

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 121 Session of 2017

INTRODUCED BY KAUFER, READSHAW, FEE, DRISCOLL, TAYLOR, MURT, RADER, PICKETT, KAVULICH, DAVIS, MULLERY, NELSON, McNEILL, LONGIETTI, WATSON, BOBACK, SIMMONS, SAYLOR, CUTLER, COOK, WARD, REESE, ROZZI, GALLOWAY AND McCLINTON, FEBRUARY 3, 2017

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 19, 2017

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 further providing for alcohol, chemical and tobacco abuse
7 program.

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

10 Section 1. Section 1547 of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, is
12 amended to read:

13 Section 1547. Alcohol, {Chemical and} Tobacco ~~and Other Drug~~ <--
14 Abuse Program.--(a) Beginning with school year 1991-1992 and
15 each year thereafter, each public school student shall receive
16 mandatory instruction in alcohol, {chemical and} tobacco ~~and~~ <--
17 ~~other drug~~ abuse in every year in every grade from kindergarten
18 through grade twelve. The instruction shall be integrated within
19 the health course of study required in accordance with the State

1 Board of Education regulations. In grades where health is  
2 offered, instruction may also be integrated into other  
3 appropriate courses of study. In grades where health is not  
4 offered, instruction shall be integrated into an appropriate  
5 curriculum requirement as listed in 22 Pa. Code [§ 5.4(b).] §§ <--  
6 4.21 (RELATING TO ELEMENTARY EDUCATION: PRIMARY AND INTERMEDIATE  
7 LEVELS), 4.22 (RELATING TO MIDDLE LEVEL EDUCATION) AND 4.23  
8 (RELATING TO HIGH SCHOOL EDUCATION).

9 (1) This instruction:

10 (i) Shall be age appropriate.

11 (ii) Shall be sequential in method of study.

12 (iii) Shall discourage the use of alcohol, tobacco and  
13 controlled substances.

14 †(iv) Shall communicate that the use of illicit drugs and <--  
15 the improper use of legally obtained drugs is wrong.† <--

16 ~~(v) Shall create a program with the goal of reducing or~~  
17 ~~eliminating the incidence and prevalence of student alcohol,~~  
18 ~~tobacco and other drug abuse.~~

19 ~~(vi) Shall communicate opioid abuse prevention, with an~~  
20 ~~emphasis on the prescription drug epidemic and the connection~~  
21 ~~between prescription opioid abuse and addiction to other drugs,~~  
22 ~~including heroin.~~

23 ~~(vii) Shall increase the knowledge and skills of students~~  
24 ~~for avoiding the harmful effects of alcohol, tobacco and other~~  
25 ~~drug use.~~

26 (2) †[School districts] ~~Each school district may provide a~~ <--  
27 ~~comprehensive program of prevention and~~ may utilize any  
28 appropriate public or private materials, personnel and other  
29 resources in developing and implementing this program of  
30 instruction†.] ~~and prevention. School districts are encouraged~~ <--

1 ~~to use interactive materials to maximize group interactions with~~  
2 ~~prevention programs with the involvement of community components~~  
3 ~~including, but not limited to, the use of self help groups.~~ The  
4 Department of †Health, Office of† Drug and Alcohol Programs, <--  
5 shall make available information about appropriate curriculum  
6 materials ~~and the creation of a comprehensive program of~~ <--  
7 ~~prevention~~ upon request of a school district. In developing its  
8 alcohol, †chemical and† tobacco ~~and other drug~~ abuse <--  
9 instructional program, each school district shall consult with  
10 the single county authority designated by the Department of  
11 †Health† ~~Drug and Alcohol Programs~~ to provide drug and alcohol <--  
12 services in the school district's area.

13 (A.1) BEGINNING WITH THE 2018-2019 SCHOOL YEAR, FOR STUDENTS <--  
14 IN GRADES SIX THROUGH TWELVE, THE INSTRUCTION REQUIRED UNDER  
15 SUBSECTION (A) SHALL INCLUDE INSTRUCTION RELATED TO THE  
16 PREVENTION OF OPIOID ABUSE, WITH AN EMPHASIS ON THE PRESCRIPTION  
17 DRUG EPIDEMIC AND THE CONNECTION BETWEEN PRESCRIPTION OPIOID  
18 ABUSE AND ADDICTION TO OTHER DRUGS, INCLUDING HEROIN. THE  
19 INSTRUCTION UNDER THIS SUBSECTION SHALL ENCOURAGE THE USE OF  
20 SELF-HELP GROUPS. NOT LATER THAN THE BEGINNING OF THE 2018-2019  
21 SCHOOL YEAR, THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF  
22 HEALTH SHALL DEVELOP JOINTLY A MODEL CURRICULUM FOR THIS PURPOSE  
23 AND EACH DEPARTMENT SHALL POST THE MODEL CURRICULUM ON ITS  
24 PUBLICLY ACCESSIBLE INTERNET WEBSITE. THE MODEL CURRICULUM  
25 DEVELOPED UNDER THIS SUBSECTION SHALL BE REVISED WHEN NECESSARY  
26 TO ENSURE THAT THE MODEL CURRICULUM PROVIDES THE MOST CURRENT  
27 INFORMATION. IN PROVIDING THE INSTRUCTION REQUIRED UNDER THIS  
28 SUBSECTION, A SCHOOL DISTRICT MAY, BUT SHALL NOT BE REQUIRED TO,  
29 USE THE MODEL CURRICULUM.

30 (b) Each school district is hereby authorized to develop and

1 offer programs relating to alcohol, ~~{chemical and}~~ tobacco ~~and~~ <--  
2 ~~other drug~~ abuse for parents of students enrolled in the public  
3 schools. If a school district does develop such programs, they  
4 shall be developed in consultation with the single county  
5 authority designated by the Department of ~~{Health} Drug and~~ <--  
6 ~~Alcohol Programs~~ to provide drug and alcohol services in the  
7 school district's area. Such programs shall be offered at no  
8 cost to parents.

9 (c) The Secretary of Education, in consultation with the  
10 Secretary of ~~{Health} Drug and Alcohol Programs~~, shall develop <--  
11 curriculum guidelines for instruction on alcohol, ~~{chemical and}~~ <--  
12 tobacco ~~and other drug~~ abuse and the laws governing their use <--  
13 and misuse. These guidelines shall encourage the inclusion of  
14 the following elements where appropriate in the instruction:

15 (1) Detailed factual information regarding the  
16 physiological, psychological, sociological and legal aspects of  
17 substance abuse.

18 (2) Detailed information regarding the availability of help  
19 and assistance for students and their families with alcohol,  
20 ~~{chemical and} tobacco and other drug~~ dependency problems, <--  
21 ~~including prescription opioid abuse.~~

22 (3) The goals of quality education as set forth in 22 Pa.  
23 Code [§ 5.13(f)] (RELATING TO EDUCATION). <--

24 (4) Skills needed to evaluate advertisements for and media  
25 portrayals of alcohol, ~~{chemical and}~~ tobacco ~~and other drug~~ <--  
26 products.

27 (5) Detailed instruction on the need for and the role of  
28 lawful authority and law-abiding behavior, including interaction  
29 with members of the legal and justice community.

30 (d) (1) Beginning with the 1991-1992 school year and each <--

1 year thereafter, the Secretary of Education, in consultation  
2 with the Secretary of ~~{Health} Drug and Alcohol Programs~~, shall <--  
3 make available, to all school districts and intermediate units,  
4 in-service training programs based upon the instruction  
5 requirements established in subsection (a) and the curriculum  
6 guidelines established in subsection (c). The programs shall  
7 provide preparation for the teaching of mandated instruction in  
8 alcohol, ~~{chemical and}~~ tobacco ~~and other drug~~ abuse. The in- <--  
9 service programs may utilize the single county authorities  
10 designated by the Department of ~~{Health} Drug and Alcohol~~ <--  
11 ~~Programs~~ or such other institutions, agencies or persons as the  
12 Secretary of Education deems appropriate.

13 (2) BEGINNING WITH THE 2018-2019 SCHOOL YEAR, THE DEPARTMENT <--  
14 OF EDUCATION AND THE DEPARTMENT OF HEALTH SHALL DEVELOP JOINTLY  
15 AND SHALL MAKE AVAILABLE TO ALL SCHOOL DISTRICTS AND NONPUBLIC  
16 SCHOOLS IN-SERVICE TRAINING PROGRAMS BASED UPON THE INSTRUCTION  
17 REQUIREMENTS ESTABLISHED UNDER SUBSECTION (A.1) AND THE MODEL  
18 CURRICULUM DEVELOPED UNDER SUBSECTION (A.1). THE IN-SERVICE  
19 TRAINING PROGRAMS DEVELOPED UNDER THIS SUBSECTION SHALL BE  
20 REVISED WHEN NECESSARY TO ENSURE THAT THE IN-SERVICE TRAINING  
21 PROGRAMS PROVIDE THE MOST CURRENT INFORMATION.

22 (e) (1) Beginning with the 1991-1992 school year, each <--  
23 school district shall provide, as part of its in-service  
24 training, programs on alcohol, drugs, tobacco and dangerous  
25 controlled substances for all instructors whose teaching  
26 responsibilities include courses of study in which mandated  
27 instruction concerning alcohol, ~~{chemical and}~~ tobacco ~~and other~~ <--  
28 ~~drug~~ abuse is integrated. To comply with this requirement, a  
29 school district may utilize the programs made available by the  
30 Department of Education or use other alternative programs.

1       (2) BEGINNING WITH THE 2018-2019 SCHOOL YEAR AND EVERY THREE <--  
2       (3) YEARS THEREAFTER, EACH SCHOOL DISTRICT SHALL PROVIDE, AS  
3       PART OF ITS IN-SERVICE TRAINING, PROGRAMS BASED UPON THE  
4       INSTRUCTION REQUIREMENTS ESTABLISHED UNDER SUBSECTION (A.1) FOR  
5       ALL INSTRUCTORS WHOSE TEACHING RESPONSIBILITIES INCLUDE COURSES  
6       OF STUDY IN WHICH SUCH MANDATED INSTRUCTION IS INTEGRATED. TO  
7       COMPLY WITH THIS REQUIREMENT, A SCHOOL DISTRICT MAY UTILIZE THE  
8       IN-SERVICE TRAINING PROGRAMS MADE AVAILABLE UNDER SUBSECTION (D)  
9       (2).

10       (f) The governing board of each intermediate unit in which a  
11 nonpublic school is located shall have the authority and the  
12 duty to loan to all students attending nonpublic schools within  
13 the intermediate unit all educational materials developed by  
14 either the Department of Education or the Department of ~~Health~~ <--  
15 ~~Drug and Alcohol Programs~~, pursuant to this act for the  
16 instruction of public school students on the nature and effects  
17 of drugs, alcohol, tobacco and dangerous controlled substances.  
18 Local school boards need not expend funds which are not provided  
19 by either the Federal or State Government for drug education  
20 programs for the use or loan of these materials. A nonpublic  
21 school may utilize the in-service training programs made  
22 available by the Department of Education through the  
23 intermediate unit.

24       (g) On or before June 1, 1991, the Secretary of Education  
25 shall recommend to the General Assembly a plan to require and  
26 assist each school district to establish and maintain a program  
27 to provide appropriate counseling and support services to  
28 students who experience problems related to the use of drugs,  
29 alcohol and dangerous controlled substances.

30       [(h) On or before June 1, 1992, the Secretary of Education

1 shall report to the General Assembly concerning the 1991-1992  
2 school year activities of the Department of Education pertaining  
3 to the provisions of this section and concerning proposed 1992-  
4 1993 school year activities of the Department of Education  
5 pertaining to this section.]

6 (G.1) PROFESSIONAL EDUCATORS WHO COMPLETE IN-SERVICE <--  
7 TRAINING UNDER THIS SECTION MAY APPLY SUCH IN-SERVICE TRAINING  
8 TOWARD THEIR CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS  
9 UNDER SECTION 1205.2.

10 (h.1) By June 1, 2019, and by June 1 SEPTEMBER 1, 2020, AND <--  
11 BY SEPTEMBER 1 OF every fifth year thereafter, the Department of  
12 Education, in consultation with the Department of ~~Drug and~~ <--  
13 ~~Alcohol Programs~~ HEALTH, shall report to the General Assembly <--  
14 concerning the preceding school year activities of the  
15 Department of Education and the Department of ~~Drug and Alcohol~~ <--  
16 ~~Programs~~ HEALTH pertaining to the provisions of this section. <--  
17 The report shall include:

18 (1) A ~~plan~~ DESCRIPTION OF EFFORTS BY THE DEPARTMENT OF <--  
19 EDUCATION AND THE DEPARTMENT OF HEALTH to assist school  
20 districts in establishing a comprehensive program of prevention, <--  
21 including the coordination of self help groups. PROVIDING THE <--  
22 INSTRUCTION REQUIRED UNDER SUBSECTIONS (A) AND (A.1), INCLUDING  
23 EFFORTS TO DEVELOP AND POST THE MODEL CURRICULUM REQUIRED UNDER  
24 SUBSECTION (A.1) AND TO DEVELOP AND MAKE AVAILABLE THE IN-  
25 SERVICE TRAINING PROGRAMS REQUIRED UNDER SUBSECTION (D) (2).

26 (2) An evaluation of the effectiveness of the ~~program~~ <--  
27 INSTRUCTION REQUIRED UNDER SUBSECTIONS (A) AND (A.1) AND OF <--  
28 CURRICULUM MATERIALS AND IN-SERVICE TRAINING PROGRAMS DEVELOPED  
29 BY THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH  
30 UNDER THIS SECTION in reducing the use of alcohol, tobacco and

1 other drugs, including prescription opioids, by students.

2 ~~(3) A plan to actively involve staff, students, parents and~~ <--  
3 ~~other community members in the development and implementation of~~  
4 ~~the program.~~

5 ~~(4) A plan by the Department of Education to ensure~~  
6 ~~educational staff members have the most current information~~  
7 ~~available on the subject of substance abuse and on the school~~  
8 ~~district's comprehensive alcohol, tobacco and other drug abuse~~  
9 ~~programs.~~

10 (i) The State Board of Education shall adopt rules and  
11 regulations necessary for the implementation of this section.

12 Section 2. ~~The amendment of section 1547(a), (d) and (e)~~ <--  
13 ADDITION OF SECTION 1547(G.1) of the act shall apply to the <--  
14 2018-2019 school year and each school year thereafter.

15 Section 3. This act shall take effect in 60 days.