

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1285 Session of  
2008

INTRODUCED BY DINNIMAN, O'PAKE, M. WHITE, COSTA, FERLO, FONTANA,  
KITCHEN, LAVALLE, MELLOW, RHOADES, TOMLINSON, WASHINGTON,  
D. WHITE, C. WILLIAMS AND EARLL, FEBRUARY 19, 2008

REFERRED TO EDUCATION, FEBRUARY 19, 2008

AN ACT

1 Requiring State institutions of higher education and independent  
2 institutions of higher education to provide parents of  
3 students enrolled at each institution with information  
4 relating to the institution's drug and alcohol policy, the  
5 student disciplinary process and notification of a parent  
6 following a student's violation of the drug and alcohol  
7 policy.

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

10 Section 1. Short title.

11 This act shall be known and may be cited as the Higher  
12 Education Parental Notification Act.

13 Section 2. Definitions.

14 The following words and phrases when used in this act shall  
15 have the meanings given to them in this section unless the  
16 context clearly indicates otherwise:

17 "Community college." A community college as defined in  
18 section 1502-A of the act of March 10, 1949 (P.L.30, No.14),  
19 known as the Public School Code of 1949.

20 "Education record." An education record as defined in the

1 Family Educational Rights and Privacy Act of 1974 (Public Law  
2 90-247, 20 U.S.C § 1232g).

3 "Family Educational Rights and Privacy Act of 1974." The  
4 Family Educational Rights and Privacy Act of 1974 (Public Law  
5 90-247, 20 U.S.C. § 1232g).

6 "Independent institution of higher education." An  
7 independent institution of higher education as defined in  
8 section 1502-A of the act of March 10, 1949 (P.L.30, No.14),  
9 known as the Public School Code of 1949.

10 "Institution of higher education" or "institution." A  
11 community college, State-owned institution, State-related  
12 institution or an independent institution of higher education.

13 "Personally identifiable information." As defined in 34 CFR  
14 99.3 (relating to what definitions apply to these regulations?).

15 "State-owned institution." A State-owned institution as  
16 defined in section 1502-A of the act of March 10, 1949 (P.L.30,  
17 No.14), known as the Public School Code of 1949.

18 "State-related institution." A State-related institution as  
19 defined in section 1502-A of the act of March 10, 1949 (P.L.30,  
20 No.14), known as the Public School Code of 1949.

21 "Student." An individual who is 21 years of age or younger  
22 and is enrolled at either a State institution of higher  
23 education or an independent institution of higher education.

24 Section 3. Distribution of information.

25 (a) General rule.--Each institution of higher education  
26 shall provide to parents of students a written copy of the  
27 following:

28 (1) The institution's drug and alcohol policy for the  
29 institution, including whether such policy addresses off-  
30 campus drug or alcohol-related activity.

1           (2) A summary of the disciplinary process utilized to  
2 review an alleged violation of the drug or alcohol policy.

3           (3) A list of the potential sanctions and actions for a  
4 violation of the drug or alcohol policy.

5           (4) A statement whether the institution notifies the  
6 parents of a student following a determination by the  
7 institution's disciplinary process that the student violated  
8 the institution's drug and alcohol policy, including any  
9 information relating to compliance by the institution with  
10 the Family Educational Rights and Privacy Act of 1974.

11           (5) A summary of any drug and alcohol prevention  
12 program, if services are provided to students.

13           (6) The institution's policy whether the institution  
14 discloses personally identifiable information from the  
15 education record of the student without the student's consent  
16 to appropriate parties where the information is necessary to  
17 protect the health or safety of the student and other  
18 individuals, as authorized under the Family Educational  
19 Rights and Privacy Act of 1974, including any information  
20 relating to compliance by the institution with the Family  
21 Educational Rights and Privacy Act of 1974.

22           (7) A statement whether the institution deems parents as  
23 appropriate parties for the disclosure of such information to  
24 appropriate parties where the information is necessary to  
25 protect the health or safety of the student and other  
26 individuals.

27           (b) Compliance.--An institution shall comply with subsection  
28 (a) within 15 days after:

29           (1) The date of the student's initial enrollment at the  
30 institution.

1           (2) The date of each amendment, revision or change made  
2 by the governing body of the institution regarding the  
3 following:

4           (i) The institution's drug and alcohol policy for  
5 the institution.

6           (ii) The disciplinary process for students at the  
7 institution.

8           (iii) Sanctions and actions available for imposition  
9 by the institution for a drug and alcohol policy  
10 violation by a student.

11           (iv) The institution's drug and alcohol prevention  
12 program, if applicable.

13           (v) The institution's policy regarding the  
14 disclosure of any personally identifiable information  
15 from a student's education record without the consent of  
16 the student to appropriate parties where the information  
17 is necessary to protect the health or safety of the  
18 student or other individuals, including whether the  
19 institution deems parents as appropriate parties.

20 Section 4. Administration.

21           (a) Violations of policy.--This act shall not be interpreted  
22 to require an institution to perform the following:

23           (1) Provide such notification to a parent of a student  
24 who violates the drug and alcohol policy.

25           (2) Provide without the student's consent any personally  
26 identifiable information from the student's education record  
27 to the student's parents, as an appropriate party, where the  
28 information is necessary to protect the health or safety of  
29 the student or other individuals.

30           (b) Other laws.--This act shall not be interpreted to

1   relieve an institution of the requirements of the Family  
2   Educational Rights and Privacy Act of 1974 or other Federal,  
3   State or local law.

4   Section 5.   Effective date.

5       This act shall take effect in 60 days.