



# **Pennsylvania Compilation of School Discipline Laws and Regulations**

Prepared: January 26, 2018

## ***Introduction***

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

## ***Notes & Disclaimers***

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2018. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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## **General Provisions**

### **Authority to develop and establish rules of conduct**

#### **LAWS**

##### **24 Pa PS 1317.3. Uniforms.**

The board of directors in any school entity may impose limitations on dress and may require pupils to wear standard dress or uniforms. Dress policies may be applicable throughout the school entity or may be applicable to one or more school buildings within the school entity.

##### **24 Pa PS 1302-A. Office for safe schools.**

- (a) There is hereby established in the Department of Education an Office for Safe Schools.
- (b) The office shall have the power and duty to implement the following:
- (1) To coordinate antiviolence efforts between school, professional, parental, governmental, law enforcement and community organizations and associations.
  - (2) To collect, develop and disseminate information, policies, strategies and other information to assist in the development of programs to impact school violence.
    - (2.1) To direct all school entities to submit annual school violence statistics and reports to the office no later than July 31 of each year.
  - (3) To provide direct training to school employees, parents, law enforcement officials and communities on effective measures to prevent and combat school violence.
  - (4) To advise school entities and nonpublic schools on the development of policies to be used regarding possession of weapons by any person, acts of violence and protocols for coordination with and reporting to law enforcement officials and the Department of Education.
    - (4.1) To verify the existence of corrective action plans to reduce incidents of violence as required in the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).
  - (5) To develop forms to be used by school entities and police departments for reporting incidents involving acts of violence and possession of weapons on school property. The forms shall be reviewed on a biennial basis and revised when necessary.
  - (6) To verify that each school entity has a biennially updated and reexecuted memorandum of understanding with local law enforcement and has filed such memorandum with the office on a biennial basis.
  - (7) To publish and post on the Department of Education's Internet website a School Safety Annual Report no later than November 1 of each calendar year outlining all incidents required to be reported under section 1303-A and any school district that failed to submit a report under section 1303-A.
  - (8) To establish criteria, in consultation with the Pennsylvania State Police, for certifying approved vendors to provide school police officers to nonpublic schools for the purposes of awarding grants under subsection (c.1)(3).
  - (9) To publish and post on the Department of Education's publicly accessible Internet website a listing of all approved vendors under paragraph (8).
- (b.1) The office shall process and tabulate the data on an annual basis to assist school administrators and law enforcement officials in their duties under this article.
- (c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities to fund programs which address school violence, including:

- (1) Conflict resolution or dispute management, including restorative justice strategies.
    - (1.1) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.
    - (1.2) School-based diversion programs.
  - (2) Peer helpers programs.
  - (3) Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies.
  - (4) Classroom management.
  - (5) Student codes of conduct.
  - (6) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.
  - (7) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying.
  - (8) Comprehensive, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.
  - (9) Security planning, purchase of security-related technology which may include metal detectors, protective lighting, surveillance equipment, special emergency communications equipment, electronic locksets, deadbolts and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity's board of directors.
  - (10) Institution of student, staff and visitor identification systems, including criminal background check software.
  - (11) ((11) deleted by amendment July 18, 2013, P.L.571, No.70)
  - (12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.
  - (13) Alternative education programs provided for in Article XIX-C.
  - (14) Counseling services for students enrolled in alternative education programs.
  - (15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.
  - (16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.
- (c.1) (1) In addition to the powers and duties set forth under subsections (b) and (c), the office is authorized to make targeted grants to school entities, municipalities, local law enforcement agencies and approved vendors to fund programs which address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school resource officers and school police officers. Municipalities or local law enforcement agencies that receive grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school.
- (2) Municipalities or local law enforcement agencies may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers

pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.

(3) Nonpublic schools are authorized to apply to the office for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of a school police officer from a list of approved vendors certified by the office. Grant awards for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. Nonpublic schools may not apply for grant funding under this section for any purpose other than obtaining the services of a school police officer under this paragraph.

**24 Pa PS 1303.1-A. Policy relating to bullying.**

(a) No later than January 1, 2009, each school entity shall adopt a policy or amend its existing policy relating to bullying and incorporate the policy into the school entity's code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules). The policy shall delineate disciplinary consequences for bullying and may provide for prevention, intervention and education programs, provided that no school entity shall be required to establish a new policy under this section if one currently exists and reasonably fulfills the requirements of this section. The policy shall identify the appropriate school staff person to receive reports of incidents of alleged bullying.

**24 Pa PS 2603-B. Powers and duties of the board.**

(d) The board shall also have the authority and duty to:

(4) (iv) adopt rules or procedures and prescribe regulations for the submission to it of all matters within its jurisdiction;

(i) Every five (5) years, the board shall adopt a master plan for basic education which shall be for the guidance of the Governor, the General Assembly, and all public school entities. The master plan shall consider and make recommendations on the following areas, and any other areas which the board deems appropriate:

- (1) school program approval, evaluation and requirements;
- (2) school personnel training and certification;
- (3) student testing and assessment;
- (4) school governance and organization;
- (5) curriculum materials development;
- (6) school finance;
- (7) school buildings and facilities;
- (8) transportation;
- (9) technical services and support services to local education agencies; and
- (10) projected long-range needs of the public school system of this Commonwealth.

(k) The board shall make all reasonable rules and regulations necessary to effectuate the purposes of this article and carry out all duties placed upon it by law.

**2016 Act No. 31. Section 4. Enforcement by institution and secondary school.**

(a) Antihazing policy.

(1) Each institution and each governing board of a secondary school shall adopt a written antihazing policy and, pursuant to that policy, shall adopt rules prohibiting students or other persons associated with any organization operating under the sanction of or recognized as an organization by the institution or secondary school from engaging in any activity which can be described as hazing.

## REGULATIONS

### **22 Pa. Code 11.41. School district policies and rules.**

(a) Each school board shall adopt written policies concerning district child accounting, attendance, admission, excusal and program procedures as necessary to implement this chapter. The policies shall be a matter of public record.

(b) Each school board shall adopt, and distribute yearly to parents, written rules governing student admissions, attendance, absences and excusals, that are in conformity with this chapter.

(c) Each school board shall adopt a written policy permitting students to be excused for participation in agricultural fairs in conformity with section 1329(b) of the Public School Code of 1949 (24 P. S. §13-1329(b)).

### **22 Pa. Code 12.3. School rules.**

(a) The governing board has the authority to make reasonable and necessary rules governing the conduct of students in school. The rulemaking power, however, is not unlimited; it must operate within statutory and constitutional restraints. A governing board has only those powers that are enumerated in the statutes of the Commonwealth, or that may reasonably be implied or necessary for the orderly operation of the school.

(b) Governing boards may not make rules that are arbitrary, capricious, discriminatory or outside their grant of authority from the General Assembly. A rule is generally considered reasonable if it uses a rational means of accomplishing some legitimate school purpose.

(c) Each governing board shall adopt a code of student conduct that includes policies governing student discipline and a listing of students' rights and responsibilities as outlined in this chapter. This conduct code shall be published and distributed to students and parents or guardians. Copies of the code shall also be available in each school library.

## Scope

## LAWS

### **24 Pa PS 1317. Authority of teachers, vice principals and principals over pupils.**

Every teacher, vice principal and principal in the public schools shall have the right to exercise the same authority as to conduct and behavior over the pupils attending his school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardians or persons in parental relation to such pupils may exercise over them.

### **18 Pa CS 5704. Exceptions to prohibition of interception and disclosure of communications.**

It shall not be unlawful and no prior court approval shall be required under this chapter for:

(18) A person to intercept oral communications for disciplinary or security purposes on a school bus or school vehicle, as those terms are defined in 75 Pa.C.S. § 102 (relating to definitions), if all of the following conditions are met:

(i) The school board has adopted a policy that authorizes audio interception on school buses or school vehicles for disciplinary or security purposes.

(ii) Each school year, the school board includes the policy in a student handbook and in any other publication of the school entity that sets forth the comprehensive rules, procedures and standards of conduct for the school entity.

(iii) The school board posts a notice that students may be audiotaped, which notice is clearly visible on each school bus or school vehicle that is furnished with audio-recording equipment.

(iv) The school entity posts a notice of the policy on the school entity's publicly accessible Internet website.

This paragraph shall not apply when a school bus or school vehicle is used for a purpose that is not school related.

**18 Pa CS 6306.1. Use of tobacco in schools prohibited.**

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Pupil." A person between the ages of 6 and 21 years who is enrolled in school.

"School." A school operated by a joint board, board of directors or school board where pupils are enrolled in compliance with Article XIII of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, including area vocational schools and intermediate units.

"Tobacco." A lighted or unlighted cigarette, cigar, pipe or other lighted smoking product and smokeless tobacco in any form.

**2016 Act No. 31. Section 2. Definitions.**

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Hazing." Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of [a student] a person or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization [operating under the sanction of or recognized as an organization by an institution of higher education]. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

"Institution of higher education" or "institution." Any public or private institution within this Commonwealth authorized to grant an associate degree or higher academic degree.

"Secondary school." Any public or private school within this Commonwealth providing instruction in grades 7 through 12 or any combination of those grades.

**2016 Act No. 31. Section 2. Definitions.**

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Institution of higher education" or "institution." Any public or private institution within this Commonwealth authorized to grant an associate degree or higher academic degree.

"Secondary school." Any public or private school within this Commonwealth providing instruction in grades 7 through 12 or any combination of those grades.

**2016 Act No. 31. Section 4. Enforcement by institution and secondary school.**

(b) Enforcement and penalties.-

(5) Rules adopted pursuant hereto shall apply to acts conducted on or off campus or other school property whenever such acts are deemed to constitute hazing.

**REGULATIONS**

**22 Pa. Code 10.1. Purpose.**

The purpose of this chapter is to establish and maintain a cooperative relationship between school entities and local police departments in the reporting and resolution of incidents that occur on school property, at a school sponsored activity or on a conveyance as described in the Safe Schools Act, such as a school bus, providing transportation to or from a school or school sponsored activity.

**22 Pa. Code 12.11. Hair and dress.**

(a) The governing board may establish dress codes or require that students wear school uniforms. Policies may apply to individual school buildings or to all school buildings.

**Communication of Policy**

**LAWS**

**24 Pa PS 510.2. Publication of rules, regulations and policies.**

The board of school directors of a school district shall post on its publicly accessible Internet website the following rules, regulations and policies to the extent that they are required to be adopted by the school district under Federal or State law:

- (1) The following relating to students:
  - (i) Admission of beginners.
  - (ii) Attendance, excusals and truancy.
  - (iii) Withdrawal from school.
  - (iv) Student discipline.
  - (v) Suspension and expulsion of students.
  - (vi) Searches.
  - (vii) Audio interception on school buses or school vehicles for disciplinary or security persons.
  - (viii) Retention, maintenance and access to student records.
  - (ix) Use of personal electronic devices.
  - (x) Dress and grooming.
  - (xi) Student complaint process.
  - (xii) Parent appeal of a school district's placement of twins or multiple birth siblings.
  - (xiii) Participation by home school students in school district extracurricular activities.
- (2) The following relating to educational programs:
  - (i) Curriculum review by parents and students.

- (ii) Promotion and retention.
  - (iii) Graduation requirements.
- (3) The following relating to student health:
- (i) Communicable diseases and immunization.
  - (ii) Health examinations and screenings.
  - (iii) Student use of medications.
  - (iv) The school district's wellness policy.
- (4) The following relating to school property:
- (i) Use of school property and facilities.
  - (ii) School visitation policies.
  - (iii) Integrated pest management plan.
- (5) The following relating to community:
- (i) Public participation in school board meetings.
  - (ii) Public attendance at school events.
  - (iii) Parental involvement policy for parents and guardians of students participating pursuant to section 1118 of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C § 6318).
  - (iv) Public access to and use of school district buildings, facilities and grounds.
  - (v) Public complaint process.

**24 Pa PS 1303.1-A. Policy relating to bullying.**

(b) Each school entity shall make the policy available on its publicly accessible Internet website, if available, and in every classroom. Each school entity shall post the policy at a prominent location within each school building where such notices are usually posted. Each school entity shall ensure that the policy and procedures for reporting bullying incidents are reviewed with students within ninety (90) days after their adoption and thereafter at least once each school year.

**18 Pa CS 5704. Exceptions to prohibition of interception and disclosure of communications.**

It shall not be unlawful and no prior court approval shall be required under this chapter for:

- (18) A person to intercept oral communications for disciplinary or security purposes on a school bus or school vehicle, as those terms are defined in 75 Pa.C.S. § 102 (relating to definitions), if all of the following conditions are met:
- (i) The school board has adopted a policy that authorizes audio interception on school buses or school vehicles for disciplinary or security purposes.
  - (ii) Each school year, the school board includes the policy in a student handbook and in any other publication of the school entity that sets forth the comprehensive rules, procedures and standards of conduct for the school entity.
  - (iii) The school board posts a notice that students may be audiotaped, which notice is clearly visible on each school bus or school vehicle that is furnished with audio-recording equipment.
  - (iv) The school entity posts a notice of the policy on the school entity's publicly accessible Internet website.

This paragraph shall not apply when a school bus or school vehicle is used for a purpose that is not school related.

**2016 Act No. 31. Section 4. Enforcement by institution and secondary school.**

(a) Antihazing policy.

(1) Each institution and each governing board of a secondary school shall adopt a written antihazing policy and, pursuant to that policy, shall adopt rules prohibiting students or other persons associated with any organization operating under the sanction of or recognized as an organization by the institution or secondary school from engaging in any activity which can be described as hazing.

(2) Each secondary school shall provide a copy of the written antihazing policy, its rules, penalties and program of enforcement to all athletic coaches involved in organizations within the secondary school.

(3) Each governing board of a secondary school shall post its written antihazing policy on its publicly accessible Internet website.

**REGULATIONS**

**22 Pa. Code 11.41. School district policies and rules.**

(a) Each school board shall adopt written policies concerning district child accounting, attendance, admission, excusal and program procedures as necessary to implement this chapter. The policies shall be a matter of public record.

(b) Each school board shall adopt, and distribute yearly to parents, written rules governing student admissions, attendance, absences and excusals, that are in conformity with this chapter.

(c) Each school board shall adopt a written policy permitting students to be excused for participation in agricultural fairs in conformity with section 1329(b) of the Public School Code of 1949 (24 P. S. §13-1329(b)).

**22 Pa. Code 12.3. School rules.**

(c) Each governing board shall adopt a code of student conduct that includes policies governing student discipline and a listing of students' rights and responsibilities as outlined in this chapter. This conduct code shall be published and distributed to students and parents or guardians. Copies of the code shall also be available in each school library.



## ***In-School Discipline***

### **Use of multi-tiered discipline approaches**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Teacher authority to remove students from classrooms**

#### **LAWS**

#### **24 Pa PS 1317. Authority of Teachers, Vice Principals and Principals over Pupils.**

Every teacher, vice principal and principal in the public schools shall have the right to exercise the same authority as to conduct and behavior over the pupils attending his school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardians or persons in parental relation to such pupils may exercise over them.

#### **REGULATIONS**

No relevant regulations found.

### **Alternatives to suspension**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Use of corporal punishment**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

#### **22 Pa. Code 12.5. Corporal punishment.**

(a) Corporal punishment is defined as physically punishing a student for an infraction of the discipline policy. Use of corporal punishment is prohibited.

(b) Teachers and school authorities may use reasonable force under the following circumstances:

- (1) To quell a disturbance.
- (2) To obtain possession of weapons or other dangerous objects.
- (3) For the purpose of self-defense.

- (4) For the protection of persons or property.

### **22 Pa. Code 12.16. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Corporal punishment. A form of physical discipline that is intended to cause pain and fear and in which a student is spanked, paddled or hit on any part of the body with a hand or instrument.

### **22 Pa. Code 14.133. Positive behavior support.**

(e) The following aversive techniques of handling behavior are considered inappropriate and may not be used by agencies in educational programs:

- (1) Corporal punishment.
- (2) Punishment for a manifestation of a student's disability.
- (3) Locked rooms, locked boxes or other structures or spaces from which the student cannot readily exit.
- (4) Noxious substances.
- (5) Deprivation of basic human rights, such as withholding meals, water or fresh air.
- (6) Suspensions constituting a pattern under § 14.143(a) (relating to disciplinary placement).
- (7) Treatment of a demeaning nature.
- (8) Electric shock.

## **Use of student and locker searches**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **22 Pa. Code 12.14. Searches**

- (a) The governing board of every school entity shall adopt reasonable policies and procedures regarding student searches. The local education agency shall notify students and their parents or guardians of the policies and procedures regarding student searches.
- (b) Illegal or prohibited materials seized during a student search may be used as evidence against the student in a school disciplinary proceeding.
- (c) Prior to a locker search, students shall be notified and given an opportunity to be present. When school authorities have a reasonable suspicion that the locker contains materials that pose a threat to the health, welfare or safety of students in the school, student lockers may be searched without prior warning.

## **Other in-school disciplinary approaches**

### **LAWS**

#### **2016 Act No. 31. Section 4. Enforcement by institution and secondary school.**

- (b) Enforcement and penalties.-

(1) Each institution and each governing board of a secondary school shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules to be administered by the person or agency at the institution or secondary school responsible for the sanctioning or recognition of such organizations.

(2) Such penalties may include the imposition of fines, the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines and the imposition of probation, suspension [or], dismissal or expulsion.

(3) In the case of an organization which authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus or other school property or to otherwise operate under the sanction or recognition of the institution or secondary school.

(4) All penalties imposed under the authority of this section shall be in addition to any penalty imposed for violation of section 3 or any of the criminal laws of this State or for violation of any other institutional or secondary school rule to which the violator may be subject.

(5) Rules adopted pursuant hereto shall apply to acts conducted on or off campus or other school property whenever such acts are deemed to constitute hazing.

## **REGULATIONS**

No relevant regulations found.

## ***Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements***

### **Grounds for possible suspension or expulsion**

#### **LAWS**

##### **24 Pa PS 1318. Suspension and expulsion of pupils.**

Every principal or teacher in charge of a public school may temporarily suspend any pupil on account of disobedience or misconduct, and any principal or teacher suspending any pupil shall promptly notify the district superintendent or secretary of the board of school directors. The board may, after a proper hearing, suspend such child for such time as it may determine, or may permanently expel him. Such hearings, suspension, or expulsion may be delegated to a duly authorized committee of the board, or to a duly qualified hearing examiner, who need not be a member of the board, but whose adjudication must be approved by the board.

#### **REGULATIONS**

No relevant regulations found.

### **Grounds for mandatory suspension or expulsion**

#### **LAWS**

##### **24 Pa PS 1317.2. Possession of weapons prohibited.**

- (a) Except as otherwise provided in this section, a school district or area vocational-technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.
- (b) Every school district and area vocational-technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.
- (c) The superintendent of a school district or an administrative director of an area vocational-technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).
- (d) The provisions of this section shall not apply to the following:
- (1) a weapon being used as part of a program approved by a school by an individual who is participating in the program; or
  - (2) a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.
- (e) Nothing in this section shall be construed as limiting the authority or duty of a school or area vocational-technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

(f) All school districts and area vocational-technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

(1) The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

(2) The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303-A.

(g) As used in this section, the term "weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

## **REGULATIONS**

### **22 Pa. Code 12.6. Exclusions from school.**

(a) The governing board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting certain students with disabilities shall be governed by § 14.143 (relating to disciplinary placements) and 34 CFR 300.519—300.529 (relating to discipline procedures).

(b) Exclusion from school may take the form of suspension or expulsion.

## **Limitations, conditions, or exclusions for use of suspension and expulsion**

## **LAWS**

No relevant laws found.

## **REGULATIONS**

### **22 Pa. Code 14.143. Disciplinary placements.**

(a) Notwithstanding the requirements incorporated by reference in 34 CFR 300.530(b) and 300.536 (relating to authority of school personnel; and change of placement because of disciplinary removals), a disciplinary exclusion of a student with a disability for more than 15 cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement.

(b) A removal from school is a change of placement for a student who is identified with mental retardation, except if the student's actions are consistent with 34 CFR 300.530(g)(1)—(3) (relating to authority of school personnel).

# Administrative procedures related to suspensions and expulsion

## LAWS

### **24 Pa PS 1318. Suspension and expulsion of pupils.**

Every principal or teacher in charge of a public school may temporarily suspend any pupil on account of disobedience or misconduct, and any principal or teacher suspending any pupil shall promptly notify the district superintendent or secretary of the board of school directors. The board may, after a proper hearing, suspend such child for such time as it may determine, or may permanently expel him. Such hearings, suspension, or expulsion may be delegated to a duly authorized committee of the board, or to a duly qualified hearing examiner, who need not be a member of the board, but whose adjudication must be approved by the board.

## REGULATIONS

### **22 Pa. Code 12.6. Exclusions from school.**

- (a) The governing board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting certain students with disabilities shall be governed by §14.143 (relating to disciplinary placements) and 34 CFR 300.519—300.529 (relating to discipline procedures).
- (b) Exclusion from school may take the form of suspension or expulsion.
- (1) Suspension is exclusion from school for a period of from 1 to 10 consecutive school days.
    - (i) Suspensions may be given by the principal or person in charge of the public school.
    - (ii) A student may not be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond. Prior notice of the intended suspension need not be given when it is clear that the health, safety or welfare of the school community is threatened.
    - (iii) The parents or guardians and the superintendent of the district shall be notified immediately in writing when the student is suspended.
    - (iv) When the suspension exceeds 3 school days, the student and parent shall be given the opportunity for an informal hearing consistent with the requirements in §12.8(c) (relating to hearings).
    - (v) Suspensions may not be made to run consecutively beyond the 10 school day period.
    - (vi) Students shall have the responsibility to make up exams and work missed while being disciplined by suspension and shall be permitted to complete these assignments within guidelines established by the governing board.
  - (2) Expulsion is exclusion from school by the governing board for a period exceeding 10 school days and may be permanent expulsion from the school rolls. Expulsions require a prior formal hearing under §12.8.
- (c) During the period prior to the hearing and decision of the governing board in an expulsion case, the student shall be placed in his normal class except as set forth in subsection (d).
- (d) If it is determined after an informal hearing that a student's presence in his normal class would constitute a threat to the health, safety or welfare of others and it is not possible to hold a formal hearing within the period of a suspension, the student may be excluded from school for more than 10 school days. A student may not be excluded from school for longer than 15 school days without a formal hearing unless mutually agreed upon by both parties. Any student so excluded shall be provided with alternative education, which may include home study.
- (e) Students who are under 17 years of age are still subject to the compulsory school attendance law even though expelled and shall be provided an education.

- (1) The initial responsibility for providing the required education rests with the student's parents or guardian, through placement in another school, tutorial or correspondence study, or another educational program approved by the district's superintendent.
- (2) Within 30 days of action by the governing board, the parents or guardians shall submit to the school district written evidence that the required education is being provided as described in paragraph (1) or that they are unable to do so. If the parents or guardians are unable to provide the required education, the school entity shall, within 10 days of receipt of the notification, make provision for the student's education. A student with a disability shall be provided educational services as required by the Individuals With Disabilities Education Act (20 U.S.C.A. § §1400—1482).
- (3) If the approved educational program is not complied with, the school entity may take action in accordance with 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act) to ensure that the child will receive a proper education. See §12.1(b) (relating to free education and attendance).

## **22 Pa. Code 12.8. Hearings.**

- (a) General. Education is a statutory right, and students shall be afforded due process if they are to be excluded from school. In a case involving a possible expulsion, the student is entitled to a formal hearing.
- (b) Formal hearings. A formal hearing is required in all expulsion actions. This hearing may be held before the governing board or an authorized committee of the board, or a qualified hearing examiner appointed by the board. When a committee of the board or a hearing examiner conducts the hearing, a majority vote of the entire governing board is required to expel a student. The following due process requirements shall be observed with regard to the formal hearing:
  - (1) Notification of the charges shall be sent to the student's parents or guardians by certified mail.
  - (2) At least 3 days' notice of the time and place of the hearing shall be given. A copy of the expulsion policy, notice that legal counsel may represent the student and hearing procedures shall be included with the hearing notice. A student may request the rescheduling of the hearing when the student demonstrates good cause for an extension.
  - (3) The hearing shall be held in private unless the student or parent requests a public hearing.
  - (4) The student may be represented by counsel, at the expense of the parents or guardians, and may have a parent or guardian attend the hearing.
  - (5) The student has the right to be presented with the names of witnesses against the student, and copies of the statements and affidavits of those witnesses.
  - (6) The student has the right to request that the witnesses appear in person and answer questions or be cross-examined.
  - (7) The student has the right to testify and present witnesses on his own behalf.
  - (8) A written or audio record shall be kept of the hearing. The student is entitled, at the student's expense, to a copy. A copy shall be provided at no cost to a student who is indigent.
  - (9) The proceeding shall be held within 15 school days of the notification of charges, unless mutually agreed to by both parties. A hearing may be delayed for any of the following reasons, in which case the hearing shall be held as soon as reasonably possible:
    - (i) Laboratory reports are needed from law enforcement agencies.
    - (ii) Evaluations or other court or administrative proceedings are pending due to a student invoking his rights under the Individuals With Disabilities Education Act (20 U.S.C.A. § §1400—1482).
    - (iii) In cases in juvenile or criminal court involving sexual assault or serious bodily injury, delay is necessary due to the condition or best interests of the victim.

(10) Notice of a right to appeal the results of the hearing shall be provided to the student with the expulsion decision.

(c) Informal hearings. The purpose of the informal hearing is to enable the student to meet with the appropriate school official to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended.

(1) The informal hearing is held to bring forth all relevant information regarding the event for which the student may be suspended and for students, their parents or guardians and school officials to discuss ways by which future offenses might be avoided.

(2) The following due process requirements shall be observed in regard to the informal hearing:

(i) Notification of the reasons for the suspension shall be given in writing to the parents or guardians and to the student.

(ii) Sufficient notice of the time and place of the informal hearing shall be given.

(iii) A student has the right to question any witnesses present at the hearing.

(iv) A student has the right to speak and produce witnesses on his own behalf.

(v) The school entity shall offer to hold the informal hearing within the first 5 days of the suspension.

## **22 Pa. Code 12.16. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

**Corporal punishment.** A form of physical discipline that is intended to cause pain and fear and in which a student is spanked, paddled or hit on any part of the body with a hand or instrument.

**Governing board.** The board of school directors of a school district, joint school committee of a joint school or joint vocational school, intermediate unit board of directors, or the board of trustees of a charter school or cyber-charter school.

**Prekindergarten.** A program operated by a school district or by a community agency under contract from a school district that is open to children who are at least 3 years of age and completed prior to the school district's entry age for kindergarten, unless individual exceptions to the age requirements are made by the school district.

**School entity.** A local public education provider (for example, public school, charter school, cyber-charter school, area vocational-technical school or intermediate unit).

**Student assistance program.** A systematic process designed to assist school personnel to identify issues, including alcohol, drugs and others, which pose a barrier to a student's learning and school success. Student assistance is a systematic process using effective and accountable professional techniques to mobilize school resources to remove the barriers to learning, and, when the problem is beyond the scope of the school, to assist the parent and the student with information so they may access services within the community.

**Student services.** Services designed by a school entity to support the instructional program and to help students attain their educational and career goals.

(i) Services may include school guidance counseling, health services (under Article XIV of the Public School Code of 1949 (24 P. S. § 14-1401, 14-1423) and 28 Pa. Code Chapter 23 (relating to school health)), psychological services, social work and home and school visitor services.

(ii) School entities may supplement, but may not supplant, these services through school-based, school-linked, or coordinated services provided by locally available social and human services agencies.



## In-school suspension

### LAWS

No relevant laws found.

### REGULATIONS

#### **22 Pa. Code 12.7. Exclusion from classes -- in-school suspension.**

- (a) A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.
- (b) Communication to the parents or guardian shall follow the suspension action taken by the school.
- (c) When the in-school suspension exceeds 10 consecutive school days, an informal hearing with the principal shall be offered to the student and the student's parent or guardian prior to the 11th school day in accordance with the procedures in § 12.8 (relating to hearings).
- (d) The student's school entity has the responsibility to make provision for the student's education during the period of the in-school suspension.

## Return to school following removal

### LAWS

#### **24 Pa PS 2134. Placement of certain adjudicated students.**

- (a) No student returning from placement as a result of being adjudicated delinquent under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or who has been adjudged to have committed a crime under an adult criminal proceeding shall be returned directly to the regular classroom.
- (b) Prior to returning such student to the regular classroom, the school district shall:
  - (1) Place the student in a transition center operated by the school district for a period not to exceed four (4) weeks.
  - (2) Develop a transition plan for the student that includes academic goals, identifies school and community services appropriate to the needs of the student and establishes terms and conditions the student must meet prior to returning to the regular classroom.
- (c) The transition plan developed under subsection (b)(2) may provide for the student's direct return to a regular classroom where the underlying offense did not involve any of the following:
  - (i) Possession of a weapon.
  - (ii) Possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."
  - (iii) Possession, use or sale of alcohol or tobacco by any person on school property.
  - (iv) An act of violence as defined in section 1310-A(h)
- (d) In the case of a student whose transition plan does not include immediate return to the regular classroom, the student shall be placed in one of the following as provided for in the student's transition plan:
  - (1) An alternative education program as defined in Article XIX-C
  - (2) A private alternative education institution as defined in Article XIX-E
  - (3) A general education development program.

(4) A program operating after the traditional school day.

(e) (1) Prior to the release of a student subject to this section from a residential or day treatment placement as a result of being adjudicated delinquent under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or returning from incarceration as a result of having been adjudged to have committed a crime under an adult criminal proceeding, the court shall provide to the person designated in charge of the school district's transition center the information required in the school notification provision under 42 Pa.C.S. § 6341(b.1) (relating to adjudication).

(2) The information shall be updated by the court with information pertaining to treatment reports and supervision plans or any other information deemed necessary by the transition plan and assure appropriate placement of the student.

## **REGULATIONS**

No relevant regulations found.

## **Use of restraint and seclusion**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **22 Pa. Code 14.133. Positive behavior support.**

(a) Positive, rather than negative, measures must form the basis of behavior support programs to ensure that all students and eligible young children shall be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints. Behavior support programs must include research based practices and techniques to develop and maintain skills that will enhance an individual student's or eligible young child's opportunity for learning and self-fulfillment. Behavior support programs and plans must be based on a functional assessment of behavior and utilize positive behavior techniques. When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student or eligible young child shall be the least intrusive necessary. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques, in accord with subsection (c)(2).

(b) Notwithstanding the requirements incorporated by reference in 34 CFR 300.34, 300.324 and 300.530 (relating to related services; development, review, and revision of IEP; and authority of school personnel), with regard to a child's behavior, the following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Aversive techniques. Deliberate activities designed to establish a negative association with a specific behavior.

Behavior support. The development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.

Positive behavior support plans. A plan for students with disabilities and eligible young children who require specific intervention to address behavior that interferes with learning. A positive behavior support plan shall be developed by the IEP team, be based on a functional behavior assessment, and become part of the individual eligible young child's or student's IEP. These plans must include methods that utilize positive reinforcement and other positive techniques to shape a student's or eligible young child's behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.

## Restraints

- (i) The application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a student's or eligible young child's body.
  - (ii) The term does not include briefly holding, without force, a student or eligible young child to calm or comfort him, guiding a student or eligible young child to an appropriate activity, or holding a student's or eligible young child's hand to safely escort her from one area to another.
  - (iii) The term does not include hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's or eligible young child's parents and specified in the IEP. Devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints which are excluded from this definition, and governed by subsection (d).
- (c) Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself, to other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.
- (1) The use of restraints to control the aggressive behavior of an individual student or eligible young child shall cause the school entity to notify the parent of the use of restraint and shall cause a meeting of the IEP team within 10 school days of the inappropriate behavior causing the use of restraints, unless the parent, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student or eligible young child needs a functional behavioral assessment, reevaluation, a new or revised positive behavior support plan, or a change of placement to address the inappropriate behavior.
  - (2) The use of restraints may only be included in a student's or eligible young child's IEP when the following conditions apply:
    - (i) The restraint is utilized with specific component elements of positive behavior support.
    - (ii) The restraint is used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior.
    - (iii) Staff are authorized to use the procedure and have received the staff training required.
    - (iv) There is a plan in place for eliminating the use of restraint through the application of positive behavior support.
  - (3) The use of prone restraints is prohibited in educational programs. Prone restraints are those in which a student or eligible young child is held face down on the floor.
  - (4) The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment.
  - (5) School entities shall maintain and report data on the use of restraints as prescribed by the Secretary. The report shall be reviewed during cyclical compliance monitoring conducted by the Department.
- (d) Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents. Mechanical restraints shall prevent a student from injuring himself or others or promote normative body positioning and physical functioning.
- (e) The following aversive techniques of handling behavior are considered inappropriate and may not be used by agencies in educational programs:

- (1) Corporal punishment.
  - (2) Punishment for a manifestation of a student's disability.
  - (3) Locked rooms, locked boxes or other structures or spaces from which the student cannot readily exit.
  - (4) Noxious substances.
  - (5) Deprivation of basic human rights, such as withholding meals, water or fresh air.
  - (6) Suspensions constituting a pattern under §14.143(a) (relating to disciplinary placement).
  - (7) Treatment of a demeaning nature.
  - (8) Electric shock.
- (f) School entities have the primary responsibility for ensuring that positive behavior support programs are in accordance with this chapter, including the training of personnel for the use of specific procedures, methods and techniques, and for having a written policy and procedures on the use of positive behavior support techniques and obtaining parental consent prior to the use of restraints or intrusive procedures as provided in subsection (c).
- (g) In accordance with their plans, agencies may convene a review, including the use of human rights committees, to oversee the use of restrictive or intrusive procedures or restraints.
- (h) Subsequent to a referral to law enforcement, for students with disabilities who have positive behavior support plans, an updated functional behavior assessment and positive behavior support plan shall be required.

## **Alternative Placements**

### **LAWS**

#### **24 Pa PS 1317.2. Possession of weapons prohibited.**

(e) Nothing in this section shall be construed as limiting the authority or duty of a school or area vocational-technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

#### **24 Pa PS 1401-A. Definitions.**

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Individualized educational program" or "IEP." An individualized education program established under 22 Pa. Code Ch. 14 (relating to special education services and programs).

"Private academic school." A private academic school as defined in section 2 of the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act, which is licensed under the requirements of the Private Academic Schools Act.

"Program." The Drug and Alcohol Recovery High School Pilot Program established under section 1402-A.

"Recovery high school." The school designated to serve as the drug and alcohol recovery high school for purposes of the program under section 1402-A(b).

"Resident school district." The school district in which the parent of a student enrolled in the recovery high school under the program resides.

#### **24 Pa PS 1402-A. Establishment of drug and alcohol recovery high school pilot program.**

(a) Pilot program established.--The Drug and Alcohol Recovery High School Pilot Program is established to provide a program of instruction in grades 9 through 12 meeting State academic standards for students who are in recovery from drug or alcohol abuse or addiction.

(b) Designation.--Within 60 days of the effective date of this section, the Secretary of Education, in consultation with the Department of Drug and Alcohol Programs, shall:

(1) Designate, through a request for proposal process, a facility that satisfies all of the following to serve as the recovery high school for purposes of the program:

(i) Is licensed as a private academic school under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.

(ii) Is located in a school district of the first class.

(iii) Has experience providing drug and alcohol recovery services.

(iv) Has adopted and follows accreditation standards and best practices set forth by the Association of Recovery Schools.

(2) Post notice of the designation on the department's publicly accessible Internet website.

#### **24 Pa PS 1403-A. Scope of program and selection of students.**

(a) Maximum participation.--Beginning in the 2016-2017 school year, a maximum of 20 students in grades 9 through 12 may be enrolled in the recovery high school under the program at any one time.

(b) Vacancies.--If a student enrolled in the recovery high school under the program withdraws or graduates from the recovery high school, the vacancy may be filled by another student.

(c) Student requirements.--A student may enroll in the recovery high school under the program if the following apply:

(1)

(i) Subject to subparagraph (ii), the student resides in a school district of the first class, which has approved the student's enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied for enrollment in the recovery high school on the student's behalf.

(ii) If fewer than 20 students residing in a school district of the first class enroll in the recovery high school under the program at any time under subparagraph (i), a student who resides in a school district other than a school district of the first class may enroll in the recovery high school under the program if the student's resident school district has approved the student's enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied for enrollment in the recovery high school on the student's behalf.

(2) The student has at least 30 days of sobriety at the time of application for enrollment.

(3) The student commits to participate in a recovery plan, including, but not limited to, school-based drug testing, as designed by the recovery high school and approved by the Department of Drug and Alcohol Programs.

(4) The recovery high school approves the student's enrollment in the recovery high school. A determination by the recovery high school not to approve a student's enrollment in the recovery high school may not be appealed to the department.

(d) Approval or disapproval by resident school district.--Within 30 days after a student's parent or guardian submits a written request to the resident school district seeking the student's enrollment in the recovery high school under the program, the resident school district shall issue written notice to the parent or guardian approving or disapproving the request.

(e) Hearing.--If a parent or guardian disagrees with a resident school district's disapproval of the student's enrollment in the recovery high school under the program, the following shall apply:

(1) For a student with an IEP, the due process hearing requirements of 22 Pa. Code Ch. 14 (relating to special education services and programs) shall apply.

(2) For a student without an IEP, the resident school district shall follow a notice and hearing process that the department shall develop and post on its publicly accessible Internet website.

(3) If a student's enrollment in the recovery high school under the program is not approved by the student's resident school district or if the student's parent or guardian chooses not to participate in the program established under section 1402-A, the student's parent or guardian may pay the student's tuition to enroll in the recovery high school, provided that the recovery high school has approved the student's enrollment in the recovery high school.

#### **24 Pa PS 1404-A. Academic programs.**

(a) Assessments.--The recovery high school shall administer to all students enrolled in the recovery high school under the program any assessments that are required under 22 Pa. Code Ch. 4 (relating to academic standards and assessment). Student scores on any required assessments shall be attributed to the student's resident school district for purposes of compliance with the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).

(b) Certification.--At least 75% of the professional staff members of the recovery high school shall hold appropriate State certification, provided that all professional staff members of the recovery high school who are responsible for providing special education services to students enrolled in the recovery high school under the program shall hold appropriate State certification in special education.

(c) Licensure.--If a student enrolled in the recovery high school is subject to an IEP, the recovery high school must be licensed to provide any services required to be provided under the student's IEP.

#### **24 Pa PS 1405-A. Establishment and payment of tuition.**

(a) Tuition rate.--No later than June 30 of each year, the department shall establish a per-student regular education tuition rate for each student enrolled in the recovery high school under the program, provided that the recovery high school may not set a per-student regular education tuition rate for students enrolled in the recovery high school who are not participants in the program that is lower than the per-student regular education tuition rate established for students enrolled in the recovery high school under the program. The per-student regular education tuition rate for students enrolled in the recovery high school under the program shall be determined as follows:

(1) For the 2016-2017 school year, the per-student regular education tuition rate for each student enrolled in the recovery high school under the program shall be \$20,000.

(2) Beginning in the 2017-2018 school year, and in each school year thereafter, annual adjustments to the amount set forth in paragraph (1) shall be made as follows:

(i) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as

published by the United States Department of Labor, Bureau of Labor Statistics, for the 12-month period ending September 30, 2016, and for each successive 12-month period thereafter.

(ii) If the Department of Labor and Industry determines that there is no positive percentage change, then no adjustment to the amount set forth in paragraph (1) shall occur for the relevant time period.

(iii)

(A) If the Department of Labor and Industry determines that there is a positive percentage change in the first year that the determination is made under subparagraph (i), the positive percentage change shall be multiplied by the amount set forth in paragraph (1), and the product shall be added to the amount set forth in paragraph (1), and the sum shall be the preliminary adjusted per-student tuition rate.

(B) The preliminary adjusted per-student tuition rate shall be rounded to the nearest \$100 to determine the final adjusted per-student tuition rate.

(iv) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary per-student tuition rate, and the product shall be added to the preliminary adjusted per-student tuition rate of the prior year to calculate the preliminary adjusted per-student tuition rate for the current year. The sum thereof shall be rounded to the nearest \$100 to determine the new final adjusted per-student tuition rate.

(v) The determinations and adjustments required under this subparagraph shall be made in the period between April 1, 2017, and April 30, 2017, and annually between April 1 and April 30 of each year thereafter.

(vi) The final adjusted per-student tuition rates obtained under subparagraphs (iii) and (iv) shall become effective July 1 for the school year following the year in which the determination required under this paragraph is made.

(vii) The department shall publish notice in the Pennsylvania Bulletin prior to July 1 of each year of the annual percentage change determined under subparagraph (i) and the unadjusted or final adjusted per-student tuition rate determined under subparagraphs (iii) and (iv) for the school year following the year in which the per-student tuition rate is determined. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted per-student tuition rate under this section for the ensuing calendar year.

(viii) The annual increase in the preliminary adjusted per-student tuition rate determined under subparagraphs (iii) and (iv) shall not exceed 3%.

(b) Payment of regular education tuition rate.--

(1) The department shall pay 60% of the per-student regular education tuition rate established under subsection (a) for each student enrolled in the recovery high school under the program.

(2) The resident school district of each student enrolled in the recovery high school under the program shall pay the amount of the per-student tuition rate established under subsection (a) that remains following payment by the department under paragraph (1).

(c) Special education.--For each student enrolled in the recovery high school under the program who is subject to an IEP, the student's resident school district shall, in addition to the regular education tuition payment made on behalf of the student:

(1) provide the student with special education services required under the student's IEP, at the resident school district's cost; or

(2) make payment to the recovery high school for special education services provided to the student by the recovery high school.

(d) Treatment of school district subsidies.--A student enrolled in a recovery high school under the program shall be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding under Article XXV.

**24 Pa PS 1406-A. Term of drug and alcohol recovery high school pilot program.**

(a) Enrollment of new students.--Unless the program is permanently established by action of the General Assembly, the recovery high school shall not enroll new students under the program after June 30, 2020.

(b) Continued enrollment.--If the program is not permanently established by action of the General Assembly on or before June 30, 2020, a student enrolled in the recovery high school under the program as of June 30, 2020, may remain enrolled in the recovery high school under the program until the earlier of the following:

- (1) The student's graduation from the recovery high school.
- (2) The student's withdrawal from the recovery high school.
- (3) The student's completion of four years of enrollment in the recovery high school under the program.

**24 Pa PS 1407-A. Reporting.**

(a) Report by recovery high school.--By August 31, 2019, and by August 31 of each year thereafter, the recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report concerning the program. The report shall include, but not be limited to, all of the following, subject to the requirements of the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and to the extent such reporting does not reveal identifying information concerning any individual student:

- (1) The number of students who:
  - (i) Enrolled in the recovery high school under the program for the preceding reporting period.
  - (ii) Requested enrollment in the recovery high school under the program but were denied participation in the program for the preceding reporting period.
  - (iii) Enrolled in the recovery high school but who were not participants in the program for the preceding reporting period.
- (2) The number and percentage of students enrolled in the recovery high school during the previous reporting period to whom each of the following apply, reported separately based on whether or not the students were participants in the program:
  - (i) Earned a high school diploma from the recovery high school.
  - (ii) Withdrew from the recovery high school and requested transfer of educational records to another school.
  - (iii) Withdrew from the recovery high school without requesting transfer of educational records to another school.
  - (iv) Maintained enrollment in the recovery high school in good standing.
- (3) A narrative description of the academic outcomes for students enrolled in the recovery high school, including aggregate assessment results, reported separately based on whether or not the students were participants in the program.



(4) A narrative description of student success in managing issues concerning drug or alcohol abuse or addiction, reported separately based on whether or not the students were participants in the program.

(5) Recommendations for improvements to the program.

(6) Any information regarding the program that the recovery high school determines would be useful to the General Assembly, the Department of Education and the Department of Drug and Alcohol Programs in determining whether changes to the program are necessary and whether the program should be continued.

(b) Report by Department of Education and Department of Drug and Alcohol Programs.--By December 31, 2020, the Department of Education and the Department of Drug and Alcohol Programs, jointly, shall submit to the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report assessing the success of the program and making recommendations regarding the possible extension and expansion of the program, including a proposed timeline for any potential expansion.

#### **24 Pa PS 1408-A. Audit required.**

The recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a complete certified audit of the recovery high school's participation in the program. The audit shall be conducted by a qualified independent certified public accountant under generally accepted audit standards of the Governmental Accounting Standards Board.

#### **24 Pa PS 1901-C. Definitions.**

For purposes of this article, the following terms shall have the following meanings:

(1) "Alternative education program" or "program." Any applicant's program applying for funds under this article, which program is implemented by a school district, an area vocational-technical school, a group of school districts or an intermediate unit, which removes disruptive students from regular school programs in order to provide those students with a sound educational course of study and counseling designed to modify disruptive behavior and return the students to a regular school curriculum. Notwithstanding section 1502, alternative education programs may operate outside the normal school day of the applicant district, including Saturdays. School districts and private alternative education institutions operating pursuant to the provisions of Article XIX-E shall adopt a policy for periodic review of those students placed in their respective alternative education program for disruptive students. This review shall occur, at a minimum, at the end of every semester the student is in the program or more frequently at the district's or private alternative education institution's discretion. The purpose of this review is to determine whether or not the student is ready to return to the regular school curriculum. Programs may include services for students returning from placements or who are on probation resulting from being adjudicated delinquent in a proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or who have been judged to have committed a crime under an adult criminal proceeding.

#### **24 Pa PS 1902-C. Applications.**

Applicants shall submit applications at the time, in the manner and containing or accompanied by such information as the department may prescribe but, in any case, shall document the following:

- (1) The program is developed in consultation with the faculty and administrative staff of the school and parents and members of the community.
- (2) That the applicants have established policies to identify those students who are eligible for placement in the program and that the placement of such students will comply with the informal hearing procedures set forth in 22 Pa. Code § 12.8(c) (relating to hearings). Notice of the hearing should precede placement in the program. Where the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the student may be immediately removed from the regular education curriculum with notice and a hearing to follow as soon as practicable.
- (3) That school personnel assigned to the alternative education program for which funding is sought under this article possess a Level I or Level II Pennsylvania certificate as provided for in 22 Pa. Code Ch. 49 (relating to certification of professional personnel).
- (4) The program provides participating students with a course of instruction which recognizes their special needs, prepares them for successful return to a regular school curriculum and/or completion of the requirements for graduation.
- (5) The program is used only when other established methods of discipline have been utilized and have failed unless the seriousness of the student's behavior warrants immediate placement.
- (6) A determination of the scope, type and severity of student disruption and a survey of community and school resources available to the applicant for the remediation of student disruption.
- (7) A description of the educational program to be provided. The program may modify the requirements established in sections 1327, 1501 and 1504 insofar as they are related to the number of days or hours of instruction. The application shall describe how the student will make normal academic progress and meet requirements for graduation.
- (8) An applicant applying for funds under this section that contracts with a private alternative education institution under Article XIX-E shall be exempt from the application requirements in clauses (1), (3) and (6).
- (9) Where the applicant is a charter school that provides an alternative education program within or to a chartering school district or school districts as the central mission of its charter, written support for the application from the chartering school district.

#### **24 Pa PS 1901-E. Definitions.**

For purposes of this article, the following terms shall have the following meanings:

"Private alternative education institution." An institution operated by an individual or a for-profit or not-for-profit entity to provide alternative education programs as defined in section 1901-C(1).

"School entity." A school district, joint school, charter school, area vocational-technical school, combination of school districts or intermediate unit.

#### **24 Pa PS 19-1902-E. Contracts with private alternative education institutions.**

- (1) A school entity may contract with a private alternative education institution.
- (2) A contract under this section shall specify the policies established by the school entity to identify those students who are eligible for assignment to the institution and assure that the placement of a student will comply with the informal hearing procedures set forth in 22 Pa. Code § 12.8(c) (relating to hearings). Notice of the hearing should precede placement in the institution. Where the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the student may be immediately removed from the regular education curriculum with notice and a hearing to follow as soon as practicable.
- (3) A private alternative education institution shall:

(i) Be exempt from statutory requirements established in this act and from regulations of the State Board of Education and standards of the Secretary of Education, except the following: sections 111, 325, 326, 327, 431, 436, 437, 443, 518, 527, 736, 737, 738, 739, 740, 741, 753, 755, 771, 809, 810, 1112(a), 1303(a), 1317, 1317.1, 1317.2, 1327, 1332, 1361, 1366, 1501, 1513, 1517, 1518, 1546 and 1547 of this act; Articles XIII-A and XIV of this act; 22 Pa. Code Chs. 4 (relating to academic standards and assessment); 11 (relating to pupil attendance) and 14 (relating to special education services and programs); act of July 17, 1961 (P.L. 776, No. 341), known as the "Pennsylvania Fair Educational Opportunities Act"; and regulations promulgated pursuant to this article.

(ii) Comply with all Federal and State laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion or ancestry and shall provide for enrollment and hiring in a nondiscriminatory manner.

(iii) Be nonsectarian in all operations and shall not provide any religious instruction, nor shall it display religious objects and symbols on the premises of the institution.

(iv) Be subject to any additional requirements established through regulation.

(v) Submit an application to the Department of Education as prescribed by the Department of Education.

(4) A private alternative education institution shall submit an annual report to the Department of Education containing information required by the Department of Education.

#### **24 Pa PS 1903-C. Alternative education grants.**

The department shall establish grants for alternative education programs which meet the requirements of this article, to include the following:

(1) An application procedure for grant eligibility.

(2) A review process to annually evaluate the effectiveness of alternative education programs, to include an annual report to the Education Committee of the Senate and the Education Committee of the House of Representatives.

(3) The department shall determine an annual grant amount calculated by dividing the amount appropriated by the estimated average number of students enrolled in eligible programs, further divided by thirty-six. Each applicant shall be eligible to receive this grant amount, per average number of pupils enrolled, per week of participation in an eligible program. Commonwealth grants shall be limited to funds appropriated for this program but in no event shall a school district receive funding for more than two per cent (2%) of a school district's average daily membership as defined in section 2501 for students enrolled in grades seven through twelve.

(4) The department is authorized to utilize for administrative purposes up to one per cent (1%) of the funds appropriated for safe and alternative schools that are not expended, encumbered or committed.

((4) added July 11, 2006, P.L.1092, No.114)

#### **24 Pa PS 1904-C. Construction of article.**

Nothing contained in this article shall be construed to supersede or preempt any provisions of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act."

#### **24 Pa PS 1905-C. Retroactivity.**

This article shall be retroactive to July 1, 1996.

**24 Pa PS 1906-C. Alternative education demonstration grants.**

Grants to school districts from funds appropriated for alternative education demonstration grants shall be used only for behavioral programs and programs for disruptive students.

**24 Pa PS 1903-E. Approval by Department of Education.**

- (a) A private alternative education institution may not operate in this Commonwealth unless it is approved by the Department of Education.
- (b) The Department of Education shall be responsible for evaluating a private alternative education institution's initial application to operate in this Commonwealth, and each private alternative education institution operating in this Commonwealth shall be reevaluated for approval every three years.
- (c) The Department of Education may issue guidelines for the operation of a private alternative education institution.

**24 Pa PS 2134. Placement of certain adjudicated students.**

- (a) No student returning from placement as a result of being adjudicated delinquent under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or who has been adjudged to have committed a crime under an adult criminal proceeding shall be returned directly to the regular classroom.
- (b) Prior to returning such student to the regular classroom, the school district shall:
  - (1) Place the student in a transition center operated by the school district for a period not to exceed four (4) weeks.
  - (2) Develop a transition plan for the student that includes academic goals, identifies school and community services appropriate to the needs of the student and establishes terms and conditions the student must meet prior to returning to the regular classroom.
- (c) The transition plan developed under subsection (b)(2) may provide for the student's direct return to a regular classroom where the underlying offense did not involve any of the following:
  - (i) Possession of a weapon.
  - (ii) Possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."
  - (iii) Possession, use or sale of alcohol or tobacco by any person on school property.
  - (iv) An act of violence as defined in section 1310-A(h)
- (d) In the case of a student whose transition plan does not include immediate return to the regular classroom, the student shall be placed in one of the following as provided for in the student's transition plan:
  - (1) An alternative education program as defined in Article XIX-C
  - (2) A private alternative education institution as defined in Article XIX-E
  - (3) A general education development program.
  - (4) A program operating after the traditional school day.
- (e) (1) Prior to the release of a student subject to this section from a residential or day treatment placement as a result of being adjudicated delinquent under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or returning from incarceration as a result of having been adjudged to have committed a crime under an adult criminal proceeding, the court shall provide to the person designated in charge of the school district's transition center the information required in the school notification provision under 42 Pa.C.S. § 6341(b.1) (relating to adjudication).

(2) The information shall be updated by the court with information pertaining to treatment reports and supervision plans or any other information deemed necessary by the transition plan and assure appropriate placement of the student.

**REGULATIONS**

No relevant regulations found.

## ***Disciplinary Approaches Addressing Specific Infractions and Conditions***

### **Firearms (as required by the Gun-Free Schools Act)**

#### **LAWS**

##### **24 Pa PS 1317.2. Possession of weapons prohibited.**

- (a) Except as otherwise provided in this section, a school district or area vocational-technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.
- (b) Every school district and area vocational-technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.
- (c) The superintendent of a school district or an administrative director of an area vocational-technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).
- (d) The provisions of this section shall not apply to the following:
- (1) a weapon being used as part of a program approved by a school by an individual who is participating in the program; or
  - (2) a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.
- (e) Nothing in this section shall be construed as limiting the authority or duty of a school or area vocational-technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.
- (e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.
- (f) All school districts and area vocational-technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:
- (1) The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.
  - (2) The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303-A.
- (g) As used in this section, the term "weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

**24 Pa PS 1304-A. Sworn Statement.**

(a) Prior to admission to any school entity, the parent, guardian or other person having control or charge of a student shall, upon registration, provide a sworn statement or affirmation stating whether the pupil was previously or is presently suspended or expelled from any public or private school of this Commonwealth or any other state for an act or offense involving weapons, alcohol or drugs or for the wilful infliction of injury to another person or for any act of violence committed on school property. The registration shall include the name of the school from which the student was expelled or suspended for the above-listed reasons with the dates of expulsion or suspension and shall be maintained as part of the student's disciplinary record.

(b) Any wilful false statement made under this section shall be a misdemeanor of the third degree.

**24 Pa PS 1311-A. Standing.**

(a) If a student in a school district of the first class is a victim of an act of violence involving a weapon on school property and the student who possessed the weapon was not expelled under section 1317.2, the parent or guardian of the victim shall have standing to institute a legal proceeding to obtain expulsion of the student.

(b) The Office of General Counsel shall have standing to bring an action on behalf of a victim or the parent or guardian of a victim of an act of violence in a school in a school district of the first class to modify, clarify or eliminate a consent decree that is related to discipline in the district if, in consultation with the advocate, the Office of General Counsel believes that the action is in the best interests of the students of the school district.

(c)

(1) The Executive Director of the Pennsylvania Commission on Crime and Delinquency in consultation with the General Counsel may designate a portion of the funds provided for the safe schools advocate:

(i) For contracts for legal services to assist low-income parents or guardians of victims to obtain legal services for proceedings under subsection (a).

(ii) To challenge a consent decree under subsection (b) or to bring an action under sections 1310-A(c)(5) and 1312-A(a).

(2) The designation of attorneys to receive funds under this subsection shall be within the discretion of the Office of General Counsel after consultation with the safe schools advocate.

(3) Designated funds which are not expended under this subsection shall lapse to the General Fund.

(d) Legal proceedings under this section shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

(e) ((e) deleted by amendment)

(f) As used in this section, "low-income parent or guardian" shall mean a parent whose family income is no greater than two hundred fifty per centum (250%) of the Federal poverty level.

**18 Pa CS 912. Possession of weapon on school property.**

(a) Definition. Notwithstanding the definition of "weapon" in section 907 (relating to possessing instruments of crime), "weapon" for purposes of this section shall include but not be limited to any knife, cutting instrument, cutting tool, nun- chuck stick, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

(b) Offense defined. A person commits a misdemeanor of the first degree if he possesses a weapon in the buildings of, on the grounds of, or in any conveyance providing transportation to or from any

elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school.

(c) Defense. It shall be a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course or is possessed for other lawful purpose.

### **34 Pa CS 2505. Safety zones.**

(a) General rule. Except as otherwise provided in this title or to any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits), it is unlawful for any person, other than the lawful occupant, while hunting game or wildlife, taking furbearers of any kind, or pursuing any other privilege granted by this title, to hunt for, take, trap, pursue, disturb or otherwise chase any game or wildlife or to discharge, for any reason, any firearm, arrow or other deadly weapon within or through a safety zone, or to shoot at any game or wildlife while it is within the safety zone without the specific advance permission of the lawful occupant thereof.

(b) Penalty. A violation of this section is a summary offense punishable by a fine of not less than \$200 nor more than \$500. A second or subsequent offense within two calendar years is a summary offense punishable by a fine of not less than \$500 nor more than \$1,000.

(c) Definition. As used in this section, the term "safety zone" means:

(1) Except as otherwise provided in paragraph (2), the area within 150 yards around and that area which is below the highest point of any occupied dwelling house, residence, or other building or camp occupied by human beings, or any barn, stable, or other building used in connection therewith or any attached or detached playground of any school, nursery school or day-care center.

(2) When applied to properly licensed persons hunting with bow and arrow or crossbow and persons properly licensed for falconry, the area within 50 yards around and that area which is below the highest point of any occupied dwelling house, residence or other building or camp occupied by human beings or any barn, stable or other building used in connection therewith and the area within 150 yards around and that area which is below the highest point of any attached or detached playground of any school, nursery school or day-care center.

## **REGULATIONS**

No relevant regulations found.

## **Other weapons**

## **LAWS**

### **24 Pa PS 1317.2. Possession of weapons prohibited.**

(a) Except as otherwise provided in this section, a school district or area vocational-technical school shall expel, for a period of not less than one year, any student who is determined to have brought onto or is in possession of a weapon on any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity.

(b) Every school district and area vocational-technical school shall develop a written policy regarding expulsions for possession of a weapon as required under this section. Expulsions shall be conducted pursuant to all applicable regulations.

(c) The superintendent of a school district or an administrative director of an area vocational-technical school may recommend modifications of such expulsion requirements for a student on a case-by-case basis. The superintendent or other chief administrative officer of a school entity shall, in the case of an



exceptional student, take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(d) The provisions of this section shall not apply to the following:

(1) a weapon being used as part of a program approved by a school by an individual who is participating in the program; or

(2) a weapon that is unloaded and is possessed by an individual while traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.

(e) Nothing in this section shall be construed as limiting the authority or duty of a school or area vocational-technical school to make an alternative assignment or provide alternative educational services during the period of expulsion.

(e.1) A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

(f) All school districts and area vocational-technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

(1) The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.

(2) The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303-A.

(g) As used in this section, the term "weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

### **18 Pa CS 912. Possession of weapon on school property.**

(a) Definition. Notwithstanding the definition of "weapon" in section 907 (relating to possessing instruments of crime), "weapon" for purposes of this section shall include but not be limited to any knife, cutting instrument, cutting tool, nun- chuck stick, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

(b) Offense defined. A person commits a misdemeanor of the first degree if he possesses a weapon in the buildings of, on the grounds of, or in any conveyance providing transportation to or from any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school.

(c) Defense. It shall be a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course or is possessed for other lawful purpose.

### **34 Pa CS 2505. Safety zones.**

(a) General rule. Except as otherwise provided in this title or to any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits), it is unlawful for any person, other than the lawful occupant, while hunting game or wildlife, taking furbearers of any kind, or pursuing any other privilege granted by this title, to hunt for, take, trap, pursue, disturb or otherwise chase any game or wildlife or to discharge, for any reason, any firearm,

arrow or other deadly weapon within or through a safety zone, or to shoot at any game or wildlife while it is within the safety zone without the specific advance permission of the lawful occupant thereof.

(b) Penalty. A violation of this section is a summary offense punishable by a fine of not less than \$200 nor more than \$500. A second or subsequent offense within two calendar years is a summary offense punishable by a fine of not less than \$500 nor more than \$1,000.

(c) Definition. As used in this section, the term "safety zone" means:

(1) Except as otherwise provided in paragraph (2), the area within 150 yards around and that area which is below the highest point of any occupied dwelling house, residence, or other building or camp occupied by human beings, or any barn, stable, or other building used in connection therewith or any attached or detached playground of any school, nursery school or day-care center.

(2) When applied to properly licensed persons hunting with bow and arrow or crossbow and persons properly licensed for falconry, the area within 50 yards around and that area which is below the highest point of any occupied dwelling house, residence or other building or camp occupied by human beings or any barn, stable or other building used in connection therewith and the area within 150 yards around and that area which is below the highest point of any attached or detached playground of any school, nursery school or day-care center.

## **REGULATIONS**

No relevant regulations found.

## **Students with chronic disciplinary issues**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Attendance and truancy**

### **LAWS**

#### **24 Pa PS 1325. Purpose.**

The purpose of this subdivision is to improve school attendance and deter truancy through a comprehensive approach to consistently identify and address attendance issues as early as possible with credible intervention techniques in order to:

(1) Preserve the unity of the family whenever possible as the underlying issues of truancy are addressed.

(2) Avoid the loss of housing, the possible entry of a child to foster care and other unintended consequences of disruption of an intact family unit.

(3) Confine a person in parental relation to a child who is habitually truant only as a last resort and for a minimum amount of time.

#### **24 Pa PS 1326. Definitions.**

When used in this article, the following words and phrases shall have the following meanings:

"Citation" shall mean a nontraffic citation or private criminal complaint.

"Compulsory school age" shall mean the period of a child's life from the time the child's parents elect to have the child enter school and which shall be no later than eight (8) years of age until the child reaches seventeen (17) years of age. The term does not include a child who holds a certificate of graduation from a regularly accredited, licensed, registered or approved high school.

"Conviction" shall mean a conviction under section 1333.2 for violation of the requirement for compulsory school attendance.

"Court" shall mean a magisterial district court, the Philadelphia Municipal Court or a court of common pleas.

"Department" shall mean the Department of Education of the Commonwealth.

"Educational entity" shall mean a public school district, nonpublic school or area vocational-technical school.

"Excused absence" shall mean an absence from school which is permitted under section 1329.

"Governing body" shall mean the board of school directors of a school district or any other governing entity of a school.

"Habitually truant" shall mean six (6) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance under this article.

"Judge" shall mean a magisterial district judge, a municipal court judge or a judge of a court of common pleas.

"Juvenile act" shall mean the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

"Migratory child" shall mean a child domiciled temporarily in a school district for the purpose of seasonal employment, but not acquiring residence therein, and a child accompanying his or her person in parental relation who is so domiciled.

"Offense" shall mean each citation filed under section 1333.1 for a violation of the requirement for compulsory school attendance under this article regardless of the number of unexcused absences alleged in the citation.

"Person in parental relation" shall mean a:

- (1) Custodial biological or adoptive parent.
- (2) Noncustodial biological or adoptive parent.
- (3) Guardian of the person of a child.
- (4) Person with whom a child lives and who is acting in a parental role of a child.

This definition shall not include any county agency or person acting as an agent of the county agency in the jurisdiction of a dependent child defined under 42 Pa.C.S. § 6302 (relating to definitions). This definition shall not expand the right of a child under any other section of this act.

"School" shall mean the educational entity in which the child is enrolled.

"School attendance improvement conference" shall mean a conference where the child's absences and reasons for the absences are examined in an effort to improve attendance, with or without additional services. The following individuals shall be invited to the conference:

- (1) The child.
- (2) The child's person in parental relation.
- (3) Other individuals identified by the person in parental relation who may be a resource.
- (4) Appropriate school personnel.
- (5) Recommended service providers.

"School day" shall mean the length of time that a child subject to compulsory school attendance is expected to be receiving instruction during a calendar day, as determined by the governing body.

"School year" shall have the same meaning as "school term" as defined in section 102, as applicable to a school district, and as further defined in section 1327(b) for a day school which is operated by a bona fide church or other religious body, section 1327.1(c) for a day school or boarding school accredited by an accrediting association which is approved by the State Board of Education, section 1327.1(d) for a home education program, sections 1501 and 1504 for a public school or a school district, section 1715-A(9) for a charter school, section 1749-A(a)(1) for a cyber charter school and section 1718-A(c) for a regional charter school.

"School-based or community-based attendance improvement program" shall mean a program designed to improve school attendance by seeking to identify and address the underlying reasons for a child's absences. The term may include an educational assignment in an alternative education program, provided the program does not include a program for disruptive youth established pursuant to Article XIX-C.

"Truant" shall mean having incurred three (3) or more school days of unexcused absences during the current school year by a child subject to compulsory school attendance under this article.

"Unexcused absence" shall mean an absence from school which is not permitted by the provisions of section 1329 and for which an approved explanation has not been submitted within the time period and in the manner prescribed by the governing body. An out-of-school suspension may not be considered an unexcused absence.

#### **24 Pa PS 1327. Compulsory school attendance.**

(a) Except as hereinafter provided, every child of compulsory school age having a legal residence in this Commonwealth, as provided in this article, and every migratory child of compulsory school age, is required to attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. In lieu of such school attendance, any child fifteen years of age with the approval of the district superintendent and the approval of the Secretary of Education, and any child sixteen years of age with the approval of the district superintendent of schools, may enroll as a day student in a private trade school or in a private business school licensed by the Department of Education, or in a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for Vocational Education. Except as hereinafter provided, every parent, guardian, or other person having control or charge of any child or children of compulsory school age is required to send such child or children to a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language. Such parent, guardian, or other person having control or charge of any child or children, fifteen or sixteen years of age, in accordance with the provisions of this act, may send such child or children to a private trade school or private business school licensed by the Department of Education, or to a trade or business school, or department operated by a local school district or districts. Such modified program offered in a public school must meet the standards prescribed by the State Board of Education or the State Board for Vocational Education. Such child or children shall attend such school continuously through the entire term, during which the public schools in their respective districts shall be in session, or in cases of children of migrant laborers during the time the schools are in session in the districts in which such children are temporarily domiciled[...]

(b) A child enrolled in a day school which is operated by a bona fide church or other religious body, and the parent, guardian or other person having control or charge of any such child or children of compulsory school age shall be deemed to have met the requirements of this section if that school provides a minimum of one hundred eighty (180) days of instruction or nine hundred (900) hours of instruction per

year at the elementary level or nine hundred ninety (990) hours per year of instruction at the secondary level and:

(1) At the elementary school level, the following courses are taught: English, to include spelling, reading and writing; arithmetic; science; geography; history of the United States and Pennsylvania; civics; safety education, including regular and continuous instruction in the dangers and prevention of fires; health and physiology; physical education; music; and art.

(2) At the secondary school level, the following courses are offered: English, to include language, literature, speech and composition; science, to include biology and chemistry; geography; social studies, to include civics, economics, world history, history of the United States and Pennsylvania; a foreign language; mathematics, to include general mathematics and statistics, algebra and geometry; art; music; physical education; health and physiology; and safety education, including regular and continuous instruction in the dangers and prevention of fires.

The requirements contained in sections 1511 and 1605 of this act shall not apply to such schools. The notarized affidavit of the principal of any such school, filed with the Department of Education and setting forth that such subjects are offered in the English language in such school, whether it is a nonprofit organization, and that such school is otherwise in compliance with the provisions of this act, shall be satisfactory and sufficient evidence thereof. It is the policy of the Commonwealth to preserve the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the education and training for such child. Nothing contained in this act shall empower the Commonwealth, any of its officers, agencies or subdivisions to approve the course content, faculty, staff or disciplinary requirements of any religious school referred to in this section without the consent of said school.

(c) A child enrolled in a day or boarding school accredited by an accrediting association which is approved by the State Board of Education, and the parent, guardian or other person having designated control or charge of any child or children of compulsory school age shall be deemed to have met the requirements of subsection (a).

(d) Instruction to children of compulsory school age provided in a home education program, as provided for in section 1327.1 of this act, shall be considered as complying with the provisions of this section, except that any student who has been identified pursuant to the provisions of the Education of the Handicapped Act (Public Law 91-230, 20 U.S.C. § 1401 et seq.) as needing special education services, excluding those students identified as gifted and/or talented, shall be in compliance with the requirements of compulsory attendance by participating in a home education program, as defined in section 1327.1, when the program addresses the specific needs of the exceptional student and is approved by a teacher with a valid certificate from the Commonwealth to teach special education or a licensed clinical or certified school psychologist, and written notification of such approval is submitted with the notarized affidavit required under section 1327.1(b). The supervisor of a home education program may request that the school district or intermediate unit of residence provide services that address the specific needs of the exceptional student in the home education program. When the provision of services is agreed to by both the supervisor and the school district or intermediate unit, all services shall be provided in the public schools or in a private school licensed to provide such programs and services.

#### **24 Pa PS 1327.2. Attendance policy at charter, regional charter and cyber charter schools.**

(a) Each charter, regional charter and cyber charter school shall establish an attendance policy designed to accurately determine when a child who is enrolled in a charter, regional charter or cyber charter school has an unexcused absence, which may differ from the policy of the school district in which the child resides. The policy must conform to the provisions of this act relating to compulsory attendance.

(b) Notwithstanding section 1333.2(a), in the case of a child enrolled in a cyber charter school the venue for the filing of a citation under section 1333.1 shall be based upon the residence of the child. A cyber

charter school may participate in a proceeding under sections 1333.1, 1333.2 and 1333.3 in person, by telephone conferencing, by video conferencing or by any other electronic means.

(c) Charter, regional charter and cyber charter schools shall report unexcused absences directly to the department annually through the Pennsylvania Information Management System (PIMS).

**24 Pa PS 1332. Reports of enrollments:**

Attendance and Withdrawals; Public and Private Schools.--Every principal or teacher in every public school, and every principal, teacher or tutor in every school other than a public school, and in every institution for children, and every private teacher in every school district, shall, immediately after their admission to such school or institution, or at the beginning of such private teaching, furnish to the district superintendents, attendance officers, home and school visitors, or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside, lists of the names and residences of all children between six (6) and eighteen (18) years of age enrolled in such school or institution, or taught by such private teachers; and shall further report at once to such district superintendent, or secretary of the board of school directors, the name and date of withdrawal of any such pupil withdrawing from any such school or institution, or from such private instruction, if such withdrawal occurs during the period of compulsory attendance in said district. Every principal or teacher in a school other than a public school, and every private teacher, shall also report at once to the superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the district, any such child who has been absent three (3) days, or their equivalent, during the term of compulsory attendance, without lawful excuse.

**24 Pa PS 1333. Procedure when child is truant.**

(a) When a child is truant, the school shall notify in writing the person in parental relation with the child who resides in the same household as the child of the child's violation of compulsory school attendance within ten (10) school days of the child's third unexcused absence. The notice:

- (1) shall include a description of the consequences that will follow if the child becomes habitually truant;
- (2) shall be in the mode and language of communication preferred by the person in parental relation;
- (3) may include the offer of a school attendance improvement conference; or
- (4) when transmitted to a person who is not the biological or adoptive parent, shall also be provided to the child's biological or adoptive parent if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

(b) If the child continues to incur unexcused absences after the school has issued the notice under subsection (a), the school shall then offer by advance written notice a school attendance improvement conference to the child and the person in parental relation, unless a conference was previously held following the notice provided under subsection (a). The following shall apply:

- (1) This subsection does not place a legal requirement upon the child or person in parental relation to attend the conference. The conference shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference after advance written notice and attempts to communicate via telephone.
- (2) The outcome of the conference shall be documented in a written school attendance improvement plan. The department shall develop a form to be used for this purpose, and each school shall use a form substantially similar to the form developed by the department.
- (3) Further legal action may not be taken by the school to address unexcused absences by the child until after the date for the scheduled school attendance improvement conference has passed.

(c) Schools shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.

(d) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

**24 Pa PS 1333.1. Procedure by school when child habitually truant.**

(a) When a child is habitually truant and under fifteen (15) years of age at the time of referral, the school:

(1) Shall refer the child to either of the following:

(i) A school-based or community-based attendance improvement program.

(ii) The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

(2) May file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the child.

(b) When a child is habitually truant and fifteen (15) years of age or older at the time of referral, the school shall either:

(1) Refer the child to a school-based or community-based attendance improvement program or service.

(2) File a citation in the office of the appropriate judge against the child or the person in parental relation who resides in the same household as the child.

(c) If a child who is fifteen (15) years of age or older continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program or refuses to participate in a school-based or community-based attendance improvement program as recommended through the school attendance improvement conference, the school may refer the child to the county children and youth agency for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63.

(d) When referring a habitually truant child to the county children and youth agency or filing a citation with the court because a child has been habitually truant, the school shall provide verification that a school attendance improvement conference was held.

(e) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

**24 Pa PS 1333.2. Procedure upon filing of citation.**

(a) The venue for the filing of a citation under section 1333.1 shall be based on the location of the school in which the child is enrolled or shall be enrolled except where section 1327.2(b) applies.

(b) When a citation is filed against a child or a person in parental relation who resides in the same household as the child under the provisions of section 1333.1, the judge shall provide the following notices:

(1) Written notice of the hearing with respect to the citation to the school, the person in parental relation, the child and the county children and youth agency.

(2) Notice to the child or person in parental relation who resides in the same household as the child of the availability of a preconviction diversionary program authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program).

(c) At the hearing with respect to the citation, the burden is on the school to prove beyond a reasonable doubt that, while subject to compulsory school attendance, the child was habitually and without justification truant from school.

(d) It shall be an affirmative defense to a citation filed under this subdivision of this article against a person in parental relation to the child who resides in the same household as the child if the person in parental relation to the child who resides in the same household as the child took every reasonable step to ensure attendance of the child at school.

(e) An affirmative defense under subsection (d) must be proven by a preponderance of the evidence.

(f) The court shall determine whether the evidence has established that a child or person in parental relation has violated the compulsory school attendance requirements of this article and shall enter that verdict on the record.

(g) The school shall, to the extent possible, inform the court of any prior conviction of the child or person in parental relation who resides in the same household as the child for a violation of the compulsory school attendance requirement of this article.

(h) Before entering a sentence the judge shall permit the school, person in parental relation or child to present relevant information that will assist the judge in making an informed decision regarding the appropriate sentence. The child's school attendance after the citation has been filed and while the proceeding is pending may be considered for the purpose of imposing a sentence.

### **24 Pa PS 1333.3. Penalties for violating compulsory school attendance requirements.**

(a) A person convicted of an offense under this article may be:

(1) sentenced to pay a fine for the benefit of the school that is responsible for the truancy proceedings in an amount not exceeding three hundred dollars (\$300) together with court costs except that, in the case of a second offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding five hundred dollars (\$500) together with court costs and, in the case of a third or subsequent offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding seven hundred and fifty dollars (\$750) together with court costs;

(2) sentenced to perform community service; or

(3) required to complete an appropriate course or program designed to improve school attendance which has been approved by the president judge of the judicial district.

(b) The court may suspend the sentence of a person convicted of an offense and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.

(c) A person convicted of an offense under this article shall have a right to appeal de novo to a court of common pleas of the proper county within thirty (30) days of the conviction. After thirty (30) days, the appeal shall proceed similar to other appeals of summary convictions.

(d) No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:

(1) A proceeding is already pending under sections 1333.1 and 1333.2 against the child or a person in parental relation with the child who resides in the same household as the child and judgment in the first proceeding has not yet been entered, unless a warrant has been issued for failure of the child or person in parental relation to appear before the court and the warrant has not yet been served.

(2) A referral for services has been made to the county children and youth agency under this subdivision and the agency has not closed the case.

(3) A petition has been filed alleging the child is dependent due to being habitually truant under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and the case remains under the jurisdiction of the juvenile court.



(e) Upon a second or subsequent conviction of a child or a person in parental relation with the child who resides in the same household as the child for a violation of the requirements of compulsory school attendance in a court within this Commonwealth within a three-year period, the court shall refer the child for services or possible disposition as a dependent child under 42 Pa.C.S. Ch. 63.

(f) Upon failure of a person to satisfy the penalty imposed by the court under subsection (a), the person in parental relation may be found in contempt of court and, upon conviction, may be sentenced to the county jail for a period not to exceed three (3) days in any one case. The court shall make such a determination based on specific finding that the person in parental relation had reasonable ability to comply with the penalty imposed and that noncompliance was willful. The following shall apply:

(1) In the case of a child, the failure to satisfy a fine or costs imposed under this section shall not be considered a delinquent act.

(2) The president judge of a judicial district may adopt a local policy under 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that the child who fails to satisfy a fine or costs imposed under this section is dependent for the purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.

(g)

(1) If a child is convicted of a violation of the compulsory school attendance requirements of this article, the court may send the Department of Transportation a certified record of the conviction on a form prescribed by the department only if the child fails to comply with a lawful sentence entered for the violation and is not subject to an exception to compulsory attendance under section 1330.

(2) The Department of Transportation shall suspend for ninety (90) days the operating privilege of a child upon receiving a certified record that the child was convicted of a summary offense under the compulsory school attendance requirements of this article. If the Department of Transportation receives a certified record of a second or subsequent conviction of a child pursuant to this section, the department shall suspend the child's operating privilege for six (6) months.

(3) A child whose record is received by the Department of Transportation under this section and who does not have a driver's license shall be ineligible to apply for a driver's license under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time period specified in paragraph (2). If the child is under sixteen (16) years of age when convicted, suspension of operating privileges shall commence in accordance with 75 Pa.C.S. § 1541 (relating to period of disqualification, revocation or suspension of operating privilege) for the time specified in paragraph (2).

(4) A child whose driving privileges have been suspended or whose eligibility for a permit or license is delayed under this section may have that license or eligibility restored by providing the Department of Transportation with a form developed by the Department of Transportation containing the following information in the form of a certified record from the child's school that the child:

(i) has attended school for a period of at least two (2) months after the first conviction or four (4) months after the second conviction without an unexcused absence or unexcused tardy;

(ii) is subject to an exception to compulsory attendance under section 1330; or

(iii) graduates, withdraws from school pursuant to compulsory attendance requirements under section 1327, receives a general education diploma or enlists in the military.

(5) An insurer may not increase premiums, impose a surcharge or rate penalty, make a driver record point assignment for automobile insurance or cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.

(6) Nothing in this section shall prohibit a child who is convicted of a violation of the compulsory school attendance requirements of this article from being eligible for an occupational limited license under 75 Pa.C.S. § 1553 (relating to occupational limited license).

(h)

(1) Upon application from a child who has a conviction of a summary offense under section 1333.2, the court shall grant an expungement of the conviction from the child's record if all of the following apply:

(i) The child has earned a high school diploma, a Commonwealth secondary school diploma or another Department of Education-approved equivalent or is subject to an exception to compulsory attendance under section 1330.

(ii) The child has satisfied any sentence imposed by the court with respect to the conviction, including payment of fines and costs.

(2) If the court grants an expungement under paragraph (1), the court shall order the Department of Transportation to expunge all administrative records related to the convictions.

(i) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

(ii) (Reserved)

#### **24 Pa PS 1333.4. Study of truancy procedure.**

(a) Five (5) years after commencement of the first school year to which section 1333 applies, the Joint State Government Commission shall undertake a study of the procedures for how a school handles children who are truant and habitually truant and evaluate the effectiveness of the procedures in improving school attendance and whether the procedures should be revised, including to require court involvement sooner in certain truancy cases.

(b) The Joint State Government Commission shall establish an advisory committee that may include representatives of the Department of Education, educational entities and organizations, the judiciary, district attorneys, law enforcement, public organizations involved in truancy issues, representatives of county children and youth agencies and juvenile justice agencies and other organizations selected by the Joint State Government Commission to consult with the Joint State Government Commission in conducting the study.

(c) The Joint State Government Commission shall hold informational meetings to receive testimony from professionals or organizations with expertise in truancy and truancy prevention.

(d) The Joint State Government Commission shall issue a report of its findings and recommendations to the Education Committee of the Senate and the Education Committee of the House of Representatives not later than twelve (12) months after undertaking the study.

#### **24 Pa PS 1338. Dependent children.**

In case any child of compulsory school age cannot be kept in school in compliance with the provisions of this act, on account of incorrigibility, truancy, insubordination, or other bad conduct, or if the presence of any child attending school is detrimental to the welfare of such school, on account of incorrigibility, truancy, insubordination, or other bad conduct, the board of school directors may, by its superintendent, secretary, attendance officer or State, municipal, port authority, transit authority or housing authority police officer, under such rules and regulations as the board may adopt, proceed against said child before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate, or dependent children.

#### **24 Pa PS 1338.2. Antitruancy programs.**

The Department of Education shall formulate recommendations for the General Assembly concerning the establishment and funding of effective community-based antitruancy pilot programs. In formulating these recommendations, the Department of Education shall seek advice and counsel from educators, parents, students, district attorneys, law enforcement representatives, attendance officers, social service agencies experienced in providing services to truant children, counselors, judges, probation officers and representatives from the Pennsylvania Commission on Crime and Delinquency and the Juvenile Court Judges' Commission.

#### **24 Pa PS 1339. Reports to Superintendent of Public Instruction.**

Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance and the cost thereof, in such detail as said Superintendent of Public Instruction shall request.

#### **24 Pa PS 1341. Duty to employ; power of arrest; certification.**

(a) The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Education, upon meeting such standards as shall be prescribed by the State Board of Education.

(b) Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon.

(c) State, municipal, port authority, transit authority, housing authority and school police officers shall have the same arrest powers as attendance officers or home and school visitors.

#### **24 Pa PS 1342. Term of employment; compensation.**

Attendance officers or home and school visitors may be employed for the full calendar year, and shall be paid such amounts and in such manner as the board of school directors appointing them may decide. They shall at all times perform the duties of their appointment under the direction of the board of school directors appointing them.

In districts of the first class the minimum salaries of attendance officers and home and school visitors in elementary schools shall be: Minimum annual salary, one thousand two hundred dollars (\$1200); minimum annual increment, one hundred dollars (\$100); minimum number of increments, ten (10). No school district of the first class shall, reduce the compensation of any attendance officer below that paid on the second day of July, one thousand nine hundred thirty-seven.

#### **24 Pa PS 1343. Arrest of children failing to attend school.**

When an attendance officer or a State, municipal, port authority, transit authority, housing authority or school police officer arrests or apprehends any child who fails to attend school as required by the provisions of this act, he shall promptly notify the parents, guardian, or person in parental relation to such child, if such person can be found in the district, and unless requested by such parent, guardian, or person in parental relation to place said child in a school other than public school, he shall place said child in the public school in which the child is, or should be, enrolled.

**24 Pa PS 1344. Inspecting places where children are employed.**

Attendance officers shall have full power and authority to enter, during business hours, any place where any children are employed, to ascertain whether or not any child is engaged therein that should attend school as herein provided, and such attendance officer shall have the right to demand and inspect the employment certificate of any child engaged therein.

**24 Pa PS 1345. Penalty for interfering with inspections.**

Any officer, director, superintendent, manager, employee, or other person, at any place where any child of compulsory school age is engaged, who refuses to permit, or in any way interferes with, the entrance therein of the attendance officer, any member of the board of school directors, the secretary thereof, or the district superintendent of any school district, as provided for in this act, shall, on summary conviction thereof, be sentenced to pay a fine of not less than five dollars (\$5) or more than twenty-five dollars (\$25), and in default thereof he may be sentenced to imprisonment not exceeding thirty (30) days. Any person sentenced to pay any such fine may, upon giving proper surety in double the amount of penalty and costs, at any time within five (5) days thereafter, appeal to the court of quarter sessions of the proper county.

**REGULATIONS**

**22 Pa. Code 11.41. School district policies and rules.**

- (a) Each school board shall adopt written policies concerning district child accounting, attendance, admission, excusal and program procedures as necessary to implement this chapter. The policies shall be a matter of public record.
- (b) Each school board shall adopt, and distribute yearly to parents, written rules governing student admissions, attendance, absences and excusals, that are in conformity with this chapter.
- (c) Each school board shall adopt a written policy permitting students to be excused for participation in agricultural fairs in conformity with section 1329(b) of the Public School Code of 1949 (24 P. S. §13-1329(b)).

**22 Pa. Code 12.1. Free education and attendance.**

- (a) All persons residing in this Commonwealth between the ages of 6 and 21 years are entitled to a free and full education in the Commonwealth's public schools.
- (b) Parents or guardians of all children between the ages of 8 and 17 are required by the compulsory attendance law to ensure that their children attend an approved educational institution, unless legally excused. Students who have not graduated may not be asked to leave school merely because they have reached 17 years of age if they are fulfilling their responsibilities as students. A student may not be excluded from the public schools or from extracurricular activities because:
  - (1) The student is married.
  - (2) The student is pregnant.
  - (3) The student has a disability as identified by Chapter 15 (relating to protected handicapped students).
  - (4) The student is an eligible student identified under Chapter 14 (relating to special education services and programs).

## Substance use

### LAWS

#### **24 Pa PS 1303-A. Reporting.**

(a) The office shall conduct a one-time survey of all school entities to determine the number of incidents involving acts of violence on school property and all cases involving possession of a weapon by any person on school property which occurred within the last five (5) years. The survey shall be based on the best available information provided by school entities.

(b) Each chief school administrator shall report to the office by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property. The incidents to be reported to the office shall include all incidents involving conduct that constitutes a criminal offense listed under paragraphs (4.1) and (4.2). Reports on a form to be developed and provided by the office shall include:

- (1) Age or grade of student.
- (2) Name and address of school.
- (3) Circumstances surrounding the incident, including, but not limited to, type of weapon, controlled substance, alcohol or tobacco, the date, time and location of the incident, if a person other than a student is involved in the incident and any relationship to the school entity.
  - (3.1) Race of student.
  - (3.2) Whether the student has an Individualized Education Plan under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the type of disability.
- (4) Sanction imposed by the school.
  - (4.1) A list of criminal offenses...
    - (ii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in "The Controlled Substance, Drug, Device and Cosmetic Act."...

#### **24 Pa PS 1547. Alcohol, chemical and tobacco abuse program.**

(a) Beginning with school year 1991-1992 and each year thereafter, each public school student shall receive mandatory instruction in alcohol, chemical and tobacco abuse in every year in every grade from kindergarten through grade twelve. The instruction shall be integrated within the health course of study required in accordance with the State Board of Education regulations. In grades where health is offered, instruction may also be integrated into other appropriate courses of study. In grades where health is not offered, instruction shall be integrated into an appropriate curriculum requirement as listed in 22 Pa. Code §§ 4.21 (relating to elementary education: primary and intermediate levels), 4.22 (relating to middle level education) and 4.23 (relating to high school education).

- (1) This instruction:
  - (i) Shall be age appropriate.
  - (ii) Shall be sequential in method of study.
  - (iii) Shall discourage the use of alcohol, tobacco and controlled substances.
  - (iv) Shall communicate that the use of illicit drugs and the improper use of legally obtained drugs is wrong.

(2) School districts may utilize any appropriate public or private materials, personnel and other resources in developing and implementing this program of instruction. The Department of Health and the Department of Drug and Alcohol Programs, jointly, shall make available information about appropriate curriculum materials upon request of a school district. In developing its alcohol, chemical and tobacco abuse instructional program, each school district shall consult with the single county authority designated by the Department of Drug and Alcohol Programs to provide drug and alcohol services in the school district's area.

(a.1) Beginning with the 2018-2019 school year, for students in grades six through twelve, the instruction required under subsection (a) shall include instruction related to the prevention of opioid abuse, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, including heroin. Not later than the beginning of the 2018-2019 school year, the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs shall develop, jointly, a model curriculum for this purpose and each department shall post the model curriculum on its publicly accessible Internet website. The model curriculum developed under this subsection shall be revised when necessary to ensure that the model curriculum provides the most current information. In providing the instruction required under this subsection, a school district may, but shall not be required to, use the model curriculum.

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

(c) The Secretary of Education, in consultation with the Secretary of Health and the Secretary of Drug and Alcohol Programs, shall develop curriculum guidelines for instruction on alcohol, chemical and tobacco abuse and the laws governing their use and misuse. These guidelines shall encourage the inclusion of the following elements where appropriate in the instruction

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

(2) Detailed information regarding the availability of help and assistance for students and their families with alcohol, chemical and tobacco dependency problems.

(3) The goals of quality education as set forth in 22 Pa. Code (relating to education).

(4) Skills needed to evaluate advertisements for and media portrayals of alcohol, chemical and tobacco products.

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

(d) The following apply:

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

(2) Beginning with the 2018-2019 school year, the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs shall develop, jointly, and shall make available to all

school districts and nonpublic schools in-service training programs based upon the instruction requirements established under subsection (a.1) and the model curriculum developed under subsection (a.1). The in-service training programs developed under this subsection shall be revised when necessary to ensure that the in-service training programs provide the most current information.

(e) The following apply:

(1) Beginning with the 1991-1992 school year, each school district shall provide, as part of its in-service training, programs on alcohol, drugs, tobacco and dangerous controlled substances for all instructors whose teaching responsibilities include courses of study in which mandated instruction concerning alcohol, chemical and tobacco abuse is integrated. To comply with this requirement, a school district may utilize the programs made available by the Department of Education or use other alternative programs.

(2) Beginning with the 2018-2019 school year and every three (3) years thereafter, each school district shall provide, as part of its in-service training, programs based upon the instruction requirements established under subsection (a.1) for all instructors whose teaching responsibilities include courses of study in which such mandated instruction is integrated. To comply with this requirement, a school district may utilize the in-service training programs made available under subsection (d)(2).

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

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

(g.1) Beginning in the 2018-2019 school year, and each school year thereafter, professional educators who complete in-service training under this section may apply such in-service training toward their continuing professional education requirements under section 1205.2.

(h) (Deleted by amendment).

(h.1) By September 1, 2020, and by September 1 of every fifth year thereafter, the Department of Education, in consultation with the Department of Health and the Department of Drug and Alcohol Programs, shall report to the General Assembly concerning the preceding school year activities of the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs pertaining to the provisions of this section. The report shall include:

(1) A description of efforts by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs to assist school districts in providing the instruction required under subsections (a) and (a.1), including efforts to develop and post the model curriculum required under subsection (a.1) and to develop and make available the in-service training programs required under subsection (d)(2).

(2) An evaluation of the effectiveness of the instruction required under subsections (a) and (a.1) and of curriculum materials and in-service training programs developed by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs under this section in reducing the use of alcohol, tobacco and other drugs, including prescription opioids, by students.

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

**18 Pa CS 6306.1. Use of tobacco in schools prohibited.**

(a) Offense defined.--A pupil who possesses or uses tobacco in a school building, a school bus or on school property owned by, leased by or under the control of a school district commits a summary offense.

(b) Grading.--A pupil who commits an offense under this section shall be subject to prosecution initiated by the local school district and shall, upon conviction, be sentenced to pay a fine of not more than \$50 for the benefit of the school district in which such offending pupil resides and to pay court costs. When a pupil is charged with violating subsection (a), the court may admit the offender to an adjudication alternative as authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program) in lieu of imposing the fine.

(c) Nature of offense.--A summary offense under this section shall not be a criminal offense of record, shall not be reportable as a criminal act and shall not be placed on the criminal record of the offending school-age person if any such record exists.

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Pupil." A person between the ages of 6 and 21 years who is enrolled in school.

"School." A school operated by a joint board, board of directors or school board where pupils are enrolled in compliance with Article XIII of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, including area vocational schools and intermediate units.

"Tobacco." A lighted or unlighted cigarette, cigar, pipe or other lighted smoking product and smokeless tobacco in any form.

**REGULATIONS**

No relevant regulations found.

**Bullying, harassment, or hazing**

**LAWS**

**24 Pa PS 1303.1-A. Policy relating to bullying.**

(a) No later than January 1, 2009, each school entity shall adopt a policy or amend its existing policy relating to bullying and incorporate the policy into the school entity's code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules). The policy shall delineate disciplinary consequences for bullying and may provide for prevention, intervention and education programs, provided that no school entity shall be required to establish a new policy under this section if one currently exists and reasonably fulfills the requirements of this section. The policy shall identify the appropriate school staff person to receive reports of incidents of alleged bullying.

(b) Each school entity shall make the policy available on its publicly accessible Internet website, if available, and in every classroom. Each school entity shall post the policy at a prominent location within each school building where such notices are usually posted. Each school entity shall ensure that the policy and procedures for reporting bullying incidents are reviewed with students within ninety (90) days after their adoption and thereafter at least once each school year.

(c) Each school entity shall review its policy every three (3) years and annually provide the office with a copy of its policy relating to bullying, including information related to the development and implementation



of any bullying prevention, intervention and education programs. The information required under this subsection shall be attached to or made part of the annual report required under section 1303-A(b).

(d) In its policy relating to bullying adopted or maintained under subsection (a), a school entity shall not be prohibited from defining bullying in such a way as to encompass acts that occur outside a school setting if those acts meet the requirements contained in subsection (e)(1), (3) and (4). If a school entity reports acts of bullying to the office in accordance with section 1303-A(b), it shall report all incidents that qualify as bullying under the entity's adopted definition of that term.

(e) For purposes of this article, "bullying" shall mean an intentional electronic, written, verbal or physical act, or a series of acts:

- (1) directed at another student or students;
- (2) which occurs in a school setting;
- (3) that is severe, persistent or pervasive; and
- (4) that has the effect of doing any of the following:
  - (i) substantially interfering with a student's education;
  - (ii) creating a threatening environment; or
  - (iii) substantially disrupting the orderly operation of the school; and

"school setting" shall mean in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.

### **18 Pa CS 2709. Harassment.**

(a) Offense defined. A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person:

- (1) strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same;
- (2) follows the other person in or about a public place or places;
- (3) engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose;
- (4) communicates to or about such other person any lewd, lascivious, threatening or obscene words, language, drawings or caricatures;
- (5) communicates repeatedly in an anonymous manner;
- (6) communicates repeatedly at extremely inconvenient hours; or
- (7) communicates repeatedly in a manner other than specified in paragraphs (4), (5) and (6).

(a.1) Cyber harassment of a child.

(1) A person commits the crime of cyber harassment of a child if, with intent to harass, annoy or alarm, the person engages in a continuing course of conduct of making any of the following by electronic means directly to a child or by publication through an electronic social media service:

- (i) seriously disparaging statement or opinion about the child's physical characteristics, sexuality, sexual activity or mental or physical health or condition; or
- (ii) threat to inflict harm.

(2) (i) If a juvenile is charged with a violation of paragraph (1), the judicial authority with jurisdiction over the violation shall give first consideration to referring the juvenile charged with the violation to a diversionary program under Pa.R.J.C.P. No. 312 (relating to Informal Adjustment) or No. 370 (relating to Consent Decree). As part of the diversionary program, the judicial authority may order the juvenile to participate in an educational program which includes the legal and nonlegal consequences of cyber harassment.

(ii) If the person successfully completes the diversionary program, the juvenile's records of the charge of violating paragraph (1) shall be expunged as provided for under section 9123 (relating to juvenile records).

(b) Stalking. (Deleted by amendment).

(b.1) Venue.

(1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.

(2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

(3) In addition to paragraphs (1) and (2), an offense under subsection (a.1) may be deemed to have been committed at the place where the child who is the subject of the communication resides.

(c) Grading.

(1) Except as provided under paragraph (3), an offense under subsection (a)(1), (2) or (3) shall constitute a summary offense.

(2) An offense under subsection (a)(4), (5), (6) or (7) or (a.1) shall constitute a misdemeanor of the third degree.

(3) The grading of an offense under subsection (a)(1), (2) or (3) shall be enhanced one degree if the person has previously violated an order issued under 23 Pa.C.S. § 6108 (relating to relief) involving the same victim, family or household member.

(d) False reports. A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

(e) Application of section. This section shall not apply to constitutionally protected activity.

(e.1) Course of conduct. (Deleted by amendment).

(f) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Communicates." Conveys a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

"Course of conduct." A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

"Emotional distress." A temporary or permanent state of mental anguish.

"Family or household member." Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

"Seriously disparaging statement or opinion." A statement or opinion which is intended to and under the circumstances is reasonably likely to cause substantial emotional distress to a child of the victim's age and which produces some physical manifestation of the distress.

**2016 Act No. 31. Section 2. Definitions.**

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Hazing." Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of [a student] a person or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization [operating under the sanction of or recognized as an organization by an institution of higher education]. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

"Institution of higher education" or "institution." Any public or private institution within this Commonwealth authorized to grant an associate degree or higher academic degree.

"Secondary school." Any public or private school within this Commonwealth providing instruction in grades 7 through 12 or any combination of those grades.

**2016 Act No. 31. Section 4. Enforcement by institution and secondary school.**

(a) Antihazing policy.

(1) Each institution and each governing board of a secondary school shall adopt a written antihazing policy and, pursuant to that policy, shall adopt rules prohibiting students or other persons associated with any organization operating under the sanction of or recognized as an organization by the institution or secondary school from engaging in any activity which can be described as hazing.

(2) Each secondary school shall provide a copy of the written antihazing policy, its rules, penalties and program of enforcement to all athletic coaches involved in organizations within the secondary school.

(3) Each governing board of a secondary school shall post its written antihazing policy on its publicly accessible Internet website.

(b) Enforcement and penalties.-

(1) Each institution and each governing board of a secondary school shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules to be administered by the person or agency at the institution or secondary school responsible for the sanctioning or recognition of such organizations.

(2) Such penalties may include the imposition of fines, the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines and the imposition of probation, suspension [or], dismissal or expulsion.

(3) In the case of an organization which authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus or other school property or to otherwise operate under the sanction or recognition of the institution or secondary school.

(4) All penalties imposed under the authority of this section shall be in addition to any penalty imposed for violation of section 3 or any of the criminal laws of this State or for violation of any other institutional or secondary school rule to which the violator may be subject.

(5) Rules adopted pursuant hereto shall apply to acts conducted on or off campus or other school property whenever such acts are deemed to constitute hazing.

## **REGULATIONS**

No relevant regulations found.

## **Other special infractions or conditions**

## **LAWS**

### **24 Pa PS 1317.3. Uniforms.**

The board of directors in any school entity may impose limitations on dress and may require pupils to wear standard dress or uniforms. Dress policies may be applicable throughout the school entity or may be applicable to one or more school buildings within the school entity.

### **24 Pa PS 1317.1. Possession of telephone pagers prohibited.**

(a) The possession by students of telephone paging devices, commonly referred to as beepers, shall be prohibited on school grounds, at school sponsored activities and on buses or other vehicles provided by the school district.

(b) The prohibition contained in subsection (a) shall not apply in the following cases, provided that the school authorities approve of the presence of the beeper in each case:

- (1) A student who is a member of a volunteer fire company, ambulance or rescue squad.
- (2) A student who has a need for a beeper due to the medical condition of an immediate family member.

## **REGULATIONS**

### **22 Pa. Code 12.11. Hair and dress.**

(a) The governing board may establish dress codes or require that students wear school uniforms. Policies may apply to individual school buildings or to all school buildings.

(b) Students have the right to govern the length or style of their hair, including facial hair. Any limitation of this right must include evidence that length or style of hair causes disruption of the educational process or constitutes a health or safety hazard. When length or style of the hair presents a health or safety hazard, some types of covering shall be used.

(c) Students may be required to wear certain types of clothing while participating in physical education classes, shops, extracurricular activities or other situations when special attire may be required to insure the health or safety of the student.

(d) Students have the responsibility to keep themselves, their clothes and their hair clean. School officials may impose limitations on student participation in the regular instructional program when there is evidence that the lack of cleanliness constitutes a health hazard.

## ***Prevention and Behavioral Interventions (Non-Punitive)***

### **Prevention**

#### **LAWS**

##### **24 Pa PS 1302-A. Office for safe schools.**

(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities to fund programs which address school violence, including:

- (1) Conflict resolution or dispute management, including restorative justice strategies.
  - (1.1) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.
  - (1.2) School-based diversion programs.
- (2) Peer helpers programs.
- (3) Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies.
- (4) Classroom management.
- (5) Student codes of conduct.
- (6) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.
- (7) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying.
- (8) Comprehensive, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.
- (9) Security planning, purchase of security-related technology which may include metal detectors, protective lighting, surveillance equipment, special emergency communications equipment, electronic locksets, deadbolts and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity's board of directors.
- (10) Institution of student, staff and visitor identification systems, including criminal background check software.
- (11) ((11) deleted by amendment July 18, 2013, P.L.571, No.70)
- (12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.
- (13) Alternative education programs provided for in Article XIX-C.
- (14) Counseling services for students enrolled in alternative education programs.
- (15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.
- (16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

**24 Pa PS 1303.1-A. Policy Relating to bullying.**

(a) No later than January 1, 2009, each school entity shall adopt a policy or amend its existing policy relating to bullying and incorporate the policy into the school entity's code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules). The policy shall delineate disciplinary consequences for bullying and may provide for prevention, intervention and education programs, provided that no school entity shall be required to establish a new policy under this section if one currently exists and reasonably fulfills the requirements of this section. The policy shall identify the appropriate school staff person to receive reports of incidents of alleged bullying.

**24 Pa PS 1526. Youth suicide awareness and prevention.**

(a) Beginning with the 2015-2016 school year, each school entity shall:

(1) Adopt an age-appropriate youth suicide awareness and prevention policy consistent with subsection (c), inform each school entity employee and the parent or legal guardian of each student enrolled in the school entity of such policy and post such policy on the school entity's publicly accessible Internet website. The policy adopted by a school entity under this paragraph may be based upon the model policy developed by the department under subsection (b)(1).

(2) Include in the professional development plan submitted by the school entity to the secretary for approval pursuant to section 1205.1 four (4) hours of training in youth suicide awareness and prevention every five (5) years for professional educators in school buildings serving students in grades six through twelve. Training under this paragraph may be used to satisfy a professional educator's continuing professional education requirement under section 1205.2. A school entity may use the materials made available by the department under subsection (b)(2) to conduct such training.

(b) The department shall:

(1) In consultation with a youth suicide prevention organization operating in this Commonwealth, develop a model youth suicide awareness and prevention policy which shall be consistent with subsection (c).

(2) Compile, develop and post on its publicly accessible Internet website the following, which may include materials already publicly available:

(i) Recommended guidelines and educational materials for the training required under subsection (a)(2).

(ii) Recommended resources and age-appropriate educational materials on youth suicide awareness and prevention.

(3) Develop a model youth suicide awareness and prevention curriculum and make such curriculum available to all school entities and, upon request, to nonpublic schools. A school entity may incorporate such curriculum into its existing instructional program pursuant to the school entity's youth suicide awareness and prevention policy.

(c) The model policy developed by the department under subsection (b)(1) and any policy adopted by a school entity under subsection (a)(1) shall include the following:

(1) A statement on youth suicide awareness and prevention.

(2) Protocols for administering youth suicide awareness and prevention education to staff and students.

(3) Methods of prevention, including procedures for early identification and referral of students at risk of suicide.

(4) Methods of intervention, including procedures that address an emotional or mental health safety plan for students identified as being at increased risk of suicide.

(5) Methods of responding to a student or staff suicide or suicide attempt.

(6) Reporting procedures.

(7) Recommended resources on youth suicide awareness and prevention programs, including current contact information for such programs.

(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Nonpublic school." A nonprofit school, other than a school entity, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"Professional educator." As defined in section 1205.2(o).

"School entity." A school district, joint school district, charter school, regional charter school, cyber charter school, intermediate unit or area vocational-technical school.

"Secretary." The Secretary of Education of the Commonwealth.

**24 Pa PS 1547. Alcohol, chemical and tobacco abuse program.**

(a) Beginning with school year 1991-1992 and each year thereafter, each public school student shall receive mandatory instruction in alcohol, chemical and tobacco abuse in every year in every grade from kindergarten through grade twelve. The instruction shall be integrated within the health course of study required in accordance with the State Board of Education regulations. In grades where health is offered, instruction may also be integrated into other appropriate courses of study. In grades where health is not offered, instruction shall be integrated into an appropriate curriculum requirement as listed in 22 Pa. Code §§ 4.21 (relating to elementary education: primary and intermediate levels), 4.22 (relating to middle level education) and 4.23 (relating to high school education).

(1) This instruction:

(i) Shall be age appropriate.

(ii) Shall be sequential in method of study.

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

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

(2) School districts may utilize any appropriate public or private materials, personnel and other resources in developing and implementing this program of instruction. The Department of Health and the Department of Drug and Alcohol Programs, jointly, shall make available information about appropriate curriculum materials upon request of a school district. In developing its alcohol, chemical and tobacco abuse instructional program, each school district shall consult with the single county authority designated by the Department of Drug and Alcohol Programs to provide drug and alcohol services in the school district's area.

(a.1) Beginning with the 2018-2019 school year, for students in grades six through twelve, the instruction required under subsection (a) shall include instruction related to the prevention of opioid abuse, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, including heroin. Not later than the beginning of the 2018-2019 school year, the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs shall develop, jointly, a model curriculum for this purpose and each department shall post the model curriculum on its publicly accessible Internet website. The model curriculum developed under this subsection shall be revised when necessary to ensure that the model curriculum provides the most

current information. In providing the instruction required under this subsection, a school district may, but shall not be required to, use the model curriculum.

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

(c) The Secretary of Education, in consultation with the Secretary of Health and the Secretary of Drug and Alcohol Programs, shall develop curriculum guidelines for instruction on alcohol, chemical and tobacco abuse and the laws governing their use and misuse. These guidelines shall encourage the inclusion of the following elements where appropriate in the instruction

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

(2) Detailed information regarding the availability of help and assistance for students and their families with alcohol, chemical and tobacco dependency problems.

(3) The goals of quality education as set forth in 22 Pa. Code (relating to education).

(4) Skills needed to evaluate advertisements for and media portrayals of alcohol, chemical and tobacco products.

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

(d) The following apply:

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

(2) Beginning with the 2018-2019 school year, the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs shall develop, jointly, and shall make available to all school districts and nonpublic schools in-service training programs based upon the instruction requirements established under subsection (a.1) and the model curriculum developed under subsection (a.1). The in-service training programs developed under this subsection shall be revised when necessary to ensure that the in-service training programs provide the most current information.

(e) The following apply:

(1) Beginning with the 1991-1992 school year, each school district shall provide, as part of its in-service training, programs on alcohol, drugs, tobacco and dangerous controlled substances for all instructors whose teaching responsibilities include courses of study in which mandated instruction concerning alcohol, chemical and tobacco abuse is integrated. To comply with this requirement, a school district may utilize the programs made available by the Department of Education or use other alternative programs.

(2) Beginning with the 2018-2019 school year and every three (3) years thereafter, each school district shall provide, as part of its in-service training, programs based upon the instruction requirements established under subsection (a.1) for all instructors whose teaching responsibilities include courses of



study in which such mandated instruction is integrated. To comply with this requirement, a school district may utilize the in-service training programs made available under subsection (d)(2).

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

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

(g.1) Beginning in the 2018-2019 school year, and each school year thereafter, professional educators who complete in-service training under this section may apply such in-service training toward their continuing professional education requirements under section 1205.2.

(h) (Deleted by amendment).

(h.1) By September 1, 2020, and by September 1 of every fifth year thereafter, the Department of Education, in consultation with the Department of Health and the Department of Drug and Alcohol Programs, shall report to the General Assembly concerning the preceding school year activities of the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs pertaining to the provisions of this section. The report shall include:

(1) A description of efforts by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs to assist school districts in providing the instruction required under subsections (a) and (a.1), including efforts to develop and post the model curriculum required under subsection (a.1) and to develop and make available the in-service training programs required under subsection (d)(2).

(2) An evaluation of the effectiveness of the instruction required under subsections (a) and (a.1) and of curriculum materials and in-service training programs developed by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs under this section in reducing the use of alcohol, tobacco and other drugs, including prescription opioids, by students.

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

#### **24 Pa PS 1553. Dating violence education.**

(a) The department, through its Office for Safe Schools, and in consultation with the State Board of Education, shall:

(1) Develop, within six months of the effective date of this section, a model dating violence policy to assist school districts in developing policies for dating violence reporting and response.

(2) Consult with at least one domestic violence center and at least one rape crisis center in developing the model dating violence policy.

(b) (1) Each school district may establish a specific policy to address incidents of dating violence involving students at school.

(2) The policy may include, but need not be limited to: a statement that dating violence will not be tolerated; violence reporting procedures; discipline procedures for students that commit violence at

school; and contact information for and resources available through domestic violence programs and rape crisis programs.

(3) A school district that establishes the policy shall:

(i) Publish the policy in any school district policy or handbook that specifies the comprehensive rules, procedures and standards of conduct for students at school.

(ii) Make the policy available on its publicly available Internet website.

(iii) Provide parents and guardians with a copy of the policy.

(4) The State Board of Education shall conduct a study of the benefits and detriments of mandatory dating violence education and shall submit a report of its recommendations to the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives within three (3) years of the effective date of this section.

(c) (1) A school district may provide dating violence training to guidance counselors, nurses and mental health staff at the high school level. Upon the recommendation of the district superintendent, other staff may be included or may attend the training on a voluntary basis. The school district may also provide dating violence training to parents.

(2) The dating violence training may include, but need not be limited to: basic principles of dating violence; warning signs of dating violence; the school district's dating violence policy; appropriate responses to incidents of dating violence at school, and services and resources available through domestic violence programs and rape crisis programs.

(d) (1) A school district may incorporate dating violence education that is age-appropriate into the annual health curriculum framework for students in grades nine through twelve. In developing such a policy, the school district shall consult with at least one domestic violence program or rape crisis program that serves the region where the school district is located.

(2) Dating violence education may include, but need not be limited to: defining dating violence and recognizing dating violence warning signs; characteristics of healthy relationships; information regarding peer support and the role friends and peers have in addressing dating violence; and contact information for and the services and resources available through domestic violence centers and rape crisis centers, including detailed information concerning safety planning, availability and enforcement of protection from abuse orders and the availability of other services and assistance for students and their families.

(3) The department, through its Office for Safe Schools, in consultation with at least one domestic violence center and at least one rape crisis center, shall provide school districts with grade-appropriate educational materials regarding dating violence and healthy relationships for the purpose of assisting school districts in preparing an instructional program on dating violence. The department may use educational materials that are already publicly available for this purpose.

(4) A parent or legal guardian of a student who is under eighteen (18) years of age, within a reasonable period of time after the request is made, shall be permitted to examine the dating violence education program instructional materials at the school in which the student is enrolled.

(5) At the request of a parent or guardian, a student shall be excused from all or parts of the dating violence education program. The principal shall notify all parents or guardians of their ability to withdraw their children from instruction in the program by returning a signed opt-out form.

(e) Nothing in this section shall be construed as preventing a person from seeking judicial relief from dating violence under any other law or as establishing or modifying any civil liability.

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"At school." The term shall have the meaning given to school property as defined in section 1301-A.

"Dating partner." A person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long-term.

"Dating violence." Behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.

"Department." The Department of Education of the Commonwealth.

"Domestic violence center." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Domestic violence program." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Rape crisis center." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Rape crisis program." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

## **REGULATIONS**

No relevant regulations found.

## **Behavioral interventions and student support services**

### **LAWS**

#### **24 Pa PS 1333. Procedure when child is truant.**

(a) When a child is truant, the school shall notify in writing the person in parental relation with the child who resides in the same household as the child of the child's violation of compulsory school attendance within ten (10) school days of the child's third unexcused absence. The notice:

- (1) shall include a description of the consequences that will follow if the child becomes habitually truant;
- (2) shall be in the mode and language of communication preferred by the person in parental relation;
- (3) may include the offer of a school attendance improvement conference; or
- (4) when transmitted to a person who is not the biological or adoptive parent, shall also be provided to the child's biological or adoptive parent if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

(b) If the child continues to incur unexcused absences after the school has issued the notice under subsection (a), the school shall then offer by advance written notice a school attendance improvement conference to the child and the person in parental relation, unless a conference was previously held following the notice provided under subsection (a). The following shall apply:

- (1) This subsection does not place a legal requirement upon the child or person in parental relation to attend the conference. The conference shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference after advance written notice and attempts to communicate via telephone.
- (2) The outcome of the conference shall be documented in a written school attendance improvement plan. The department shall develop a form to be used for this purpose, and each school shall use a form substantially similar to the form developed by the department.

(3) Further legal action may not be taken by the school to address unexcused absences by the child until after the date for the scheduled school attendance improvement conference has passed.

**24 Pa PS 1333.1. Procedure by school when child habitually truant.**

(a) When a child is habitually truant and under fifteen (15) years of age at the time of referral, the school:

(1) Shall refer the child to either of the following:

(i) A school-based or community-based attendance improvement program.

(ii) The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

(2) May file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the child.

(b) When a child is habitually truant and fifteen (15) years of age or older at the time of referral, the school shall either:

(1) Refer the child to a school-based or community-based attendance improvement program or service.

(2) File a citation in the office of the appropriate judge against the child or the person in parental relation who resides in the same household as the child.

(c) If a child who is fifteen (15) years of age or older continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program or refuses to participate in a school-based or community-based attendance improvement program as recommended through the school attendance improvement conference, the school may refer the child to the county children and youth agency for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63.

(d) When referring a habitually truant child to the county children and youth agency or filing a citation with the court because a child has been habitually truant, the school shall provide verification that a school attendance improvement conference was held.

(e) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

**24 Pa PS 1302-A. Office for safe schools.**

(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities to fund programs which address school violence, including:

(1) Conflict resolution or dispute management, including restorative justice strategies.

(1.1) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.

(1.2) School-based diversion programs.

(2) Peer helpers programs.

(3) Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies.

(4) Classroom management.

(5) Student codes of conduct.

(6) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.

(7) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying.

- (8) Comprehensive, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.
- (9) Security planning, purchase of security-related technology which may include metal detectors, protective lighting, surveillance equipment, special emergency communications equipment, electronic locksets, deadbolts and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity's board of directors.
- (10) Institution of student, staff and visitor identification systems, including criminal background check software.
- (11) ((11) deleted by amendment July 18, 2013, P.L.571, No.70)
- (12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.
- (13) Alternative education programs provided for in Article XIX-C.
- (14) Counseling services for students enrolled in alternative education programs.
- (15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.
- (16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

**24 Pa PS 1310-A. Safe schools advocate in school districts of the first class.**

- (c) The safe schools advocate shall, on behalf of victims of acts of violence on school property, victims of conduct that would constitute an act of violence and victims of students who have committed two or more infractions as set forth in subsection (b)(9):
- (1) provide assistance and advice, including information on support services provided by victim assistance offices of the appropriate district attorney and through local community-based victim service agencies;
  - (2) provide information to the parent or guardian of the student victim regarding the disciplinary process and any action ultimately taken against the student accused of committing the act of violence;
  - (3) in cases involving the possession or use of a weapon, advise the parent or guardian of the victim whether the school district properly exercised its duty under section 1317.2;
  - (4) in cases where the advocate has received a request by the parent or guardian of the victim, to attend formal disciplinary proceedings;
  - (5) with the consent of the parent or guardian of the victim, present information in the disciplinary proceeding, which may include oral or written presentations, including testimony by the victim or the parent or guardian of the victim, regarding the impact on the victim and the victim's family and the appropriate disciplinary action and which may include direct or cross-examination of witnesses;
  - (6) where the perpetrator of an act of violence is returning to school after placement under a consent decree, adjudication of delinquency or conviction of a criminal offense, assist the parent or guardian of the victim in providing input to the school district and the appropriate juvenile or criminal justice authority to ensure the victim's safety on school property;
  - (7) in cases where the district has failed to report the act of violence to the appropriate police department as required by the memorandum of understanding, to report such act of violence directly; and

(8) provide information and make recommendations to the office of the district attorney regarding the impact of the act of violence on the victim and the victim's family.

(d) Upon discovery of the commission of an act of violence upon a student, the school district of the first class shall immediately notify the victim's parent or guardian of the safe schools advocate. The form of this notice shall be developed by the advocate and provided to the school district. This form shall include the address and telephone number of the advocate and a brief description of the purposes and functions of the safe schools advocate. The principal of each school within the school district shall post a notice not less than 8 1/2 by 11 inches entitled "Safe Schools Advocate" at a prominent location within each school building, where such notices are usually posted. The form of this notice shall also be developed by the advocate and provided to the school district.

(e) It shall be the duty of each school administrator in a school district of the first class to cooperate with the safe schools advocate to implement this section and to provide the advocate, upon request, with all available information authorized by State law. In regard to individual cases of acts of violence, only information permitted to be shared under subsection (f) shall be disclosed.

(f) The advocate and all employees and agents of the safe schools advocate shall be subject to and bound by section 444 of the General Education Provisions Act (Public Law 90-247, 20 U.S.C. § 1232g) and 34 CFR Pt. 99 (relating to family educational rights and privacy).

(g) This section shall not apply to the extent that it would conflict with the requirements of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or other applicable Federal statute or regulation.

(h) As used in this section:

"Act of violence" shall mean the possession of a weapon on school property or an offense, including the attempt, solicitation or conspiracy to commit the offense, under any of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

- (1) Section 2501 (relating to criminal homicide).
- (2) Section 2702 (relating to aggravated assault).
- (3) Section 3121 (relating to rape).
- (4) Section 3122.1 (relating to statutory sexual assault).
- (5) Section 3123 (relating to involuntary deviate sexual intercourse).
- (6) Section 3124.1 (relating to sexual assault).
- (7) Section 3125 (relating to aggravated indecent assault).
- (8) Section 3126 (relating to indecent assault).
- (9) Section 3301 (relating to arson and related offenses)
- (10) Section 3701 (relating to robbery).
- (11) Section 3702 (relating to robbery of motor vehicle).

"School district" shall mean school district of the first class.

(i) At least eighty per centum (80%) of all appropriations for the Office of Safe Schools Advocate in fiscal year 2006-2007 shall be expended by June 30, 2007, and the remaining balance of the appropriation shall be committed or encumbered by June 30, 2007.

#### **24 Pa PS 1312-A. Enforcement.**

(a)

(1) If the school district of the first class fails to comply with requirements to provide information to the safe schools advocate under section 1310-A, the advocate shall provide documentation of the failure to the Secretary of Education and the Pennsylvania Commission on Crime and Delinquency.

(2) If the secretary determines that there is noncompliance, the secretary shall notify the advocate and the Office of General Counsel. The Office of General Counsel, in consultation with the safe schools advocate, shall designate an attorney to bring an action in a court of competent jurisdiction to enforce section 1310-A.

(3) If the secretary determines that the school district of the first class has complied with the requirements to provide information to the safe schools advocate under section 1310-A, the secretary shall convene a public hearing at which the safe schools advocate shall be permitted to testify regarding the alleged noncompliance.

(b) Legal proceedings under subsection (a) shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

#### **24 Pa PS 1401-A. Definitions.**

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Individualized educational program" or "IEP." An individualized education program established under 22 Pa. Code Ch. 14 (relating to special education services and programs).

"Private academic school." A private academic school as defined in section 2 of the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act, which is licensed under the requirements of the Private Academic Schools Act.

"Program." The Drug and Alcohol Recovery High School Pilot Program established under section 1402-A.

"Recovery high school." The school designated to serve as the drug and alcohol recovery high school for purposes of the program under section 1402-A(b).

"Resident school district." The school district in which the parent of a student enrolled in the recovery high school under the program resides.

#### **24 Pa PS 1402-A. Establishment of drug and alcohol recovery high school pilot program.**

(a) Pilot program established.--The Drug and Alcohol Recovery High School Pilot Program is established to provide a program of instruction in grades 9 through 12 meeting State academic standards for students who are in recovery from drug or alcohol abuse or addiction.

(b) Designation.--Within 60 days of the effective date of this section, the Secretary of Education, in consultation with the Department of Drug and Alcohol Programs, shall:

(1) Designate, through a request for proposal process, a facility that satisfies all of the following to serve as the recovery high school for purposes of the program:

(i) Is licensed as a private academic school under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.

(ii) Is located in a school district of the first class.

(iii) Has experience providing drug and alcohol recovery services.

(iv) Has adopted and follows accreditation standards and best practices set forth by the Association of Recovery Schools.

(2) Post notice of the designation on the department's publicly accessible Internet website.

**24 Pa PS 1403-A. Scope of program and selection of students.**

(a) Maximum participation.--Beginning in the 2016-2017 school year, a maximum of 20 students in grades 9 through 12 may be enrolled in the recovery high school under the program at any one time.

(b) Vacancies.--If a student enrolled in the recovery high school under the program withdraws or graduates from the recovery high school, the vacancy may be filled by another student.

(c) Student requirements.--A student may enroll in the recovery high school under the program if the following apply:

(1)

(i) Subject to subparagraph (ii), the student resides in a school district of the first class, which has approved the student's enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied for enrollment in the recovery high school on the student's behalf.

(ii) If fewer than 20 students residing in a school district of the first class enroll in the recovery high school under the program at any time under subparagraph (i), a student who resides in a school district other than a school district of the first class may enroll in the recovery high school under the program if the student's resident school district has approved the student's enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied for enrollment in the recovery high school on the student's behalf.

(2) The student has at least 30 days of sobriety at the time of application for enrollment.

(3) The student commits to participate in a recovery plan, including, but not limited to, school-based drug testing, as designed by the recovery high school and approved by the Department of Drug and Alcohol Programs.

(4) The recovery high school approves the student's enrollment in the recovery high school. A determination by the recovery high school not to approve a student's enrollment in the recovery high school may not be appealed to the department.

(d) Approval or disapproval by resident school district.--Within 30 days after a student's parent or guardian submits a written request to the resident school district seeking the student's enrollment in the recovery high school under the program, the resident school district shall issue written notice to the parent or guardian approving or disapproving the request.

(e) Hearing.--If a parent or guardian disagrees with a resident school district's disapproval of the student's enrollment in the recovery high school under the program, the following shall apply:

(1) For a student with an IEP, the due process hearing requirements of 22 Pa. Code Ch. 14 (relating to special education services and programs) shall apply.

(2) For a student without an IEP, the resident school district shall follow a notice and hearing process that the department shall develop and post on its publicly accessible Internet website.

(3) If a student's enrollment in the recovery high school under the program is not approved by the student's resident school district or if the student's parent or guardian chooses not to participate in the program established under section 1402-A, the student's parent or guardian may pay the student's tuition to enroll in the recovery high school, provided that the recovery high school has approved the student's enrollment in the recovery high school.

**24 Pa PS 1404-A. Academic programs.**

(a) Assessments.--The recovery high school shall administer to all students enrolled in the recovery high school under the program any assessments that are required under 22 Pa. Code Ch. 4 (relating to



academic standards and assessment). Student scores on any required assessments shall be attributed to the student's resident school district for purposes of compliance with the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).

(b) Certification.--At least 75% of the professional staff members of the recovery high school shall hold appropriate State certification, provided that all professional staff members of the recovery high school who are responsible for providing special education services to students enrolled in the recovery high school under the program shall hold appropriate State certification in special education.

(c) Licensure.--If a student enrolled in the recovery high school is subject to an IEP, the recovery high school must be licensed to provide any services required to be provided under the student's IEP.

#### **24 Pa PS 1405-A. Establishment and payment of tuition.**

(a) Tuition rate.--No later than June 30 of each year, the department shall establish a per-student regular education tuition rate for each student enrolled in the recovery high school under the program, provided that the recovery high school may not set a per-student regular education tuition rate for students enrolled in the recovery high school who are not participants in the program that is lower than the per-student regular education tuition rate established for students enrolled in the recovery high school under the program. The per-student regular education tuition rate for students enrolled in the recovery high school under the program shall be determined as follows:

(1) For the 2016-2017 school year, the per-student regular education tuition rate for each student enrolled in the recovery high school under the program shall be \$20,000.

(2) Beginning in the 2017-2018 school year, and in each school year thereafter, annual adjustments to the amount set forth in paragraph (1) shall be made as follows:

(i) The Department of Labor and Industry shall determine the percentage change in the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12-month period ending September 30, 2016, and for each successive 12-month period thereafter.

(ii) If the Department of Labor and Industry determines that there is no positive percentage change, then no adjustment to the amount set forth in paragraph (1) shall occur for the relevant time period.

(iii)

(A) If the Department of Labor and Industry determines that there is a positive percentage change in the first year that the determination is made under subparagraph (i), the positive percentage change shall be multiplied by the amount set forth in paragraph (1), and the product shall be added to the amount set forth in paragraph (1), and the sum shall be the preliminary adjusted per-student tuition rate.

(B) The preliminary adjusted per-student tuition rate shall be rounded to the nearest \$100 to determine the final adjusted per-student tuition rate.

(iv) In each successive year in which there is a positive percentage change in the CPI-U for the United States City Average, the positive percentage change shall be multiplied by the most recent preliminary per-student tuition rate, and the product shall be added to the preliminary adjusted per-student tuition rate of the prior year to calculate the preliminary adjusted per-student tuition rate for the current year. The sum thereof shall be rounded to the nearest \$100 to determine the new final adjusted per-student tuition rate.

(v) The determinations and adjustments required under this subparagraph shall be made in the period between April 1, 2017, and April 30, 2017, and annually between April 1 and April 30 of each year thereafter.

(vi) The final adjusted per-student tuition rates obtained under subparagraphs (iii) and (iv) shall become effective July 1 for the school year following the year in which the determination required under this paragraph is made.

(vii) The department shall publish notice in the Pennsylvania Bulletin prior to July 1 of each year of the annual percentage change determined under subparagraph (i) and the unadjusted or final adjusted per-student tuition rate determined under subparagraphs (iii) and (iv) for the school year following the year in which the per-student tuition rate is determined. The notice shall include a written and illustrative explanation of the calculations performed by the department in establishing the unadjusted or final adjusted per-student tuition rate under this section for the ensuing calendar year.

(viii) The annual increase in the preliminary adjusted per-student tuition rate determined under subparagraphs (iii) and (iv) shall not exceed 3%.

(b) Payment of regular education tuition rate.--

(1) The department shall pay 60% of the per-student regular education tuition rate established under subsection (a) for each student enrolled in the recovery high school under the program.

(2) The resident school district of each student enrolled in the recovery high school under the program shall pay the amount of the per-student tuition rate established under subsection (a) that remains following payment by the department under paragraph (1).

(c) Special education.--For each student enrolled in the recovery high school under the program who is subject to an IEP, the student's resident school district shall, in addition to the regular education tuition payment made on behalf of the student:

(1) provide the student with special education services required under the student's IEP, at the resident school district's cost; or

(2) make payment to the recovery high school for special education services provided to the student by the recovery high school.

(d) Treatment of school district subsidies.--A student enrolled in a recovery high school under the program shall be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding under Article XXV.

**24 Pa PS 1406-A. Term of drug and alcohol recovery high school pilot program.**

(a) Enrollment of new students.--Unless the program is permanently established by action of the General Assembly, the recovery high school shall not enroll new students under the program after June 30, 2020.

(b) Continued enrollment.--If the program is not permanently established by action of the General Assembly on or before June 30, 2020, a student enrolled in the recovery high school under the program as of June 30, 2020, may remain enrolled in the recovery high school under the program until the earlier of the following:

(1) The student's graduation from the recovery high school.

(2) The student's withdrawal from the recovery high school.

(3) The student's completion of four years of enrollment in the recovery high school under the program.

**24 Pa PS 1407-A. Reporting.**

(a) Report by recovery high school.--By August 31, 2019, and by August 31 of each year thereafter, the recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a

written report concerning the program. The report shall include, but not be limited to, all of the following, subject to the requirements of the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and to the extent such reporting does not reveal identifying information concerning any individual student:

(1) The number of students who:

- (i) Enrolled in the recovery high school under the program for the preceding reporting period.
- (ii) Requested enrollment in the recovery high school under the program but were denied participation in the program for the preceding reporting period.
- (iii) Enrolled in the recovery high school but who were not participants in the program for the preceding reporting period.

(2) The number and percentage of students enrolled in the recovery high school during the previous reporting period to whom each of the following apply, reported separately based on whether or not the students were participants in the program:

- (i) Earned a high school diploma from the recovery high school.
- (ii) Withdrew from the recovery high school and requested transfer of educational records to another school.
- (iii) Withdrew from the recovery high school without requesting transfer of educational records to another school.
- (iv) Maintained enrollment in the recovery high school in good standing.

(3) A narrative description of the academic outcomes for students enrolled in the recovery high school, including aggregate assessment results, reported separately based on whether or not the students were participants in the program.

(4) A narrative description of student success in managing issues concerning drug or alcohol abuse or addiction, reported separately based on whether or not the students were participants in the program.

(5) Recommendations for improvements to the program.

(6) Any information regarding the program that the recovery high school determines would be useful to the General Assembly, the Department of Education and the Department of Drug and Alcohol Programs in determining whether changes to the program are necessary and whether the program should be continued.

(b) Report by Department of Education and Department of Drug and Alcohol Programs.--By December 31, 2020, the Department of Education and the Department of Drug and Alcohol Programs, jointly, shall submit to the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report assessing the success of the program and making recommendations regarding the possible extension and expansion of the program, including a proposed timeline for any potential expansion.

#### **24 Pa PS 1408-A. Audit required.**

The recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a complete certified audit of the recovery high school's participation in the program. The audit shall be

conducted by a qualified independent certified public accountant under generally accepted audit standards of the Governmental Accounting Standards Board.

**24 Pa PS 1526. Youth suicide awareness and prevention.**

(c) The model policy developed by the department under subsection (b)(1) and any policy adopted by a school entity under subsection (a)(1) shall include the following:

- (3) Methods of prevention, including procedures for early identification and referral of students at risk of suicide.
- (4) Methods of intervention, including procedures that address an emotional or mental health safety plan for students identified as being at increased risk of suicide.
- (5) Methods of responding to a student or staff suicide or suicide attempt.

**24 Pa PS 1547. Alcohol, chemical and tobacco abuse program.**

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

(g.1) Beginning in the 2018-2019 school year, and each school year thereafter, professional educators who complete in-service training under this section may apply such in-service training toward their continuing professional education requirements under section 1205.2.

**REGULATIONS**

**22 Pa. Code 10.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Charter school. A charter school or cyber charter school as defined in section 1703-A of the Charter School Law (24 P. S. §17-1703-A).

Chief school administrator. The superintendent of a public school district, executive director of an area vocational-technical school, executive director of an intermediate unit or chief executive officer of a charter school.

IEP. Individualized education program.

Incident. An instance involving one or more of the following:

- (i) An act of violence.
- (ii) The possession of a weapon by a person.
- (iii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in section 2 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §780-102).
- (iv) The possession, use or sale of alcohol or tobacco by a person on school property.
- (v) Conduct that constitutes an offense under section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.1) and (4.2)).

Local police department. A police department having jurisdiction over school property of the school entity.

Memorandum of understanding. A confirmation of mutually agreed upon terms between two or more parties in the form of a document mutually agreed to by a school entity and a local police department as required under section 1303-A(c) of the Safe Schools Act.

Positive behavior support plan. A plan for a student with a disability or eligible young child who requires specific intervention to address behavior that interferes with learning. A plan is developed by the IEP team, based on a functional behavior assessment and becomes part of the individual eligible young child's or student's IEP. A plan includes methods that utilize positive reinforcement and other positive techniques to shape a student's or eligible young child's behavior ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards. See § 14.133 and 711.46 (relating to positive behavior support).

Protected handicapped student. A student who meets the definition of "protected handicapped student" under § 15.2 (relating to definitions), including a protected handicapped student attending a charter school, or for whom an evaluation is pending.

Safe Schools Act. Article XIII-A of the School Code (24 P. S. §§ 13-1301-A. 13-1313-A).

School-based diversion program. A program that, in partnership with other stakeholders, diverts youth out of the juvenile justice system. A program may include a youth aid panel in which a panel of community members decides an appropriate resolution to hold a student accountable for the student's actions by, among other options, requiring the student to complete educational activities, community service, restitution and any other related program or service.

School Code. The Public School Code of 1949 (24 P. S. § 1-101. 27-2702).

School entity. A public school district, intermediate unit, area vocational-technical school or charter school.

School-wide positive behavior support. A school-wide, evidence-based and data-driven approach to improving school behavior that seeks to reduce unnecessary student disciplinary actions and promotes a climate of greater productivity, safety and learning.

Student with a disability. A student who meets the definition of "student with a disability" under § 14.101 (relating to definitions), the definition of "child with a disability" under § 711.1 (relating to definitions) or for whom an evaluation is pending.

## **22 Pa. Code 10.23. Response and handling of a student with a disability.**

(a) A school entity shall provide to each local police department having jurisdiction over property of the school entity a copy of its procedures on behavior support services (see § 14.104 (relating to special education plans)) by September 30, 2012. Thereafter, a school entity shall provide to each local police department a copy of its procedures on behavior support services each time the procedures are revised by the school entity.

(b) A school entity shall invite representatives of each local police department having jurisdiction over property of the school entity to participate in trainings in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention, as provided by the school entity's special education plan (see § 14.104) and the school entity's positive behavior support program (see §§ 14.133 and 711.46 (relating to positive behavior support)).

(c) When a student with a disability commits an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act (24 P. S. § 13-1303-A(b)(4.1) and (4.2)), the school entity shall respond in a manner that is consistent with the training provided in accordance with the school entity's special education plan (see § 14.104) and, if applicable, with the procedures, methods and techniques defined in the student's behavior support plan (see §§ 14.133 and 711.46).

(d) When a protected handicapped student commits an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the school entity, including a charter school, shall respond in a manner that is

consistent with the student's service agreement (see § 15.2 and 15.7 (relating to definitions; and service agreement)).

(e) For a student with a disability who has a positive behavior support plan, upon notification to a local police department that a student with a disability has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, a school entity shall act in accordance with §14.133(h) or §711.46(h).

(f) For a protected handicapped student whose service agreement includes a positive behavior support plan, upon notification to a local police department that a protected handicapped student has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, a school entity, including a charter school, shall act in accordance with §15.3 (relating to general).

(g) For a student with a disability who does not have a positive behavior support plan, upon notification to a local police department that a student with a disability has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the school entity shall convene the student's IEP team. At this meeting, the IEP team shall consider whether a positive behavior support plan should be developed to address the student's behavior.

(h) For a protected handicapped student whose service agreement does not include a positive behavior support plan, upon notification to a local police department that a protected handicapped student has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the school entity, including a charter school, in consultation with the student's parents, shall consider whether a positive behavior support plan should be developed as part of the service agreement to address the student's behavior.

#### **22 Pa. Code 12.16. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

**Student assistance program.** A systematic process designed to assist school personnel to identify issues, including alcohol, drugs and others, which pose a barrier to a student's learning and school success. Student assistance is a systematic process using effective and accountable professional techniques to mobilize school resources to remove the barriers to learning, and, when the problem is beyond the scope of the school, to assist the parent and the student with information so they may access services within the community.

**Student services.** Services designed by a school entity to support the instructional program and to help students attain their educational and career goals.

(i) Services may include school guidance counseling, health services (under Article XIV of the Public School Code of 1949 (24 P. S. § 14-1401. 14-1423) and 28 Pa. Code Chapter 23 (relating to school health)), psychological services, social work and home and school visitor services.

(ii) School entities may supplement, but may not supplant, these services through school-based, school-linked, or coordinated services provided by locally available social and human services agencies.

#### **22 Pa. Code 14.133. Positive behavior support.**

(a) Positive, rather than negative, measures must form the basis of behavior support programs to ensure that all students and eligible young children shall be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints. Behavior support programs must include research based practices and techniques to develop and maintain skills that will enhance an individual student's or eligible young child's opportunity for learning and self-fulfillment. Behavior support programs and plans must be based on a functional assessment of behavior and utilize positive behavior techniques. When an

intervention is needed to address problem behavior, the types of intervention chosen for a particular student or eligible young child shall be the least intrusive necessary. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques, in accord with subsection (c)(2).

(b) Notwithstanding the requirements incorporated by reference in 34 CFR 300.34, 300.324 and 300.530 (relating to related services; development, review, and revision of IEP; and authority of school personnel), with regard to a child's behavior, the following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Aversive techniques. Deliberate activities designed to establish a negative association with a specific behavior.

Behavior support. The development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.

Positive behavior support plans. A plan for students with disabilities and eligible young children who require specific intervention to address behavior that interferes with learning. A positive behavior support plan shall be developed by the IEP team, be based on a functional behavior assessment, and become part of the individual eligible young child's or student's IEP. These plans must include methods that utilize positive reinforcement and other positive techniques to shape a student's or eligible young child's behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.

## **Professional development**

### **LAWS**

#### **24 Pa PS 1205.6. Child abuse recognition and reporting training.**

(a) School entities and independent contractors of school entities shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The following apply:

(1) Training shall address, but shall not be limited to, the following topics:

(i) Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct in this Commonwealth.

(ii) Provisions of the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," including mandatory reporting requirements.

(iii) The school entity's policies related to reporting of suspected abuse and sexual misconduct.

(iv) Maintenance of professional and appropriate relationships with students.

(2) School entities and independent contractors may provide training through the Internet or other distance communications systems.

(3) Employees shall complete a minimum of three (3) hours of training every five (5) years.

(4) Employees required to undergo continuing professional education under section 1205.2 shall receive credit toward their continuing professional education requirements if the training program has been approved by the Department of Education in consultation with the Department of Public Welfare.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Abuse." Conduct that falls under the purview and reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child protective services) and is directed toward or against a child or student, regardless of the age of the child or student.

"Direct contact with children." The possibility of care, supervision, guidance or control of children or routine interaction with children.

"School entity." A public school, charter school, cyber charter school, private school, nonpublic school, intermediate unit or area vocational-technical school.

"Sexual misconduct." Any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student. Such acts include, but are not limited to:

- (1) Sexual or romantic invitation.
- (2) Dating or soliciting dates.
- (3) Engaging in sexualized or romantic dialog.
- (4) Making sexually suggestive comments.
- (5) Self-disclosure or physical exposure of a sexual, romantic or erotic nature.
- (6) Any sexual, indecent, romantic or erotic contact with the child or student.

#### **24 Pa PS 1302-A. Office for safe schools.**

(a) There is hereby established in the Department of Education an Office for Safe Schools.

(b) The office shall have the power and duty to implement the following:

(3) To provide direct training to school employees, parents, law enforcement officials and communities on effective measures to prevent and combat school violence.

(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities to fund programs which address school violence, including:

(12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.

(16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

#### **24 Pa PS 1526. Youth suicide awareness and prevention.**

(a) Beginning with the 2015-2016 school year, each school entity shall:

(2) Include in the professional development plan submitted by the school entity to the secretary for approval pursuant to section 1205.1 four (4) hours of training in youth suicide awareness and prevention every five (5) years for professional educators in school buildings serving students in grades six through twelve. Training under this paragraph may be used to satisfy a professional educator's continuing professional education requirement under section 1205.2. A school entity may use the materials made available by the department under subsection (b)(2) to conduct such training.

#### **24 Pa PS 1547. Alcohol, chemical and tobacco abuse program.**

(d) The following apply:

(1) Beginning with the 1991-1992 school year and each year thereafter, the Secretary of Education, in consultation with the Secretary of Health and the Secretary of Drug and Alcohol Programs, shall make available, to all school districts and intermediate units, in-service training programs based upon the instruction requirements established in subsection (a) and the curriculum guidelines established in



subsection (c). The programs shall provide preparation for the teaching of mandated instruction in alcohol, chemical and tobacco abuse. The in-service programs may utilize the single county authorities designated by the Department of Drug and Alcohol Programs or such other institutions, agencies or persons as the Secretary of Education or the Secretary of Health deems appropriate.

(2) Beginning with the 2018-2019 school year, the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs shall develop, jointly, and shall make available to all school districts and nonpublic schools in-service training programs based upon the instruction requirements established under subsection (a.1) and the model curriculum developed under subsection (a.1). The in-service training programs developed under this subsection shall be revised when necessary to ensure that the in-service training programs provide the most current information.

(e) The following apply:

(1) Beginning with the 1991-1992 school year, each school district shall provide, as part of its in-service training, programs on alcohol, drugs, tobacco and dangerous controlled substances for all instructors whose teaching responsibilities include courses of study in which mandated instruction concerning alcohol, chemical and tobacco abuse is integrated. To comply with this requirement, a school district may utilize the programs made available by the Department of Education or use other alternative programs.

(2) Beginning with the 2018-2019 school year and every three (3) years thereafter, each school district shall provide, as part of its in-service training, programs based upon the instruction requirements established under subsection (a.1) for all instructors whose teaching responsibilities include courses of study in which such mandated instruction is integrated. To comply with this requirement, a school district may utilize the in-service training programs made available under subsection (d)(2).

## **REGULATIONS**

No relevant regulations found.

## ***Monitoring and Accountability***

### **Formal incident reporting of conduct violations**

#### **LAWS**

##### **24 Pa PS 1302-A. Office for safe schools.**

(b) The office shall have the power and duty to implement the following:

(2.1) To direct all school entities to submit annual school violence statistics and reports to the office no later than July 31 of each year.

(5) To develop forms to be used by school entities and police departments for reporting incidents involving acts of violence and possession of weapons on school property. The forms shall be reviewed on a biennial basis and revised when necessary.

(7) To publish and post on the Department of Education's Internet website a School Safety Annual Report no later than November 1 of each calendar year outlining all incidents required to be reported under section 1303-A and any school district that failed to submit a report under section 1303-A.

(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities to fund programs which address school violence, including:

(15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.

##### **24 Pa PS 1303-A. Reporting.**

(a) The office shall conduct a one-time survey of all school entities to determine the number of incidents involving acts of violence on school property and all cases involving possession of a weapon by any person on school property which occurred within the last five (5) years. The survey shall be based on the best available information provided by school entities.

(b) Each chief school administrator shall report to the office by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property. The incidents to be reported to the office shall include all incidents involving conduct that constitutes a criminal offense listed under paragraphs (4.1) and (4.2). Reports on a form to be developed and provided by the office shall include:

(1) Age or grade of student.

(2) Name and address of school.

(3) Circumstances surrounding the incident, including, but not limited to, type of weapon, controlled substance, alcohol or tobacco, the date, time and location of the incident, if a person other than a student is involved in the incident and any relationship to the school entity.

(3.1) Race of student.

(3.2) Whether the student has an Individualized Education Plan under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the type of disability.

(4) Sanction imposed by the school.

(4.1) A list of criminal offenses which shall, at a minimum, include:

(i) The following offenses under 18 Pa.C.S. (relating to crimes and offenses):

Section 908 (relating to prohibited offensive weapons).

Section 912 (relating to possession of weapon on school property).

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709.1 (relating to stalking).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3124.2 (relating to institutional sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3301 (relating to arson and related offenses).

Section 3307 (relating to institutional vandalism) when the penalty is a felony of the third degree.

Section 3502 (relating to burglary).

Section 3503(a) and (b)(1)(v) (relating to criminal trespass).

Section 5501 (relating to riot).

Section 6110.1 (relating to possession of firearm by minor).

(ii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in "The Controlled Substance, Drug, Device and Cosmetic Act."

(iii) Attempts, solicitation or conspiracy to commit any of the offenses listed in subclauses (i) and (ii).

(iv) An offense for which registration is required under 42 Pa.C.S. § 9795.1 (relating to registration).

(4.2) The following offenses under 18 Pa.C.S., and any attempt, solicitation or conspiracy to commit any of these offenses:

Section 2701 (relating to simple assault).

Section 2705 (relating to recklessly endangering another person).

Section 2706 (relating to terroristic threats).

Section 2709 (relating to harassment).

Section 3127 (relating to indecent exposure).

Section 3307 (relating to institutional vandalism) when the penalty is a misdemeanor of the second degree.

Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2) (relating to criminal trespass).

Chapter 39 (relating to theft and related offenses).

Section 5502 (relating to failure of disorderly persons to disperse upon official order).

Section 5503 (relating to disorderly conduct).

Section 6305 (relating to sale of tobacco).

Section 6306.1 (relating to use of tobacco in schools prohibited).

Section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

- (5) Notification of law enforcement.
- (6) Remedial programs involved.
- (7) Parental involvement required.
- (8) Arrests, convictions and adjudications, if known.

(b.1) Prior to submitting the report required under subsection (b), each chief school administrator and each police department having jurisdiction over school property of the school entity shall do all of the following:

(1) No later than thirty (30) days prior to the deadline for submitting the report to the office required under subsection (b), the chief school administrator shall submit the report to the police department with jurisdiction over the relevant school property. The police department shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects police incident data.

(2) No later than fifteen (15) days prior to the deadline for the chief school administrator to submit the report required under subsection (b), the police department shall notify the chief school administrator, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.

(3) Prior to submitting the report required under subsection (b), the chief school administrator and the police department shall attempt to resolve discrepancies between the report and police incident data. Where a discrepancy remains unresolved, the police department shall notify the chief school administrator and the office in writing.

(4) Where a police department fails to take action as required under paragraph (2) or (3), the chief school administrator shall submit the report required under subsection (b) and indicate that the police department failed to take action as required under paragraph (2) or (3).

(c) Each chief school administrator shall form an advisory committee composed of relevant school staff, including, but not limited to, principals, security personnel, school resource officers, guidance counselors and special education administrators, to assist in the development of a memorandum of understanding pursuant to this section. In consultation with the advisory committee, each chief school administrator shall enter into a memorandum of understanding with police departments having jurisdiction over school property of the school entity. Each chief school administrator shall submit a copy of the memorandum of understanding to the office by June 30, 2011, and biennially update and re-execute a memorandum of understanding with local law enforcement and file such memorandum with the office on a biennial basis. The memorandum of understanding shall be signed by the chief school administrator, the chief of police of the police department with jurisdiction over the relevant school property and principals of each school building of the school entity. The memorandum of understanding shall comply with the regulations promulgated by the State Board of Education under section 1302.1-A and shall also include:

- (1) The procedure for police department review of the annual report required under subsection (b) prior to the chief school administrator filing the report required under subsection (b) with the office.
- (2) A procedure for the resolution of school violence data discrepancies in the report prior to filing the report required under subsection (b) with the office.
- (3) Additional matters pertaining to crime prevention agreed to between the chief school administrator and the police department.

(d) Pursuant to section 615 of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1415(k)(6)), nothing in section 1302.1-A or this section shall be construed to prohibit a school

entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(e) (1) Notwithstanding any provision of law to the contrary, the Department of Education may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," against a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense listed under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section.

(2) In addition to any other disciplinary actions set forth in the "Professional Educator Discipline Act," a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense cited under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section shall be subject to prosecution for violation of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The following civil penalties may be imposed by the Professional Standards and Practices Commission for violations of this article:

- (i) for a first violation, \$2,500;
- (ii) for a second violation, \$3,500; or
- (iii) for a third or subsequent violation, \$5,000.

Any penalty imposed under this paragraph shall be paid to the Department of Education and used for the support of the office.

#### **24 Pa PS 1317.2. Possession of weapons prohibited.**

(f) All school districts and area vocational-technical schools shall report all incidents involving possession of a weapon prohibited by this section as follows:

- (1) The school superintendent or chief administrator shall report the discovery of any weapon prohibited by this section to local law enforcement officials.
- (2) The school superintendent or chief administrator shall report to the Department of Education all incidents relating to expulsions for possession of a weapon on school grounds, school-sponsored activities or public conveyances providing transportation to a school or school-sponsored activity. Reports shall include all information as required under section 1303-A.

#### **REGULATIONS**

No relevant regulations found.

## Parental notification

### LAWS

#### **24 Pa PS 1333. Procedure when child is truant.**

(a) When a child is truant, the school shall notify in writing the person in parental relation with the child who resides in the same household as the child of the child's violation of compulsory school attendance within ten (10) school days of the child's third unexcused absence. The notice:

- (1) shall include a description of the consequences that will follow if the child becomes habitually truant;
- (2) shall be in the mode and language of communication preferred by the person in parental relation;
- (3) may include the offer of a school attendance improvement conference; or
- (4) when transmitted to a person who is not the biological or adoptive parent, shall also be provided to the child's biological or adoptive parent if the parent's mailing address is on file with the school and the parent is not precluded from receiving the information by court order.

(b) If the child continues to incur unexcused absences after the school has issued the notice under subsection (a), the school shall then offer by advance written notice a school attendance improvement conference to the child and the person in parental relation, unless a conference was previously held following the notice provided under subsection (a). The following shall apply:

- (1) This subsection does not place a legal requirement upon the child or person in parental relation to attend the conference. The conference shall occur even if the person in parental relation declines to participate or fails to attend the scheduled conference after advance written notice and attempts to communicate via telephone.
- (2) The outcome of the conference shall be documented in a written school attendance improvement plan. The department shall develop a form to be used for this purpose, and each school shall use a form substantially similar to the form developed by the department.
- (3) Further legal action may not be taken by the school to address unexcused absences by the child until after the date for the scheduled school attendance improvement conference has passed.

(c) Schools shall not expel or impose out-of-school suspension, disciplinary reassignment or transfer for truant behavior.

(d) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

#### **24 Pa PS 1333.1. Procedure by school when child habitually truant.**

(a) When a child is habitually truant and under fifteen (15) years of age at the time of referral, the school:

- (1) Shall refer the child to either of the following:
  - (i) A school-based or community-based attendance improvement program.
  - (ii) The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).
- (2) May file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the child.

(b) When a child is habitually truant and fifteen (15) years of age or older at the time of referral, the school shall either:

- (1) Refer the child to a school-based or community-based attendance improvement program or service.
- (2) File a citation in the office of the appropriate judge against the child or the person in parental relation who resides in the same household as the child.

(c) If a child who is fifteen (15) years of age or older continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program or refuses to participate in a school-based or community-based attendance improvement program as recommended through the school attendance improvement conference, the school may refer the child to the county children and youth agency for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63.

(d) When referring a habitually truant child to the county children and youth agency or filing a citation with the court because a child has been habitually truant, the school shall provide verification that a school attendance improvement conference was held.

(e) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

#### **24 Pa PS 1333.2. Procedure upon filing of citation.**

(a) The venue for the filing of a citation under section 1333.1 shall be based on the location of the school in which the child is enrolled or shall be enrolled except where section 1327.2(b) applies.

(b) When a citation is filed against a child or a person in parental relation who resides in the same household as the child under the provisions of section 1333.1, the judge shall provide the following notices:

(1) Written notice of the hearing with respect to the citation to the school, the person in parental relation, the child and the county children and youth agency.

(2) Notice to the child or person in parental relation who resides in the same household as the child of the availability of a preconviction diversionary program authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program).

(c) At the hearing with respect to the citation, the burden is on the school to prove beyond a reasonable doubt that, while subject to compulsory school attendance, the child was habitually and without justification truant from school.

(d) It shall be an affirmative defense to a citation filed under this subdivision of this article against a person in parental relation to the child who resides in the same household as the child if the person in parental relation to the child who resides in the same household as the child took every reasonable step to ensure attendance of the child at school.

(e) An affirmative defense under subsection (d) must be proven by a preponderance of the evidence.

(f) The court shall determine whether the evidence has established that a child or person in parental relation has violated the compulsory school attendance requirements of this article and shall enter that verdict on the record.

(g) The school shall, to the extent possible, inform the court of any prior conviction of the child or person in parental relation who resides in the same household as the child for a violation of the compulsory school attendance requirement of this article.

(h) Before entering a sentence the judge shall permit the school, person in parental relation or child to present relevant information that will assist the judge in making an informed decision regarding the appropriate sentence. The child's school attendance after the citation has been filed and while the proceeding is pending may be considered for the purpose of imposing a sentence.

#### **24 Pa PS 1333.3. Penalties for violating compulsory school attendance requirements.**

(a) A person convicted of an offense under this article may be:

(1) sentenced to pay a fine for the benefit of the school that is responsible for the truancy proceedings in an amount not exceeding three hundred dollars (\$300) together with court costs except that, in the

case of a second offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding five hundred dollars (\$500) together with court costs and, in the case of a third or subsequent offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding seven hundred and fifty dollars (\$750) together with court costs;

(2) sentenced to perform community service; or

(3) required to complete an appropriate course or program designed to improve school attendance which has been approved by the president judge of the judicial district.

(b) The court may suspend the sentence of a person convicted of an offense and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.

(c) A person convicted of an offense under this article shall have a right to appeal de novo to a court of common pleas of the proper county within thirty (30) days of the conviction. After thirty (30) days, the appeal shall proceed similar to other appeals of summary convictions.

(d) No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:

(1) A proceeding is already pending under sections 1333.1 and 1333.2 against the child or a person in parental relation with the child who resides in the same household as the child and judgment in the first proceeding has not yet been entered, unless a warrant has been issued for failure of the child or person in parental relation to appear before the court and the warrant has not yet been served.

(2) A referral for services has been made to the county children and youth agency under this subdivision and the agency has not closed the case.

(3) A petition has been filed alleging the child is dependent due to being habitually truant under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and the case remains under the jurisdiction of the juvenile court.

(e) Upon a second or subsequent conviction of a child or a person in parental relation with the child who resides in the same household as the child for a violation of the requirements of compulsory school attendance in a court within this Commonwealth within a three-year period, the court shall refer the child for services or possible disposition as a dependent child under 42 Pa.C.S. Ch. 63.

(f) Upon failure of a person to satisfy the penalty imposed by the court under subsection (a), the person in parental relation may be found in contempt of court and, upon conviction, may be sentenced to the county jail for a period not to exceed three (3) days in any one case. The court shall make such a determination based on specific finding that the person in parental relation had reasonable ability to comply with the penalty imposed and that noncompliance was willful. The following shall apply:

(1) In the case of a child, the failure to satisfy a fine or costs imposed under this section shall not be considered a delinquent act.

(2) The president judge of a judicial district may adopt a local policy under 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that the child who fails to satisfy a fine or costs imposed under this section is dependent for the purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.

(h)

(2) If the court grants an expungement under paragraph (1), the court shall order the Department of Transportation to expunge all administrative records related to the convictions.



(i) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

**24 Pa PS 1343. Arrest of Children failing to attend school.**

When an attendance officer or a State, municipal, port authority, transit authority, housing authority or school police officer arrests or apprehends any child who fails to attend school as required by the provisions of this act, he shall promptly notify the parents, guardian, or person in parental relation to such child, if such person can be found in the district, and unless requested by such parent, guardian, or person in parental relation to place said child in a school other than public school, he shall place said child in the public school in which the child is, or should be, enrolled.

**24 Pa PS 1310-A. Safe schools advocate in school districts of the first class.**

(d) Upon discovery of the commission of an act of violence upon a student, the school district of the first class shall immediately notify the victim's parent or guardian of the safe schools advocate. The form of this notice shall be developed by the advocate and provided to the school district. This form shall include the address and telephone number of the advocate and a brief description of the purposes and functions of the safe schools advocate. The principal of each school within the school district shall post a notice not less than 8 1/2 by 11 inches entitled "Safe Schools Advocate" at a prominent location within each school building, where such notices are usually posted. The form of this notice shall also be developed by the advocate and provided to the school district.

**REGULATIONS**

**22 Pa. Code 10.25. Notification to parents/guardians.**

(a) A school entity shall immediately notify, as soon as practicable, the parent or guardian of a victim or suspect directly involved in an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.1) and (4.2)). In making the notification, the school entity shall inform the parent or guardian as to whether the local police department having jurisdiction over property of the school entity has been, or may be, notified of the incident.

(b) A school entity shall document attempts made to reach the parent or guardian of a victim or suspect directly involved in an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act.

**22 Pa. Code 12.6. Exclusions from school.**

(a) The governing board shall define and publish the types of offenses that would lead to exclusion from school. Exclusions affecting certain students with disabilities shall be governed by § 14.143 (relating to disciplinary placements) and 34 CFR 300.519—300.529 (relating to discipline procedures).

(iii) The parents or guardians and the superintendent of the district shall be notified immediately in writing when the student is suspended.

(iv) When the suspension exceeds 3 school days, the student and parent shall be given the opportunity for an informal hearing consistent with the requirements in §12.8(c) (relating to hearings).

**22 Pa. Code 12.7. Exclusion from classes -- in-school suspension.**

(a) A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond before the suspension becomes effective.

(b) Communication to the parents or guardian shall follow the suspension action taken by the school.

(c) When the in-school suspension exceeds 10 consecutive school days, an informal hearing with the principal shall be offered to the student and the student's parent or guardian prior to the 11th school day in accordance with the procedures in § 12.8 (relating to hearings).

**22 Pa. Code 12.12. Confidential communications.**

(a) Use of a student's confidential communications to school personnel in legal proceedings is governed by statutes and regulations appropriate to the proceeding. See, for example, 42 Pa.C.S. §5945 (relating to confidential communications to school personnel).

(b) Information received in confidence from a student may be revealed to the student's parents or guardians, the principal or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy.

**22 Pa. Code 14.133. Positive behavior support.**

(1) The use of restraints to control the aggressive behavior of an individual student or eligible young child shall cause the school entity to notify the parent of the use of restraint and shall cause a meeting of the IEP team within 10 school days of the inappropriate behavior causing the use of restraints, unless the parent, after written notice, agrees in writing to waive the meeting. At this meeting, the IEP team shall consider whether the student or eligible young child needs a functional behavioral assessment, reevaluation, a new or revised positive behavior support plan, or a change of placement to address the inappropriate behavior.

## **Reporting and referrals between schools and law enforcement**

### **LAWS**

**24 Pa PS 1333.1. Procedure by school when child habitually truant.**

(a) When a child is habitually truant and under fifteen (15) years of age at the time of referral, the school:

(1) Shall refer the child to either of the following:

(i) A school-based or community-based attendance improvement program.

(ii) The county children and youth agency for services or for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

(2) May file a citation in the office of the appropriate judge against the person in parental relation who resides in the same household as the child.

(b) When a child is habitually truant and fifteen (15) years of age or older at the time of referral, the school shall either:

(1) Refer the child to a school-based or community-based attendance improvement program or service.

(2) File a citation in the office of the appropriate judge against the child or the person in parental relation who resides in the same household as the child.

(c) If a child who is fifteen (15) years of age or older continues to incur additional unexcused absences after being referred to a school-based or community-based attendance improvement program or refuses to participate in a school-based or community-based attendance improvement program as recommended through the school attendance improvement conference, the school may refer the child to the county children and youth agency for possible disposition as a dependent child under the provisions of 42 Pa.C.S. Ch. 63.

(d) When referring a habitually truant child to the county children and youth agency or filing a citation with the court because a child has been habitually truant, the school shall provide verification that a school attendance improvement conference was held.

(e) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.

**24 Pa PS 1333.2. Procedure upon filing of citation.**

(a) The venue for the filing of a citation under section 1333.1 shall be based on the location of the school in which the child is enrolled or shall be enrolled except where section 1327.2(b) applies.

(b) When a citation is filed against a child or a person in parental relation who resides in the same household as the child under the provisions of section 1333.1, the judge shall provide the following notices:

(1) Written notice of the hearing with respect to the citation to the school, the person in parental relation, the child and the county children and youth agency.

(2) Notice to the child or person in parental relation who resides in the same household as the child of the availability of a preconviction diversionary program authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program).

(c) At the hearing with respect to the citation, the burden is on the school to prove beyond a reasonable doubt that, while subject to compulsory school attendance, the child was habitually and without justification truant from school.

(d) It shall be an affirmative defense to a citation filed under this subdivision of this article against a person in parental relation to the child who resides in the same household as the child if the person in parental relation to the child who resides in the same household as the child took every reasonable step to ensure attendance of the child at school.

(e) An affirmative defense under subsection (d) must be proven by a preponderance of the evidence.

(f) The court shall determine whether the evidence has established that a child or person in parental relation has violated the compulsory school attendance requirements of this article and shall enter that verdict on the record.

(g) The school shall, to the extent possible, inform the court of any prior conviction of the child or person in parental relation who resides in the same household as the child for a violation of the compulsory school attendance requirement of this article.

(h) Before entering a sentence the judge shall permit the school, person in parental relation or child to present relevant information that will assist the judge in making an informed decision regarding the appropriate sentence. The child's school attendance after the citation has been filed and while the proceeding is pending may be considered for the purpose of imposing a sentence.

**24 Pa PS 1333.3. Penalties for violating compulsory school attendance requirements.**

(a) A person convicted of an offense under this article may be:

(1) sentenced to pay a fine for the benefit of the school that is responsible for the truancy proceedings in an amount not exceeding three hundred dollars (\$300) together with court costs except that, in the case of a second offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding five hundred dollars (\$500) together with court costs and, in the case of a third or subsequent offense, the maximum fine for a person in parental relation may be a higher amount within their ability to pay not exceeding seven hundred and fifty dollars (\$750) together with court costs;

(2) sentenced to perform community service; or

- (3) required to complete an appropriate course or program designed to improve school attendance which has been approved by the president judge of the judicial district.
- (b) The court may suspend the sentence of a person convicted of an offense and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.
- (c) A person convicted of an offense under this article shall have a right to appeal de novo to a court of common pleas of the proper county within thirty (30) days of the conviction. After thirty (30) days, the appeal shall proceed similar to other appeals of summary convictions.
- (d) No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:
- (1) A proceeding is already pending under sections 1333.1 and 1333.2 against the child or a person in parental relation with the child who resides in the same household as the child and judgment in the first proceeding has not yet been entered, unless a warrant has been issued for failure of the child or person in parental relation to appear before the court and the warrant has not yet been served.
  - (2) A referral for services has been made to the county children and youth agency under this subdivision and the agency has not closed the case.
  - (3) A petition has been filed alleging the child is dependent due to being habitually truant under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) and the case remains under the jurisdiction of the juvenile court.
- (e) Upon a second or subsequent conviction of a child or a person in parental relation with the child who resides in the same household as the child for a violation of the requirements of compulsory school attendance in a court within this Commonwealth within a three-year period, the court shall refer the child for services or possible disposition as a dependent child under 42 Pa.C.S. Ch. 63.
- (f) Upon failure of a person to satisfy the penalty imposed by the court under subsection (a), the person in parental relation may be found in contempt of court and, upon conviction, may be sentenced to the county jail for a period not to exceed three (3) days in any one case. The court shall make such a determination based on specific finding that the person in parental relation had reasonable ability to comply with the penalty imposed and that noncompliance was willful. The following shall apply:
- (1) In the case of a child, the failure to satisfy a fine or costs imposed under this section shall not be considered a delinquent act.
  - (2) The president judge of a judicial district may adopt a local policy under 42 Pa.C.S. § 6304 (relating to powers and duties of probation officers) and the Pennsylvania Rules of Juvenile Court Procedure to provide that a juvenile probation officer may receive allegations that the child who fails to satisfy a fine or costs imposed under this section is dependent for the purpose of considering the commencement of proceedings under 42 Pa.C.S. Ch. 63.
- (g)
- (1) If a child is convicted of a violation of the compulsory school attendance requirements of this article, the court may send the Department of Transportation a certified record of the conviction on a form prescribed by the department only if the child fails to comply with a lawful sentence entered for the violation and is not subject to an exception to compulsory attendance under section 1330.
  - (2) The Department of Transportation shall suspend for ninety (90) days the operating privilege of a child upon receiving a certified record that the child was convicted of a summary offense under the compulsory school attendance requirements of this article. If the Department of Transportation receives a certified record of a second or subsequent conviction of a child pursuant to this section, the department shall suspend the child's operating privilege for six (6) months.

(3) A child whose record is received by the Department of Transportation under this section and who does not have a driver's license shall be ineligible to apply for a driver's license under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507 (relating to application for driver's license or learner's permit by minor) for the time period specified in paragraph (2). If the child is under sixteen (16) years of age when convicted, suspension of operating privileges shall commence in accordance with 75 Pa.C.S. § 1541 (relating to period of disqualification, revocation or suspension of operating privilege) for the time specified in paragraph (2).

(4) A child whose driving privileges have been suspended or whose eligibility for a permit or license is delayed under this section may have that license or eligibility restored by providing the Department of Transportation with a form developed by the Department of Transportation containing the following information in the form of a certified record from the child's school that the child:

- (i) has attended school for a period of at least two (2) months after the first conviction or four (4) months after the second conviction without an unexcused absence or unexcused tardy;
- (ii) is subject to an exception to compulsory attendance under section 1330; or
- (iii) graduates, withdraws from school pursuant to compulsory attendance requirements under section 1327, receives a general education diploma or enlists in the military.

(5) An insurer may not increase premiums, impose a surcharge or rate penalty, make a driver record point assignment for automobile insurance or cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.

(6) Nothing in this section shall prohibit a child who is convicted of a violation of the compulsory school attendance requirements of this article from being eligible for an occupational limited license under 75 Pa.C.S. § 1553 (relating to occupational limited license).

(h)

(1) Upon application from a child who has a conviction of a summary offense under section 1333.2, the court shall grant an expungement of the conviction from the child's record if all of the following apply:

- (i) The child has earned a high school diploma, a Commonwealth secondary school diploma or another Department of Education-approved equivalent or is subject to an exception to compulsory attendance under section 1330.
- (ii) The child has satisfied any sentence imposed by the court with respect to the conviction, including payment of fines and costs.

(2) If the court grants an expungement under paragraph (1), the court shall order the Department of Transportation to expunge all administrative records related to the convictions.

- (i) Nothing in this section shall be construed to apply to a parent, guardian or person in parental relation whose child or children are in a home education program under section 1327.1.
- (ii) (Reserved)

#### **24 Pa PS 1338. Dependent children.**

In case any child of compulsory school age cannot be kept in school in compliance with the provisions of this act, on account of incorrigibility, truancy, insubordination, or other bad conduct, or if the presence of any child attending school is detrimental to the welfare of such school, on account of incorrigibility, truancy, insubordination, or other bad conduct, the board of school directors may, by its superintendent, secretary, attendance officer or State, municipal, port authority, transit authority or housing authority police officer, under such rules and regulations as the board may adopt, proceed against said child before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate, or dependent children.

**24 Pa PS 1302-A. Office for safe schools.**

(b) The office shall have the power and duty to implement the following:

(1) To coordinate antiviolence efforts between school, professional, parental, governmental, law enforcement and community organizations and associations.

(5) To develop forms to be used by school entities and police departments for reporting incidents involving acts of violence and possession of weapons on school property. The forms shall be reviewed on a biennial basis and revised when necessary.

(6) To verify that each school entity has a biennially updated and reexecuted memorandum of understanding with local law enforcement and has filed such memorandum with the office on a biennial basis.

(b.1) The office shall process and tabulate the data on an annual basis to assist school administrators and law enforcement officials in their duties under this article.

**24 Pa PS 1303-A. Reporting.**

(b) Each chief school administrator shall report to the office by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property. The incidents to be reported to the office shall include all incidents involving conduct that constitutes a criminal offense listed under paragraphs (4.1) and (4.2). Reports on a form to be developed and provided by the office shall include:

(5) Notification of law enforcement.

(8) Arrests, convictions and adjudications, if known.

(b.1) Prior to submitting the report required under subsection (b), each chief school administrator and each police department having jurisdiction over school property of the school entity shall do all of the following:

(1) No later than thirty (30) days prior to the deadline for submitting the report to the office required under subsection (b), the chief school administrator shall submit the report to the police department with jurisdiction over the relevant school property. The police department shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects police incident data.

(2) No later than fifteen (15) days prior to the deadline for the chief school administrator to submit the report required under subsection (b), the police department shall notify the chief school administrator, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.

(3) Prior to submitting the report required under subsection (b), the chief school administrator and the police department shall attempt to resolve discrepancies between the report and police incident data. Where a discrepancy remains unresolved, the police department shall notify the chief school administrator and the office in writing.

(4) Where a police department fails to take action as required under paragraph (2) or (3), the chief school administrator shall submit the report required under subsection (b) and indicate that the police department failed to take action as required under paragraph (2) or (3).

(d) Pursuant to section 615 of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1415(k)(6)), nothing in section 1302.1-A or this section shall be construed to prohibit a school entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

**24 Pa PS 1311-A. Standing.**

(a) If a student in a school district of the first class is a victim of an act of violence involving a weapon on school property and the student who possessed the weapon was not expelled under section 1317.2, the parent or guardian of the victim shall have standing to institute a legal proceeding to obtain expulsion of the student.

(b) The Office of General Counsel shall have standing to bring an action on behalf of a victim or the parent or guardian of a victim of an act of violence in a school in a school district of the first class to modify, clarify or eliminate a consent decree that is related to discipline in the district if, in consultation with the advocate, the Office of General Counsel believes that the action is in the best interests of the students of the school district.

(c)

(1) The Executive Director of the Pennsylvania Commission on Crime and Delinquency in consultation with the General Counsel may designate a portion of the funds provided for the safe schools advocate:

(i) For contracts for legal services to assist low-income parents or guardians of victims to obtain legal services for proceedings under subsection (a).

(ii) To challenge a consent decree under subsection (b) or to bring an action under sections 1310-A(c)(5) and 1312-A(a).

(2) The designation of attorneys to receive funds under this subsection shall be within the discretion of the Office of General Counsel after consultation with the safe schools advocate.

(3) Designated funds which are not expended under this subsection shall lapse to the General Fund.

(d) Legal proceedings under this section shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

(e) ((e) deleted by amendment)

(f) As used in this section, "low-income parent or guardian" shall mean a parent whose family income is no greater than two hundred fifty per centum (250%) of the Federal poverty level.

**24 Pa PS 1312-A. Enforcement.**

(a)

(1) If the school district of the first class fails to comply with requirements to provide information to the safe schools advocate under section 1310-A, the advocate shall provide documentation of the failure to the Secretary of Education and the Pennsylvania Commission on Crime and Delinquency.

(2) If the secretary determines that there is noncompliance, the secretary shall notify the advocate and the Office of General Counsel. The Office of General Counsel, in consultation with the safe schools advocate, shall designate an attorney to bring an action in a court of competent jurisdiction to enforce section 1310-A.

(3) If the secretary determines that the school district of the first class has complied with the requirements to provide information to the safe schools advocate under section 1310-A, the secretary shall convene a public hearing at which the safe schools advocate shall be permitted to testify regarding the alleged noncompliance.

(b) Legal proceedings under subsection (a) shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

**18 Pa CS 912. Possession of weapon on school property.**

(a) Definition. Notwithstanding the definition of "weapon" in section 907 (relating to possessing instruments of crime), "weapon" for purposes of this section shall include but not be limited to any knife, cutting instrument, cutting tool, nun- chuck stick, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

(b) Offense defined. A person commits a misdemeanor of the first degree if he possesses a weapon in the buildings of, on the grounds of, or in any conveyance providing transportation to or from any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school.

(c) Defense. It shall be a defense that the weapon is possessed and used in conjunction with a lawful supervised school activity or course or is possessed for other lawful purpose.

**18 Pa CS 6306.1. Use of tobacco in schools prohibited.**

(a) Offense defined.--A pupil who possesses or uses tobacco in a school building, a school bus or on school property owned by, leased by or under the control of a school district commits a summary offense.

(b) Grading.--A pupil who commits an offense under this section shall be subject to prosecution initiated by the local school district and shall, upon conviction, be sentenced to pay a fine of not more than \$50 for the benefit of the school district in which such offending pupil resides and to pay court costs. When a pupil is charged with violating subsection (a), the court may admit the offender to an adjudication alternative as authorized under 42 Pa.C.S. § 1520 (relating to adjudication alternative program) in lieu of imposing the fine.

(c) Nature of offense.--A summary offense under this section shall not be a criminal offense of record, shall not be reportable as a criminal act and shall not be placed on the criminal record of the offending school-age person if any such record exists.

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Pupil." A person between the ages of 6 and 21 years who is enrolled in school.

"School." A school operated by a joint board, board of directors or school board where pupils are enrolled in compliance with Article XIII of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, including area vocational schools and intermediate units.

"Tobacco." A lighted or unlighted cigarette, cigar, pipe or other lighted smoking product and smokeless tobacco in any form.

**34 Pa CS 2505. Safety zones.**

(a) General rule. Except as otherwise provided in this title or to any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits), it is unlawful for any person, other than the lawful occupant, while hunting game or wildlife, taking furbearers of any kind, or pursuing any other privilege granted by this title, to hunt for, take, trap, pursue, disturb or otherwise chase any game or wildlife or to discharge, for any reason, any firearm, arrow or other deadly weapon within or through a safety zone, or to shoot at any game or wildlife while it is within the safety zone without the specific advance permission of the lawful occupant thereof.



(b) Penalty. A violation of this section is a summary offense punishable by a fine of not less than \$200 nor more than \$500. A second or subsequent offense within two calendar years is a summary offense punishable by a fine of not less than \$500 nor more than \$1,000.

(c) Definition. As used in this section, the term "safety zone" means:

(1) Except as otherwise provided in paragraph (2), the area within 150 yards around and that area which is below the highest point of any occupied dwelling house, residence, or other building or camp occupied by human beings, or any barn, stable, or other building used in connection therewith or any attached or detached playground of any school, nursery school or day-care center.

(2) When applied to properly licensed persons hunting with bow and arrow or crossbow and persons properly licensed for falconry, the area within 50 yards around and that area which is below the highest point of any occupied dwelling house, residence or other building or camp occupied by human beings or any barn, stable or other building used in connection therewith and the area within 150 yards around and that area which is below the highest point of any attached or detached playground of any school, nursery school or day-care center.

#### **2016 Act No. 31. Section 2. Definitions.**

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Hazing." Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of [a student] a person or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization [operating under the sanction of or recognized as an organization by an institution of higher education]. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

"Institution of higher education" or "institution." Any public or private institution within this Commonwealth authorized to grant an associate degree or higher academic degree.

"Secondary school." Any public or private school within this Commonwealth providing instruction in grades 7 through 12 or any combination of those grades.

#### **2016 Act No. 31. Section 4. Enforcement by institution and secondary school.**

(a) Antihazing policy.

(1) Each institution and each governing board of a secondary school shall adopt a written antihazing policy and, pursuant to that policy, shall adopt rules prohibiting students or other persons associated with any organization operating under the sanction of or recognized as an organization by the institution or secondary school from engaging in any activity which can be described as hazing.

(2) Each secondary school shall provide a copy of the written antihazing policy, its rules, penalties and program of enforcement to all athletic coaches involved in organizations within the secondary school.

(3) Each governing board of a secondary school shall post its written antihazing policy on its publicly accessible Internet website.

(b) Enforcement and penalties.-

(1) Each institution and each governing board of a secondary school shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules to be administered by the person or agency at the institution or secondary school responsible for the sanctioning or recognition of such organizations.

(2) Such penalties may include the imposition of fines, the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines and the imposition of probation, suspension [or], dismissal or expulsion.

(3) In the case of an organization which authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus or other school property or to otherwise operate under the sanction or recognition of the institution or secondary school.

(4) All penalties imposed under the authority of this section shall be in addition to any penalty imposed for violation of section 3 or any of the criminal laws of this State or for violation of any other institutional or secondary school rule to which the violator may be subject.

(5) Rules adopted pursuant hereto shall apply to acts conducted on or off campus or other school property whenever such acts are deemed to constitute hazing.

## **REGULATIONS**

### **22 Pa. Code 10.1. Purpose.**

The purpose of this chapter is to establish and maintain a cooperative relationship between school entities and local police departments in the reporting and resolution of incidents that occur on school property, at a school sponsored activity or on a conveyance as described in the Safe Schools Act, such as a school bus, providing transportation to or from a school or school sponsored activity.

### **22 Pa. Code 10.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Charter school. A charter school or cyber charter school as defined in section 1703-A of the Charter School Law (24 P. S. §17-1703-A).

Chief school administrator. The superintendent of a public school district, executive director of an area vocational-technical school, executive director of an intermediate unit or chief executive officer of a charter school.

IEP. Individualized education program.

Incident. An instance involving one or more of the following:

- (i) An act of violence.
- (ii) The possession of a weapon by a person.
- (iii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in section 2 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §780-102).
- (iv) The possession, use or sale of alcohol or tobacco by a person on school property.
- (v) Conduct that constitutes an offense under section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.1) and (4.2)).

Local police department. A police department having jurisdiction over school property of the school entity.

Memorandum of understanding. A confirmation of mutually agreed upon terms between two or more parties in the form of a document mutually agreed to by a school entity and a local police department as required under section 1303-A(c) of the Safe Schools Act.

Positive behavior support plan. A plan for a student with a disability or eligible young child who requires specific intervention to address behavior that interferes with learning. A plan is developed by the IEP team, based on a functional behavior assessment and becomes part of the individual eligible young child's or student's IEP. A plan includes methods that utilize positive reinforcement and other positive techniques to shape a student's or eligible young child's behavior ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards. See § 14.133 and 711.46 (relating to positive behavior support).

Protected handicapped student. A student who meets the definition of "protected handicapped student" under §15.2 (relating to definitions), including a protected handicapped student attending a charter school, or for whom an evaluation is pending.

Safe Schools Act. Article XIII-A of the School Code (24 P. S. § 13-1301-A. 13-1313-A).

School-based diversion program. A program that, in partnership with other stakeholders, diverts youth out of the juvenile justice system. A program may include a youth aid panel in which a panel of community members decides an appropriate resolution to hold a student accountable for the student's actions by, among other options, requiring the student to complete educational activities, community service, restitution and any other related program or service.

School Code. The Public School Code of 1949 (24 P. S. § 1-101. 27-2702).

School entity. A public school district, intermediate unit, area vocational-technical school or charter school.

School-wide positive behavior support. A school-wide, evidence-based and data-driven approach to improving school behavior that seeks to reduce unnecessary student disciplinary actions and promotes a climate of greater productivity, safety and learning.

Student with a disability. A student who meets the definition of "student with a disability" under §14.101 (relating to definitions), the definition of "child with a disability" under §711.1 (relating to definitions) or for whom an evaluation is pending.

## **22 Pa. Code 10.21. Immediate notification.**

(a) The chief school administrator, or a designee, shall immediately notify the local police department when an offense listed in section 1303-A(b)(4.1) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.1)) occurs on school property, at a school sponsored activity or on a conveyance as described in the Safe Schools Act, such as a school bus, providing transportation to or from a school or school sponsored activity.

(b) Notification shall be made to the local police department by the most expeditious means practicable.

(c) As part of its notification of the incident to the local police department, the chief school administrator or a designee shall provide as much of the information in this subsection as is available at the time of notification. The gathering of information should not unnecessarily delay notification.

- (1) Whether the incident is in-progress or has concluded.
- (2) Nature of the incident.
- (3) Exact location of the incident.
- (4) Number of persons involved in the incident.

- (5) Names and ages of the individuals involved.
  - (6) Weapons involved in the incident.
  - (7) Whether the weapons have been secured and the custodian of the weapons.
  - (8) Injuries.
  - (9) Whether emergency medical services or the fire department was notified.
  - (10) Identity of the school contact person.
  - (11) Identity of the witnesses.
  - (12) Whether the incident involves a student with a disability, the type of disability and its impact on the student's behavior.
  - (13) Other information as is known to the school entity and believed to be relevant to the incident.
- (d) In responding to students who commit an incident listed in section 1303-A(b)(4.1) of the Safe Schools Act, a school entity may consider the propriety of utilizing available school-based programs, such as school-wide positive behavior supports, to address the student's behavior and shall notify the local police department of the student's placement in the program. This subsection does not limit law enforcement's discretion.

**22 Pa. Code 10.22. Discretionary notification.**

- (a) The chief school administrator, or a designee, may notify the local police department having jurisdiction when an offense listed in section 1303-A(b)(4.2) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.2)) occurs on school property, at a school sponsored activity or on a conveyance as described in the Safe Schools Act, such as a school bus, providing transportation to or from a school or school sponsored activity.
- (b) In determining whether to notify the local police department of an incident described in subsection (a), the chief school administrator, or a designee, may consider the following factors:
- (1) The seriousness of the situation.
  - (2) The school's ability to defuse or resolve the situation.
  - (3) The child's intent.
  - (4) The child's age.
  - (5) Whether the student has a disability, the type of disability and its impact on the student's behavior.
  - (6) Other factors believed to be relevant.
- (c) In making a determination whether to notify law enforcement when an offense listed in section 1303-A(b)(4.2) of the Safe Schools Act occurs on school property, at a school sponsored activity or on a conveyance as described in the Safe Schools Act, such as a school bus, providing transportation to or from a school or school sponsored activity, and to the extent that it has authority, a school entity may consider addressing the student's behavior through the use of available school-based diversion programs and available school-wide positive behavior supports.
- (d) Upon notification of the incident to the local police department, the chief school administrator or a designee shall provide as much of the information in this subsection as is available at the time of notification. The gathering of information should not unnecessarily delay notification.
- (1) Whether the incident is in-progress or has concluded.
  - (2) Nature of the incident.
  - (3) Exact location of the incident.
  - (4) Number of persons involved in the incident.

- (5) Names and ages of the individuals involved.
- (6) Weapons involved in the incident.
- (7) Whether the weapons have been secured and the custodian of the weapons.
- (8) Injuries.
- (9) Whether emergency medical services or the fire department was notified.
- (10) Identity of the school contact person.
- (11) Identity of the witnesses.
- (12) Whether the incident involves a student with a disability, the type of disability and its impact on the student's behavior.
- (13) Other information known to the school entity and believed to be relevant to the incident

**22 Pa. Code 10.23. Response and handling of a student with a disability.**

(a) A school entity shall provide to each local police department having jurisdiction over property of the school entity a copy of its procedures on behavior support services (see §14.104 (relating to special education plans)) by September 30, 2012. Thereafter, a school entity shall provide to each local police department a copy of its procedures on behavior support services each time the procedures are revised by the school entity.

(b) A school entity shall invite representatives of each local police department having jurisdiction over property of the school entity to participate in trainings in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention, as provided by the school entity's special education plan (see §14.104) and the school entity's positive behavior support program (see § §14.133 and 711.46 (relating to positive behavior support)).

(c) When a student with a disability commits an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act (24 P. S. §13-1303-A(b)(4.1) and (4.2)), the school entity shall respond in a manner that is consistent with the training provided in accordance with the school entity's special education plan (see §14.104) and, if applicable, with the procedures, methods and techniques defined in the student's behavior support plan (see § §14.133 and 711.46).

(d) When a protected handicapped student commits an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the school entity, including a charter school, shall respond in a manner that is consistent with the student's service agreement (see § §15.2 and 15.7 (relating to definitions; and service agreement)).

(e) For a student with a disability who has a positive behavior support plan, upon notification to a local police department that a student with a disability has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, a school entity shall act in accordance with §14.133(h) or §711.46(h).

(f) For a protected handicapped student whose service agreement includes a positive behavior support plan, upon notification to a local police department that a protected handicapped student has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, a school entity, including a charter school, shall act in accordance with §15.3 (relating to general).

(g) For a student with a disability who does not have a positive behavior support plan, upon notification to a local police department that a student with a disability has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the school entity shall convene the student's IEP team. At this meeting, the IEP team shall consider whether a positive behavior support plan should be developed to address the student's behavior.

(h) For a protected handicapped student whose service agreement does not include a positive behavior support plan, upon notification to a local police department that a protected handicapped student has committed an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act, the school entity, including a charter school, in consultation with the student's parents, shall consider whether a positive behavior support plan should be developed as part of the service agreement to address the student's behavior.

**22 Pa. Code 14.133. Positive behavior support.**

(h) Subsequent to a referral to law enforcement, for students with disabilities who have positive behavior support plans, an updated functional behavior assessment and positive behavior support plan shall be required.

## **Disclosure of school records**

### **LAWS**

**24 Pa PS 1332. Reports of enrollments;**

Attendance and Withdrawals; Public and Private Schools.--Every principal or teacher in every public school, and every principal, teacher or tutor in every school other than a public school, and in every institution for children, and every private teacher in every school district, shall, immediately after their admission to such school or institution, or at the beginning of such private teaching, furnish to the district superintendents, attendance officers, home and school visitors, or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside, lists of the names and residences of all children between six (6) and eighteen (18) years of age enrolled in such school or institution, or taught by such private teachers; and shall further report at once to such district superintendent, or secretary of the board of school directors, the name and date of withdrawal of any such pupil withdrawing from any such school or institution, or from such private instruction, if such withdrawal occurs during the period of compulsory attendance in said district. Every principal or teacher in a school other than a public school, and every private teacher, shall also report at once to the superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the district, any such child who has been absent three (3) days, or their equivalent, during the term of compulsory attendance, without lawful excuse.

**24 Pa PS 1305-A. Transfer of records.**

Whenever a pupil transfers to another school entity or nonpublic school, a certified copy of the student's disciplinary record shall be transmitted to the school entity or nonpublic school to which the pupil has transferred. The school entity or nonpublic school to which the student has transferred should request the record. The sending school entity or nonpublic school shall have ten (10) days from receipt of the request to supply a certified copy of the student's disciplinary record. The requirements of this section apply as well to transfers between schools within the same school entity.

**24 Pa PS 1306-A. Availability of records.**

A student's disciplinary record, as well as records maintained under section 1307-A, shall be available for inspection to the student and his parent, guardian or other person having control or charge of the student, to school officials and to State and local law enforcement officials as provided by law. Permission of the parent, guardian or other person having control or charge of the student shall not be required for transfer of the individual's student record to another school entity within this Commonwealth or in another state in which the student seeks enrollment or is enrolled.

#### **24 Pa PS 1307-A. Maintenance of records.**

All school entities and private schools within this Commonwealth shall maintain updated records of all incidents of violence, incidents involving possession of a weapon and convictions or adjudications of delinquency for acts committed on school property by students enrolled therein on both a district-wide and school-by-school basis. Records maintained under this section shall be contained in a format developed by the Pennsylvania State Police in cooperation with the office within ninety (90) days of the effective date of this section. A statistical summary of these records shall be made accessible to the public for examination by the public during regular business hours.

#### **24 Pa PS 1310-A. Safe schools advocate in school districts of the first class.**

(e) It shall be the duty of each school administrator in a school district of the first class to cooperate with the safe schools advocate to implement this section and to provide the advocate, upon request, with all available information authorized by State law. In regard to individual cases of acts of violence, only information permitted to be shared under subsection (f) shall be disclosed.

### **REGULATIONS**

#### **22 Pa. Code 12.12. Confidential communications.**

(a) Use of a student's confidential communications to school personnel in legal proceedings is governed by statutes and regulations appropriate to the proceeding. See, for example, 42 Pa.C.S. §5945 (relating to confidential communications to school personnel).

(b) Information received in confidence from a student may be revealed to the student's parents or guardians, the principal or other appropriate authority when the health, welfare or safety of the student or other persons is clearly in jeopardy.

## **Data collection, review, and reporting of disciplinary policies and actions**

### **LAWS**

#### **24 Pa PS 1333.4. Study of truancy procedure.**

(a) Five (5) years after commencement of the first school year to which section 1333 applies, the Joint State Government Commission shall undertake a study of the procedures for how a school handles children who are truant and habitually truant and evaluate the effectiveness of the procedures in improving school attendance and whether the procedures should be revised, including to require court involvement sooner in certain truancy cases.

(b) The Joint State Government Commission shall establish an advisory committee that may include representatives of the Department of Education, educational entities and organizations, the judiciary, district attorneys, law enforcement, public organizations involved in truancy issues, representatives of county children and youth agencies and juvenile justice agencies and other organizations selected by the Joint State Government Commission to consult with the Joint State Government Commission in conducting the study.

(c) The Joint State Government Commission shall hold informational meetings to receive testimony from professionals or organizations with expertise in truancy and truancy prevention.

(d) The Joint State Government Commission shall issue a report of its findings and recommendations to the Education Committee of the Senate and the Education Committee of the House of Representatives not later than twelve (12) months after undertaking the study.

#### **24 Pa PS 1339. Reports to Superintendent of Public Instruction.**

Every school district shall report to the Superintendent of Public Instruction upon the enforcement of the provisions for compulsory attendance and the cost thereof, in such detail as said Superintendent of Public Instruction shall request.

#### **24 Pa PS 1302-A. Office for safe schools.**

(b) The office shall have the power and duty to implement the following:

(2) To collect, develop and disseminate information, policies, strategies and other information to assist in the development of programs to impact school violence.

(2.1) To direct all school entities to submit annual school violence statistics and reports to the office no later than July 31 of each year.

(5) To develop forms to be used by school entities and police departments for reporting incidents involving acts of violence and possession of weapons on school property. The forms shall be reviewed on a biennial basis and revised when necessary.

(7) To publish and post on the Department of Education's Internet website a School Safety Annual Report no later than November 1 of each calendar year outlining all incidents required to be reported under section 1303-A and any school district that failed to submit a report under section 1303-A.

(b.1) The office shall process and tabulate the data on an annual basis to assist school administrators and law enforcement officials in their duties under this article.

#### **24 Pa PS 1303.1-A. Policy relating to bullying.**

(b) Each school entity shall make the policy available on its publicly accessible Internet website, if available, and in every classroom. Each school entity shall post the policy at a prominent location within each school building where such notices are usually posted. Each school entity shall ensure that the policy and procedures for reporting bullying incidents are reviewed with students within ninety (90) days after their adoption and thereafter at least once each school year.

(c) Each school entity shall review its policy every three (3) years and annually provide the office with a copy of its policy relating to bullying, including information related to the development and implementation of any bullying prevention, intervention and education programs. The information required under this subsection shall be attached to or made part of the annual report required under section 1303-A(b).

#### **24 Pa PS 1308-A. Report.**

The Secretary of Education shall survey all school districts and nonpublic schools to determine the extent to which additional costs have been incurred in implementing administrative and reporting requirements established for public and nonpublic schools in section 1317.2 and in sections 1304-A through 1307-A. The Secretary of Education shall issue a report to the chairman and the minority chairman of the Appropriations Committee and the Education Committee of the Senate and the Appropriations Committee and Education Committee of the House of Representatives by April 1, 1996, concerning the extent to which additional costs have been incurred by school districts and nonpublic schools.

(a) The Executive Director of the Pennsylvania Commission on Crime and Delinquency shall establish, within the commission, a safe schools advocate for each school district of the first class. The advocate shall not be subject to the act of August 5, 1941 (P.L. 752, No. 286), known as the "Civil Service Act." The advocate shall establish and maintain an office within the school district.

(b) The safe schools advocate shall have the power and its duties shall be:

(1) To monitor the school district's compliance with this article, including:



- (i) the school district's reporting to the office of incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property;
  - (ii) obtaining copies of the school district's reports to the office and reviewing and analyzing them;
  - (iii) the school district's compliance with the procedures set forth in the memorandum of understanding with the appropriate police department regarding incidents involving acts of violence and possession of weapons; and
  - (iv) obtaining documentation, on a weekly basis during those times when school is in session, of all written or verbal contacts by school district personnel with the appropriate police department consistent with the requirements of the memorandum of understanding.
- (2) To monitor the school district's compliance with the mandatory expulsion requirements of section 1317.2
- (3) To receive inquiries from school staff and parents or guardians of students who are victims of acts of violence on school property.
- (4) To establish a protocol, in consultation with the Juvenile Court Judges' Commission, to assure timely receipt by the school district of information regarding students who have been adjudicated delinquent pursuant to 42 Pa.C.S. § 6341(b.1) (relating to adjudication) and to monitor the school district's use of that information to ensure that victims of acts of violence by a student are protected.
- (5) To establish a program to assure extensive and continuing public awareness of information regarding the role of the advocate on behalf of victims of acts of violence on school property, which may include the mailing of information to the parents or guardians of students in the school district or other forms of communication.
- (6) To review and analyze Federal and State statutes which may be an impediment to school safety and the imposition of discipline for the commission of acts of violence on school property and to prepare, by April 30, 2001, and as necessary from time to time thereafter, reports making recommendations for changes to the statutes which would promote school safety and facilitate effective and expedient disciplinary action. The reports shall be submitted to the secretary and the Executive Director of the Pennsylvania Commission on Crime and Delinquency.
- (7) To review and analyze court decisions applicable to the school district's disciplinary process and procedures, to make recommendations to the school district regarding any negative impact these decisions have upon the effective maintenance of school safety and to make recommendations relating to the existing provisions of consent decrees.
- (8) To prepare an annual report regarding the activities of the advocate during the prior fiscal year and any recommendations for remedial legislation, regulations or school district administrative reforms, which shall be submitted to the school district superintendent, the secretary, the Executive Director of the Pennsylvania Commission on Crime and Delinquency, the chairperson of the Education Committee of the Senate and the chairperson of the Education Committee of the House of Representatives by August 15 of each year.
- (9) To monitor infractions of the school district's code of conduct to identify students whose conduct would constitute an offense under 18 Pa.C.S. § 2701 (relating to simple assault).

#### **24 Pa PS 1407-A. Reporting.**

- (a) Report by recovery high school.--By August 31, 2019, and by August 31 of each year thereafter, the recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate,

the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report concerning the program. The report shall include, but not be limited to, all of the following, subject to the requirements of the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) and to the extent such reporting does not reveal identifying information concerning any individual student:

(1) The number of students who:

(i) Enrolled in the recovery high school under the program for the preceding reporting period.

(ii) Requested enrollment in the recovery high school under the program but were denied participation in the program for the preceding reporting period.

(iii) Enrolled in the recovery high school but who were not participants in the program for the preceding reporting period.

(2) The number and percentage of students enrolled in the recovery high school during the previous reporting period to whom each of the following apply, reported separately based on whether or not the students were participants in the program:

(i) Earned a high school diploma from the recovery high school.

(ii) Withdrew from the recovery high school and requested transfer of educational records to another school.

(iii) Withdrew from the recovery high school without requesting transfer of educational records to another school.

(iv) Maintained enrollment in the recovery high school in good standing.

(3) A narrative description of the academic outcomes for students enrolled in the recovery high school, including aggregate assessment results, reported separately based on whether or not the students were participants in the program.

(4) A narrative description of student success in managing issues concerning drug or alcohol abuse or addiction, reported separately based on whether or not the students were participants in the program.

(5) Recommendations for improvements to the program.

(6) Any information regarding the program that the recovery high school determines would be useful to the General Assembly, the Department of Education and the Department of Drug and Alcohol Programs in determining whether changes to the program are necessary and whether the program should be continued.

(b) Report by Department of Education and Department of Drug and Alcohol Programs.--By December 31, 2020, the Department of Education and the Department of Drug and Alcohol Programs, jointly, shall submit to the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report assessing the success of the program and making recommendations regarding the possible extension and expansion of the program, including a proposed timeline for any potential expansion.

**24 Pa PS 1408-A. Audit required.**

The recovery high school shall submit annually to the Secretary of Education, the Secretary of Drug and Alcohol Programs, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives,

the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a complete certified audit of the recovery high school's participation in the program. The audit shall be conducted by a qualified independent certified public accountant under generally accepted audit standards of the Governmental Accounting Standards Board.

**24 Pa. Code 1547. Alcohol, chemical and tobacco abuse program.**

(h.1) By September 1, 2020, and by September 1 of every fifth year thereafter, the Department of Education, in consultation with the Department of Health and the Department of Drug and Alcohol Programs, shall report to the General Assembly concerning the preceding school year activities of the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs pertaining to the provisions of this section. The report shall include:

(1) A description of efforts by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs to assist school districts in providing the instruction required under subsections (a) and (a.1), including efforts to develop and post the model curriculum required under subsection (a.1) and to develop and make available the in-service training programs required under subsection (d)(2).

(2) An evaluation of the effectiveness of the instruction required under subsections (a) and (a.1) and of curriculum materials and in-service training programs developed by the Department of Education, the Department of Health and the Department of Drug and Alcohol Programs under this section in reducing the use of alcohol, tobacco and other drugs, including prescription opioids, by students.

**24 Pa PS 1902-E. Contracts with private alternative education institutions.**

(4) A private alternative education institution shall submit an annual report to the Department of Education containing information required by the Department of Education.

**REGULATIONS**

**22 Pa. Code 14.133. Positive behavior support.**

(5) School entities shall maintain and report data on the use of restraints as prescribed by the Secretary. The report shall be reviewed during cyclical compliance monitoring conducted by the Department

## ***School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers***

### **Authority and power to implement school arrest**

#### **LAWS**

##### **24 Pa PS -778 School police officers.**

(a) Any school entity or nonpublic school may apply to any judge of the court of common pleas of the county within which the school entity or nonpublic school is situated to appoint such person or persons as the board of directors of the school entity or administration of the nonpublic school may designate to act as school police officer for said school entity or nonpublic school. The judge, upon such application, may appoint such person, or so many of them as he may deem proper, to be such school police officer and shall note the fact of such appointment to be entered upon the records of the court. The judge may, at the request of the school entity or nonpublic school, grant the school police officer the power to arrest as provided in subsection (c)(2), the authority to issue citations for summary offenses or the authority to detain students until the arrival of local law enforcement, or any combination thereof.

##### **24 Pa PS 1341. Duty to employ; power of arrest; certification.**

(a) The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Education, upon meeting such standards as shall be prescribed by the State Board of Education.

(b) Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon.

(c) State, municipal, port authority, transit authority, housing authority and school police officers shall have the same arrest powers as attendance officers or home and school visitors.

#### **REGULATIONS**

No relevant regulations found.

### **Certification or training**

#### **LAWS**

##### **24 Pa PS 778. School police officers.**

(a.1) Any school entity or nonpublic school which employs a school police officer under this section shall report annually to the Department of Education, Office of Safe Schools, the following information regarding school police officers receiving training as required under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training):

(1) The identity of the school entity or nonpublic school and the number of school police officers it employs.

(2) The municipalities comprising the school entity or in which the nonpublic school is located.

(3) The date and type of training provided to each school police officer.

(b.1) Every school police officer who has been granted powers under subsection (c)(2) or (3) or has been authorized to carry a firearm must, before entering upon the duties of his office, successfully complete training as set forth in 53 Pa.C.S. Ch. 21 Subch. D or have graduated from the Pennsylvania State Police Academy and have been employed as a State trooper with the Pennsylvania State Police.

**24 Pa PS 1341. Duty to employ; power of arrest; certification.**

(a) The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Education, upon meeting such standards as shall be prescribed by the State Board of Education.

(b) Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon.

(c) State, municipal, port authority, transit authority, housing authority and school police officers shall have the same arrest powers as attendance officers or home and school visitors.

**24 Pa PS 1302-A. Office for safe schools.**

(c.1) (1) In addition to the powers and duties set forth under subsections (b) and (c), the office is authorized to make targeted grants to school entities, municipalities, local law enforcement agencies and approved vendors to fund programs which address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school resource officers and school police officers. Municipalities or local law enforcement agencies that receive grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school.

(2) Municipalities or local law enforcement agencies may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.

(3) Nonpublic schools are authorized to apply to the office for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of a school police officer from a list of approved vendors certified by the office. Grant awards for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. Nonpublic schools may not apply for grant funding under this section for any purpose other than obtaining the services of a school police officer under this paragraph.

**REGULATIONS**

No relevant regulations found.

## MOUs, authorization and/or funding

### LAWS

#### **24 Pa PS 778 School police officers.**

(a) Any school entity or nonpublic school may apply to any judge of the court of common pleas of the county within which the school entity or nonpublic school is situated to appoint such person or persons as the board of directors of the school entity or administration of the nonpublic school may designate to act as school police officer for said school entity or nonpublic school. The judge, upon such application, may appoint such person, or so many of them as he may deem proper, to be such school police officer and shall note the fact of such appointment to be entered upon the records of the court. The judge may, at the request of the school entity or nonpublic school, grant the school police officer the power to arrest as provided in subsection (c)(2), the authority to issue citations for summary offenses or the authority to detain students until the arrival of local law enforcement, or any combination thereof.

(a.1) Any school entity or nonpublic school which employs a school police officer under this section shall report annually to the Department of Education, Office of Safe Schools, the following information regarding school police officers receiving training as required under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training):

- (1) The identity of the school entity or nonpublic school and the number of school police officers it employs.
- (2) The municipalities comprising the school entity or in which the nonpublic school is located.
- (3) The date and type of training provided to each school police officer.

(b) Every school police officer so appointed shall, before entering upon the duties of his office, take and subscribe to the oath required by the seventh article of the Constitution, before an alderman or justice of the peace or prothonotary. Such oath shall be filed by the justice of the peace, alderman, or prothonotary among his papers, and a note made upon his docket of the fact of the oath having been taken.

(b.1) Every school police officer who has been granted powers under subsection (c)(2) or (3) or has been authorized to carry a firearm must, before entering upon the duties of his office, successfully complete training as set forth in 53 Pa.C.S. Ch. 21 Subch. D or have graduated from the Pennsylvania State Police Academy and have been employed as a State trooper with the Pennsylvania State Police.

(c) Such school police officer so appointed shall severally possess and exercise all the following powers and duties:

- (1) To enforce good order in school buildings, on school buses and on school grounds in their respective school entities or nonpublic schools. For purposes of this clause, the term "school bus" shall include vehicles leased by the school entity or nonpublic school to transport students and vehicles of mass transit used by students to go to and from school when the school police officer is responding to a report of an incident involving a breach of good order or violation of law.
- (2) If authorized by the court, to exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police of the municipality wherein the school property is located.
- (3) If authorized by the court, to issue summary citations or to detain individuals until local law enforcement is notified.

(d) Such school police officer shall, when on duty, severally wear a metallic shield or badge with the words "School Police," and the name of the school entity or nonpublic school for which appointed. Such shield shall always be worn in plain view when on duty except when employed as detective.

(e) The compensation of such school police officers shall be paid by the school entity or nonpublic school for which the school police officers are respectively appointed, as may be agreed upon between the board of school directors or administration of the nonpublic school and the school police officer.

(f) School entities or nonpublic schools and municipalities may enter into cooperative police service agreements pursuant to 42 Pa.C.S. § 8953(e) (relating to Statewide municipal police jurisdiction) and 53 Pa.C.S. § 2303 (relating to intergovernmental cooperation authorized) to authorize the exercise of concurrent jurisdiction with local law enforcement within the municipality where the school or school entity or nonpublic school is located or within the municipality in which a school event or activity will take place.

(f.1) (1) If a school is located within a municipality where no municipal police department exists, the school entity or nonpublic school may enter into a cooperative police service agreement pursuant to 42 Pa.C.S. § 8953(e) and 53 Pa.C.S. § 2303 with a municipality providing full-time police coverage that is located adjacent to the school. At least thirty (30) days prior to executing a cooperative police service agreement under this subsection, the school entity or nonpublic school shall provide written notice of its intent to enter into the agreement to the municipality where the school is located. A copy of the executed agreement shall be provided to the commanding officer of the Pennsylvania State Police installation that provides primary police services to the municipality where the school is located.

(2) A cooperative police service agreement entered into under this subsection shall only pertain to actions taken on school property pursuant to the agreement and shall not affect the jurisdiction of the Pennsylvania State Police.

(g) When acting within the scope of this section, school police officers shall, at all times, be employees of the school entity or nonpublic school and shall be entitled to all of the rights and benefits accruing therefrom.

(h) Nothing in this section shall be construed to preclude a school entity or nonpublic school from employing other security personnel as the school entity or nonpublic school deems necessary.

(i) As used in this section, "school entity" shall have the same meaning given to it under section 222(c).

#### **24 Pa PS 1332. Reports of enrollments;**

Attendance and Withdrawals; Public and Private Schools.--Every principal or teacher in every public school, and every principal, teacher or tutor in every school other than a public school, and in every institution for children, and every private teacher in every school district, shall, immediately after their admission to such school or institution, or at the beginning of such private teaching, furnish to the district superintendents, attendance officers, home and school visitors, or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside, lists of the names and residences of all children between six (6) and eighteen (18) years of age enrolled in such school or institution, or taught by such private teachers; and shall further report at once to such district superintendent, or secretary of the board of school directors, the name and date of withdrawal of any such pupil withdrawing from any such school or institution, or from such private instruction, if such withdrawal occurs during the period of compulsory attendance in said district. Every principal or teacher in a school other than a public school, and every private teacher, shall also report at once to the superintendent, attendance officer, home and school visitor, or secretary of the board of school directors of the district, any such child who has been absent three (3) days, or their equivalent, during the term of compulsory attendance, without lawful excuse.

#### **24 Pa PS 1341. Duty to employ; power of arrest; certification.**

(a) The board of school directors of every school district of the first, second, or third class, shall, and in any school district of the fourth class may, employ one or more persons to be known as attendance officers, or home and school visitors, whose duties shall be to enforce the provisions of this act regarding

compulsory attendance. Such attendance officers, or home and school visitors, shall, in addition to the duties imposed upon them by the provisions of this act, have full police power without warrant, and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act, or who is incorrigible, insubordinate, or disorderly during attendance at school or on his way to or from school. All home and school visitors shall be legally certified as such by the Department of Education, upon meeting such standards as shall be prescribed by the State Board of Education.

(b) Any two or more school districts may join in the appointment of an attendance officer on such terms as they may mutually agree upon.

(c) State, municipal, port authority, transit authority, housing authority and school police officers shall have the same arrest powers as attendance officers or home and school visitors.

**24 Pa PS 1342. Term of employment; compensation.**

Attendance officers or home and school visitors may be employed for the full calendar year, and shall be paid such amounts and in such manner as the board of school directors appointing them may decide. They shall at all times perform the duties of their appointment under the direction of the board of school directors appointing them.

In districts of the first class the minimum salaries of attendance officers and home and school visitors in elementary schools shall be: Minimum annual salary, one thousand two hundred dollars (\$1200); minimum annual increment, one hundred dollars (\$100); minimum number of increments, ten (10). No school district of the first class shall, reduce the compensation of any attendance officer below that paid on the second day of July, one thousand nine hundred thirty-seven.

**24 Pa PS 1344. Inspecting places where children are employed.**

Attendance officers shall have full power and authority to enter, during business hours, any place where any children are employed, to ascertain whether or not any child is engaged therein that should attend school as herein provided, and such attendance officer shall have the right to demand and inspect the employment certificate of any child engaged therein.

**24 Pa PS 1345. Penalty for interfering with inspections.**

Any officer, director, superintendent, manager, employee, or other person, at any place where any child of compulsory school age is engaged, who refuses to permit, or in any way interferes with, the entrance therein of the attendance officer, any member of the board of school directors, the secretary thereof, or the district superintendent of any school district, as provided for in this act, shall, on summary conviction thereof, be sentenced to pay a fine of not less than five dollars (\$5) or more than twenty-five dollars (\$25), and in default thereof he may be sentenced to imprisonment not exceeding thirty (30) days. Any person sentenced to pay any such fine may, upon giving proper surety in double the amount of penalty and costs, at any time within five (5) days thereafter, appeal to the court of quarter sessions of the proper county.

**24 Pa PS 1302-A. Office for safe schools.**

(b) The office shall have the power and duty to implement the following:

(6) To verify that each school entity has a biennially updated and reexecuted memorandum of understanding with local law enforcement and has filed such memorandum with the office on a biennial basis.

(c.1) (1) In addition to the powers and duties set forth under subsections (b) and (c), the office is authorized to make targeted grants to school entities, municipalities, local law enforcement agencies and approved vendors to fund programs which address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school resource officers and



school police officers. Municipalities or local law enforcement agencies that receive grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school.

(2) Municipalities or local law enforcement agencies may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.

(3) Nonpublic schools are authorized to apply to the office for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of a school police officer from a list of approved vendors certified by the office. Grant awards for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. Nonpublic schools may not apply for grant funding under this section for any purpose other than obtaining the services of a school police officer under this paragraph.

#### **24 Pa PS 1302.1-A. Regulations.**

(a) Within one year of the effective date of this section, the State Board of Education shall promulgate final-omitted regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this article. The regulations shall include the following:

(1) A model memorandum of understanding between school entities and local police departments. The model memorandum of understanding shall be reviewed on a biennial basis and revised where necessary. The State Board of Education may revise the model memorandum of understanding by publishing a notice in the Pennsylvania Bulletin that contains the complete revised model memorandum of understanding. The revised model memorandum of understanding shall be incorporated into the Pennsylvania Code in place of the existing model memorandum of understanding.

(2) Protocol for the notification of the police department when an offense listed under section 1303-A(b)(4.1) occurs on school property, which shall include a requirement that the local police department be notified immediately when such an offense occurs.

(3) Protocol for the notification of the police department at the discretion of the chief school administrator regarding an offense listed under section 1303-A(b)(4.2) or any other offense that occurs on school property.

(4) Protocol for emergency and nonemergency response by the police department, which shall include a requirement that the school district shall supply the police department with a copy of the comprehensive disaster response and emergency preparedness plan as required by 35 Pa.C.S. § 7701(g) (relating to duties concerning disaster prevention).

(5) Procedures and protocols for the response and handling of students with a disability, including procedures related to student behavior as required by 22 Pa. Code §§ 14.104 (relating to special education plans) and 14.133 (relating to positive behavior support). ((a) amended June 30, 2012, P.L.684, No.82))

(b)

(1) In promulgating the regulations required under subsection (a), the State Board of Education shall convene and consult with a Statewide advisory committee which shall include a police chief, juvenile public defender, school superintendent, school principal, district attorney, solicitor of a school district, special education supervisor, special education advocate and in-school probation officer and one designee from the Department of Education, the Pennsylvania Commission on Crime and Delinquency,

the Municipal Police Officers' Education and Training Commission, the Juvenile Court Judges' Commission and the Pennsylvania State Police.

(2) Members of the committee shall be selected to be representative of the rural, suburban and urban school entities of this Commonwealth.

(3) The advisory committee shall be convened no later than sixty (60) days after the effective date of this section and shall meet regularly to fulfill the requirements of this section.

#### **24 Pa PS 1303-A. Reporting.**

(c) Each chief school administrator shall form an advisory committee composed of relevant school staff, including, but not limited to, principals, security personnel, school resource officers, guidance counselors and special education administrators, to assist in the development of a memorandum of understanding pursuant to this section. In consultation with the advisory committee, each chief school administrator shall enter into a memorandum of understanding with police departments having jurisdiction over school property of the school entity. Each chief school administrator shall submit a copy of the memorandum of understanding to the office by June 30, 2011, and biennially update and re-execute a memorandum of understanding with local law enforcement and file such memorandum with the office on a biennial basis. The memorandum of understanding shall be signed by the chief school administrator, the chief of police of the police department with jurisdiction over the relevant school property and principals of each school building of the school entity. The memorandum of understanding shall comply with the regulations promulgated by the State Board of Education under section 1302.1-A and shall also include:

(1) The procedure for police department review of the annual report required under subsection (b) prior to the chief school administrator filing the report required under subsection (b) with the office.

(2) A procedure for the resolution of school violence data discrepancies in the report prior to filing the report required under subsection (b) with the office.

(3) Additional matters pertaining to crime prevention agreed to between the chief school administrator and the police department.

(d) Pursuant to section 615 of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1415(k)(6)), nothing in section 1302.1-A or this section shall be construed to prohibit a school entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

### **REGULATIONS**

#### **22 Pa. Code 10.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Local police department. A police department having jurisdiction over school property of the school entity.

Memorandum of understanding. A confirmation of mutually agreed upon terms between two or more parties in the form of a document mutually agreed to by a school entity and a local police department as required under section 1303-A(c) of the Safe Schools Act.

#### **22 Pa. Code 10.11. Memorandum of understanding.**

(a) Each chief school administrator shall execute and update, on a biennial basis, a memorandum of understanding with each local police department having jurisdiction over school property of the school entity.

(b) A memorandum of understanding between a school entity and a local police department, including its development and implementation, must meet the requirements of section 1303-A(c) of the Safe Schools Act (24 P. S. §13-1303-A(c)).

(c) In developing a memorandum of understanding to execute with a local police department, a school entity shall consult and consider the model memorandum of understanding promulgated by the Board in Appendix A (relating to model memorandum of understanding).

(d) On a biennial basis, a school entity shall file with the Department's Office for Safe Schools a memorandum of understanding with each local police department having jurisdiction over property of the school entity. As part of its filing with the Department, a school entity shall identify substantive differences between the memorandum of understanding adopted by the school entity and the model memorandum of understanding and provide a statement of reasons for the differences.

(e) The Board, on a biennial basis, will review and, as necessary, revise its model memorandum of understanding in Appendix A. As part of its biennial review, the Board will consider the memoranda of understanding filed by school entities with the Department's Office for Safe Schools and statements explaining school entities' reasons for adopting memoranda of understanding having substantive differences with the model memorandum of understanding.

## ***State Education Agency Support***

### **State model policies and implementation support**

#### **LAWS**

##### **24 Pa PS 1526. Youth suicide awareness and prevention.**

(b) The department shall:

(1) In consultation with a youth suicide prevention organization operating in this Commonwealth, develop a model youth suicide awareness and prevention policy which shall be consistent with subsection (c).

(2) Compile, develop and post on its publicly accessible Internet website the following, which may include materials already publicly available:

(i) Recommended guidelines and educational materials for the training required under subsection (a)(2).

(ii) Recommended resources and age-appropriate educational materials on youth suicide awareness and prevention.

(3) Develop a model youth suicide awareness and prevention curriculum and make such curriculum available to all school entities and, upon request, to nonpublic schools. A school entity may incorporate such curriculum into its existing instructional program pursuant to the school entity's youth suicide awareness and prevention policy.

(c) The model policy developed by the department under subsection (b)(1) and any policy adopted by a school entity under subsection (a)(1) shall include the following:

(1) A statement on youth suicide awareness and prevention.

(2) Protocols for administering youth suicide awareness and prevention education to staff and students.

(3) Methods of prevention, including procedures for early identification and referral of students at risk of suicide.

(4) Methods of intervention, including procedures that address an emotional or mental health safety plan for students identified as being at increased risk of suicide.

(5) Methods of responding to a student or staff suicide or suicide attempt.

(6) Reporting procedures.

(7) Recommended resources on youth suicide awareness and prevention programs, including current contact information for such programs.

(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Nonpublic school." A nonprofit school, other than a school entity, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"Professional educator." As defined in section 1205.2(o).

"School entity." A school district, joint school district, charter school, regional charter school, cyber charter school, intermediate unit or area vocational-technical school.

"Secretary." The Secretary of Education of the Commonwealth.

**24 Pa PS 1553. Dating violence education.**

(a) The department, through its Office for Safe Schools, and in consultation with the State Board of Education, shall:

- (1) Develop, within six months of the effective date of this section, a model dating violence policy to assist school districts in developing policies for dating violence reporting and response.
- (2) Consult with at least one domestic violence center and at least one rape crisis center in developing the model dating violence policy.

**24 Pa PS 1302.1-A. Regulations.**

(a) Within one year of the effective date of this section, the State Board of Education shall promulgate final-omitted regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this article. The regulations shall include the following:

- (1) A model memorandum of understanding between school entities and local police departments. The model memorandum of understanding shall be reviewed on a biennial basis and revised where necessary. The State Board of Education may revise the model memorandum of understanding by publishing a notice in the Pennsylvania Bulletin that contains the complete revised model memorandum of understanding. The revised model memorandum of understanding shall be incorporated into the Pennsylvania Code in place of the existing model memorandum of understanding.
- (2) Protocol for the notification of the police department when an offense listed under section 1303-A(b)(4.1) occurs on school property, which shall include a requirement that the local police department be notified immediately when such an offense occurs.
- (3) Protocol for the notification of the police department at the discretion of the chief school administrator regarding an offense listed under section 1303-A(b)(4.2) or any other offense that occurs on school property.
- (4) Protocol for emergency and nonemergency response by the police department, which shall include a requirement that the school district shall supply the police department with a copy of the comprehensive disaster response and emergency preparedness plan as required by 35 Pa.C.S. § 7701(g) (relating to duties concerning disaster prevention).
- (5) Procedures and protocols for the response and handling of students with a disability, including procedures related to student behavior as required by 22 Pa. Code §§ 14.104 (relating to special education plans) and 14.133 (relating to positive behavior support). ((a) amended June 30, 2012, P.L.684, No.82))

(b)

- (1) In promulgating the regulations required under subsection (a), the State Board of Education shall convene and consult with a Statewide advisory committee which shall include a police chief, juvenile public defender, school superintendent, school principal, district attorney, solicitor of a school district, special education supervisor, special education advocate and in-school probation officer and one designee from the Department of Education, the Pennsylvania Commission on Crime and Delinquency, the Municipal Police Officers' Education and Training Commission, the Juvenile Court Judges' Commission and the Pennsylvania State Police.
- (2) Members of the committee shall be selected to be representative of the rural, suburban and urban school entities of this Commonwealth.
- (3) The advisory committee shall be convened no later than sixty (60) days after the effective date of this section and shall meet regularly to fulfill the requirements of this section.

#### **24 Pa PS 1309-A. Technical assistance.**

The Department of Education shall provide guidelines and technical assistance to assist school districts and nonpublic schools in implementing the provisions of this act.

### **REGULATIONS**

#### **22 Pa. Code 10.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Memorandum of understanding. A confirmation of mutually agreed upon terms between two or more parties in the form of a document mutually agreed to by a school entity and a local police department as required under section 1303-A(c) of the Safe Schools Act.

#### **22 Pa. Code 10.11. Memorandum of understanding.**

(c) In developing a memorandum of understanding to execute with a local police department, a school entity shall consult and consider the model memorandum of understanding promulgated by the Board in Appendix A (relating to model memorandum of understanding).

(e) The Board, on a biennial basis, will review and, as necessary, revise its model memorandum of understanding in Appendix A. As part of its biennial review, the Board will consider the memoranda of understanding filed by school entities with the Department's Office for Safe Schools and statements explaining school entities' reasons for adopting memoranda of understanding having substantive differences with the model memorandum of understanding.

## **Funding appropriations**

### **LAWS**

#### **24 Pa PS 617. Intergovernmental agreements for school security and safety.**

The board of school directors of a school district may enter into agreements with other political subdivisions to provide for the safety and security of the school. The board of school directors may use school funds to share costs with municipalities and counties for such expenses as benefits and salaries of school resource officers and probation officers. Such officers are not required to be employees of the school district and may be employees of other political subdivisions.

#### **24 Pa PS 1302-A. Office for safe schools.**

(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities to fund programs which address school violence, including:

- (1) Conflict resolution or dispute management, including restorative justice strategies.
  - (1.1) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.
  - (1.2) School-based diversion programs.
- (2) Peer helpers programs.
- (3) Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies.
- (4) Classroom management.
- (5) Student codes of conduct.

- (6) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.
- (7) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying.
- (8) Comprehensive, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.
- (9) Security planning, purchase of security-related technology which may include metal detectors, protective lighting, surveillance equipment, special emergency communications equipment, electronic locksets, deadbolts and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity's board of directors.
- (10) Institution of student, staff and visitor identification systems, including criminal background check software.
- (11) ((11) deleted by amendment July 18, 2013, P.L.571, No.70)
- (12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.
- (13) Alternative education programs provided for in Article XIX-C.
- (14) Counseling services for students enrolled in alternative education programs.
- (15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.
- (16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.
- (c.1) (1) In addition to the powers and duties set forth under subsections (b) and (c), the office is authorized to make targeted grants to school entities, municipalities, local law enforcement agencies and approved vendors to fund programs which address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school resource officers and school police officers. Municipalities or local law enforcement agencies that receive grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school.
- (2) Municipalities or local law enforcement agencies may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.
- (3) Nonpublic schools are authorized to apply to the office for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of a school police officer from a list of approved vendors certified by the office. Grant awards for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. Nonpublic schools may not apply for grant funding under this section for any purpose other than obtaining the services of a school police officer under this paragraph.
- (d) The office shall have the following duties as to targeted grants:

(1) Targeted grants shall be allocated through a competitive grant review process established by the office. School entities must satisfy the requirements of this section and section 1303-A to be eligible for grants. The application for a targeted grant shall include:

- (i) the purpose for which the targeted grant shall be utilized;
- (ii) information indicating need for the targeted grant, including, but not limited to, school violence statistics;
- (iii) an estimated budget;
- (iv) methods for measuring outcomes; and
- (v) any other criteria as the office may require.

(2) The office shall:

- (i) Give priority in grant funding under subsection (c) to a school entity designated as a persistently dangerous school as defined in 22 Pa. Code § 403.2 (relating to definitions).
- (ii) Give priority in grant funding under subsection (c) to school entities with the greatest need to establish safety and order.
- (iii) To the greatest extent possible, ensure that grant funding is geographically dispersed to school entities and municipalities throughout this Commonwealth.
- (iv) For school entities, municipalities, local law enforcement agencies and nonpublic schools that apply for funding for the training and compensation of school resource officers and school police officers under subsection (c.1), give priority to school entities, municipalities, local law enforcement agencies and nonpublic schools that utilize school resource officers or school police officers who have completed additional training recommended by the Department of Education relating to interaction with all children and adolescents within a school setting.
- (v) For school entities or nonpublic schools that apply for funding for school police officers under subsection (c.1), give priority to school entities and nonpublic schools that utilize school police officers who satisfy all of the following:
  - (A) Are retired Federal agents or retired State, municipal or military police officers.
  - (B) Are independent contractors of the school entity or nonpublic school.
  - (C) Are compensated on an hourly basis and receive no other compensation or fringe benefits from the school entity or nonpublic school.
  - (D) Have completed such annual training as shall be required by the Municipal Police Officers' Education and Training Commission pursuant to 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).
  - (E) Are in satisfaction of the requirements of section 111.
  - (F) In the case of a school entity, have been indemnified by the school entity pursuant to 42 Pa.C.S. § 8548 (relating to indemnity).
  - (G) Are utilized by a school entity or nonpublic school that has not employed a school police officer within the three years immediately preceding the effective date of this clause.

Nothing in this clause shall be construed to impact on grant decisions for school entities, municipalities or local law enforcement agencies that apply for funding for hiring of school resource officers pursuant to subsection (c.1).

(3) The office shall provide all targeted grant agreements to the Department of Education's comptroller for review and approval prior to awarding the grant. The school entity, municipality, local law enforcement agency or approved vendor shall provide the office with full and complete access to all records relating to the performance of the grant, and shall submit, at such time and in such form as may



be prescribed, truthful and accurate information that the office may require. The office shall conduct a thorough annual evaluation of each program for which a grant under this section is made. The office shall seek repayment of funds if it determines that funds were not utilized for the original stated purpose.

(e) The sum appropriated annually to the Department of Education for the purpose of making targeted grants under this section shall be allocated as follows:

(1) Forty percent of the sum shall be allocated for grants under subsection (c).

(2) Sixty percent of the sum shall be allocated for grants under subsection (c.1).

(f) As used in this section, "school entity" shall have the same meaning given to it under section 222(c).

#### **24 Pa PS 1903-C. Alternative education grants.**

The department shall establish grants for alternative education programs which meet the requirements of this article, to include the following:

(1) An application procedure for grant eligibility.

(2) A review process to annually evaluate the effectiveness of alternative education programs, to include an annual report to the Education Committee of the Senate and the Education Committee of the House of Representatives.

(3) The department shall determine an annual grant amount calculated by dividing the amount appropriated by the estimated average number of students enrolled in eligible programs, further divided by thirty-six. Each applicant shall be eligible to receive this grant amount, per average number of pupils enrolled, per week of participation in an eligible program. Commonwealth grants shall be limited to funds appropriated for this program but in no event shall a school district receive funding for more than two per cent (2%) of a school district's average daily membership as defined in section 2501 for students enrolled in grades seven through twelve.

(4) The department is authorized to utilize for administrative purposes up to one per cent (1%) of the funds appropriated for safe and alternative schools that are not expended, encumbered or committed.

((4) added July 11, 2006, P.L.1092, No.114)

#### **24 Pa PS 1906-C. Alternative education demonstration grants.**

Grants to school districts from funds appropriated for alternative education demonstration grants shall be used only for behavioral programs and programs for disruptive students.

## ***Other or Uncategorized***

### **Professional immunity or liability**

#### **LAWS**

##### **24 Pa PS 1303-A. Reporting.**

(e) (1) Notwithstanding any provision of law to the contrary, the Department of Education may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," against a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense listed under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section.

(2) In addition to any other disciplinary actions set forth in the "Professional Educator Discipline Act," a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense cited under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section shall be subject to prosecution for violation of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The following civil penalties may be imposed by the Professional Standards and Practices Commission for violations of this article:

- (i) for a first violation, \$2,500;
- (ii) for a second violation, \$3,500; or
- (iii) for a third or subsequent violation, \$5,000.

Any penalty imposed under this paragraph shall be paid to the Department of Education and used for the support of the office.

#### **REGULATIONS**

No relevant regulations found.

### **Community input or involvement**

#### **LAWS**

##### **24 Pa PS 1338.2. Antitruancy programs.**

The Department of Education shall formulate recommendations for the General Assembly concerning the establishment and funding of effective community-based antitruancy pilot programs. In formulating these recommendations, the Department of Education shall seek advice and counsel from educators, parents, students, district attorneys, law enforcement representatives, attendance officers, social service agencies experienced in providing services to truant children, counselors, judges, probation officers and representatives from the Pennsylvania Commission on Crime and Delinquency and the Juvenile Court Judges' Commission.

### **24 Pa PS 1902-C. Applications.**

Applicants shall submit applications at the time, in the manner and containing or accompanied by such information as the department may prescribe but, in any case, shall document the following:

- (1) The program is developed in consultation with the faculty and administrative staff of the school and parents and members of the community.
- (6) A determination of the scope, type and severity of student disruption and a survey of community and school resources available to the applicant for the remediation of student disruption.

## **REGULATIONS**

### **22 Pa. Code 10.23. Response and handling of a student with a disability.**

(b) A school entity shall invite representatives of each local police department having jurisdiction over property of the school entity to participate in trainings in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention, as provided by the school entity's special education plan (see §14.104) and the school entity's positive behavior support program (see § §14.133 and 711.46 (relating to positive behavior support)).

## **Other or Uncategorized**

## **LAWS**

### **24 Pa PS 1301-A. Definitions.**

As used in this article,

"Chief school administrator" shall mean the superintendent of a public school district, superintendent of an area vocational-technical school, executive director of an intermediate unit or chief executive officer of a charter school.

"Office" shall mean the Office for Safe Schools within the Department of Education.

"School entity" shall mean any public school district, intermediate unit, area vocational-technical school or charter school.

"School-based diversion programs" shall mean programs that, in partnership with other stakeholders, divert youth out of the juvenile justice system. These programs include, but are not limited to, youth aid panels in which a panel of community members decide an appropriate resolution to hold the student accountable for the student's actions by, among other options, requiring the student to complete educational activities, community service, restitution and any other related program or service.

"School property" shall mean any public school grounds, any school-sponsored activity or any conveyance providing transportation to a school entity or school-sponsored activity.

"School-wide positive behavior support" means a school-wide, evidence-based and data-driven approach to improving school behavior that seeks to reduce unnecessary student disciplinary actions and promote a climate of greater productivity, safety and learning.

"Student with a disability" shall mean a student who meets the definition of "child with a disability" under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or who meets the definition of a "handicapped person" under section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and its implementing regulations (34 C.F.R. § 104.3(j)). The term includes a student for whom an evaluation is pending under either the Individuals with Disabilities Education Act or Rehabilitation Act.

"Weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

## **REGULATIONS**

### **22 Pa. Code 12.2. Student responsibilities.**

(a) Student responsibilities include regular school attendance, conscientious effort in classroom work and homework, and conformance to school rules and regulations. Most of all, students are responsible to share with the administration and faculty a responsibility to develop a climate within the school that is conducive to wholesome learning and living.

(b) No student has the right to interfere with the education of fellow students. It is the responsibility of each student to respect the rights of teachers, students, administrators and all others who are involved in the educational process.

(c) Students should express their ideas and opinions in a respectful manner.

(d) It is the responsibility of the students to conform to the following:

(1) Be aware of all rules and regulations for student behavior and conduct themselves in accordance with them. Students should assume that, until a rule is waived, altered or repealed in writing, it is in effect.

(2) Volunteer information in matters relating to the health, safety and welfare of the school community and the protection of school property.

(3) Dress and groom to meet standards of safety and health, and not to cause substantial disruption to the educational processes.

(4) Assist the school staff in operating a safe school for the students enrolled therein.

(5) Comply with Commonwealth and local laws.

(6) Exercise proper care when using public facilities and equipment.

(7) Attend school daily and be on time at all classes and other school functions.

(8) Make up work when absent from school.

(9) Pursue and attempt to complete satisfactorily the courses of study prescribed by local school authorities.

(10) Report accurately in student media.

(11) Not use obscene language in student media or on school premises.

### **22 Pa. Code 403.6. Unsafe school choice option.**

(a) Requirement of the NCLB. The Department adopts these standards as required by the Unsafe School Choice Option provision of section 9532 of the NCLB (Section 9532) (20 U.S.C.A. §7912).

(b) Definition. For purposes of this section, "local educational agency" or "LEA" means a school district, an area vocational-technical school, an intermediate unit or a charter school.

(c) Student opportunity to transfer.

(1) Victim of a violent criminal offense.

(i) Except as provided as follows, a student who becomes a victim of a violent criminal offense while in or on the grounds of the public elementary or secondary school that the student attends, shall be offered the opportunity to transfer to a safe public school within the LEA, including a charter school.

(ii) For a student victim to be entitled to transfer to another school under this chapter, the violent criminal offense first must be reported to law enforcement authorities by the student, the student's parent or guardian, or school officials.

(iii) A student victim (or the student's parent or guardian) may apply to the LEA to transfer to another school within 30 calendar days after the incident is reported to school authorities.

(2) Student who attends a persistently dangerous school.

(i) Except as provided as follows, a student who attends a persistently dangerous school shall be offered the opportunity to transfer to a safe public school within the LEA, including a charter school.

(ii) A student who attends a persistently dangerous school may apply to transfer at any time while the school maintains that designation.

(d) Responsibilities of LEAs.

(1) Toward victims of violent criminal offenses.

(i) Within 10 calendar days of receiving notice of the violent criminal offense, the LEA shall notify the student victim that the student has the right to transfer to a safe public elementary or secondary school within the LEA, including a public charter school.

(ii) The notification and offer to transfer shall state that no student is required to transfer to another school.

(iii) Upon receipt of an application to transfer, the LEA shall transfer the student as soon as possible, and shall transfer the student within 10 calendar days after receiving the application.

(iv) When considering a student's request to transfer to another school, the LEA shall take into account the particular needs of the student and the parent.

(v) To the extent possible, the LEA shall allow the student to transfer to a school that is making adequate yearly progress, and one that is not identified as being in school improvement, corrective action or restructuring.

(vi) A charter school only has to accept a student who meets its admission criteria if space is available.

(vii) If there is not another safe school within the LEA to which students may transfer, the LEA is encouraged, but not required, to establish an agreement with a neighboring LEA to accept the transfer of students.

(2) Toward students who attend a persistently dangerous school.

(i) Under the act of June 30, 1995 (P. L. 220, No. 26) known as the Pennsylvania's Safe Schools Act, all school entities as defined by the act shall report to the Department incidents involving acts of violence; possession of a weapon; or the possession, use, or sale of a controlled substance, alcohol or tobacco by any person on school property or at school-sponsored events or on school transportation to and from school or school-sponsored activities.

(ii) Within 10 school days of receiving notification by the Department, an LEA shall notify the parent or legal guardian of each student who attends the school that the Department has identified the school as persistently dangerous.

(iii) The LEA shall offer the students who attend the school the opportunity to transfer to a safe public school, including a charter school, within the LEA.

(iv) The notification and offer to transfer shall state that no student is required to transfer to another school.

(v) Upon receipt of an application to transfer, the LEA shall transfer the student within 30 calendar days.

- (vi) When considering a student's request to transfer to another school, the LEA shall take into account the particular needs of the student and the parent.
- (vii) To the extent possible, the LEA shall allow the student to transfer to a school that is making adequate yearly progress, and one that is not identified as being in school improvement, corrective action or restructuring.
- (viii) A charter school only has to accept a student who meets its admission criteria if space is available.
- (ix) If there is not another safe school within the LEA to which students may transfer, the LEA is encouraged, but not required, to establish an agreement with a neighboring LEA to accept the transfer of students.
- (x) The LEA shall submit a corrective action plan to the Department within 30 calendar days of receiving notification that a school has been identified as persistently dangerous.
- (xi) The LEA shall receive approval from the Department for its corrective action plan and shall implement all steps contained in its corrective action plan within the time periods specified in that plan.
- (xii) After the Department has notified an LEA that a school is no longer identified as a persistently dangerous school, the LEA is encouraged to permit students who transferred to complete their education at their new school. LEAs may not require students to return to their original school if the students are enrolled in a charter school.

(e) Responsibilities of Department.

- (1) The Department will identify those schools that meet or exceed the criteria for a persistently dangerous school by analyzing the Annual Report on School Violence and Weapons Possession (PDE-360). In identifying persistently dangerous schools, the Department will use the most recent data available to it from the reporting LEA, and will take all reasonable steps to verify that the data is valid and reliable.
- (2) After review and verification of PDE-360 data, the Department will promptly inform an LEA when any of its schools meets the definition of persistently dangerous school.
- (3) The Department will provide technical assistance to the LEA in developing a corrective action plan. The Department will review proposed corrective action plans submitted by LEAs and approve suitable corrective action plans.
- (4) After approval of the corrective action plan, the Department will conduct a site visit to each persistently dangerous school to assess the school's progress in implementing the plan. If no significant improvement is observed, the Department may require the LEA to submit a revised corrective action plan for that school.
- (5) The Department will reassess a school's designation as persistently dangerous at the end of the school year during which its corrective action plan is completed.
- (6) During the reassessment described in this section, the Department will remove the designation if the school no longer meets the definition of persistently dangerous school.

## State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Pennsylvania provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Pennsylvania Department of Education, Safe Schools	Office for Safe Schools coordinates school safety and security programs, collection of the annual school violence statistics, coordination of antiviolence efforts, and development of policies and strategies to combat school violence.	<a href="http://www.education.pa.gov/K-12/Safe%20Schools/Pages/default.aspx#tab-1">http://www.education.pa.gov/K-12/Safe%20Schools/Pages/default.aspx#tab-1</a>
Pennsylvania Department of Education, Bullying Prevention	The Pennsylvania Department of Education, Office for Safe Schools bullying prevention webpage contains resources for parents, educators and professionals serving youth in school and out-of-school time settings.	<a href="http://www.education.pa.gov/K-12/Safe%20Schools/Pages/Bullying-Prevention.aspx#tab-1">http://www.education.pa.gov/K-12/Safe%20Schools/Pages/Bullying-Prevention.aspx#tab-1</a>
Pennsylvania Positive Behavior Support	Offers training and technical assistance, supports schools and their family and community partners to create and sustain comprehensive, school-based behavioral health support systems in order to promote the academic, social and emotional well-being of all Pennsylvania's students.	<a href="http://www.papbs.org/ContentLoader.aspx?PageID=6bb7b9ef-606e-42e7-8238-a57dbd42d58a">http://www.papbs.org/ContentLoader.aspx?PageID=6bb7b9ef-606e-42e7-8238-a57dbd42d58a</a>
Center for Safe Schools	The Center for Safe Schools is committed to serving as a statewide clearinghouse for schools, law enforcement, parents and others on school safety and youth violence prevention.	<a href="http://www.safeschools.info/">http://www.safeschools.info/</a>
<i>Documents</i>		
Pennsylvania Department of Education, Bullying Prevention Updates	An update on the Bullying Prevention resources available through the Department of Education.	<a href="http://www.education.pa.gov/Documents/K-12/Safe%20Schools/Bullying%20Prevention%20Updates.pdf">http://www.education.pa.gov/Documents/K-12/Safe%20Schools/Bullying%20Prevention%20Updates.pdf</a>

Title	Description	Website address (if applicable)
Pennsylvania Department of Education, Bullying Prevention Support Plan	Provides guidance on implementing school-wide bullying prevention activities and programs.	Introduction and Background: <a href="http://www.education.pa.gov/Documents/K-12/Safe%20Schools/Bullying%20Prevention%20-%20Intro%20and%20Background%20FINAL.pdf">http://www.education.pa.gov/Documents/K-12/Safe%20Schools/Bullying%20Prevention%20-%20Intro%20and%20Background%20FINAL.pdf</a>  Support Plan Recommendations: <a href="http://www.education.pa.gov/Documents/K-12/Safe%20Schools/Bullying%20Prevention%20-%20Recommendations%20FINAL.pdf">http://www.education.pa.gov/Documents/K-12/Safe%20Schools/Bullying%20Prevention%20-%20Recommendations%20FINAL.pdf</a>
<i>Other Resources</i>		
No relevant resources found		