
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1997 Session of
2024

INTRODUCED BY GUENST, HOHENSTEIN, SMITH-WADE-EL, TAKAC, KHAN,
HILL-EVANS, MADDEN, BOROWSKI, SCHLOSSBERG, SANCHEZ, STURLA,
OTTEN, DELLOSO, BRIGGS, FIEDLER, WEBSTER, T. DAVIS, McNEILL,
BOYD, KRAJEWSKI, CERRATO AND WAXMAN, JANUARY 31, 2024

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 31, 2024

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 preliminary provisions, providing
6 for nondiscrimination awareness and prevention policy.

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 130. Nondiscrimination Awareness and Prevention
13 Policy.--(a) Beginning with the 2024-2025 school year, a school
14 entity shall adopt a nondiscrimination awareness and prevention
15 policy consistent with subsection (c), inform the employes of
16 the school entity and parents and legal guardians of students
17 enrolled in the school entity of the policy and post the policy
18 on the school entity's publicly accessible Internet website. The
19 policy adopted by a school entity under this subsection may be

1 based upon the model policy developed by the department under
2 subsection (b)(1).

3 (b) The department shall:

4 (1) In consultation with professional organizations
5 operating in this Commonwealth that serve diverse populations
6 including individuals with disabilities, communities of color
7 and LGBTQ+ individuals, develop a model nondiscrimination
8 awareness and prevention policy that is consistent with
9 subsection (c).

10 (2) Identify awareness and prevention educational materials
11 and make the materials available to school entities and, upon
12 request, to nonpublic schools. A school entity may incorporate
13 the materials into the school entity's discrimination awareness
14 and prevention policy.

15 (c) The model policy developed by the department under
16 subsection (b)(1) and any policy adopted by a school entity
17 under subsection (a) shall include:

18 (1) A statement that students and school employes will not
19 be discriminated against or harassed based on their actual or
20 perceived race, color, sex, religion, national origin, gender
21 identity or expression, sexual orientation or disability.

22 (2) A statement that expression of transgender or nonbinary
23 identity or any other form of gender nonconforming behavior is a
24 healthy, appropriate and typical aspect of human development.

25 (3) A statement that a gender nonconforming student or
26 school employe should never be asked, encouraged or required to
27 affirm a gender identity or to express the student's gender in a
28 manner that is not consistent with the student's self-
29 identification or expression.

30 (4) A statement that discrimination, harassment and

1 intimidation include conduct that is directed at a student or
2 school employe based on a student or school employe's actual or
3 perceived characteristics and includes conduct that targets a
4 student or school employe because of a characteristic of a
5 friend, family member or other person or group with whom a
6 student or school employe associates.

7 (5) Methods of prevention, including procedures for early
8 identification and referral of students at risk of
9 discrimination, harassmtent and intimidation.

10 (6) Methods of intervention, including procedures that
11 establish and maintain a behavior threat assessment process
12 based on an appraisal of behaviors and provide appropriate
13 preventive or corrective measures to maintain safe and secure
14 school environments and workplaces.

15 (7) Methods of responding to a student or school employe's
16 discrimination or harassmtent incident or report based on a
17 student or school employe's actual or perceived characteristics.

18 (8) Reporting procedures and school safety measures that do
19 not reinforce biases against or rely on the profiling of
20 students based on their actual or perceived characteristics.

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

24 "Department." The Department of Education of the
25 Commonwealth.

26 "Gender identity or expression." An individual's gender-
27 related identity, appearance, mannerisms, expression or other
28 gender-related characteristics, regardless of the individual's
29 designated or perceived sex.

30 "Gender nonconforming." As follows:

1 (1) An adjective used to describe or refer to an individual:

2 (i) whose gender expression differs from conventional or
3 stereotypical expectations, such as "feminine" for a boy or
4 "masculine" for a girl;

5 (ii) whose gender expression may be androgynous; or

6 (iii) who identifies outside traditional gender categories
7 or identifies as two or more genders.

8 (2) The term includes a similar adjective, such as "gender
9 diverse" or "gender expansive."

10 "LGBTQ+ individual." An individual who is or identifies as
11 lesbian, gay, bisexual, transgender, queer, asexual, intersex or
12 other similar characteristic.

13 "Nonbinary." A term used to describe an individual who does
14 not identify solely or at all as either male or female. The term
15 includes transgender.

16 "Nonpublic school." A nonprofit school, other than a school
17 entity, in which a resident of this Commonwealth may legally
18 fulfill the compulsory school attendance requirements of this
19 act and which meets the requirements of Title VI of the Civil
20 Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

21 "School entity." A school district, joint school district,
22 charter school, regional charter school, cyber charter school,
23 intermediate unit or area career and technical school.

24 "Transgender." An adjective describing an individual whose
25 gender identity or expression is different from that
26 traditionally associated with the individual's sex assigned at
27 birth.

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