

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1277 Session of 2022

INTRODUCED BY AUMENT, MARTIN, PHILLIPS-HILL, CORMAN, HUTCHINSON, PITTMAN, BARTOLOTTA, MASTRIANO, MENSCH, J. WARD, STEFANO AND BROOKS, JUNE 10, 2022

AS AMENDED ON THIRD CONSIDERATION, JUNE 28, 2022

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 terms and courses of study,
6 providing for parental notification relating to instructional
7 materials and books containing sexually explicit content.

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 1529. Parental Notification Relating to
14 Instructional Materials and Books Containing Sexually Explicit
15 Content.--(a) The governing body of a school entity shall
16 develop and make public policies that provide parental
17 notification of instructional materials and books containing
18 sexually explicit content and include information, guidance,
19 procedures and standards relating to:

20 (1) Directly identifying specific instructional materials

1 containing sexually explicit subjects that are used by or made
2 available to students at schools in the school entity.

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

6 (3) Ensuring parental notification of specific sexually
7 explicit content prior to student exposure.

8 (4) Permitting the parent or legal guardian of a student to:

9 (i) Review instructional materials that contain sexually
10 explicit content and require the school entity to provide, as an
11 alternative, nonexplicit instructional materials and related
12 academic activities to the student, if requested by the parent
13 or legal guardian.

14 (ii) Review a book from the school library containing
15 sexually explicit content that the student wishes to view and
16 prevent the student from viewing the book if requested by the
17 parent or legal guardian.

18 (b) Prior to adopting the policies required under this
19 section, the governing body of a school entity shall seek input
20 at a public forum to ensure that the policies are consistent
21 with this section and adopted no later than August 30, 2022.

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

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

25 (2) Prevent a school entity from determining that sexually
26 explicit content is not appropriate for minors or certain ages
27 of students within the school entity, even when the content
28 would not violate other laws.

29 (3) Permit the giving of sexually explicit materials to
30 minors that are prohibited by any other applicable law.

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

4 "School entity." A school district, intermediate unit, joint
5 school, area career and technical school, charter school,
6 regional charter school or cyber charter school.

7 "Sexual conduct." ~~As defined in 18 Pa.C.S. § 5903(e)(3)~~ <--
8 ~~(relating to obscene and other sexual materials and~~
9 ~~performances).~~ ACTS OF MASTURBATION, SEXUAL INTERCOURSE, SEXUAL <--
10 BESTIALITY OR PHYSICAL CONTACT WITH A PERSON'S CLOTHED OR
11 UNCLOTHED GENITALS, PUBIC AREA, BUTTOCKS OR, IF THE PERSON IS A
12 FEMALE, BREAST.

13 "Sexually explicit content." Shall include the following:

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

16 (2) Materials that contain explicit written descriptions of
17 sexual conduct.

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

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