

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1278

PRINTER NO. 1739

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

June 10, 2022

PRIME SPONSOR

Senator Martin

DESCRIPTION

Senate Bill 1278 amends the Public School Code to establish a new Article XIV-C (Student Well-Being) requiring a school entity to adopt a policy to provide greater transparency for parents surrounding a student’s mental, emotional or physical health or well-being. The legislation also limits classroom instruction on sexual orientation or gender identity.

The legislation requires the governing body of a school entity to adopt a policy or modify an existing policy for notifying a student’s parent or legal guardian (parent) when there is a change in services or monitoring related to the student’s mental, emotional or physical health or well-being and the school’s ability to provide a safe and supportive learning environment for the student.

The legislation requires a school entity to reinforce the right of a parent to make decisions regarding their child and to encourage a student to discuss their well-being with the parent or facilitate discussion of the issue with the parent.

The legislation provides that a school entity may not prohibit a parent’s access to their child’s education and health records, unless prohibited by law. It also provides that a school entity’s procedures may not prohibit school personnel from notifying a parent about a student’s mental, emotional or physical health or well-being, or a change in services or monitoring, or encourage a student to withhold information from the parent.

Senate Bill 1278 provides that a school entity may withhold information if it is reasonable to believe, based on testimony from the student or a history of documented incidents, that disclosure would result in child abuse or abandonment.

The legislation requires school personnel to be neutral and prevent government endorsement of beliefs about sexual orientation and gender identity. It also provides that First Amendment protections applicable to religious speech apply to speech regarding sexual orientation and gender identity.

The legislation prohibits classroom instruction on sexual orientation or gender identity for students in pre-kindergarten through fifth grade. It requires classroom instruction

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on sexual orientation or gender identity for students in sixth through twelfth grade to be age appropriate or developmentally appropriate according to state standards.

Senate Bill 1278 allows a school to provide support services to a student who has initiated communication with school personnel related to sexual orientation or gender identity if the parent provides permission, unless it is reasonable to believe, based on testimony from the student or a history of documented incidents, that disclosure would result in child abuse or abandonment.

The legislation requires a school entity to provide notification to parents at the beginning of each school year of the health services offered at the school and the option to withhold consent or decline specific services. It also provides that a parent's consent to health care services does not waive their right to access their child's education or health records or to be notified about a change in services or monitoring.

The legislation requires a school entity to provide notice to a parent seven days prior to administering a student well-being questionnaire, survey or health screening form. It requires the school entity to post the questionnaire, survey or health screening form on the school entity's publicly accessible internet website or to provide a hard copy upon request. Senate Bill 1278 requires a school entity to provide an option for a parent to opt the child out of participation in the questionnaire, survey or health screening form.

The legislation provides that a resident student through their parent may bring a cause of action for injunctive relief, damages, attorney fees and costs and other relief against the school entity for a violation of the provisions related to speech and classroom instruction or retaliation or other adverse action from reporting a violation. It also provides that the civil action must take place within two years of the harm caused.

The bill defines "school entity" as a school district, intermediate unit, joint school district, area career and technical school, charter school, regional charter school or cyber charter school.

The legislation is scheduled to take effect July 1, 2022, or immediately, whichever is later.

FISCAL IMPACT:

The enactment of Senate Bill 1278 will have no fiscal impact on Commonwealth funds. School entities will likely incur minimal costs to develop and administer the required policies, which can be accomplished within their existing operating budgets.