



Dear Senator,

On behalf of the more than 5,000 school directors and administrators governing the state's school districts, intermediate units and career and technology centers PSBA is asking for your consideration of our positions on the bills that are scheduled for consideration by the Senate Education Committee on Tuesday, June 21st.

- **HB 2169** – Lifeline Scholarship legislation – PSBA remains opposed.
- **SB 766** – Adult Education and Workforce Recovery Fund Grant Program - PSBA supports.
- **SB 1243** – Personal Financial Literacy for High School Students - PSBA is opposed.
 - PSBA's Legislative Platform directs the Association to oppose any bills which would impose a new graduation requirement or mandatory statewide curriculum, both of which are imposed by SB 1243. The bill also imposes a new and unnecessary mandate for public schools to provide a standalone professional development course devoted specifically to this area of instruction.
 - Further, the bill requires a significant number of complex topics to be taught which raises questions of whether it could all be adequately covered in one course. Additional questions exist about the clarity and meaning of some of the undefined language in the bill such as the phrase "the true cost of credit" which appears in Subsection (d)(1).
 - Even without these overarching concerns PSBA would like to point out that Section 1551 of the Public School Code currently provides a fairly detailed requirement for PDE to provide comprehensive resources and other supports to assist public schools in providing personal finance/economic instruction, and our members believe that this is the best approach.

PSBA has been working to review and consider SB 1278 and SB 1277. As with all legislation considered by the committee, PSBA seeks to understand the intent of the bills and the implications on public education that the bills would have and raise any logistical questions and/or technical considerations. In the case of SB 1277 and SB 1278, while we do not have a current position on these bills, we believe that there are a few issues which may require further clarification, and any responses to these thoughts may help inform any position PSBA might take.

- **Senate Bill 1277 –**

- The bill contains an extremely accelerated timeline for public schools to develop new policies regarding sexually explicit content and parental notification, identify all books and instructional materials available through the public school which may contain sexually explicit content, and seek input at a public forum no later than August 30th of this year. The need for parental and community involvement and careful deliberation in the development of these policies is apparent. As parents and students are on summer break it will be difficult to truly have sufficient and meaningful discussion. PSBA questions the ability to accomplish the intended requirements within the couple of months allotted by the bill. Is there a reason that public schools are not given more time to comply with the extensive requirements and work with parents and their communities to implement this legislation?
- The bill would create new requirements that will involve significant staff time to review books and materials, list or label books and materials, and institute new processes for ensuring compliance, all of which will come at additional cost to public schools. Does the Legislature intend on providing specific appropriations to help cover the costs associated with the new requirements?
- The bill contains the following vague terms and language which raise questions about clarity and future interpretation due to a lack of clear definitions or explanations:
 - “Instructional materials” - What would be considered an instructional material? Would this include PowerPoint presentations, class notes on a blackboard, test or quizzes, etc?
 - “Directly identifying” books and instructional materials – Does this simply mean the creation of a list of books and instructional materials, or should this be interpreted more broadly as requiring books and instructional materials to also be physically marked individually as containing sexually explicit content?
 - Instructional materials and books “used by or made available” to students at schools – How should the phrase “made available” be interpreted differently from “used by”? Further, would this include things like electronic or physical journal subscriptions, periodicals, magazines, and newspapers which may be issued several times throughout the year, and if so, how would this interplay with the requirement for parental notification prior to student exposure? Would notification have to be made before each new issuance of a periodical, magazine, or newspaper? Would the entire subscription need to be identified or would individual issuances of these materials need to be identified specifically? Would this also apply to Internet access provided by a school. In most cases explicit content would be filtered, but it would not be “directly identified” as required by the bill.
 - “Public forum” – Does this mean a regular “public meeting” which is a well-defined and often used term in the law, or something different?

- The bill provides that a parent or guardian may review books and request that the public school “prevent the student from viewing the book”. However, while a public school may deny a student’s request for a book, would a school district be liable if it could not completely “prevent the student from viewing the book” by alternative means such as obtaining access through another student or other sources?
 - The bill grants all review and decision-making authority to parents and guardians, but how is the bill meant to apply to students who are emancipated or who have reached the age of majority?
- **Senate Bill 1278 –**
 - In section 1403-C(a), school districts would be required to have a policy in place by the start of the upcoming 2022-23 school year. However, even if the bill were to accompany the state budget at the end of June, that would leave school districts with less than 2 months to develop and enact policies. The need for parental and community involvement in the development of these policies is apparent in the cosponsorship memo attached to this legislation. As parents and students are on summer break it will be difficult to truly have sufficient and meaningful discussion essential to the development of this policy. Parents and schools are not likely to have enough time to allow for a comprehensive study of the issues involved, drafting of a policy, collection of public input, and final enactment of the policy.
 - Section 1403-C(a) requires parental notification for any changes in a “student’s services or monitoring related to the student’s mental, emotional or physical health”. However, we are not sure what is intended to be included in a “student’s services or monitoring”. School districts are required by law and regulations to provide a host of health services, including height and weight measurements. Would this provision require parental notification for changes in a student’s height and/or weight?
 - Section 1403-C(b) allows a school district to withhold information from a student’s parents if “a reasonably prudent person would believe” that the notification would put the child in danger. Any time subjective language like this is used in statute, it usually results in disagreements over what a reasonable person would do and leads to litigation and claims made against school districts for any action taken.
 - For our members to properly implement section 1404-C(a), some additional clarifications are needed. Is the language stating that opinions and expressions by school employees related to gender identity and sexual orientation are considered religious beliefs and are entitled to First Amendment protections? Or, is the language stating that the same legal review standards applicable to religious speech be used when evaluating statements made by employees regarding sexual orientation or gender identity? Either way, we would want this section to be very clear so schools know the applicable standards.

- Section 1404-C(c) uses the term “support services” but does not define what those services would include. It is also important to note that requiring parental permission to provide any services to a student experiencing bullying or thoughts of self-harm based on issues related to sexual orientation or gender identity could lead to increased incidents of violence or suicide among affected students due to the inability of schools, or reluctance to risk liability, to step in and assist those students.
- Section 1405-C requires schools to provide parental notification of “each health care service offered at the student’s school”. Because health care service is undefined, schools would not know which services are required to be included in the notification. For example, would it include the measurement of height and weight to compute a child's weight-for-height ratio as required by School Code section 1402(a)?
- With regard to the survey language in section 1406-C, a school district would be required to provide at least 7 days notice prior to administering a “student well-being questionnaire” or “health screening form”. However, because neither of these terms are defined or elaborated upon, this will leave schools unsure about what questions might trigger the notification requirements. For example, would a school’s implementation of a regular check-in app such as Skodel, which asks the student how they are feeling qualify? And would the school have to provide parental notification for each daily question?
- Section 1407-C will increase the liability exposure for public schools which will also result in increases to the liability insurance rates paid by public schools. Does the Legislature intend on providing specific appropriations to help cover the increased costs of litigation and insurance?
- Finally, the bill does not mention whether the rights and protections afforded to parents are transferred to the student when they reach the age of majority or become emancipated.

We appreciate your consideration of our positions and questions.