



Pennsylvania Compilation of School Discipline Laws and Regulations

Prepared: March 31, 2021

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 March 2021. 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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Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

24 P.S. § 13-1303.1-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 P.S. § 13-1317.3. 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.

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 P.S. § 13-1317. 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

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.

Communication of Policy

LAWS

24 P.S. § 5-510.2. 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.

24 P.S. § 13-1303.1-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.

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.

In-School Discipline

Discipline Frameworks

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Teacher Authority to Remove Students From Classrooms

LAWS

24 P.S. § 13-1317. 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

24 P.S. § 13-1302-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, and to intermediate units on behalf of nonpublic schools, to fund programs which address school violence, including:

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

24 P.S. § 13-1306-B. School safety and security grant program.

(j) Specific purposes. The committee shall provide grants to school entities for programs that address safety and security, including:

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

REGULATIONS

No relevant regulations found.

Conditions on Use of Certain Forms of Discipline

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.

Search and Seizure

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.

Restraint and Seclusion

LAWS

24 P.S. § 13-1317.2. Possession of weapons prohibited.

(a) Except as otherwise provided in this section, a school district or area career and 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 career and 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 career and 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 career and 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 career and 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 P.S. § 14-1401-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 P.S. § 14-1403-A. Scope of program and selection of students.

(a) Maximum participation.- Beginning in the 2017-2018 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 P.S. § 14-1408-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 and paid for by the department.

24 P.S. § 19-1903-C. Alternative education grants.

(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.

(5) A private alternative education institution that makes an application for approval to operate shall submit initial and renewal applications along with a fee of one thousand dollars (\$1,000) as prescribed by

the Department of Education. The funds collected shall be deposited into the Alternative Education Program Account established in section 1902-C(b).

24 P.S. § 21-2134. 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

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.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

24 P.S. § 13-1317.2. Possession of weapons prohibited.

- (a) Except as otherwise provided in this section, a school district or area career and 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 career and 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 career and 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 career and 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 career and 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 P.S. § 13-1318. 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).

Limitations or Conditions on Exclusionary Discipline

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).

Due Process

LAWS

24 P.S. § 13-1318. 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.

Return to School Following Removal

LAWS

24 P.S. § 19-1901-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 career and 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 P.S. § 21-2134. 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.

Alternative Placements

LAWS

24 P.S. § 13-1302-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, and to intermediate units on behalf of nonpublic schools, to fund programs which address school violence, including:

- (13) Alternative education programs provided for in Article XIX-C.
- (14) Counseling services for students enrolled in alternative education programs.

24 P.S. § 19-1901-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 career and 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.
- (2) "Applicant." A school district, a combination of school districts or 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 and that applies for funds under this article.

25 P.S. § 19-1902-C. Applications.

(a) 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:

(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). [...]

(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.

(b) A school district, combination of school districts or charter school that makes an application to establish an alternative education program shall submit initial and renewal applications along with a fee of four hundred dollars (\$400) as prescribed by the department. The money collected shall be deposited into a restricted account in the General Fund to be known as the Alternative Education Program Account. The money in the restricted account is hereby appropriated on a continuing basis to the department.

25 P.S. § 19-1903-C. Alternative education grants.

(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.

(5) A private alternative education institution that makes an application for approval to operate shall submit initial and renewal applications along with a fee of one thousand dollars (\$1,000) as prescribed by the Department of Education. The funds collected shall be deposited into the Alternative Education Program Account established in section 1902-C(b).

25 P.S. § 19-1906-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 P.S. § 19-1901-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 career and technical school, combination of school districts or intermediate unit.

24 P.S. § 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.

(5) A private alternative education institution that makes an application for approval to operate shall submit initial and renewal applications along with a fee of one thousand dollars (\$1,000) as prescribed by

the Department of Education. The funds collected shall be deposited into the Alternative Education Program Account established in section 1902-C(b).

25 P.S. § 19-1903-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.

REGULATIONS

22 Pa. Code § 12.6. Exclusions from school.

(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.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

18 Pa.C.S. § 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.

24 P.S. § 13-1304-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 willful false statement made under this section shall be a misdemeanor of the third degree.

24 P.S. § 13-1311-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) Deleted by 2011, June 30, P.L. 112, No. 24, § 22, effective in 60 days [Aug. 29, 2011].

(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 P.S. § 13-1317.2. Possession of weapons prohibited.

(a) Except as otherwise provided in this section, a school district or area career and 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 career and 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 career and 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 career and 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 career and 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

No relevant regulations found.

Students with Chronic Disciplinary Issues

LAWS

26 P.S. § 19-1906-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.

REGULATIONS

No relevant regulations found.

Chronic Absenteeism and Truancy

LAWS

24 P.S. § 13-1325. 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 P.S. § 13-1326. 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 six (6) years of age until the child reaches eighteen (18) 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, charter school, regional charter school, cyber charter school or area career and 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 P.S. § 13-1327. 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 of Career and Technical 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 of Career and Technical 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. The financial responsibility for the education of such children of migrant laborers shall remain with the school district in which such children of migrant laborers are temporarily domiciled; except in the case of special schools or classes conducted by an intermediate unit and approved by the Department of Education or conducted by the Department of Education. The certificate of any principal or teacher of a private school, or of any institution for the education of children, in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language, setting forth that the work of said school is in compliance with the provisions of this act, shall be sufficient and satisfactory evidence thereof. Regular daily instruction in the English language, for the time herein required, by a properly qualified private tutor, shall be considered as complying with the provisions of this section. For the purposes of this section, "properly qualified private tutor" shall mean a person who is certified by the Commonwealth of Pennsylvania to teach in the public schools of Pennsylvania; who is teaching one or more children who are members of a single family; who provides the majority of the instruction to such child or children; and who is receiving a fee or other consideration for such instructional services. No person who would be disqualified from

school employment by the provisions of subsection (e) of section 111 may be a private tutor, as provided for in this section. The private tutor must file a copy of his Pennsylvania certification and the required criminal history record with the student's district of residence superintendent.

(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 P.S. § 13-1327.2. 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 phone 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 P.S. § 13-1332. 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 teacher; 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 P.S. § 13-1333. 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 P.S. § 13-1333.1. 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 P.S. § 13-1333.2. 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 P.S. § 13-1333.3. Penalties for violating compulsory school attendance requirements.

(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 P.S. § 13-1333.4. 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 P.S. § 13-1338. 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 P.S. § 13-1339. 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 P.S. § 13-1341. 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 P.S. § 13-1342. 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. The 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 P.S. § 13-1343. 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 P.S. § 13-1344. 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 P.S. § 13-1345. Penalty for interfering with inspections.

Any officer, director, superintendent, manager, employe, 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

18 Pa.C.S. § 6306.1. Use of tobacco in schools prohibited.

(a) Pupils. - A pupil commits a summary offense if the pupil possesses or uses a tobacco product:

- (1) in a school building;
- (2) on a school bus or other vehicle owned by, leased by or under the control of a school district; or
- (3) on school property owned by, leased by or under the control of a school district.

(a.1) Other persons.

- (1) Any person, other than a pupil, commits a summary offense if the person uses a tobacco product:
 - (i) in a school building;
 - (ii) on a school bus or other vehicle owned by, leased by or under the control of a school district; or
 - (iii) on school property owned by, leased by or under the control of a school district.

(2) The board of school directors may designate certain areas on property owned by, leased by or under the control of the school district where tobacco product use by persons other than pupils is permitted. The areas must be no less than 50 feet from school buildings, stadiums or bleachers.

(a.2) Policy.

- (1) The board of school directors shall establish a policy to enforce the prohibition of tobacco product use under this section and may further establish policy relating to tobacco product use at school-sponsored events that are held off school premises.
- (2) The board of school directors shall notify employees, pupils and parents of the policy developed in accordance with paragraph (1) by publishing the information in a student handbook and parent newsletter and on posters or other efficient means.

(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.

(c.1) Preemption. - This section preempts any municipal ordinance or school board regulation to the contrary.

(d) Definitions.

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

"Electronic cigarette." -An electronic device that delivers nicotine or other substances through vaporization and inhalation.

"Electronic nicotine delivery system" or "ENDS." -A product or device used, intended for use or designed for the purpose of ingesting a nicotine product. The term includes an electronic cigarette.

"Nicotine product." -A product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or any other means.

"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 a career and technical school, charter school and intermediate unit.

"Tobacco product." -As follows:

(1) The term includes:

(i) Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, a cigar, a little cigar, chewing tobacco, pipe tobacco, snuff and snus.

(ii) Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.

(iii) Any product containing, made or derived from either:

(A) tobacco, whether in its natural or synthetic form; or

(B) nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.

(iv) Any component, part or accessory of the product or electronic device under subparagraphs (i), (ii) and (iii), whether or not sold separately.

(2) The term does not include:

(i) A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, so long as the product is not inhaled.

(ii) A device under paragraph (1)(ii) or (iii) if sold by a dispensary licensed under the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act.

24 P.S. § 13-1303-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." [...]

REGULATIONS

22 Pa. Code § 12.42. Student assistance program.

School entities shall plan and provide for a student assistance program under section 1547(g) of the Public School Code of 1949 (24 P.S. § 15-1547(g) regarding alcohol, chemical and tobacco abuse program).

Gang-related Activity

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Bullying, Harassment, or Hazing

LAWS

18 Pa.C.S. § 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).

18 Pa.C.S. § 2802. Hazing.

(a) Offense defined. - A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces or forces a minor or student to do any of the following:

- (1) Violate Federal or State criminal law.
- (2) Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the minor or student to a risk of emotional or physical harm.
- (3) Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.

(4) Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.

(5) Endure brutality of a sexual nature.

(6) Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.

(b) Grading.

(1) Except as provided under paragraph (2), hazing is a summary offense.

(2) Hazing shall be a misdemeanor of the third degree if it results in or creates a reasonable likelihood of bodily injury to the minor or student.

(c) Limitation. - Hazing shall not include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.

18 Pa.C.S. § 2803. Aggravated hazing.

(a) Offense defined. - A person commits the offense of aggravated hazing if the person commits a violation of section 2802 (relating to hazing) that results in serious bodily injury or death to the minor or student and:

(1) the person acts with reckless indifference to the health and safety of the minor or student; or

(2) the person causes, coerces or forces the consumption of an alcoholic liquid or drug by the minor or student.

(b) Grading. - Aggravated hazing shall be a felony of the third degree.

18 Pa.C.S. § 2808. Enforcement by institution and secondary school.

(a) Antihazing policy.

(1) Each institution and each governing board of a secondary school shall adopt a written policy against hazing and, pursuant to that policy, shall adopt rules prohibiting students or other persons associated with an organization operating under the sanction of or recognized as an organization by the institution or secondary school from engaging in hazing or an offense under this chapter.

(2) Each institution shall provide a copy of the policy, including the institution's rules, penalties and program of enforcement to each organization within the institution. Each secondary school shall ensure that students are informed of the secondary school's policy, including the secondary school's rules, penalties and program of enforcement.

(3) Each institution and secondary school shall post the policy on the institution's or the secondary school's 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 the policy required under subsection (a) and shall adopt appropriate penalties for violations of the policy to be administered by the individual or agency at the institution or secondary school responsible for the sanctioning or recognition of the organizations covered by the policy.

(2) Penalties under paragraph (1) may include any of the following:

(i) The imposition of fines.

(ii) The withholding of diplomas or transcripts pending compliance with the rules or payment of fines.

(iii) The rescission of permission for the organization to operate on campus or school property or to otherwise operate under the sanction or recognition of the institution or secondary school.

(iv) The imposition of probation, suspension, dismissal or expulsion.

(3) A penalty imposed under this section shall be in addition to a penalty imposed for violation of an offense under this chapter or the criminal laws of this Commonwealth or for violation of any other institutional or secondary school rule to which the violator may be subject.

(4) A policy adopted under this section shall apply to each act conducted on or off campus or school property if the acts are deemed to constitute hazing or any offense under this chapter.

18 Pa.C.S. § 2809. Institutional reports.

(a) Maintenance. - An institution shall maintain a report of all violations of the institution's antihazing policy or Federal or State laws related to hazing that are reported to the institution.

(b) Contents. - The report shall include all of the following:

(1) The name of the subject of the report.

(2) The date when the subject was charged with a violation of the institution's antihazing policy or Federal or State laws related to hazing.

(3) A general description of the violation, any investigation and findings by the institution and, if applicable, penalties.

(4) The date on which the matter was resolved.

(c) Initial report. - This section shall apply beginning with the 2018-2019 academic year. The initial report shall include information concerning violations that have been reported to the institution for the five consecutive years prior to the effective date of this section to the extent the institution has retained information concerning the violations.

(d) Personal identifying information. - The report shall not include the personal identifying information of an individual.

(e) Time. - An institution shall post an initial report required under this section on its publicly accessible Internet website by January 15, 2019.

(f) Update. - An institution shall update the report biannually on January 1 and August 1 and shall post the updated report on its publicly accessible Internet website.

(g) Duration. - An institution shall retain reports for five years.

18 Pa.C.S. § 2810. Safe harbor.

(a) Immunity for the individual seeking medical attention for another. - An individual shall not be prosecuted for an offense under this chapter if the individual can establish all of the following:

(1) A law enforcement officer first became aware of the individual's violation of this chapter because the individual placed a 911 call or contacted campus security, police or emergency services, based on a reasonable belief that another individual was in need of immediate medical attention to prevent death or serious bodily injury.

(2) The individual reasonably believed the individual was the first individual to make a 911 call or contact campus security, police or emergency services and report that an individual needed immediate medical attention to prevent death or serious bodily injury.

(3) The individual provided the individual's own name to the 911 operator or equivalent campus security officer, police or emergency services personnel.

(4) The individual remained with the individual needing medical assistance until a campus security officer, police or emergency services personnel arrived and the need for the individual's presence had ended.

(b) Derivative immunity for the individual needing medical attention. - An individual needing medical attention shall be immune under this section from prosecution for an offense under this chapter or section

6308(a)(relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) only if another individual against whom probable cause exists to charge an offense under this chapter reported the incident and remained with the individual needing medical attention and the other individual qualifies for a safe harbor under this section.

(c) Limitations. - The safe harbors described under this section shall be limited as follows:

(1) This section may not bar prosecuting a person for an offense under this chapter if a law enforcement officer learns of the offense prior to and independent of the action of seeking or obtaining emergency assistance as described in subsection (a).

(2) This section shall not interfere with or prevent the investigation, arrest, charging or prosecution of an individual for a crime other than an offense under this chapter or section 6308(a).

(3) This section shall not bar the admissibility of evidence in connection with the investigation and prosecution for a crime other than an offense under this chapter or section 6308(a).

(4) This section shall not bar the admissibility of evidence in connection with the investigation and prosecution of a crime with regard to another defendant who does not independently qualify for a safe harbor under this section.

(d) Civil immunity.- In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer, campus security officer or prosecuting attorney who acting in good faith, charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the filing of the charges.

24 P.S. § 13-1303.1-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.

REGULATIONS

No relevant regulations found.

Dating and Relationship Violence

LAWS

24 P.S. § 13-1302-A. Office for safe schools.

- (a) There is hereby established in the Department of Education an 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, and to intermediate units on behalf of nonpublic schools, to fund programs which address school violence, including:
 - (3) Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies.

24 P.S. § 13-1306-B. School safety and security grant program.

- (j) Specific purposes. The committee shall provide grants to school entities for programs that address safety and security, including:
 - (6) Risk assessment, safety-related, violence prevention curricula, including dating violence curricula and restorative justice strategies.

24 P.S. § 15-1553. 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 (6) 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 (1) domestic violence center and at least one (1) 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 (9) through twelve (12). In developing such a policy, the school district shall consult with at least one (1) 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 (1) domestic violence center and at least one (1) 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.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

24 P.S. § 13-1302.1-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).

(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 P.S. § 13-1309-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.

24 P.S. § 13-1311-B. Trauma-informed approach.

No later than August 31, 2019, the committee shall develop a model trauma-informed approach plan that shall be used by a school entity applying for a grant under section 1306-B(j)(21). The plan must include the following:

- (1) Designation of at least one individual who:
 - (i) is assigned to the school;
 - (ii) oversees the implementation of the plan, integrating the coordination of services and professional development into the school entity's comprehensive plan; and
 - (iii) serves as a member of a school's student assistance program.
- (2) Coordination of services among:
 - (i) the student and the student's family;
 - (ii) the school; and
 - (iii) county-based services, community care organizations, public health entities, nonprofit youth service providers, community-based organizations, organizations that provide before or after-school care and other similar groups that are located in the community.
- (3) Indication of how coordinated services are provided based on a trauma-informed approach with an understanding, recognition and responsiveness to the effects of trauma on education, absenteeism and school completion, including the secondary impact of trauma on school employees.
- (4) Utilization of evidence-based or evidence-informed approaches that are tailored to the community to ensure that data is collected and the effectiveness of the trauma-informed approaches are determined.
- (5) Professional development and support for school staff which fosters a culture in the school entity and community that is informed about how to understand, recognize and respond to trauma and address the impact of trauma on students as a secondary impact on school employees.

24 P.S. § 15-1503-E. Department duties and powers.

The department shall:

- (1) Establish criteria and guidelines for the establishment and implementation of programs that are consistent with this article. These guidelines shall also include methods of evaluating the programs and curricula.
- (2) Provide resources and technical assistance to boards of directors of school districts regarding the establishment and implementation of successful programs, upon the request of the board of directors of the school district.
- (3) Identify and analyze effective programs and practices and related professional development for professional educators and provide such information to a school district upon request of the board of directors of the school district.
- (4) Collect and disseminate among school districts information regarding programs and practices and potential support sources, including character education programs that have been successfully established and implemented in other states.
- (5) Provide resources and technical assistance to boards of school directors of school districts that support the professional development of professional educators in the establishment and implementation of the program.
- (6) Collect and disseminate among school districts information regarding effective professional education for professional educators regarding the establishment and implementation of the program.

(7) Seek, apply for and accept grants or contributions of funds from any public or private source, including the acceptance of Federal funds appropriated by the General Assembly for the purposes of this article.

(8) To the extent that funds are available, establish and award grants under the grant program to assist school districts in establishing and implementing programs.

(9) Maintain a list of school districts that have established and implemented the program pursuant to this article.

(10) Prepare and submit an annual report to the Education Committee of the Senate and the Education Committee of the House of Representatives regarding the administration and operation of programs and grants awarded under the grant program. The report shall include:

(i) A summary of the guidelines and criteria established by the department and the establishment and operation of the grant program.

(ii) A listing of the sources of funding sought by the department for use in the grant program.

(iii) A listing of the number of school districts that established and implemented programs.

(iv) A description of each school district's program and the integration into the curriculum.

(v) A description of measures utilized by school districts to provide parent, professional educator and community involvement.

24 P.S. § 15-1526. 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 career and technical school.

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

24 P.S. § 15-1553. 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 (6) 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 (1) domestic violence center and at least one (1) 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 (9) through twelve (12). In developing such a policy, the school district shall consult with at least one (1) 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 (1) domestic violence center and at least one (1) 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

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.

Multi-tiered Frameworks and Systems of Support

LAWS

24 P.S. § 13-1301-A. Definitions.

As used in this article,

"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.

24 P.S. § 13-1302-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, and to intermediate units on behalf of nonpublic schools, to fund programs which address school violence, including:

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

24 P.S. § 13-1306-B. School safety and security grant program.

(a) Establishment. The School Safety and Security Grant Program is established to make school entities within this Commonwealth safer places. [...]

(j) Specific purposes. The committee shall provide grants to school entities for programs that address safety and security, including:

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

(17) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

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:

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.

22 Pa. Code § 10.21. Immediate notification.

(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.

Prevention

LAWS

24 P.S. § 13-1302-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, and to intermediate units on behalf of nonpublic schools, 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) Deleted by 2013, July 18, P.L. 571, No. 70, § 1, imd. effective.
- (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.
- (17) The implementation of Article XIII-E.

24 P.S. § 13-1306-B. School safety and security grant program.

(a) Establishment. The School Safety and Security Grant Program is established to make school entities within this Commonwealth safer places. [...]

the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136, 134 Stat. 281) are fulfilled.

(i) Community violence prevention programs.

(1) Municipalities, institutions of higher education, community-based organizations and other entities approved by the committee are the only eligible applicants under subsection (j)(22).

(j) Specific purposes. The committee shall provide grants to school entities for programs that address safety and security, including:

(6) Risk assessment, safety-related, violence prevention curricula, including dating violence curricula and restorative justice strategies. [...]

(10) 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.

(11) Thorough, 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.

REGULATIONS

No relevant regulations found.

Social-emotional Learning (SEL)

LAWS

24 P.S. § 15-1501-E. 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:

"Character education." A course of instruction designed to educate and assist students in developing basic civic values and character traits, a service ethic and community outreach and thus to improve the school environment and student achievement and learning.

"Character education program" or "program." A program designed and implemented by a school district to provide a course of character education to students in that school district. This term includes, but is not limited to:

- (1) Professional education for professional educators for the delivery of character education.
- (2) Participation in professional education programs by members of the

Character Education Advisory Group.

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

"Grant program." The Character Education Grant Program established by section 1504-E

"Professional educator." An individual who holds a Pennsylvania teacher, educational specialist or administrative certification or letter of eligibility.

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

24 P.S. § 15-1502-E. Character education program. .

(a) AUTHORIZATION.- The board of school directors of a school district may establish and implement a character education program in its schools.

(b) CURRICULUM CONTENTS.- The program may include and teach the following basic civil values and character traits:

- (1) Trustworthiness, including honesty, integrity, reliability and loyalty.
- (2) Respect, including regard for others, tolerance and courtesy.
- (3) Responsibility, including hard work, economic self-reliance, accountability, diligence, perseverance and self-control.
- (4) Fairness, including justice, consequences of bad behavior, principles of nondiscrimination and freedom from prejudice.
- (5) Caring, including kindness, empathy, compassion, consideration, generosity and charity.
- (6) Citizenship, including love of country, concern for the common good, respect for authority and the law and community mindedness.

(c) ADDITIONAL ELEMENTS.- The program may also include and teach the importance of a service ethic and community outreach.

(d) CHARACTER EDUCATION ADVISORY GROUP.-

- (1) If a board of school directors elects to establish the program, the board of school directors shall develop the program in consultation with a character education advisory group. The board of directors of a school district shall appoint the members of the character education advisory group.

(2) A character education advisory group shall consult with and advise the board of school directors in the development of the program. The members of the character education advisory group shall elect a chairperson of the group.

(3) The board of school directors shall appoint to the character education advisory group no less than two representatives from each of the following groups:

- (i) Parents and legal guardians of students in the school district.
- (ii) Teachers and administrators employed by the school district.
- (iii) Other members of the community where the school district is located, including social, cultural, business and religious leaders.

(4) The board of school directors shall:

- (i) Cooperate and consult with the character education advisory group.
- (ii) Provide assistance and relevant materials to the character education advisory group.

(5)(i) The character education advisory group shall consult with and advise the board of school directors until such time that the program is fully developed and deemed completed.

- (ii) The board of school directors shall have the sole authority to determine the completion of the program and may elect to continue the duration of the character education advisory group for up to two additional years for the purpose of receiving consultation and advice from the character education advisory group regarding the school district's implementation of the program.

(e) Integration of concepts into total curriculum.- The program shall be integrated into the school procedures and environment and structured to instruct primarily through example. Classroom instruction may also be used to supplement the program.

24 P.S. § 15-1503-E. Department duties and powers.

The department shall:

- (4) Collect and disseminate among school districts information regarding programs and practices and potential support sources, including character education programs that have been successfully established and implemented in other states.

24 P.S. § 15-1504-E. Character Education Grant Program.

(a) Establishment.- There is hereby established in the department the Character Education Grant Program for the purpose of funding the establishment and implementation of a program by a school district.

(b) Eligibility.- A school district that establishes and implements the program in compliance with the requirements established under section 1502-E and with department criteria and guidelines established under section 1503-E may apply to the department for a grant. Grants shall be awarded to eligible school districts from funds appropriated and funds received by the department for this purpose.

(c) Permitted uses.- The grant shall be used by a school district to fund the establishment and implementation of the program.

(d) Adoption of application procedures.- The secretary shall adopt such procedures, rules and form as may be necessary to implement this grant program by regulation.

(e) Application forms.- Applications shall be made to the department in such form and at such time as the secretary may prescribe by regulation.

(f) Other funding sources.- Funds received under the grant program may be used in conjunction with funds received from any other public or private source.

REGULATIONS

No relevant regulations found.

Trauma-informed Practices

LAWS

24 P.S. § 3-328. School director training programs.

- (a) Beginning in the 2018-2019 school year and in each school year thereafter, the following shall apply:
- (1) Each newly elected or appointed school director shall complete, during the first year of the school director's first term, a training program made available by the Department of Education, in consultation with a Statewide organization representing school directors and a Statewide organization representing school business officials, pertaining to the skills and knowledge necessary to serve as a school director. The training program shall consist of a minimum of five (5) hours of instruction, including, at a minimum, information regarding the following:
 - (i) Instruction and academic programs.
 - (i.1) Best practices related to trauma-informed approaches, which shall comprise a minimum of one (1) hour of instruction.

24 P.S. § 12-1205.1. Continuing professional development.

- (a) Upon the expiration of an existing professional development plan, each school entity shall submit to the secretary for approval a three-year professional education plan. [...]
- (b.1) The professional education plan of each school entity shall include a minimum of one (1) hour of required training in trauma-informed approaches.

24 P.S. § 12-1205.7. Trauma-informed education.

- (a) School entities shall provide school employees with training on trauma-informed approaches. The following apply:
- (1) Training shall address, but shall not be limited to:
 - (i) Recognition of the signs of trauma in students.
 - (ii) Best practices for schools and classrooms regarding trauma-informed approaches, including utilization of multitiered systems of support.
 - (iii) Recognition of the signs of the impact of secondary trauma on school employees and appropriate resources for school employees who are experiencing secondary trauma.
 - (iv) The school entity's policies regarding trauma-informed approaches.
 - (v) The school entity's policies regarding connecting students with appropriate services.
 - (2) Training shall be on evidence-based or evidence-informed programs that are tailored to the local community and reflect current best practices related to trauma-informed approaches.
 - (3) School employees required to undergo continuing professional education under section 1205.2 or 1205.5 shall receive credit toward the school employees' continuing professional education requirements if the training program has been approved by the Department of Education.
 - (4) The school entity shall make a reasonable effort to facilitate a time and location for school employees under this section to participate in the training during paid working hours or in-service training.
- (b) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Evidence-based" shall have the meaning given in section 8101(21) of the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).

"School employe" shall have the meaning given to the term "professional employe" in section 1101(1).

"School entity" shall mean a public school, including a school district, charter school, cyber charter school, regional charter school, intermediate unit or area career and technical school, a private school or a nonpublic school.

24 P.S. § 13-1306-B. School safety and security grant program.

(j) Specific purposes. The committee shall provide grants to school entities for programs that address safety and security, including:

(20) Administration of evidence-based screenings for adverse childhood experiences that are proven to be determinants of physical, social and behavioral health and provide trauma-informed counseling services as necessary to students based upon the screening results.

(21) Trauma-informed approaches to education, including:

(i) Increasing student and school employee access to quality trauma support services and behavioral health care, including the following:

(A) Hiring or contracting with certified guidance counselors, licensed professional counselors, licensed social workers, licensed clinical social workers, school psychologists and other professional health personnel to provide services to students and school employees.

(B) Developing collaborative efforts between the school entity and behavioral health professionals to identify students in need of trauma support and to provide prevention, screening, referral and treatment services to students potentially in need of services.

(ii) Programs providing:

(A) Trauma-informed approaches to education in the curriculum, including training of school employees, school directors and behavioral health professionals to develop safe, stable and nurturing learning environments that prevent and mitigate the effects of trauma.

(B) Services for children and their families, as appropriate, who have experienced or are at risk of experiencing trauma, including those who are low-income, homeless, involved in the child welfare system or involved in the juvenile justice system.

(22) Programs designed to reduce community violence, including:

(i) Increase access to quality trauma-informed support services and behavioral health care by linking the community with local trauma support and behavioral health systems.

(ii) Provide health services and intervention strategies by coordinating the services provided by eligible applicants and coordinated care organizations, public health entities, nonprofit youth service providers and community-based organizations.

(iii) Provide mentoring and other intervention models to children and their families who have experienced trauma or are at risk of experiencing trauma, including those who are low-income, homeless, in foster care, involved in the criminal justice system, unemployed, experiencing a mental illness or substance abuse disorder or not enrolled in or at risk of dropping out of an educational institution.

(iv) Foster and promote communication between the school entity, community and law enforcement.

(v) Any other program or model designed to reduce community violence and approved by the committee.

24 P.S. § 13-1309-B. School safety and security coordinator.

(c) Specific duties. - The school safety and security coordinator shall: (2) Coordinate training and resources for students and school entity staff in matters relating to situational awareness, trauma-informed approaches, behavioral health awareness, suicide and bullying awareness, substance abuse awareness and emergency procedures and training drills, including fire, natural disaster, active shooter, hostage situation and bomb threat.

24 P.S. § 13-1310-B. School safety and security training.

(j) Specific purposes. - The committee shall provide grants to school entities for programs that address safety and security, including:

(20) Administration of evidence-based screenings for adverse childhood experiences that are proven to be determinants of physical, social and behavioral health and provide trauma-informed counseling services as necessary to students based upon the screening results.

(21) Trauma-informed approaches to education, including:

(i) Increasing student and school employee access to quality trauma support services and behavioral health care, including the following:

(A) Hiring or contracting with certified guidance counselors, licensed professional counselors, licensed social workers, licensed clinical social workers, school psychologists and other professional health personnel to provide services to students and school employees.

(B) Developing collaborative efforts between the school entity and behavioral health professionals to identify students in need of trauma support and to provide prevention, screening, referral and treatment services to students potentially in need of services.

(ii) Programs providing:

(A) Trauma-informed approaches to education in the curriculum, including training of school employees, school directors and behavioral health professionals to develop safe, stable and nurturing learning environments that prevent and mitigate the effects of trauma.

(B) Services for children and their families, as appropriate, who have experienced or are at risk of experiencing trauma, including those who are low-income, homeless, involved in the child welfare system or involved in the juvenile justice system.

(22) Programs designed to reduce community violence, including:

(i) Increase access to quality trauma-informed support services and behavioral health care by linking the community with local trauma support and behavioral health systems.

(ii) Provide health services and intervention strategies by coordinating the services provided by eligible applicants and coordinated care organizations, public health entities, nonprofit youth service providers and community-based organizations.

(iii) Provide mentoring and other intervention models to children and their families who have experienced trauma or are at risk of experiencing trauma, including those who are low-income, homeless, in foster care, involved in the criminal justice system, unemployed, experiencing a mental illness or substance abuse disorder or not enrolled in or at risk of dropping out of an educational institution.

24 P.S. § 13-1311-B. Trauma-informed approach.

No later than August 31, 2019, the committee shall develop a model trauma-informed approach plan that shall be used by a school entity applying for a grant under section 1306-B(j)(21). The plan must include the following:

- (1) Designation of at least one individual who:
 - (i) is assigned to the school;
 - (ii) oversees the implementation of the plan, integrating the coordination of services and professional development into the school entity's comprehensive plan; and
 - (iii) serves as a member of a school's student assistance program.
- (2) Coordination of services among:
 - (i) the student and the student's family;
 - (ii) the school; and
 - (iii) county-based services, community care organizations, public health entities, nonprofit youth service providers, community-based organizations, organizations that provide before or after-school care and other similar groups that are located in the community.
- (3) Indication of how coordinated services are provided based on a trauma-informed approach with an understanding, recognition and responsiveness to the effects of trauma on education, absenteeism and school completion, including the secondary impact of trauma on school employees.
- (4) Utilization of evidence-based or evidence-informed approaches that are tailored to the community to ensure that data is collected and the effectiveness of the trauma-informed approaches are determined.
- (5) Professional development and support for school staff which fosters a culture in the school entity and community that is informed about how to understand, recognize and respond to trauma and address the impact of trauma on students as a secondary impact on school employees.

24 P.S. § 13-1312-B. COVID-19 disaster emergency school health and safety grants for 2020-2021 school year.

- (a) Funding. For the 2020-2021 school year, the amount of money available under section 1306-B(h)(8)(i) shall be used by the committee to award COVID-19 disaster emergency school health and safety grants to school entities.
- (b) Purposes of grants. Each school entity shall be eligible for a COVID-19 disaster emergency school health and safety grant for the following purposes:
 - (5) Providing mental health services and supports, including trauma-informed approaches for students impacted by the COVID-19 disaster emergency.

25 P.S. § 26-2603-B. Powers and duties of the board.

- (d) The board shall also have the authority and duty to:
 - (9.1) adopt policies encouraging the inclusion of trauma-informed approaches in professional education curriculum in all public and private institutions of higher education in this Commonwealth issuing degrees to individuals who may desire to teach in the schools of this Commonwealth.

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

24 P.S. § 13-1309-B. School safety and security coordinator.

- (c) Specific duties. - The school safety and security coordinator shall:

(2) Coordinate training and resources for students and school entity staff in matters relating to situational awareness, trauma-informed approaches, behavioral health awareness, suicide and bullying awareness, substance abuse awareness and emergency procedures and training drills, including fire, natural disaster, active shooter, hostage situation and bomb threat.

24 P.S. § 13-1310-B. School safety and security training.

School entities shall provide their employees with mandatory training on school safety and security subject to the following based on the needs of the school entity:

(1) Training shall address any combination of one or more of the following, based on the needs of the school entity:

(i) Situational awareness.

(ii) Trauma-informed approaches.

(iii) Behavioral health awareness.

(iv) Suicide and bullying awareness.

(v) Substance use awareness.

(vi) Emergency training drills, including fire, natural disaster, active shooter, hostage situation and bomb threat.

(vii) Identification or recognition of student behavior that may indicate a threat to the safety of the student, other students, school employees, school facilities, the community or others.

(2) Training may be provided through the Internet or other distance communication systems.

(3) Employees shall complete a minimum of three hours of training every five 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 in consultation with the committee.

REGULATIONS

No relevant regulations found.

School-based Behavioral Health Programs

LAWS

24 P.S. § 13-1302-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, and to intermediate units on behalf of nonpublic schools, 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.

24 P.S. § 13-1303-B. School safety and security committee.

(a) Duty to establish. - No later than September 30, 2018, the committee shall establish criteria to be used when conducting school safety and security assessments that include the following:

(3) A student assistance and behavioral health support assessment. The student assistance and behavioral health support assessment shall consist of an analysis of the school entity's climate, including:

(i) The availability of student assistance programs and behavioral health professionals to provide assistance to the school entity.

(ii) A review of recommendations by behavioral and physical health professionals and consideration of their recommendations.

24 P.S. § 13-1306-B. School safety and security grant program.

(j) Specific purposes. The committee shall provide grants to school entities for programs that address safety and security, including:

(21) Trauma-informed approaches to education, including:

(i) Increasing student and school employee access to quality trauma support services and behavioral health care, including the following:

(A) Hiring or contracting with certified guidance counselors, licensed professional counselors, licensed social workers, licensed clinical social workers, school psychologists and other professional health personnel to provide services to students and school employees.

(B) Developing collaborative efforts between the school entity and behavioral health professionals to identify students in need of trauma support and to provide prevention, screening, referral and treatment services to students potentially in need of services.

24 P.S. § 13-1312-B. COVID-19 disaster emergency school health and safety grants for 2020-2021 school year.

(a) Funding. For the 2020-2021 school year, the amount of money available under section 1306-B(h)(8)(i) shall be used by the committee to award COVID-19 disaster emergency school health and safety grants to school entities.

(b) Purposes of grants. Each school entity shall be eligible for a COVID-19 disaster emergency school health and safety grant for the following purposes:

(5) Providing mental health services and supports, including trauma-informed approaches for students impacted by the COVID-19 disaster emergency.

24 P.S. § 13-1313-B. COVID-19 disaster emergency targeted health and safety grants for 2020-2021 school year.

(a) Funding. For the 2020-2021 school year, the amount of money available under section 1306-B(h)(8)(i) shall be used by the committee to award COVID-19 disaster emergency school health and safety grants to school entities.

(b) Purposes of grants. Each school entity shall be eligible for a COVID-19 disaster emergency school health and safety grant for the following purposes:

(5) Providing mental health services and supports, including trauma-informed approaches for students impacted by the COVID-19 disaster emergency.

REGULATIONS

22 Pa. Code § 12.41. Student Services.

(b) Though the variety of student services offered will differ from school to school depending upon its size and the needs of its students, the following categories of services shall be provided by each school entity in planning its student services:

(1) Developmental services for students that address their developmental needs throughout their enrollment in school. Developmental services include guidance counseling, psychological services, health services, home and school visitor services and social work services that support students in addressing their academic, behavioral, health, personal and social development issues. [...]

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

24 P.S. § 13-1302-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, and to intermediate units on behalf of nonpublic schools, 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 P.S. § 13-1303-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 P.S. § 13-1303-D. Safe2Say Program.

(a) Establishment. - The Safe2Say Program is established within the office.

(b) Administration. - The Attorney General shall:

- (1) administer the program pursuant to the requirements under subsection (c); and
- (2) promulgate regulations and adopt all guidelines necessary for the establishment of the program and administration of this article, in consultation with Statewide organizations.

(c) Program requirements. - Beginning January 14, 2019, the program shall be responsible for the following:

- (1) To ensure anonymous reporting concerning unsafe, potentially harmful, dangerous, violent or criminal activities in a school entity or the threat of the activities in a school entity.
- (2) To establish protocols and procedures to promptly notify the appropriate law enforcement agency via 911 centers and the Pennsylvania State Police when the program receives an anonymous report of violent or criminal activities in a school entity that poses an immediate threat of violence or criminal activity.
- (3) To ensure that the identity of the individual making a report remains unknown to any person, including law enforcement officers and employees of the office.

- (4) To ensure that information obtained from an individual making a report who voluntarily discloses his or her identity and verifies that he or she is willing to be identified may be shared with law enforcement officers, employees of the office and school officials.
 - (5) To ensure that if the identity of an individual making a report becomes known through a means other than voluntary disclosure, the identity is not further disclosed.
 - (6) To establish procedures to promptly forward information received by the program to the appropriate law enforcement agency, school official or organization, as determined by the office. The office may not be held liable for investigation of a report made to the program following confirmation of receipt of the report by the appropriate law enforcement agency, school official or organization.
 - (7) To train or provide instruction to individuals, including, but not limited to, emergency dispatch centers and school entities, on appropriate awareness and response to the program.
 - (8) To provide program awareness and education materials to school entities.
 - (9) To, in consultation with the Department of Education, establish guidelines school entities may utilize to respond to a report received from the program.
 - (10) To work with school entities, local law enforcement agencies and organizations to identify each person to whom a report from the program will be sent.
- (d) School entity. - Each school entity shall develop procedures for assessing and responding to reports received from the program.

24 P.S. § 13-1317.2. Possession of weapons prohibited.

- (a) Except as otherwise provided in this section, a school district or area career and 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 career and 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 career and 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 career and 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 career and 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

No relevant regulations found.

Parental Notification

LAWS

24 P.S. § 13-1310-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.

24 P.S. § 13-1333. 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 P.S. § 13-1333.1. 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 P.S. § 13-1343. 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.

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).

(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 § 12.7. 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.

22 Pa. Code § 14.133. Positive behavior support.

(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.

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

18 Pa.C.S. § 2809. Institutional reports.

(a) Maintenance. - An institution shall maintain a report of all violations of the institution's antihazing policy or Federal or State laws related to hazing that are reported to the institution.

(b) Contents. - The report shall include all of the following:

(1) The name of the subject of the report.

(2) The date when the subject was charged with a violation of the institution's antihazing policy or Federal or State laws related to hazing.

(3) A general description of the violation, any investigation and findings by the institution and, if applicable, penalties.

(4) The date on which the matter was resolved.

(c) Initial report. - This section shall apply beginning with the 2018-2019 academic year. The initial report shall include information concerning violations that have been reported to the institution for the five consecutive years prior to the effective date of this section to the extent the institution has retained information concerning the violations.

(d) Personal identifying information. - The report shall not include the personal identifying information of an individual.

(e) Time. - An institution shall post an initial report required under this section on its publicly accessible Internet website by January 15, 2019.

(f) Update. - An institution shall update the report biannually on January 1 and August 1 and shall post the updated report on its publicly accessible Internet website.

(g) Duration. - An institution shall retain reports for five years.

24 P.S. § 13-1302-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 P.S. § 13-1303.1-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.

24 P.S. § 13-1317.2. Possession of weapons prohibited.

(f) All school districts and area career and 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 P.S. § 13-1339. 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 P.S. § 14-1407-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, 2021, 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 P.S. § 15-1547. 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.

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

REGULATIONS

No relevant regulations found.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

18 Pa.C.S. § 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.C.S. § 6306.1. Use of tobacco in schools prohibited.

(a) Pupils. - A pupil commits a summary offense if the pupil possesses or uses a tobacco product:

- (1) in a school building;
- (2) on a school bus or other vehicle owned by, leased by or under the control of a school district; or
- (3) on school property owned by, leased by or under the control of a school district.

(a.1) Other persons.

(1) Any person, other than a pupil, commits a summary offense if the person uses a tobacco product:

- (i) in a school building;
- (ii) on a school bus or other vehicle owned by, leased by or under the control of a school district; or
- (iii) on school property owned by, leased by or under the control of a school district.

(2) The board of school directors may designate certain areas on property owned by, leased by or under the control of the school district where tobacco product use by persons other than pupils is permitted. The areas must be no less than 50 feet from school buildings, stadiums or bleachers.

(a.2) Policy.

(1) The board of school directors shall establish a policy to enforce the prohibition of tobacco product use under this section and may further establish policy relating to tobacco product use at school-sponsored events that are held off school premises.

(2) The board of school directors shall notify employees, pupils and parents of the policy developed in accordance with paragraph (1) by publishing the information in a student handbook and parent newsletter and on posters or other efficient means.

(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.

(c.1) Preemption. - This section preempts any municipal ordinance or school board regulation to the contrary.

(d) Definitions.

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

"Electronic cigarette." -An electronic device that delivers nicotine or other substances through vaporization and inhalation.

"Electronic nicotine delivery system" or "ENDS." -A product or device used, intended for use or designed for the purpose of ingesting a nicotine product. The term includes an electronic cigarette.

"Nicotine product." -A product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or any other means.

"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 a career and technical school, charter school and intermediate unit.

"Tobacco product." -As follows:

(1) The term includes:

(i) Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, a cigar, a little cigar, chewing tobacco, pipe tobacco, snuff and snus.

(ii) Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.

(iii) Any product containing, made or derived from either:

(A) tobacco, whether in its natural or synthetic form; or

(B) nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.

(iv) Any component, part or accessory of the product or electronic device under subparagraphs (i), (ii) and (iii), whether or not sold separately.

(2) The term does not include:

(i) A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, so long as the product is not inhaled.

(ii) A device under paragraph (1)(ii) or (iii) if sold by a dispensary licensed under the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act.

24 P.S. § 13-1302.1-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:

(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.

24 P.S. § 13-1302-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 P.S. § 13-1303-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, 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 P.S. § 13-1303-D. Safe2Say Program.

(a) Establishment. - The Safe2Say Program is established within the office.

(b) Administration. - The Attorney General shall:

(1) administer the program pursuant to the requirements under subsection (c); and

(2) promulgate regulations and adopt all guidelines necessary for the establishment of the program and administration of this article, in consultation with Statewide organizations.

(c) Program requirements. - Beginning January 14, 2019, the program shall be responsible for the following:

(1) To ensure anonymous reporting concerning unsafe, potentially harmful, dangerous, violent or criminal activities in a school entity or the threat of the activities in a school entity.

(2) To establish protocols and procedures to promptly notify the appropriate law enforcement agency via 911 centers and the Pennsylvania State Police when the program receives an anonymous report of violent or criminal activities in a school entity that poses an immediate threat of violence or criminal activity.

(3) To ensure that the identity of the individual making a report remains unknown to any person, including law enforcement officers and employees of the office.

(4) To ensure that information obtained from an individual making a report who voluntarily discloses his or her identity and verifies that he or she is willing to be identified may be shared with law enforcement officers, employees of the office and school officials.

(5) To ensure that if the identity of an individual making a report becomes known through a means other than voluntary disclosure, the identity is not further disclosed.

(6) To establish procedures to promptly forward information received by the program to the appropriate law enforcement agency, school official or organization, as determined by the office. The office may not be held liable for investigation of a report made to the program following confirmation of receipt of the report by the appropriate law enforcement agency, school official or organization.

(7) To train or provide instruction to individuals, including, but not limited to, emergency dispatch centers and school entities, on appropriate awareness and response to the program.

(8) To provide program awareness and education materials to school entities.

(9) To, in consultation with the Department of Education, establish guidelines school entities may utilize to respond to a report received from the program.

(10) To work with school entities, local law enforcement agencies and organizations to identify each person to whom a report from the program will be sent.

(d) School entity. - Each school entity shall develop procedures for assessing and responding to reports received from the program.

24 P.S. § 13-1311-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) Deleted by 2011, June 30, P.L. 112, No. 24, § 22, effective in 60 days [Aug. 29, 2011].

(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 P.S. § 13-1312-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 P.S. § 13-1317.2. Possession of weapons prohibited.

- (a) Except as otherwise provided in this section, a school district or area career and 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 career and 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 career and 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 career and 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 career and 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 P.S. § 13-1333.1. 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 P.S. § 13-1333.2. 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 P.S. § 13-1333.3. 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 of this article 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.

24 P.S. § 13-1338. 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.

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).

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 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.

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 § 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.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

24 P.S. § 13-1302-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.

24 P.S. § 13-1303-C. Annual report .

A school entity or nonpublic school which employs or contracts for a school police officer shall report annually to the department and the commission 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 employed or contracted by the school entity or nonpublic school.
- (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.

24 P.S. § 13-1305-C. Training.

(a) General rule.- A school police officer who has been granted powers under section 1306-C(a)(3) or (b) or has been authorized to carry a firearm must, before entering upon the duties of the office, satisfy the following:

- (1) Successfully complete basic training as required by the Municipal Police Officers' Education and Training Commission under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training) or has graduated from the Pennsylvania State Police Academy, has been employed as a State trooper with the Pennsylvania State Police and has separated from that service in good standing.

(2)(i) Successfully complete the Basic School Resource Officer Course offered by the National Association of School Resource Officers or an equivalent course of instruction approved by the commission.

(ii) A school police officer who is employed or contracted by a school entity or nonpublic school before September 2, 2019, shall have until the beginning of the 2020-2021 school year to complete the instruction.

(b) In-service training.- Notwithstanding any other provision of law, a school police officer shall also attend annual in-service training approved by the Municipal Police Officers' Education and Training Commission under 53 Pa.C.S. Ch. 21 Subch. D.

24 P.S. § 13-1313-C. School resource officers.

(a) Powers and duties.- A school entity or nonpublic school may confer the following powers and duties upon school resource officers:

(1) To assist in the identification of physical changes in the environment which may reduce crime in or around the school.

(2) To assist in developing school policy which addresses crime and to recommend procedural changes.

(3) To develop and educate students in crime prevention and safety.

(4) To train students in conflict resolution, restorative justice and crime awareness.

(5) To address crime and violence issues, gangs and drug activities affecting or occurring in or around a school.

(6) To develop or expand community justice initiatives for students.

(a.1) Training.

(1) Prior to entering upon the duties of the office, a school resource officer shall successfully complete the Basic School Resource Officer Course of Instruction offered by the National Association of School Resource Officers or an equivalent course of instruction approved by the commission.

(2) A school resource officer who is stationed in a school entity or nonpublic school before September 2, 2019, shall have until the beginning of the 2020-2021 school year to complete the instruction.

(b) Intergovernmental agreements for school resource officers.

(1) The board of school directors of a school district may enter into agreements with other political subdivisions to provide for school resource officers, subject to the statutory authority of school resource officers.

(2) 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.

(3) School resource officers are not required to be employees of the school district and may be employees of other political subdivisions.

24 P.S. § 13-1314-C. School security guards.

(a) Scope of services.- A school security guard may provide the following services as determined by the school entity or nonpublic school:

(1) School safety support services.

(2) Enhanced campus supervision.

(3) Assistance with disruptive students.

(4) Monitoring visitors on campus.

(5) Coordination with law enforcement officials, including school police officers and school resource officers.

(6) Security functions which improve and maintain school safety.

(b) Training.- The following shall apply:

(1) Prior to entering upon the duties of the office, a school security guard shall successfully complete the Basic School Resource Officer Course offered by the National Association of School Resource Officers or an equivalent course of instruction approved by the commission.

(2) An unarmed school security guard who is employed or contracted by a school entity or nonpublic school before September 2, 2019, shall have until the beginning of the 2020-2021 school year to complete the instruction.

(3) An armed school security guard who is employed or contracted by a school entity or nonpublic school before September 2, 2019, shall have until February 28, 2020, to complete the instruction under paragraph (1) unless an extension is approved through the following process:

(i) The governing body of a school entity or nonpublic school may approve an extension of the deadline specified in this paragraph for armed school security guards to complete the required instruction due to a hardship in complying with the deadline. The deadline may be extended to no later than the beginning of the 2020-2021 school year. The following shall apply:

(A) The governing body must determine that complying with the instruction deadline would present a hardship for the school entity or nonpublic school.

(B) The governing body of a school entity which is subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) may discuss the issue of a hardship extension in executive session, except that approval of the hardship extension must occur at a public meeting.

(C) The school entity or nonpublic school shall submit the approved hardship extension to the Office of Safe Schools within the department not later than 15 days from the date of approval. Any documentation submitted under this clause may not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(ii) For the purposes of this section, a hardship shall include any of the following:

(A) Increased risk to students, staff or visitors due to the absence of school security guards while school is in session because of compliance with the instruction deadline.

(B) Deployment or active military service, illness, family emergency, death in the immediate family or other approved leave of absence which would prevent school security guards from complying with the instruction deadline.

(c) Armed school security guards.- A school entity or nonpublic school may employ or contract with an independent contractor or a third-party vendor under section 1311-C for an armed school security guard if all of the following conditions are met:

(1) Except as set forth in subsection (d) or (e), the school security guard is licensed under 18 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms Act).

(2) Except as set forth in subsection (d) or (e), the school security guard has successfully completed and is currently certified under the act of October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons Training Act.

(3) The school security guard has completed the instructional requirements under subsection (b).

(4) The school security guard has satisfied the requirements under sections 111 and 111.1 and 23 Pa.C.S. § 6344 (relating to employees having contact with children; adoptive and foster parents).

(d) Active law enforcement officers.- Active law enforcement officers shall be exempt from the training requirements for school security guards under subsection (c)(1) and (2) upon presentation to the school

entity or nonpublic school of evidence of their completion of the training requirements under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(e) Retired law enforcement officers.- A retired law enforcement officer shall be exempt from the training requirements for school security guards under subsection (c)(1) and (2) if the retired officer:

- (1) complies with section 8.1 of the Lethal Weapons Training Act; or
- (2) has been issued a firearm training and qualification card under section 5 of the act of December 13, 2005 (P.L.432, No.79), known as the Retired Law Enforcement Identification Act.

24 P.S. § 13-1315-C. Duties of commission.

The commission shall have the following duties under this article:

- (1) In conjunction with the department and the Pennsylvania State Police, periodically reassess the training requirements for all school security personnel, including the Basic School Resource Officer Course of Instruction offered by the National Association of School Resource Officers.
- (2) Establish criteria for certifying approved third- party vendors to provide school security guard services to school entities and nonpublic schools.
- (3) Publish and post on the commission's publicly accessible Internet website a listing of all approved third-party vendors for school security guard services.
- (4) Submit an annual report to the General Assembly on school security, including all data collected from school entities and nonpublic schools and recommendations for improvements in school security personnel training requirements.

REGULATIONS

No relevant regulations found.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

24 P.S. § 13-1302-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 P.S. § 13-1303-A. Reporting.

(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 P.S. § 13-1302.1-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).

(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 P.S. § 13-1303-B. School safety and security committee.

(a) Duty to establish. - No later than September 30, 2018, the committee shall establish criteria to be used when conducting school safety and security assessments that include the following:

(1) A physical assessment. The physical assessment shall be conducted during calendar months when school is in session and shall consist of an evaluation of the school entity's structural facilities and surrounding property that includes:

(v) An analysis of the school entity's cooperative agreements with the local law enforcement agencies that are primarily responsible for protecting and securing the school.

24 P.S. § 13-1301-C. 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:

"Commission." The Pennsylvania Commission on Crime and Delinquency.

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

"Independent contractor." An individual, including a retired Federal agent or retired State, municipal or military police officer or retired sheriff or deputy sheriff, whose responsibilities, including work hours, are established in a written contract with a school entity or a nonpublic school for the purpose of performing school security services.

"School entity." A school district, intermediate unit, area career and technical school, charter school or private residential rehabilitative institution.

"School police officer." Any of the following:

(1) A law enforcement officer employed by a school entity or nonpublic school whose responsibilities, including work hours, are established by the school entity or nonpublic school.

(2) An independent contractor or an individual provided through a third-party vendor who has been appointed under section 1302-C.

"School resource officer." A law enforcement officer commissioned and employed by a law enforcement agency whose duty station is located in a school entity or nonpublic school and whose stationing is established by an agreement between the law enforcement agency and the school entity or nonpublic school. The term includes an active certified sheriff or deputy sheriff whose stationing in the school entity or nonpublic school is established by a written agreement between the county, the sheriff's office and the school entity or nonpublic school.

"School security guard." An individual employed by a school entity, nonpublic school or a third-party vendor or an independent contractor who is assigned to a school for routine safety and security duties and has not been granted powers under section 1306-C(a)(3) or (b).

"School security personnel." School police officers, school resource officers and school security guards.

24 P.S. § 13-1302-C. School police officer.

(a) Application to court.- A school entity or nonpublic school may apply to a judge of the court of common pleas of the county within which the school entity or nonpublic school is situated to appoint a person or persons, as the board of directors of the school entity or the administration of the nonpublic school may designate, to act as a school police officer for the school entity or nonpublic school.

(b) Appointment.-

(1) The judge, upon the application, may appoint a person or persons, as the judge deems proper, to be the school police officer and shall note the fact of the appointment to be entered upon the records of the court.

(2) The judge may, at the request of the school entity or nonpublic school, grant the school police officer the authority to issue citations for summary offenses as provided in section 1306-C(3) or the authority to detain students until the arrival of local law enforcement or any combination thereof.

(3) The judge shall, at the request of the school entity or nonpublic school, grant the school police officer the authority to carry a firearm if the school police officer satisfies the requirements under section 1305-C.

24 P.S. § 13-1304-C. Oath of office.

Every school police officer appointed under section 1302-C(b) shall, before entering upon the duties of the office, take and subscribe to the oath required by section 3 of Article VII of the Constitution of Pennsylvania, before a magisterial district judge or prothonotary. The oath shall be filed by the magisterial district judge or prothonotary among his papers, and a note made upon his docket of the fact of the oath having been taken.

24 P.S. § 13-1306-C. Powers and duties.

A school police officer appointed under section 1302-C(b) shall 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 the respective school entities or nonpublic schools. For purposes of this paragraph, the term "school bus" shall include a vehicle leased by the school entity or nonpublic school to transport students and a vehicle of mass transit used by students to go to and from school and school activities when the school police officer responds to a report of an incident involving a breach of good order or violation of law.

(3) If authorized by the court, to issue summary citations or to detain individuals in school buildings, on school buses and on school grounds in the respective school entities or nonpublic schools until local law enforcement is notified.

24 P.S. § 13-1309-C. Cooperative police service agreements.

(a) General rule.- A school entity or nonpublic school and municipality may enter into a cooperative police service agreement under 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 entity or nonpublic school is located or within the municipality in which a school event or activity will take place.

(b) Municipalities without municipal police departments.-

(1) If a school entity or nonpublic 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 under 42 Pa.C.S. § 8953(e) and 53 Pa.C.S. § 2303 with a municipality providing full-time or part-time police coverage that is located adjacent to the school entity or nonpublic school.

(2) At least 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 entity or nonpublic school is located.

(3) 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 entity or nonpublic school is located.

(4) A cooperative police service agreement entered into under this subsection shall only pertain to actions taken on school property under the agreement and shall not affect the jurisdiction of the Pennsylvania State Police.

24 P.S. § 13-1313-C. School resource officers.

(a) Powers and duties.- A school entity or nonpublic school may confer the following powers and duties upon school resource officers:

(1) To assist in the identification of physical changes in the environment which may reduce crime in or around the school.

(2) To assist in developing school policy which addresses crime and to recommend procedural changes.

(3) To develop and educate students in crime prevention and safety.

(4) To train students in conflict resolution, restorative justice and crime awareness.

(5) To address crime and violence issues, gangs and drug activities affecting or occurring in or around a school.

(6) To develop or expand community justice initiatives for students.

(a.1) Training.

(1) Prior to entering upon the duties of the office, a school resource officer shall successfully complete the Basic School Resource Officer Course of Instruction offered by the National Association of School Resource Officers or an equivalent course of instruction approved by the commission.

(2) A school resource officer who is stationed in a school entity or nonpublic school before September 2, 2019, shall have until the beginning of the 2020-2021 school year to complete the instruction.

(b) Intergovernmental agreements for school resource officers.

(1) The board of school directors of a school district may enter into agreements with other political subdivisions to provide for school resource officers, subject to the statutory authority of school resource officers.

(2) 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.

(3) School resource officers are not required to be employees of the school district and may be employees of other political subdivisions.

24 P.S. § 13-1314-C. School security guards.

(a) Scope of services.- A school security guard may provide the following services as determined by the school entity or nonpublic school:

- (1) School safety support services.
- (2) Enhanced campus supervision.
- (3) Assistance with disruptive students.
- (4) Monitoring visitors on campus.
- (5) Coordination with law enforcement officials, including school police officers and school resource officers.
- (6) Security functions which improve and maintain school safety.

(b) Training.- The following shall apply:

- (1) Prior to entering upon the duties of the office, a school security guard shall successfully complete the Basic School Resource Officer Course offered by the National Association of School Resource Officers or an equivalent course of instruction approved by the commission.
- (2) An unarmed school security guard who is employed or contracted by a school entity or nonpublic school before September 2, 2019, shall have until the beginning of the 2020-2021 school year to complete the instruction.
- (3) An armed school security guard who is employed or contracted by a school entity or nonpublic school before September 2, 2019, shall have until February 28, 2020, to complete the instruction under paragraph (1) unless an extension is approved through the following process:

(i) The governing body of a school entity or nonpublic school may approve an extension of the deadline specified in this paragraph for armed school security guards to complete the required instruction due to a hardship in complying with the deadline. The deadline may be extended to no later than the beginning of the 2020-2021 school year. The following shall apply:

(A) The governing body must determine that complying with the instruction deadline would present a hardship for the school entity or nonpublic school.

(B) The governing body of a school entity which is subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) may discuss the issue of a hardship extension in executive session, except that approval of the hardship extension must occur at a public meeting.

(C) The school entity or nonpublic school shall submit the approved hardship extension to the Office of Safe Schools within the department not later than 15 days from the date of approval. Any documentation submitted under this clause may not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(ii) For the purposes of this section, a hardship shall include any of the following:

(A) Increased risk to students, staff or visitors due to the absence of school security guards while school is in session because of compliance with the instruction deadline.

(B) Deployment or active military service, illness, family emergency, death in the immediate family or other approved leave of absence which would prevent school security guards from complying with the instruction deadline.

(c) Armed school security guards.- A school entity or nonpublic school may employ or contract with an independent contractor or a third-party vendor under section 1311-C for an armed school security guard if all of the following conditions are met:

- (1) Except as set forth in subsection (d) or (e), the school security guard is licensed under 18 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms Act).
- (2) Except as set forth in subsection (d) or (e), the school security guard has successfully completed and is currently certified under the act of October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons Training Act.
- (3) The school security guard has completed the instructional requirements under subsection (b).
- (4) The school security guard has satisfied the requirements under sections 111 and 111.1 and 23 Pa.C.S. § 6344 (relating to employees having contact with children; adoptive and foster parents).
- (d) Active law enforcement officers.- Active law enforcement officers shall be exempt from the training requirements for school security guards under subsection (c)(1) and (2) upon presentation to the school entity or nonpublic school of evidence of their completion of the training requirements under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).
- (e) Retired law enforcement officers.- A retired law enforcement officer shall be exempt from the training requirements for school security guards under subsection (c)(1) and (2) if the retired officer:
 - (1) complies with section 8.1 of the Lethal Weapons Training Act; or
 - (2) has been issued a firearm training and qualification card under section 5 of the act of December 13, 2005 (P.L.432, No.79), known as the Retired Law Enforcement Identification Act.

24 P.S. § 13-1341. 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

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 § 10.11. 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.

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).

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 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.

Threat Assessment Protocols

LAWS

24 P.S. § 13-1301-E. 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:

"Team." A threat assessment team established by a school entity under section 1302-E(a).

24 P.S. § 13-1302-E. Threat assessment teams.

(a) Duties of school entities and chief school administrators.- The following shall apply:

(1) Each school entity shall establish at least one team as provided under subsection (b) for the assessment of and intervention with students whose behavior may indicate a threat to the safety of the student, other students, school employees, school facilities, the community or others.

(2) Each chief school administrator or a designee, after consultation with the school entity's safety and security coordinator, shall:

(i) Appoint the members of the team and designate a member to serve as team leader.

(ii) Ensure and establish procedures for the implementation of this section.

(iii) Facilitate opportunities for members of the team to complete group or individual training consistent with nationally recognized best practices during paid working hours or as in-service training.

(iv) Ensure that students, school employees and parents and guardians are informed of the existence and purpose of the team. The information under this subparagraph shall be posted on the school entity's publicly accessible Internet website.

(v) Annually develop and present to the school entity's board of directors at an executive session a report generally outlining the school entity's approach to threat assessment. The report shall also be submitted to the school entity's school safety and security coordinator for inclusion in the required report under section 1309-B(c)(5) to the committee, which shall include:

(A) A verification that the school entity is in compliance with this article.

(B) The number and composition of established teams.

(C) The total number of threats assessed in the school entity.

(D) Any additional information determined by the chief school administrator or designee.

- (vi) Annually present to the school entity's board of directors at an executive session the following:
 - (A) A summary of interactions with outside law enforcement, juvenile probation and behavioral service providers.
 - (B) An assessment of the operation of the school entity's teams.
 - (C) Recommendations for improvement of the school entity's threat assessment processes.
 - (D) Any additional information determined by the chief school administrator or designee.
- (b) Team requirements. - The following shall apply to teams established under subsection (a):
 - (1) Each team shall:
 - (i) Include individuals with expertise in:
 - (A) School health.
 - (B) Counseling, school psychology, or social work.
 - (C) Special education.
 - (D) School administration.
 - (ii) Include:
 - (A) The school safety and security coordinator appointed under section 1309-B or a designee.
 - (B) Other school staff or community resources who may serve as regular team members or be consulted during the threat assessment process, as appropriate, and as determined necessary by the team, including:
 - (I) School security personnel.
 - (II) Law enforcement agency representation.
 - (III) Behavioral health professionals.
 - (IV) The individual identified by the school entity to receive reports from the Safe2Say Program.
 - (V) An individual who serves on the student assistance program.
 - (VI) Juvenile probation professionals.
 - (iii) Have a designated leader.
 - (iv) Be responsible, at a minimum, for the following:
 - (A) Making age-appropriate informational materials available to students regarding recognition of threatening or at-risk behavior that may present a threat to the student, other students, school employees, school facilities, the community or others and how to report their concerns, including through the Safe2Say Program.
 - (B) Making informational materials available to school employees regarding recognition of threatening or at-risk behavior that may present a threat to the student, other students, school employees, school facilities, the community or others and how to report their concerns, including through the Safe2Say Program.
 - (C) Ensuring that school employees are aware of the staff members who are appointed to the team and how to report threatening or at-risk behavior, including through the Safe2Say program.
 - (D) Assisting in assessing and responding to reports received through the Safe2Say Program. Where a school entity has only one team, that team may also serve as the school entity's team for assessing and responding to reports received through the Safe2Say Program.
 - (E) Assessing and responding to reports of students exhibiting self-harm or suicide risk factors or warning signs as provided for under section 1526.

(F) Assessing, responding and making appropriate determinations and referrals under subsection (c) based on the information available to the team. The team, when appropriate, may coordinate with the student assistance program.

(G) Providing required information to the chief school administrator or designee to make the report provided for under subsection (a)(2)(v).

(v) Ensure that parents and guardians are notified as provided under subsection (c).

(vi) Undergo training which shall address, at a minimum, the following:

(A) Responsibilities of team members.

(B) The process of identifying, reporting, assessing, responding to and intervening with threats, including identifying and avoiding racial, cultural or disability bias.

(C) Confidentiality requirements under Federal and State law.

(2) The training required under this section shall be credited toward a professional educator's continuing professional education requirement under section 1205.2, any staff development requirements for paraprofessionals under 22 Pa. Code § 14.105 (relating to personnel), a school or system leader's continuing professional education requirement under section 1205.5 and the school safety and security training required under section 1310-B.

(3) A school entity may satisfy the requirements of subsection (a)(1) by assigning the duties listed under paragraph (1) to an existing team established by the school entity. For purposes of this paragraph, the existing team established may include, but is not limited to, the student assistance program.

(4) A team established by a school entity may serve one or more schools within the school entity.

(c) Notification and referral.- Upon a preliminary determination that a student's behavior may indicate a threat to the safety of the student, other students, school employees, school facilities, the community or others, the following shall apply:

(1) The team shall immediately notify the chief school administrator or a designee, the student's building principal and the school safety and security coordinator. The building principal or designee shall then immediately notify the student's parent or guardian.

(2) Following notification of the parent or guardian, the team may refer the student, as appropriate, to:

(i) a student assistance program;

(ii) a law enforcement agency;

(iii) an evaluation under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.);

(iv) a student's existing individualized education program team established under the Individuals with Disabilities Education Act and 22 Pa. Code Ch. 14 (relating to special education services and programs); or

(v) an existing team established to implement a student's section 504 service agreement established under section 504 of the Rehabilitation Act of 1973 and 22 Pa. Code Ch. 15 (relating to protected handicapped students).

(3) A parent or guardian shall provide consent prior to a team referring a student to:

(i) a behavioral service provider;

(ii) a health care provider; or

(iii) a county agency.

(4) Nothing in this section shall:

- (i) Preclude school employees from acting immediately to address an imminent threat. Imminent threats and emergencies shall be promptly reported to a law enforcement agency.
 - (ii) Limit the responsibilities of school employees or other mandated reporters to report suspected child abuse as required by law.
 - (iii) Limit the authority of a school entity to refer a student to the student assistance program without referral by a team, so long as the student's behavior does not indicate a threat to the safety of the student, other students, school employees, school facilities, the community or others.
- (d) Access to student information.- In order to carry out the duties under subsections (b) and (c) and facilitate the timely assessment of, and intervention with, students whose behavior may indicate a threat to the safety of the student, other students, school employees, school facilities, the community or others, a team shall have access to the following student information to the extent permissible under Federal law:
- (1) Notwithstanding any provision of section 1409 to the contrary, student health records.
 - (2) Prior school disciplinary records.
 - (3) Records or information shared with the school entity under Article XIII-A and 42 Pa.C.S. § 6341(b.1) (relating to adjudication).
 - (4) Records of any prior behavioral or mental health or psychological evaluations or screenings maintained by the school entity.
 - (5) Other records or information that may be relevant to evaluating a threat or determining treatment or referral options for a student that are maintained by the school entity.
- (e) Cooperation of county agency or juvenile probation department.- Notwithstanding 42 Pa.C.S. § 6352.2 (relating to interagency information sharing), upon a preliminary determination that a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, a team may request that the county agency or juvenile probation department consult and cooperate with the team in assessing the student who is the subject of the preliminary determination. The county agency or juvenile probation department shall comply with the team's request except as prohibited by the following:
- (1) 42 Pa.C.S. § 5944 (relating to confidential communications to psychiatrists or licensed psychologists).
 - (2) The act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances."
 - (3) The act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act.
 - (4) The act of November 29, 1990 (P.L.585, No.148), known as the Confidentiality of HIV-Related Information Act.
 - (5) Federal law, including the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g), the Individuals with Disabilities Education Act, the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936), and the procedures, limitations and criteria set forth in regulations adopted by the Department of Health and Human Services relating to the confidentiality of drug and alcohol treatment records.
- (f) Use of information or records.- The team shall use the information or records obtained under subsection (d) or (e) in fulfilling the team's duty to evaluate a threat or the recommended disposition of a threat. No member of a team may redisclose any record or information obtained under this section or otherwise use any record of a student beyond the purpose for which the disclosure was made to the team.
- (g) Disclosure.- The following shall apply:

- (1) Records or documentation developed or maintained by a team shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
- (2) The report and information presented to the school entity's board of directors and submitted to the committee under subsection (a)(2)(v) shall not be subject to the Right-to-Know Law.
- (3) School entities shall not be required to report any data on the functioning of the team other than specifically required under this article.

24 P.S. § 13-1303-E. Threat assessment guidelines, training and information materials.

(a) Duties of committee.- No later than 180 days from the effective date of this section, the committee shall:

- (1) Research, develop and publish best practices in implementing this article.
- (2) Develop and offer, at no charge to school entities through the Internet or other distance communications systems, all of the following:
 - (i) A model training program for members of teams that may be used and adapted by school entities and team members to meet the requirements of section 1302-E(b)(1).
 - (ii) A model training program for school employees, other than members of teams, that may be used and adapted by school entities to meet the requirements of section 1310-B(1).
 - (iii) Model, age-appropriate informational materials for students that may be used and adapted by school entities to meet the requirements of section 1302-E(a)(2)(iv) and (b)(1)(iv)(A).
 - (iv) Model informational materials for parents and school employees that may be used and adapted by school entities to meet the requirements of section 1302-E(a)(2)(iv) and (b)(1)(iv)(B).
- (3) Develop model procedures and guidelines that school entities may use in implementing this article. The model procedures and guidelines shall, at a minimum:
 - (i) Establish standard definitions and terminology.
 - (ii) Reflect best practices in identifying, reporting, assessing and responding to threats, including threats reported through the Safe2Say Program and coordinating with stakeholders.
 - (iii) Provide for flexibility and local decision- making and recognize the differing levels of available resources in each school entity.
 - (iv) Be posted on the Pennsylvania Commission on Crime and Delinquency's publicly accessible Internet website.
- (4) Comply with Federal and State student record confidentiality laws and regulations.
- (5) Provide guidance to teams for communications and coordination with student assistance program and individualized education program teams.
- (6) Annually review school entity threat assessment reports and use them when developing the requirements under this subsection.
- (7) Annually review the training programs, informational materials and model procedures and guidelines and make updates or revisions as necessary.
- (8) Notify school entities when the training programs, informational materials, model procedures and guidelines become available or are updated or revised.

REGULATIONS

No relevant regulations found.

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>		
Bullying Prevention, Pennsylvania Department of Education (PDE)	Provides resources for parents, educators, and professionals serving children and youth in school and out-of-school settings and includes links to the bullying prevention toolkit and bullying prevention consultation line for individuals experiencing chronic and unresolved bullying.	https://www.education.pa.gov/Schools/safeschools/bullying/Pages/default.aspx
Center for Safe Schools	Serves as a statewide clearinghouse for schools, law enforcement, parents and others on school safety and youth violence prevention. Provides links to bullying prevention toolkit and other resources related to school safety.	http://www.safeschools.info/
Mental Health, PDE	Presents mental health related resources for parents, educators, and professionals serving children and youth in the school and community settings.	https://www.education.pa.gov/Schools/safeschools/MentalHealth/Pages/default.aspx
Multi-Tiered System of Supports (PA-MTSS), Pennsylvania Training and Technical Assistance Network,	Provides information and resources regarding Pennsylvania's MTSS and Response to Intervention (RTI) initiatives including guidance documents and links to both state and national resources for implementation.	https://www.pattan.net/Multi-Tiered-System-of-Support/MULTI-TIERED-SYSTEM-OF-SUPPORTS
Safe Schools, PDE	Presents an introduction to services and supports from Pennsylvania Department of Education's Office for Safe Schools and provides links to resources and tools for bullying prevention, laws, reports, SAP/PBIS, toolkits, and school climate.	https://www.education.pa.gov/Schools/safeschools/Pages/default.aspx

Title	Description	Website address (if applicable)
School Climate, PDE	Provides an overview of school climate in Pennsylvania schools and includes steps schools can take to improve school climate, standards and guidelines, participation in school climate leadership initiative, and other related resources.	https://www.education.pa.gov/Schools/safeschools/SchoolClimate/Pages/default.aspx
Social Emotional Learning, PDE	Provides information on social emotional learning and additional resources for learning and implementation in school districts.	https://www.education.pa.gov/Schools/safeschools/SchoolClimate/SCIP/ActionPlanning/Pages/SocialEmotional.aspx
<i>Documents</i>		
Every Student Succeeds Act, Pennsylvania Consolidated State Plan (August 2019), PDE	Includes guidelines for implementation of school improvement initiatives including evidence-based interventions, MTSS, and RTI.	https://www.education.pa.gov/Documents/K-12/ESSA/PennsylvaniaConsolidatedStatePlan.pdf
<i>Other Resources</i>		
No relevant resources found.		