

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL  
No. 1810 Session of  
1989

---

INTRODUCED BY JAROLIN, DeWEESE, KUKOVICH, HASAY, FEE, MICOZZIE,  
DOMBROWSKI, WAMBACH, GEORGE, SALOOM, TIGUE, KOSINSKI, RYAN,  
FARMER, REBER, FOX, NAHILL, J. H. CLARK, CORNELL, BELFANTI,  
CARN, JOSEPHS, STEIGHNER, MAINE, BLAUM, DALEY, STUBAN,  
STABACK, McCALL, COWELL, STISH AND COY, JUNE 29, 1989

---

SENATOR HESS, EDUCATION, IN SENATE, AS AMENDED, JUNE 19, 1990

---

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," requiring instruction relating to the  
6 cause and prevention of alcohol, chemical and tobacco abuse;  
7 providing for in-service training programs; requiring in-  
8 service training for teachers in the field of substance  
9 abuse; establishing a distribution formula for Pennsylvania  
10 Drug and Alcohol Abuse Initiative appropriations to the  
11 Department of Education; and making a repeal.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Section 1547 of the act of March 10, 1949  
15 (P.L.30, No.14), known as the Public School Code of 1949, added  
16 July 10, 1986 (P.L.1270, No.117), is amended to read:

17 Section 1547. Alcohol [and], Chemical and Tobacco Abuse  
18 Program.--(a) Beginning with school year [1987-1988] 1990-1991  
19 and each year thereafter, each public school student shall  
20 receive mandatory instruction in alcohol [and], chemical and

1 tobacco abuse in every year in every grade from kindergarten  
2 through grade six. The instruction shall be integrated within  
3 the health course of study required in accordance with the State  
4 Board of Education regulations. In grades where health is  
5 offered, instruction may also be integrated into other  
6 appropriate courses of study. In grades where health is not  
7 offered, instruction shall be integrated into an appropriate  
8 curriculum requirement as listed in 22 Pa. Code § 5.4(b) and <—  
9 (e).

10 (1) This instruction:

11 (i) Shall be ~~age appropriate~~ AGE APPROPRIATE. <—

12 (ii) Shall be sequential in method of study.

13 (iii) Shall discourage the use of alcohol, tobacco and  
14 controlled substances.

15 (iv) Shall communicate that the use of illicit drugs and the  
16 improper use of ~~legally obtained~~ LEGALLY OBTAINED drugs is <—  
17 wrong.

18 (2) School districts may utilize any appropriate public or  
19 private materials, personnel and other resources in developing  
20 and implementing this program of instruction. The Department of  
21 Health, Office of Drug and Alcohol Programs, shall make  
22 available information about appropriate curriculum materials  
23 upon request of a school district. In developing its alcohol  
24 [and], chemical and tobacco abuse instructional program, each  
25 school district shall consult with the single county authority  
26 designated by the Department of Health to provide drug and  
27 alcohol services in the school district's area.

28 (b) Each school district is hereby authorized to develop and  
29 offer programs relating to alcohol [and], chemical and tobacco  
30 abuse for parents of students enrolled in the public schools. If

1 a school district does develop such programs, they shall be  
2 developed in consultation with the single county authority  
3 designated by the Department of Health to provide drug and  
4 alcohol services in the school district's area. Such programs  
5 shall be offered at no cost to parents.

6 (c) The Secretary of Education, in consultation with the  
7 Secretary of Health, shall develop curriculum guidelines for  
8 instruction on alcohol, chemical and tobacco abuse and the laws  
9 governing their use and misuse. These guidelines shall encourage  
10 the inclusion of the following elements where appropriate in the  
11 instruction:

12 (1) Detailed factual information regarding the  
13 physiological, psychological, sociological and legal aspects of  
14 substance abuse.

15 (2) Detailed information regarding the availability of help  
16 and assistance for students and their families with alcohol,  
17 chemical and tobacco dependency problems.

18 (3) The goals of quality education as set forth in 22 Pa.  
19 Code § 5.13(f).

20 (4) Skills needed to evaluate advertisements for, and media  
21 portrayals of, alcohol, chemical and tobacco products.

22 (5) Detailed instruction on the need for and the role of  
23 lawful authority and law-abiding behavior, including interaction  
24 with members of the legal and justice community.

25 (d) Beginning with the 1990-1991 school year and each year  
26 thereafter, the Secretary of Education, in consultation with the  
27 Secretary of Health, shall make available, to all school  
28 districts and intermediate units, in-service training programs  
29 based upon the instruction requirements established in  
30 subsection (a) and the curriculum guidelines established in

1 subsection (c). The programs shall provide preparation for the  
2 teaching of mandated instruction in alcohol, chemical and  
3 tobacco abuse. The in-service programs may utilize the single  
4 county authorities designated by the Department of Health or  
5 such other institutions, agencies or persons as the Secretary of  
6 Education deems appropriate.

7 (e) Beginning with the 1990-1991 school year, each school  
8 district shall provide, as part of its in-service training,  
9 programs on alcohol, drugs, tobacco and dangerous controlled  
10 substances for all instructors whose teaching responsibilities  
11 include courses of study in which mandated instruction  
12 concerning alcohol, chemical and tobacco abuse is integrated. To  
13 comply with this requirement, a school district may utilize the  
14 programs made available by the Department of Education or use  
15 other alternative programs.

16 (f) The governing board of each intermediate unit in which a  
17 nonpublic school is located shall have the authority and the  
18 duty to loan to all students attending nonpublic schools within  
19 the intermediate unit all educational materials developed by  
20 either the Department of Education or the Department of Health,  
21 pursuant to this act for the instruction of public school  
22 students on the nature and ~~affects~~ EFFECTS of drugs, alcohol, <—  
23 tobacco and dangerous controlled substances. The Secretary of  
24 Education and the Secretary of Health shall provide sufficient  
25 quantities of these materials for use by school districts and  
26 nonpublic school students so that local school boards need not  
27 expend funds for the use or loan of these materials. A nonpublic  
28 school may utilize the in-service training programs made  
29 available by the Department of Education through the  
30 intermediate unit.

1     (g) On or before ~~April 1, 1990~~ JUNE 1, 1991, the Secretary  
2     of Education shall recommend to the General Assembly a plan to  
3     require and assist each school district to establish and  
4     maintain a program to provide appropriate counseling and support  
5     services to students who experience problems related to the use  
6     of drugs, alcohol and dangerous controlled substances.

7     (h) On or before June 1, 1991, the Secretary of Education  
8     shall report to the General Assembly concerning the 1990-1991  
9     school year activities of the Department of Education pertaining  
10    to the provisions of this section and concerning proposed 1991-  
11    1992 school year activities of the Department of Education  
12    pertaining to this section.

13    (i) The State Board of Education shall adopt rules and  
14    regulations necessary for the implementation of this section.

15    Section 2. The act is amended by adding a section to read:

16    Section 2597. Distribution of Drug and Alcohol Abuse  
17    Initiative Funds.--(a) (1) The General Assembly finds that the  
18    current method for the distribution of Drug and Alcohol Abuse  
19    Initiative appropriations to the Department of Education has  
20    concentrated a large proportion of the State appropriation in  
21    approximately one hundred eighteen school districts and has  
22    provided no State funding for the remaining school districts.

23    (2) The General Assembly intends, by means of this  
24    legislation, to establish and promote a more equitable  
25    distribution of the moneys appropriated to the Department of  
26    Education from the Pennsylvania Drug and Alcohol Abuse  
27    Initiative.

28    (b) (1) Subject to the limitations clauses (2) and (3),  
29    from and after the effective date of this section, all moneys  
30    unencumbered and unexpended from the appropriation to the

1 Department of Education in section 304 of the act of July 1,  
2 1989 (P.L. , No.3A), known as the "General Appropriation Act  
3 of 1989," shall be divided by the total State Weighted Average  
4 Daily Membership to determine the amount that shall be  
5 distributed to school districts on the basis of each school  
6 district's Weighted Average Daily Membership as defined in  
7 section 2501.

8 (2) Prior to the allocation of funds under clause (1),  
9 fifteen per centum (15%) shall be set aside for distribution to  
10 intermediate units for nonpublic school participation. These  
11 funds shall be allocated to the intermediate units by dividing  
12 the total funds available to the intermediate units by the total  
13 enrollment of nonpublic schools to determine the amount that  
14 each nonpublic school shall receive per child.

15 (3) Any school district or nonpublic school which received  
16 any funds from the Department of Education pursuant to section  
17 304 of the General Appropriation Act of 1989 prior to the  
18 effective date of this act shall not be eligible to receive any  
19 other funds from section 304 of that section for the duration of  
20 that appropriation.

21 Section 3. Section 304 of the act of July 1, 1989 (P.L.801,  
22 No.3A), known as the General Appropriation Act of 1989, is  
23 repealed insofar as it is inconsistent with the provisions of  
24 this act.

25 Section 4. This act shall take effect immediately.