
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1162 Session of
2009

INTRODUCED BY PASHINSKI, BARRAR, BISHOP, BRADFORD, BRENNAN,
BRIGGS, BUXTON, DePASQUALE, FRANKEL, GINGRICH, GROVE,
HARHART, JOSEPHS, KOTIK, MANDERINO, McILVAINE SMITH, MOUL,
MURT, O'NEILL, PAYTON, PETRI, READSHAW, ROEBUCK, ROSS,
SABATINA, SAYLOR, SHAPIRO, SIPTROTH, WALKO, WHEATLEY AND
YOUNGBLOOD, APRIL 30, 2009

REFERRED TO COMMITTEE ON EDUCATION, APRIL 30, 2009

AN ACT

1 Providing for parental notification concerning abstinence-only-
2 until-marriage programs or instruction in public school
3 curricula in grades 6 through 12.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Notice Home
8 Act.

9 Section 2. Definitions.

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

13 "Abstinence-only-until-marriage programs." Instruction that
14 emphasizes abstinence from sex to the exclusion of all other
15 types of sexual and reproductive health education, particularly
16 regarding safe sex through the use of contraception and condoms

1 for the prevention of sexually transmitted infections and
2 unintended pregnancy. This type of instruction promotes sexual
3 abstinence until marriage and either avoids any discussion about
4 the use of contraceptives and condoms or only reveals failure
5 rates associated with such use.

6 "Medically accurate." Information supported by the weight of
7 research conducted in compliance with accepted scientific
8 methods and recognized as accurate and objective by leading
9 professional organizations and agencies with relevant expertise
10 in the field.

11 "Parental opt-out." The form sent along with a notice to a
12 parent or guardian alerting them to abstinence-only-until-
13 marriage programs or instruction given to his or her child.

14 Section 3. Findings.

15 (a) Findings.--The General Assembly finds and declares as
16 follows:

17 (1) According to "Parent-Child Communication: Promoting
18 Sexually Healthy Youth" by Nicholas Lagina (2002), numerous
19 research studies have shown that parental involvement in a
20 child's education and positive communication between parents
21 and children have a positive impact on sound decision-making
22 and healthy relationships.

23 (2) According to the National Campaign to Prevent Teen
24 Pregnancy, teen childbearing costs taxpayers \$9,100,000,000
25 nationally and \$389,000,000 in this Commonwealth in 2004.

26 (3) According to a 2008 Centers for Disease Control and
27 Prevention study, one in four teenage girls today is infected
28 with a sexually transmitted infection.

29 (4) According to Peter D. Hart Research Associates, Inc.
30 (2007), 76% of voters strongly favor legislation to require

1 public schools to inform parents about whether or not their
2 children are being taught the risks and benefits of
3 contraception and how to prevent diseases such as acquired
4 immune deficiency syndrome (AIDS) and human immunodeficiency
5 virus (HIV).

6 (b) Intent.--It is therefore the intent of the General
7 Assembly to establish this act, which will: require schools to
8 send information to parents about the content of specific public
9 school curricula for grades 6 through 12 as they pertain to
10 abstinence-only-until-marriage programs or instruction, and
11 methods of preventing pregnancy and sexually transmitted
12 infections; allow parents and guardians to excuse their children
13 from abstinence-only-until-marriage instruction; inform them of
14 their right to be involved in their children's education; and
15 provide an enforcement mechanism.

16 Section 4. Parental notification.

17 The principal of any public school that receives abstinence-
18 only-until-marriage program funding or elects to teach
19 abstinence-only-until-marriage programs in any grade 6 through
20 12 shall, at the beginning of each school year, or, for a pupil
21 who enrolls in a school after the beginning of the school year,
22 at the time of that pupil's enrollment, send a notice home along
23 with a parental opt-out form to the parents or guardians of
24 affected students stating the following:

25 (1) Your child will be participating in abstinence-only-
26 until-marriage instruction.

27 (2) Abstinence-only-until-marriage programs do not teach
28 students how to prevent pregnancy or sexually transmitted
29 infections other than by remaining abstinent.

30 (3) Your child is not receiving the following

1 information:

2 (i) Methods, other than abstinence, for preventing
3 pregnancy and sexually transmitted infections, including,
4 but not limited to, acquired immune deficiency syndrome
5 (AIDS) and human immunodeficiency virus (HIV).

6 (ii) Medically accurate instruction on the correct
7 use, risks and benefits, including safety and efficacy,
8 of Food and Drug Administration-approved methods for:

9 (A) Reducing the risk of contracting sexually
10 transmitted infections, including AIDS and HIV.

11 (B) Preventing pregnancy.

12 (iii) Medically accurate instruction that provides
13 all students with the necessary skills for making and
14 implementing responsible decisions about relationships
15 and sexuality, including the use of all effective methods
16 to prevent pregnancy and sexually transmitted infections,
17 including AIDS and HIV.

18 (4) Parents and guardians have the right to review
19 abstinence-only-until-marriage curricula in their entirety.
20 Written and audio visual educational materials used in
21 abstinence-only-until-marriage programs, including those
22 delivered by outside speakers, shall be made reasonably
23 accessible for inspection.

24 (5) Parents and guardians have the right to excuse their
25 children from all or parts of abstinence-only-until-marriage
26 instruction.

27 Section 5. Opt-out.

28 (a) Option.--At the request of a parent or guardian, a pupil
29 shall be excused from all or parts of abstinence-only-until-
30 marriage instruction. The principal shall notify all parents or

guardians of their ability to withdraw their children from the instruction by returning a signed opt-out form, which will be sent along with the notice.

(b) Prohibition.--A pupil may not be subject to disciplinary action, academic penalty or other sanction if the pupil's parent or guardian declines to permit the student to receive abstinence-only-until-marriage instruction.

Section 6. Curriculum review.

The school shall inform parents or guardians of affected students of the opportunity for commenting on curriculum via the local school board or an alternative process either by including information about this process or in a separate notice to be mailed at the beginning of each year, or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment.

Section 7. Enforcement.

(a) Complaint.--Any parent or guardian who believes that he or she failed to receive a notice in conformity with the requirements of section 4 may file a complaint with the district superintendent of schools. Within 30 days of receiving a complaint, the district superintendent shall take any warranted corrective action and notify the complainant and the principal what, if any, corrective action was taken.

(b) Appeal.--If the district superintendent takes no corrective action, or if a parent or guardian is not satisfied with the action taken, the parent or guardian may appeal to the local school board. Upon receipt of notice from the district superintendent, as required in subsection (a) or 30 days after filing a complaint with the district superintendent, the parent or guardian may take their complaint to the local school board

1 for review. The local school board has 30 days to take any
2 warranted corrective action and notify the complainant and the
3 district superintendent what, if any, corrective action was
4 taken.

5 (c) Further appeal.--Any parent or guardian may appeal to
6 the Secretary of Education. Upon receipt of notice from the
7 local school board, as required in subsection (b) or 30 days
8 after filing a complaint with the local school board, the parent
9 or guardian may appeal to the secretary. The secretary shall
10 investigate the claim and make a finding regarding compliance
11 with this act. If the secretary makes a finding of substantial
12 noncompliance, the secretary shall take corrective action,
13 including prohibiting the district from accepting Federal and
14 State abstinence-only-until-marriage funding for a period of at
15 least one calendar year.

16 Section 8. Effective date.

17 This act shall take effect in 90 days.