

18 (5) The entities or persons, regardless of affiliation
19 who will have access to the personally identifiable
20 information.

21 (6) A method by which a parent can grant permission to
22 access or examine the personally identifiable information.

23 (e) Disclosure.--Disclosure to a parent must be given at
24 least two weeks, but not more than two months, before
25 information protected under this section is sought.

26 (f) General consent.--A general consent, including medical
27 consent, or any general consent used to approve admission to or
28 involvement in a special education or remedial program or
29 regular school activity, does not constitute written consent
30 under this section.

1 Section 507. Full and fair disclosure.

2 The curriculum, including titles, descriptions and time
3 allocations of every course offered by a school district, shall
4 be published at least once annually by the school district in a
5 prospectus. Separate prospectuses may be published for different
6 grade levels or for different academic disciplines. If the
7 purpose of any course is other than to convey cognitive
8 information and knowledge, the prospectus shall so state, and
9 any identifiable psychological risks to students shall be
10 disclosed. Each student shall receive a copy of the prospectus
11 or prospectuses for courses which the student is eligible to
12 enroll. All prospectuses shall be made available to the public
13 free of charge. A copy of each prospectus shall be filed with
14 the department.

15 Section 508. Testing and treatment.

16 (a) Informal consent.--Every State educational agency, local
17 educational agency and school shall prohibit the administration
18 of any medical, psychological or psychiatric examination, test
19 or treatment of a student without prior informed written consent
20 of the parent.

21 (b) Valid consent.--Written parental consent is valid only
22 if a parent has been first given written notice and a reasonable
23 opportunity to obtain written information concerning:

24 (1) Records or information, including information about
25 attitudes, values and relationships, that may be examined or
26 requested.

27 (2) The means by which the records or information shall
28 be examined or reviewed.

29 (3) The means by which the information is to be
30 obtained.

1 (4) The purposes for which the records or information is
2 needed.

3 (5) The entities or persons, regardless of affiliation,
4 who will have access to the personally identifiable
5 information.

6 (6) A method by which a parent of a student can grant
7 permission to access or examine the personally identifiable
8 information.

9 (c) General consent.--A general consent, including medical
10 consent used to approve admission to or involvement in a special
11 education or remedial program or regular school activity, does
12 not constitute written consent under this section.

13 (d) Screening and observation.--It shall not be permissible
14 for any State educational agency, local educational agency,
15 intermediate unit or school to subject a student to any
16 behavioral, mental or emotional screening or observation without
17 the prior informed written consent of a parent. This includes,
18 but is not limited to, assessment and evaluation of abilities,
19 attitudes, aptitudes, achievements, adjustments, motives,
20 character traits, moods, personality dynamics and/or other
21 psychological attributes of individuals or groups of
22 individuals. This does not include assessment and evaluation of
23 cognitive, academic achievement in courses in which a student is
24 enrolled.

25 Section 509. Privacy.

26 (a) Shared responsibility.--No school entity shall require
27 any parent to enter into any compact or any other partnership
28 that will share responsibility for a student's educational
29 performance between the school or any outside agency and the
30 parent. The parent shall possess supreme authority and control

1 over the education of his/her children.

2 (b) Family participation.--No school entity shall require a
3 student or a student's family to participate in any survey,
4 analysis, research, assessment, evaluation, investigation,
5 experiment, demonstration or scientific inquiry without prior
6 informed written consent of the parent.

7 (c) Home assessment.--No school entity shall require a
8 student or a student's family to submit to any home assessment,
9 analysis, evaluation or monitoring or parental screening or
10 testing, or be required to participate in any counseling or
11 home-based program, or parent training or to participate in any
12 prescribed family education service plan. The sanctity of the
13 home shall be inviolate.

14 (d) Social Security record.--No school entity shall use,
15 request, demand or maintain a record of any student's Social
16 Security number for any purpose.

17 Section 510. Confidentiality of student records.

18 (a) Policy.--Every entity must have a written policy to
19 protect the rights of parents to assure every parent the right
20 to:

21 (1) Access, inspect or review at any time any and all
22 records, teacher observations and evaluations, journals and
23 portfolio materials related to such student or student's
24 family, including all written or electronically recorded
25 material that is incorporated into the student's cumulative
26 record folder, identifying data, academic work completed,
27 grades, standardized achievement test scores, examples of
28 student's work, attendance data, scores on standardized
29 intelligence, aptitude or psychological tests, interest
30 inventory results, health data, medical records, family

1 background information, teacher or counselor ratings and
2 observations, unverifiable data and verified reports of
3 serious or recurrent behavior patterns.

4 (2) Access to review or inspect student's record or any
5 information pertaining to student or student's family.

6 Permission must be given not later than ten days, excluding
7 Saturdays, Sundays and legal holidays, after date of receipt
8 of request and each request must be acknowledged in writing.

9 (3) Contest the contents of a student's record:

10 (i) Upon written request by the parent, school
11 officials have ten days, excluding Saturdays, Sundays and
12 legal holidays, from receipt of request to acknowledge in
13 writing such receipt.

14 (ii) Promptly amend or make corrections of any
15 portion thereof which is not relevant, accurate, timely
16 or complete. If parent's request is refused, school
17 officials must permit the parent to file a concise
18 statement setting forth the reasons for disagreement.
19 Such statements must be maintained with the student
20 record.

21 (iii) Parents shall be prohibited from unilaterally
22 altering any academic evaluation or grade.

23 (4) Forbid the release or transmission of any
24 information contained in or concerning the student's records
25 or any portion thereof, without prior informed written
26 consent of a parent.

27 (5) In any disclosure containing information about which
28 the parent has filed a statement of disagreement, include
29 concise statement of reasons for disagreement.

30 (b) Alterations.--No State educational agency shall alter by

1 addition, deletion or modification the contents of a student
2 record or any portion thereof.

3 Section 511. Opt-out.

4 (a) Exemptions.--Any parent shall have the right to have his
5 child exempted from:

6 (1) Any State or local assessments which do not
7 exclusively test academic achievement or ability in core
8 content areas. As used in this paragraph "core content areas"
9 are defined as historically recognized academic content areas
10 which include reading and writing comprehension, math,
11 science and history.

12 (2) Any or all parts of health education, sex education,
13 character education, peer mediation, peer counseling, family
14 life, parenting education, death education and drug and
15 alcohol education which the parent considers to be a
16 violation of conscience or religious beliefs.

17 (3) Required reading of any portion or all parts of any
18 textbooks, instructional materials, supplementary materials
19 or assignments which the parent considers to be a violation
20 of conscience or religious beliefs, due to the explicit
21 sexual content, graphic violence, age inappropriateness or
22 infusion of psychological techniques. All exempted students
23 shall be provided a parent-approved alternative reading to
24 satisfy the requirement.

25 (4) Strategies designed for self-disclosure, including
26 journaling, group encounter sessions, role playing and
27 conflict resolution techniques.

28 (b) Exemption penalty.--No student who is exempted from any
29 activity, instruction or assignment pursuant to this section
30 shall be penalized by reason of the exemption.

1 Section 512. Nonacademic services.

2 (a) School entities.--It shall not be permissible for any
3 school entity to be involved in any psychological, behavioral,
4 social, mental or emotional screening of students or their
5 family members without the prior informed written consent of a
6 parent.

7 (b) Instructional support team.--It shall not be permissible
8 for any school entity or any employee of an organization in
9 partnership with the agency, intermediate unit or school to
10 require any student to participate in any instructional support
11 team nor screen any student for any instructional support team
12 without prior informed written consent of a parent.

13 (c) Informed consent.--It shall not be permissible for any
14 school entity or any employee of any organization in partnership
15 with the agency, intermediate unit or school to provide any
16 health, social, mental or emotional services, including
17 counseling and referrals without the prior informed written
18 consent of a parent. Exception shall be made for urgent, life-
19 threatening medical emergencies.

20 Section 513. Retaliation.

21 No student or any parent of any student or any family member
22 of any student shall be penalized in any manner for reason of
23 parental nonconsent of student participation in any activity,
24 instruction, assignment, evaluation or service protected under
25 this act.

26 Section 514. Notice of rights.

27 Each school entity shall give parents and students effective
28 notice of their rights under this act.

29 Section 515. Civil remedies.

30 Whenever any school entity refuses to comply with any

1 provision of this act, a parent may bring a civil action against
2 the State educational agency, local educational, intermediate
3 unit or school for attorney fees, litigation costs and damages,
4 including punitive damages.

5 Section 516. Credentials or certificates.

6 Any credentials or certificates, teaching or other, of any
7 officer, agent or employee of a State educational agency, local
8 educational agency, intermediate unit or school who knowingly
9 and willfully violates provision of this act may be suspended or
10 revoked.

11 CHAPTER 7

12 TEACHERS' RIGHTS AND ACADEMIC FREEDOM

13 Section 701. Short title of chapter.

14 This chapter shall be known and may be cited as the Teachers'
15 Rights and Academic Freedom Act.

16 Section 702. Legislative findings and purpose.

17 (a) Findings.--The General Assembly finds that:

18 (1) Teachers are essential in the education of the
19 children of this Commonwealth.

20 (2) Teachers are professionally trained to instruct the
21 children of this Commonwealth in courses necessary to fulfill
22 the graduation requirement.

23 (3) Teachers shall respect and support the family
24 structure.

25 (4) Teachers shall not be coerced to supersede,
26 interfere with or replace the family structure.

27 (5) The local school board in conjunction with parents,
28 taxpayers, building principals and teachers shall establish
29 district policies and procedures.

30 (6) Teachers shall implement the school board's policies

1 and procedures in their classroom.

2 (7) Teachers have First Amendment rights.

3 (8) Teacher evaluation practices must be standard and
4 equal.

5 (b) Purpose.--The purpose of this act is to provide for
6 professional teacher rights, responsibilities and academic
7 freedom in the classroom during any school sponsored or related
8 activity.

9 Section 703. Teachers' rights.

10 In addition to the rights agreed upon in the individual
11 teacher's contract, the following shall be recognized:

12 (1) Academic freedom to use instructional methods and
13 practices that have been proven successful through
14 replicated, empirical research but subject to oversight of
15 the local school board.

16 (2) The teacher shall have the right to equal
17 evaluations based on the instructional methodology he uses in
18 the classroom, and the teacher shall not be penalized for
19 refusal to employ experimental, unproven instructional
20 methods or participate in training, in-service programs,
21 continuing education classes, sensitivity or other
22 psycho/social exercise classes.

23 (3) The teacher shall have the right to refuse to submit
24 to any examination, test, survey, inventory or revaluation
25 concerning:

26 (i) personal values, attitudes and beliefs;

27 (ii) sexual behavior, attitudes and orientation;

28 (iii) political affiliations or philosophies;

29 (iv) critical appraisals of other individuals with

30 whom the teacher has family or professional

relationships;

(v) illegal, antisocial, self-incriminating or
demeaning behavior;

(vi) religious affiliations or beliefs;

(vii) mental or psychological problems; or

(viii) legally recognized privileged and analogous
relationships, such as those with lawyers, medical
personnel or ministers without full disclosure and his or
her informed written permission.

(4) The teacher shall have the right to refuse the
collection of data in paragraph (3).

(5) The teacher shall have the right to access, inspect
or review any and all personnel records, teacher evaluations,
including all written or electronically recorded material
that is incorporated into his or her personnel record in a
reasonable time frame as written by the local school board.

(6) The teacher has the right to be informed when his or
her personnel record is accessed and to forbid the release or
transmission of any information contained in his or her
personnel record without his informed written consent.

(7) The teacher has the right and professional duty to
adhere to his or her job description and shall not be forced
to provide psycho/social services through curriculum,
testing, assessments, surveys, inventories, instructional
methods, discipline methods, screening, identifying or
treating students for emotional or psycho/social disorders.

(8) The teacher has the right to refuse to participate
in anything that violates his or her First Amendment rights,
including instructional practices that mandate philosophies
or beliefs that contradict his or her personally held

philosophies or beliefs.

(9) The teacher has the right to determine the standard for grades earned in his or her classroom.

(10) The teacher shall not be forced or coerced into violating any part of the act.

(11) Each teacher shall be given effective notice of their rights under this act.

(12) Whenever any local agency, intermediate unit or school refuses to comply with any provision of this act, a teacher may bring a civil action against the local agency, intermediate unit or school for attorney fees, litigation costs and damages, including punitive damages.

CHAPTER 9

MISCELLANEOUS PROVISIONS

Section 901. Office and review board.

The General Assembly shall designate or establish an office and review board within the Office of Attorney General to investigate, process, review and adjudicate violations of the rights established under this act.

Section 902. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 903. Rules and regulations.

The department shall promulgate rules and regulations to bring current regulations into compliance with the provisions of this act.

Section 904. Repeals.

1 All other acts and parts of acts are repealed insofar as
2 they are inconsistent with this act. The regulations adopted by
3 the State Board of Education in final form on January 14, 1993
4 (relating to student learning outcomes) and outcome based
5 education are null and void. The regulations contained in 22 Pa.
6 Code Chs. 3 (relating to student testing), 5 (relating to
7 curriculum) and 6 (relating to vocational education) as of
8 January 1, 1992, as amended from time to time after the
9 effective date of this act, shall continue to apply to every
10 school district with the exception of 22 Pa. Code 5.13(f) which
11 shall be null and void.
12 Section 905. Effective date.
13 This act shall take effect immediately.