

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2327 Session of
2015

INTRODUCED BY KAUFER, DRISCOLL, HARHART, BOBACK, TOOHL, TAYLOR,
RADER, COOK-ARTIS, RAPP, DAVIS, NELSON, MURT, B. MILLER,
BAKER, GINGRICH AND KAUFFMAN, SEPTEMBER 9, 2016

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 9, 2016

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,
12 amended December 19, 1990 (P.L.1362, No.211), is amended to
13 read:

14 Section 1547. Alcohol, [Chemical and] Tobacco and Other Drug
15 Abuse Program.--(a) Beginning with school year 1991-1992 and
16 each year thereafter, each public school student shall receive
17 mandatory instruction in alcohol, [chemical and] tobacco and
18 other drug abuse in every year in every grade from kindergarten
19 through grade twelve. The instruction shall be integrated within
20 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 (1) This instruction:

7 (i) Shall be age appropriate.

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

9 (iii) Shall discourage the use of alcohol, tobacco and
10 controlled substances.

11 [(iv) Shall communicate that the use of illicit drugs and
12 the improper use of legally obtained drugs is wrong.]

13 (v) Shall create a program with the goal of reducing or
14 eliminating the incidence and prevalence of student alcohol,
15 tobacco and other drug abuse.

16 (vi) Shall communicate opioid abuse prevention, with an
17 emphasis on the prescription drug epidemic and the connection
18 between prescription opioid abuse and addiction to other drugs,
19 such as heroin.

20 (vii) Shall increase the knowledge and skills of students
21 for avoiding the harmful effects of alcohol, tobacco and other
22 drug use.

23 (2) [School districts] Each school district may provide a
24 comprehensive program of prevention and may utilize any
25 appropriate public or private materials, personnel and other
26 resources in developing and implementing this program of
27 instruction[.] and prevention. School districts are encouraged
28 to use interactive materials to maximize group interactions with
29 prevention programs including the involvement of community
30 components including, but not limited to, the use of self-help

1 groups. The Department of [Health, Office of] Drug and Alcohol
2 Programs, shall make available information about appropriate
3 curriculum materials and the creation of a comprehensive program
4 of prevention upon request of a school district. In developing
5 its alcohol, [chemical and] tobacco and other drug abuse
6 instructional program, each school district shall consult with
7 the single county authority designated by the Department of
8 [Health] Drug and Alcohol Programs to provide drug and alcohol
9 services in the school district's area.

10 (b) Each school district is hereby authorized to develop and
11 offer programs relating to alcohol, [chemical and] tobacco and
12 other drug abuse for parents of students enrolled in the public
13 schools. If a school district does develop such programs, they
14 shall be developed in consultation with the single county
15 authority designated by the Department of [Health] Drug and
16 Alcohol Programs to provide drug and alcohol services in the
17 school district's area. Such programs shall be offered at no
18 cost to parents.

19 (c) The Secretary of Education, in consultation with the
20 Secretary of [Health] Drug and Alcohol Programs, shall develop
21 curriculum guidelines for instruction on alcohol, chemical and
22 tobacco and other drug abuse and the laws governing their use
23 and misuse. These guidelines shall encourage the inclusion of
24 the following elements where appropriate in the instruction:

25 (1) Detailed factual information regarding the
26 physiological, psychological, sociological and legal aspects of
27 substance abuse.

28 (2) Detailed information regarding the availability of help
29 and assistance for students and their families with alcohol,
30 [chemical and] tobacco and other drug dependency problems, _

1 including prescription opioid abuse.

2 (3) The goals of quality education as set forth in 22 Pa.
3 Code § 5.13(f).

4 (4) Skills needed to evaluate advertisements for and media
5 portrayals of alcohol, [chemical and] tobacco and other drug
6 products.

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

10 (d) Beginning with the 1991-1992 school year and each year
11 thereafter, the Secretary of Education, in consultation with the
12 Secretary of [Health] Drug and Alcohol Programs, shall make
13 available, to all school districts and intermediate units, in-
14 service training programs based upon the instruction
15 requirements established in subsection (a) and the curriculum
16 guidelines established in subsection (c). The programs shall
17 provide preparation for the teaching of mandated instruction in
18 alcohol, [chemical and] tobacco and other drug abuse. The in-
19 service programs may utilize the single county authorities
20 designated by the Department of [Health] Drug and Alcohol
21 Programs or such other institutions, agencies or persons as the
22 Secretary of Education deems appropriate.

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

1 Department of Education or use other alternative programs.

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

16 (g) On or before June 1, 1991, the Secretary of Education
17 shall recommend to the General Assembly a plan to require and
18 assist each school district to establish and maintain a program
19 to provide appropriate counseling and support services to
20 students who experience problems related to the use of drugs,
21 alcohol and dangerous controlled substances.

22 [(h) On or before June 1, 1992, the Secretary of Education
23 shall report to the General Assembly concerning the 1991-1992
24 school year activities of the Department of Education pertaining
25 to the provisions of this section and concerning proposed 1992-
26 1993 school year activities of the Department of Education
27 pertaining to this section.]

28 (h.1) By June 1, 2018, and by June 1 every fifth year
29 thereafter, the Department of Education, in consultation with
30 the Department of Drug and Alcohol Programs, shall report to the

1 General Assembly concerning the preceding school year activities
2 of the Department of Education and the Department of Drug and
3 Alcohol Programs pertaining to the provisions of this section.

4 The report shall include:

5 (1) A plan to assist school districts in establishing a
6 comprehensive program of prevention, including the coordination
7 of self-help groups.

8 (2) An evaluation of the effectiveness of the program in
9 reducing the use of alcohol, tobacco and other drugs, including
10 prescription opioids, by students.

11 (3) A plan to actively involve staff, students, parents and
12 other community members in the development and implementation of
13 the program.

14 (4) A plan by the Department of Education to ensure
15 educational staff members have the most current information
16 available on the subject of substance abuse and on the school
17 district's comprehensive alcohol, tobacco and other drug abuse
18 program.

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

21 Section 2. The amendment of section 1547(a), (d) and (e) of
22 the act shall apply to the 2017-2018 school year and each school
23 year thereafter.

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