

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1367 Session of 2023

INTRODUCED BY DALEY, MADDEN, HILL-EVANS, KINSEY, DELLOSO,
SANCHEZ, KHAN, SCOTT, NEILSON, RABB, CEPEDA-FREYITZ, GREEN
AND OTTEN, JUNE 12, 2023

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 7, 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 school health services, providing
6 for mental health awareness for student athletes, parents, <--
7 guardians and coaches STUDENT MENTAL HEALTH AWARENESS. <--

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. Mental Health Awareness for Student Athletes, <--~~
14 ~~Parents, Guardians and Coaches. (a) The following apply to~~
15 ~~educational materials:~~

16 ~~(1) The department and the Department of Education shall~~
17 ~~develop and post on their publicly accessible Internet websites~~
18 ~~guidelines and other relevant materials to inform and educate~~
19 ~~students participating in or desiring to participate in an~~

~~1 athletic activity, their parents or guardians and their coaches  
2 about the nature and warning signs of mental health distress,  
3 mental health illness and related issues.~~

~~4 (2) In developing the guidelines and materials described  
5 under clause (1), the department and the Department of Education  
6 may utilize existing materials developed by mental health  
7 organizations.~~

~~8 (3) A student participating in or desiring to participate in  
9 an athletic activity and the student's parent or guardian shall,  
10 each school year and prior to participation by the student in an  
11 athletic activity, sign and return to the student's school an  
12 acknowledgment of receipt and review of the information sheet  
13 developed under this subsection regarding the nature and warning  
14 signs of mental health distress, mental health illness and  
15 related issues. The information sheet shall also include  
16 resources available to the student athletes, parents, guardians  
17 and coaches regarding mental health distress, mental health  
18 illness and related issues.~~

~~19 (b) A school entity may hold an informational meeting prior  
20 to the start of each athletic season for all ages of competitors  
21 regarding mental health awareness and the nature and warning  
22 signs of mental health distress, mental health illness and  
23 related issues. The informational meeting may include students,  
24 parents, guardians, coaches and other school officials, athletic  
25 trainers and health care professionals, including physicians,  
26 psychiatrists, psychologists, nurses, counselors and other  
27 mental health professionals.~~

~~28 (c) The following apply to training courses:~~

~~29 (1) Once each school year, a coach of an athletic activity  
30 shall complete a mental health awareness training course offered~~

1 ~~by a provider approved by the department.~~

2 ~~(2) A coach of an athletic activity may not coach the~~  
3 ~~athletic activity until the coach completes the training course~~  
4 ~~required under this subsection.~~

5 ~~(d) The governing body of a school entity shall establish~~  
6 ~~the following minimum penalties for a coach found in violation~~  
7 ~~of the requirements under subsection (c), which penalties shall~~  
8 ~~take effect two years following the effective date of this~~  
9 ~~subsection:~~

10 ~~(1) For a first violation, suspension from coaching any~~  
11 ~~athletic activity for the remainder of the season.~~

12 ~~(2) For a second violation, suspension from coaching any~~  
13 ~~athletic activity for the remainder of the season and for the~~  
14 ~~next season.~~

15 ~~(3) For a third violation, permanent suspension from~~  
16 ~~coaching any athletic activity.~~

17 ~~(e) The sponsors of youth athletic activities not associated~~  
18 ~~with a school entity are encouraged to follow the guidance~~  
19 ~~stated in this section.~~

20 ~~(f) Nothing in this section shall be construed to:~~

21 ~~(1) abridge or limit any rights provided under a collective~~  
22 ~~bargaining agreement in effect on the effective date of this~~  
23 ~~subsection or any rights provided under the act of July 23, 1970~~  
24 ~~(P.L.563, No.195), known as the "Public Employe Relations Act";~~  
25 ~~or~~

26 ~~(2) create, establish, expand, reduce, contract or eliminate~~  
27 ~~any civil liability on the part of a school entity or school~~  
28 ~~employe.~~

29 ~~(g) As used in this section~~

30 ~~"Athletic activity" means all of the following:~~

1 ~~(1) Interscholastic athletics.~~

2 ~~(2) An athletic contest or competition, other than~~  
3 ~~interscholastic athletics, that is sponsored by or associated~~  
4 ~~with a school entity, including cheerleading, club sponsored~~  
5 ~~sports activities and sports activities sponsored by school~~  
6 ~~affiliated organizations.~~

7 ~~(3) Noncompetitive cheerleading that is sponsored by or~~  
8 ~~associated with a school entity.~~

9 ~~(4) Practices, interschool practices and scrimmages for all~~  
10 ~~of the activities listed under clauses (1), (2) and (3).~~

11 ~~"Department" means the Department of Health of the~~  
12 ~~Commonwealth.~~

13 ~~"Interscholastic athletics" means as defined in section 1602-~~  
14 ~~A.~~

15 ~~"School entity" means as defined in section 1602 A.~~

16 ~~SECTION 1426. STUDENT MENTAL HEALTH AWARENESS.--(A) WITHIN <--~~  
17 ~~ONE HUNDRED EIGHTY (180) DAYS OF THE EFFECTIVE DATE OF THIS~~  
18 ~~SECTION, THE STATE BOARD OF EDUCATION SHALL REVIEW THE EXISTING~~  
19 ~~STATE STANDARDS FOR HEALTH, SAFETY AND PHYSICAL EDUCATION AT 22~~  
20 ~~PA. CODE CH. 4 (RELATING TO ACADEMIC STANDARDS AND ASSESSMENT)~~  
21 ~~AND REVISE THE STANDARDS AS NECESSARY TO ADDRESS STUDENT MENTAL~~  
22 ~~HEALTH AWARENESS.~~

23 ~~(B) THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH~~  
24 ~~SHALL JOINTLY DEVELOP OR IDENTIFY A MODEL CURRICULUM AND A LIST~~  
25 ~~OF EDUCATION MATERIALS WHICH A SCHOOL ENTITY OR NONPUBLIC SCHOOL~~  
26 ~~MAY USE IN ORDER TO PROVIDE MENTAL HEALTH AWARENESS EDUCATION.~~  
27 ~~EXISTING MODEL CURRICULUM MATERIALS AND EDUCATION MATERIALS MAY~~  
28 ~~BE UPDATED IF NECESSARY TO COMPLY WITH THIS SUBSECTION. THE~~  
29 ~~DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH SHALL~~  
30 ~~UPDATE THE MODEL CURRICULUM AND EDUCATION MATERIALS WITHIN ONE~~

1 (1) YEAR OF THE DATE OF REVISION OF THE STATE STANDARDS UNDER  
2 SUBSECTION (A). THE DEPARTMENT OF EDUCATION SHALL POST THE MODEL  
3 CURRICULUM AND LIST OF EDUCATION MATERIALS REQUIRED UNDER THIS  
4 SUBSECTION ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET  
5 WEBSITE.

6 (C) A SCHOOL ENTITY SHALL NOTIFY ITS STUDENTS, THEIR PARENTS  
7 OR GUARDIANS, ATHLETIC STAFF AND EXTRACURRICULAR ADVISORS TWICE  
8 EACH SCHOOL YEAR OF MENTAL HEALTH SERVICES AVAILABLE WITHIN THE  
9 SCHOOL ENTITY OR WITHIN THE COMMUNITY IN WHICH THE SCHOOL ENTITY  
10 IS LOCATED AND HOW STUDENTS AND THEIR PARENTS OR GUARDIANS MAY  
11 ACCESS THE SERVICES.

12 (D) IF A STUDENT'S PARTICIPATION IN A SCHOOL-SPONSORED  
13 ATHLETIC OR EXTRACURRICULAR ACTIVITY IS INTERRUPTED, THE SCHOOL  
14 ENTITY'S STUDENT ASSISTANCE PROGRAM SHALL BE NOTIFIED, SUBJECT  
15 TO THE REQUIREMENTS OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY  
16 ACT OF 1974 (PUBLIC LAW 90-247, 20 U.S.C. § 1232G). UPON  
17 NOTIFICATION, THE SCHOOL ENTITY'S STUDENT ASSISTANCE PROGRAM  
18 SHALL, AT A MINIMUM, PROVIDE THE STUDENT'S PARENTS OR GUARDIANS  
19 WITH INFORMATION ON MENTAL HEALTH SERVICES IDENTIFIED UNDER  
20 SUBSECTION (C). THE DEPARTMENT OF EDUCATION MAY SET RULES FOR  
21 THE LENGTH OF TIME OF INTERRUPTION THAT MAY TRIGGER THE  
22 NOTIFICATION TO THE STUDENT ASSISTANCE PROGRAM.

23 (E) WITHIN NINETY (90) DAYS OF THE EFFECTIVE DATE OF THIS  
24 SECTION, THE PENNSYLVANIA INTERSCHOLASTIC ATHLETIC ASSOCIATION  
25 SHALL REVIEW THE EXISTING COACHING EDUCATION REQUIREMENTS FOR  
26 COACHES ENGAGED AT A MEMBER SCHOOL AND REVISE THE REQUIRED  
27 EDUCATIONAL COURSES FOR TRAINING OF COACHES TO INCLUDE STUDENT  
28 MENTAL HEALTH AWARENESS BEGINNING IN THE 2025-2026 SCHOOL YEAR.  
29 TRAINING UNDER THIS SUBSECTION MAY BE CREDITED TOWARD A  
30 PROFESSIONAL EDUCATOR'S CONTINUING PROFESSIONAL EDUCATION

1 REQUIREMENTS UNDER SECTION 1205.2 AND A SCHOOL OR SYSTEM  
2 LEADER'S CONTINUING PROFESSIONAL EDUCATION REQUIREMENT UNDER  
3 SECTION 1205.5.

4 (F) A STUDENT'S PARENT OR GUARDIAN, OR AN EMANCIPATED  
5 STUDENT, SHALL COMPLETE ALL PARTS OF THE REPORT OF EXAMINATION  
6 FORM REQUIRED UNDER SECTION 1407 THAT ARE DESIGNATED TO BE  
7 COMPLETED BY A STUDENT'S PARENT OR GUARDIAN PRIOR TO PRESENTING  
8 THE FORM TO A HEALTH CARE PROVIDER. A HEALTH CARE PROVIDER SHALL  
9 NOT COMPLETE OR SIGN THE REPORT OF EXAMINATION FORM UNLESS THE  
10 STUDENT'S PARENT OR GUARDIAN, OR THE EMANCIPATED STUDENT, HAS  
11 COMPLETED ALL PARTS OF THE FORM THAT ARE DESIGNATED FOR  
12 COMPLETION BY A STUDENT'S PARENT OR GUARDIAN.

13 (G) WITHIN NINETY (90) DAYS OF THE EFFECTIVE DATE OF THIS  
14 SECTION, THE SECRETARY OF HEALTH SHALL REVIEW THE REPORT OF  
15 EXAMINATION FORM REQUIRED UNDER SECTION 1407, UPDATE THE FORM AS  
16 NECESSARY AND POST THE UPDATED FORM ON THE DEPARTMENT'S PUBLICLY  
17 ACCESSIBLE INTERNET WEBSITE. IN REVIEWING AND UPDATING THE FORM,  
18 THE SECRETARY OF HEALTH SHALL CONSIDER WHETHER THE FORM REQUIRES  
19 PARENTS AND GUARDIANS TO PROVIDE ADDITIONAL INFORMATION ON A  
20 STUDENT'S MENTAL HEALTH.

21 (H) THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS  
22 SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION  
23 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

24 "SCHOOL ENTITY." A SCHOOL DISTRICT, CHARTER SCHOOL, REGIONAL  
25 CHARTER SCHOOL, CYBER CHARTER SCHOOL, INTERMEDIATE UNIT OR AREA  
26 CAREER AND TECHNICAL SCHOOL.

27 "STUDENT ASSISTANCE PROGRAM." AS DEFINED IN 22 PA. CODE §  
28 12.16 (RELATING TO DEFINITIONS).

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