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Pennsylvania Independent Regulatory Review Commission
555 Walnut Street
Suite 804
Harrisburg, PA 17101

RE: Comments on Proposed Regulation #10-242: Communicable and Noncommunicable Diseases, IRRC #3490

On behalf of the more than 5,000 school directors and administrators who govern Pennsylvania's school districts, intermediate units, and career and technical centers, the Pennsylvania School Boards Association (PSBA) respectfully submits the following comments regarding proposed § 27.60c relating to contact tracing and partner services in schools.

PSBA recognizes the Commonwealth's responsibility to prevent the spread of communicable diseases and acknowledges the Department's stated position that contact tracing and partner services are important public health tools for interrupting disease transmission and protecting public health. The Department has also indicated that this proposal is intended to clarify the role of schools in facilitating these activities and to address confusion regarding the applicability of existing regulations to educational institutions.

While we appreciate these objectives, we are concerned that the proposed regulation places schools in an untenable position between parents and public health authorities. Specifically, the proposal would require schools to provide health authorities with timely access to students and permit private communications between health officials and students during the school day, while limiting the ability of school personnel to involve parents or guardians in those interactions.

Parents reasonably expect schools to serve as trusted partners in their children's education, safety, and well-being. The proposed regulation risks placing school administrators, teachers, nurses, and other personnel in direct conflict with parental expectations by requiring them to facilitate interactions involving highly sensitive health matters while restricting their ability to communicate with families regarding those interactions.

The Department states that schools would retain flexibility through the requirement that access be provided in a "reasonable and timely" manner. However, the proposal offers limited guidance regarding how schools should balance obligations to public health authorities, parental expectations, student rights, and existing school policies. As a result,

school personnel may be forced to make difficult real-time decisions involving sensitive legal and medical issues that extend beyond their expertise and primary educational responsibilities creating the opportunity to run afoul of state and federal law.

Accordingly, PSBA respectfully requests that the Department:

1. Recognize that maintaining strong parent-school relationships is an important public interest and a critical component of healthy and successful educational environments.
2. Provide explicit guidance regarding parental notification requirements and limitations so that school personnel are not forced to make complex legal determinations regarding public health investigations.
3. Clarify that schools are not responsible for interpreting or determining the scope of a student's legal consent rights and should not be expected to act as arbiters between parents and public health authorities.
4. Require the Department and local health authorities to assume primary responsibility for communications with students and families regarding contact tracing, partner services, consent, confidentiality, and related matters.
5. Clarify that a school's responsibility is limited to providing reasonable access to pertinent information as required by law and does not extend to facilitating, defending, or explaining public health determinations made by state or local health authorities.
6. Ensure that school employees and officials are protected from liability when acting in good-faith compliance with public health directives and applicable law.

Public health goals and parental involvement need not be mutually exclusive. PSBA believes that regulations can be structured in a manner that supports disease prevention efforts while preserving trust between schools and families. As currently drafted, however, the proposal risks placing schools in the middle of sensitive disputes that are more appropriately handled directly by public health authorities. Any final regulation should seek to protect public health while recognizing the unique role schools play in maintaining productive relationships with students, families, and their communities.

Thank you for your consideration of these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'N. Mains', followed by a horizontal line.

Nathan Mains
Chief Executive Officer