

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1804 Session of
2023

INTRODUCED BY SCIALABBA, MARCELL, DIAMOND, M. MACKENZIE,
D'ORSIE, KAUFFMAN AND R. MACKENZIE, OCTOBER 31, 2023

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 31, 2023

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 school health services, providing
6 for parental notification of implementation of mental health
7 services digital platform by school entity.

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

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

13 Section 1426. Parental Notification of Implementation of
14 Mental Health Services Digital Platform by School Entity.--(a)
15 A school entity that provides a student enrolled in the school
16 entity with access to and use of a mental health services
17 digital platform may not permit the student to access and use
18 the platform or facilitate access to the platform without
19 receiving specific written permission from the parent or legal
20 guardian of the student after being provided the notices

1 required under subsection (f).

2 (b) The parent or legal guardian may, at any time, withdraw
3 permission in writing. Unless otherwise specified in writing by
4 the parent or legal guardian, the withdrawal of permission shall
5 take effect immediately upon delivery to a school official, and
6 the school shall immediately refrain from further facilitation
7 or promotion of access to the mental health digital platform.

8 (c) The school entity shall provide a written procedure and
9 a sample consent or withdrawal form in the school administration
10 office and on the school entity's publicly accessible Internet
11 website, if the school entity has one, for a parent or legal
12 guardian to provide or withdraw permission for the student to
13 access and use or receive materials designed to facilitate
14 access to the mental health services digital platform. The
15 consent or withdrawal form shall not be drafted or presented in
16 a manner that makes it more difficult to withhold or revoke
17 consent than it is to grant consent.

18 (d) Upon request, a parent or legal guardian of a student
19 may:

20 (1) be present with the student in an authorized school
21 setting while the student accesses and uses the mental health
22 services digital platform on school premises, unless good cause
23 for the exclusion of the parent or legal guardian is documented
24 by the governing board of the school entity; and

25 (2) access, review, refuse further collection of or delete
26 the personal information collected from the student online to
27 the extent allowed by 20 U.S.C. § 1232g (relating to family
28 educational and privacy rights) or other applicable Federal or
29 State law.

30 (e) A parent or legal guardian of a student who has given

1 permission for the student to access and use or receive
2 materials that facilitate access to a mental health services
3 digital platform and who reasonably believes that the school
4 entity has denied the presence of the parent or legal guardian
5 while the student accesses and uses the platform on school
6 premises without good cause has a private right of action
7 against the governing body of the school entity.

8 (f) A school entity that provides or intends to provide a
9 student enrolled in the school entity with access to and use of
10 or promotes or otherwise facilitates the use of a mental health
11 services digital platform shall provide written notification to
12 a parent or legal guardian of the student of the intention or
13 activity at least thirty (30) days prior to implementation of
14 the platform or promotion, access, use of the platform or other
15 activity designed to accomplish the same by the student. The
16 notification shall include the following:

17 (1) A clear and detailed description of the platform in a
18 manner that provides a meaningful understanding to the parent or
19 guardian of the platform's practices, mission and structure,
20 including the platform's teachings, approach and philosophies,
21 lessons, available materials, activities and licenses.

22 (2) A statement that the school entity may not provide
23 access to, promote or otherwise facilitate the use of the
24 platform to a student without written permission of the
25 student's parent or legal guardian.

26 (3) A statement that the parent or legal guardian, upon
27 request, may be present with the student in an authorized school
28 setting while the student accesses or uses the platform on
29 school premises, unless good cause for the exclusion of the
30 parent or legal guardian is documented by the governing board of

1 the school entity.

2 (4) A statement that the parent or legal guardian has a
3 private right of action against the governing board of the
4 school entity if the school entity fails to comply with
5 subsection (d).

6 (g) Definitions.--The following words and phrases as used in
7 this section shall have the meanings given to them in this
8 subsection unless the context clearly indicates otherwise:

9 "Authorized school setting." A physical space designated by
10 a school entity for a parent or legal guardian of a student
11 enrolled in the school entity to accompany the student while the
12 student accesses or uses a mental health services digital
13 platform on the school premises.

14 "Mental health services." The provision of assistance or
15 counsel or preparation of a plan of assistance or counsel to a
16 student that relates to the mental health or well-being of the
17 student.

18 "Mental health services digital platform" or "platform." An
19 electronic Internet-based tool that provides for support,
20 prevention and treatment in mental health, including an online
21 student peer support community, integrated guided and self-
22 guided mental health assessment, therapeutic tools and content,
23 and clinical interaction with a mental health practitioner in
24 real time and via scheduled therapy through text-based
25 interactions.

26 "School entity." A school district, charter school, regional
27 charter school, cyber charter school, intermediate unit or area
28 career and technical school.

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