

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1092 Session of
2022

INTRODUCED BY KEARNEY, SANTARSIERO, STREET, MUTH, CAPPELLETTI,
TARTAGLIONE AND HAYWOOD, FEBRUARY 23, 2022

REFERRED TO EDUCATION, FEBRUARY 23, 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 consent education.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 1529. Consent Education.--(a) Beginning with school
13 year 2022-2023, each public school student shall receive
14 mandatory instruction in consent education every year, in every
15 grade from kindergarten through grade twelve. Each school entity
16 shall:

17 (1) Integrate the department's curriculum under subsection
18 (b)(1) into the school entity's existing courses of study for
19 students in kindergarten through grade twelve.

20 (2) Include training in consent education in the

professional development plan submitted by the school entity to
the secretary for approval in accordance with section 1205.1.
The training included in the school entity's plan for an employee
required to complete continuing professional education shall
provide at least four (4) hours every five (5) years toward the
continuing professional education requirements.

(b) The department, in consultation with at least one
reputable organization that incorporates evidence-informed
research on human sexuality and youth development into
guidelines and age-appropriate sexuality education curricula,
the Department of Health and the Department of Drug and Alcohol
Programs, shall:

(1) Develop age-appropriate curriculum for instruction on
consent education for each grade from kindergarten through grade
twelve, which curriculum may include materials already publicly
available, no later than twelve (12) months after the effective
date of this section.

(2) Make available the curriculum and other age-appropriate
materials to any school entity as well as post the curriculum on
the department's publicly accessible Internet website.

(3) Recommend guidelines and educational materials for the
training provided under subsection (a)(2), which may include
materials already publicly available, no later than twelve
months after the effective date of this section.

(4) Revise the curriculum and guidelines on consent as
necessary to ensure that the curriculum provides the most
current information and universally accepted social policies
related to human interactions, both nonrelationship interactions
and relationship interactions.

(5) The curriculum shall:

- 1 (i) Be age appropriate.
- 2 (ii) Be sequential in method of study and should grow upon
3 the instruction of previous years.
- 4 (iii) Communicate that consent is a fundamental value in all
5 human relationships.
- 6 (iv) Communicate the benefits of maintaining communication
7 to ensure ongoing consent as well as the impact of failing to
8 respect personal boundaries when consent is not obtained and
9 maintained or is withheld.
- 10 (c) In developing curriculum under subsection (b), where
11 appropriate, the department shall include:
- 12 (1) Notion of consent, affirmative consent, sharing,
13 boundaries and healthy well-being.
- 14 (2) Positive and affirming examples of individuals and
15 relationships that include all genders and sexual orientations.
- 16 (3) Nonbiased portrayal of a specific gender.
- 17 (4) Nonbiased portrayal of a specific relationship.
- 18 (5) Prevention of harm and intervention efforts.
- 19 (6) Detailed instruction on the need for and the role of
20 lawful authority and law-abiding behavior.
- 21 (7) Detailed information regarding existing laws that
22 require consent, including, but not limited to, theft,
23 intimidation, harassment, bullying, hazing, unauthorized
24 administration of substances, sexting and intimate partner
25 violence, including domestic violence and dating violence.
- 26 (8) Detailed information regarding social supports available
27 for students who identify as lesbian, gay, bisexual, pansexual,
28 queer, transgender, nonbinary or other marginalized identities,
29 especially those who have experienced or are currently
30 experiencing violence, bullying, harassment or isolation due to

their gender, gender expression or sexual orientation.

(d) The following apply:

(1) To promote safer and healthier relationships and interactions, consent:

(i) should be enthusiastic and informed, meaning the individual has all of the relevant information needed to make and understand the consequences of the individual's decisions; and

(ii) may be revised or revoked at any time.

(2) Consent cannot be given by an individual who is incapacitated by drugs or alcohol or who is unconscious or asleep.

(3) Consent for sexual activity cannot be given:

(i) to an individual who is over 18 years of age by an individual who is under 16 years of age, which is the age of consent in this Commonwealth;

(ii) by children who are less than 13 years of age; or

(iii) to a person four or more years older than a teen who is 13 to 15 years of age.

(e) The State Board of Education shall promulgate or revise regulations subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this section.

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

"Consent." An ongoing and freely given agreement between two or more individuals to engage in interactions, including, but not limited to, sexual activity.

"Department." The Department of Education of the

1 Commonwealth.

2 "School entity." A school district, charter school, regional
3 charter school, cyber charter school, intermediate unit or area
4 career and technical school.

5 "Secretary." The Secretary of Education of the Commonwealth.

6 "Sexting." The act of sending or receiving a sexually
7 explicit or suggestive message, image or video via a mobile
8 device, app, social media website or other Internet-based
9 messaging platform.

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