

AMENDMENTS TO SENATE BILL NO. 144

Sponsor: SENATOR AUMENT

Printer's No. 927

1 Amend Bill, page 1, line 5, by inserting after "thereto,"
2 in preliminary provisions, further providing for definitions;
3 in school directors, further providing for school director
4 training programs; in intermediate units, providing for
5 school safety and security enhancements; in certification of
6 teachers, further providing for continuing professional
7 development, providing for trauma-informed education and
8 further providing for postbaccalaureate certification and for
9 Pennsylvania school leadership standards; in safe schools,
10 further providing for Office for Safe Schools; in school
11 safety and security, further providing for definitions, for
12 School Safety and Security Committee, for survey of school
13 safety and security, for School Safety and Security Grant
14 Program, for Risk and Vulnerability Assessment Teams, for
15 school safety and security coordinator and for school safety
16 and security training and providing for trauma-informed
17 approach; in Safe2Say Program, further providing for judicial
18 proceeding and for annual report; providing for threat
19 assessment; in school health services, further providing for
20 confidentiality, transference and removal of health records;
21 in early learning programs, further providing for duties of
22 department;

23 Amend Bill, page 1, line 6, by striking out the period after
24 "Program" and inserting

25 ; in the State Board of Education, further providing for powers
26 and duties of the board and for powers and duties of Council
27 of Basic Education and Council of Higher Education; and
28 providing for references to area career and technical school
29 in statute and regulation.

30 Amend Bill, page 1, lines 9 through 11, by striking out all
31 of said lines and inserting

32 Section 1. Section 102 of the act of March 10, 1949 (P.L.30,
33 No.14), known as the Public School Code of 1949, is amended by
34 adding definitions to read:

35 Section 102. Definitions.--When used in this act the

1 following words and phrases shall have the following meanings:

2 * * *

3 "Trauma." Includes results from an event, series of events
4 or set of circumstances that is experienced by an individual as
5 physically or emotionally harmful or threatening and that has
6 lasting adverse effects on the individual's cognitive
7 functioning and physical, social, emotional, mental or spiritual
8 well-being.

9 "Trauma-informed approach." Includes a school-wide approach
10 to education and a classroom-based approach to student learning
11 that recognizes the signs and symptoms of trauma and responds by
12 fully integrating knowledge about trauma into policies,
13 professional learning, procedures and practices for the purposes
14 of recognizing the presence and onset of trauma, resisting the
15 reoccurrence of trauma and promoting resiliency tailored to a
16 school entity's culture, climate and demographics and the
17 community as a whole.

18 * * *

19 Section 2. Section 328(a)(1) and (2) and (b)(1) and (2) of
20 the act are amended to read:

21 Section 328. School Director Training Programs.--(a)
22 Beginning in the 2018-2019 school year and in each school year
23 thereafter, the following shall apply:

24 (1) Each newly elected or appointed school director shall
25 complete, during the first year of the school director's first
26 term, a training program made available by the Department of
27 Education, in consultation with a Statewide organization
28 representing school directors and a Statewide organization
29 representing school business officials, pertaining to the skills
30 and knowledge necessary to serve as a school director. The
31 training program shall consist of a minimum of [four (4)] five
32 (5) hours of instruction, including, at a minimum, information
33 regarding the following:

34 (i) Instruction and academic programs.

35 (i.1) Best practices related to trauma-informed approaches,
36 which shall comprise a minimum of one (1) hour of instruction.

37 (ii) Personnel.

38 (iii) Fiscal management.

39 (iv) Operations.

40 (v) Governance.

41 (vi) Ethics and open meetings, to include the requirements
42 under 65 Pa.C.S. Pt. II (relating to accountability).

43 (2) Within one (1) year after each reelection or
44 reappointment to the board of school directors, each school
45 director shall complete an advanced training program made
46 available by the Department of Education in consultation with a
47 Statewide organization representing school directors and a
48 Statewide organization representing school business officials.
49 The advanced training program shall consist of a minimum of [two
50 (2)] three (3) hours of instruction, including information on
51 relevant changes to Federal and State public school law and

1 regulations, fiscal management, trauma-informed approaches and
2 other information deemed appropriate by the Department of
3 Education to enable the school director to serve effectively.

4 * * *

5 (b) Beginning in the 2018-2019 school year, and in each
6 school year thereafter, the following shall apply:

7 (1) Each newly appointed trustee of a charter school entity
8 shall complete, within the trustee's first year of service, a
9 training program made available by the Department of Education,
10 in consultation with Statewide organizations representing
11 charter school entities, pertaining to the skills and knowledge
12 necessary to serve as a charter school entity trustee. The
13 training program shall consist of a minimum of [four (4)] five
14 (5) hours of instruction, including, at a minimum, the
15 information listed in subsection (a)(1) and information
16 concerning Article XVII-A.

17 (2) During the fifth year of a trustee's service on the
18 board of trustees and every four (4) years thereafter, each
19 trustee shall complete an advanced training program made
20 available by the Department of Education in consultation with
21 Statewide organizations representing charter school entities.
22 The advanced training program shall consist of a minimum of [two
23 (2)] three (3) hours of instruction, including information on
24 relevant changes to Federal and State public school law and
25 regulations, including Article XVII-A, fiscal management,
26 trauma-informed approaches and other information deemed
27 appropriate by the Department of Education to enable the trustee
28 to serve effectively.

29 * * *

30 Section 3. The act is amended by adding a section to read:

31 Section 923.3-A. School Safety and Security Enhancements.--

32 (a) Legislative Findings; Declaration of Policy. The welfare of
33 this Commonwealth requires that all school children should be
34 afforded the opportunity to attend a school that is safe and
35 secure. It is the intent of the General Assembly to ensure that
36 all of this Commonwealth's nonpublic schools are afforded
37 opportunities to provide safety and security enhancements for
38 their students similar to the opportunities provided to the
39 public schools.

40 (b) Definitions. As used in this section:

41 "Nonpublic school" means any school, other than a public
42 school within this Commonwealth, wherein a resident of this
43 Commonwealth may legally fulfill the compulsory school
44 attendance requirements of this act and which meets the
45 requirements of Title VI of the Civil Rights Act of 1964 (Public
46 Law 88-352, 78 Stat. 241).

47 "School safety and security enhancements" means programs
48 which are designed to address school safety and security and
49 listed in section 1302-A(c), which are secular and
50 nonideological in nature.

51 (c) Program of School Safety and Security Enhancements. A

1 program of school security enhancements shall be provided by an
2 intermediate unit in which a nonpublic school is located, in
3 accordance with standards developed by the Secretary of
4 Education in consultation with the Office of Safe Schools and
5 the Pennsylvania Commission on Crime and Delinquency. Through
6 the program, an intermediate unit shall make application for
7 school safety and security enhancements upon the request of a
8 nonpublic school or combination of nonpublic schools located
9 within the intermediate unit. School safety and security
10 enhancements for which grants are received shall be provided for
11 or contracted for directly by the intermediate unit or loaned by
12 the intermediate unit to the nonpublic school.

13 (d) Limitations. In carrying out the duties of this section,
14 the intermediate unit may not use more than five per centum (5%)
15 of the funds it receives under this section for grant
16 administration. If all funds allocated by the intermediate units
17 for administration are not expended for purposes of this
18 section, the funds may be used for other program costs.

19 Section 4. Section 1205.1 of the act is amended by adding a
20 subsection to read:

21 Section 1205.1. Continuing Professional Development.--* * *

22 (b.1) The professional education plan of each school entity
23 shall include a minimum of one (1) hour of required training in
24 trauma-informed approaches.

25 * * *

26 Section 5. The act is amended by adding a section to read:

27 Section 1205.7. Trauma-Informed Education.--(a) School
28 entities shall provide school employees with training on trauma-
29 informed approaches. The following apply:

30 (1) Training shall address, but shall not be limited to:

31 (i) Recognition of the signs of trauma in students.

32 (ii) Best practices for schools and classrooms regarding
33 trauma-informed approaches, including utilization of multitiered
34 systems of support.

35 (iii) Recognition of the signs of the impact of secondary
36 trauma on school employees and appropriate resources for school
37 employees who are experiencing secondary trauma.

38 (iv) The school entity's policies regarding trauma-informed
39 approaches.

40 (v) The school entity's policies regarding connecting
41 students with appropriate services.

42 (2) Training shall be on evidence-based or evidence-informed
43 programs that are tailored to the local community and reflect
44 current best practices related to trauma-informed approaches.

45 (3) School employees required to undergo continuing
46 professional education under section 1205.2 or 1205.5 shall
47 receive credit toward the school employees' continuing
48 professional education requirements if the training program has
49 been approved by the Department of Education.

50 (4) The school entity shall make a reasonable effort to
51 facilitate a time and location for school employees under this

1 section to participate in the training during paid working hours
2 or in-service training.

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

5 "Evidence-based" shall have the meaning given in section
6 8101(21) of the Every Student Succeeds Act (Public Law 114-95,
7 129 Stat. 1802).

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

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

14 Section 6. Section 1207.1(a)(3)(i) of the act is amended by
15 adding a clause to read:

16 Section 1207.1. Postbaccalaureate Certification.--(a)
17 Notwithstanding any other provision of law to the contrary, the
18 Secretary of Education shall have all of the following powers
19 and duties with regard to postbaccalaureate certification
20 programs:

21 * * *

22 (3) Develop guidelines for the approval of flexible
23 postbaccalaureate instructional certification programs. Such
24 program guidelines shall address:

25 (i) Instruction and training in the following:

26 * * *

27 (H) Trauma-informed approaches.

28 * * *

29 Section 7. Section 1217(a)(1) of the act is amended by
30 adding a subparagraph to read:

31 Section 1217. Pennsylvania School Leadership Standards.--(a)
32 Programs provided under section 1205.5(c) and (d) to prepare
33 school or system leaders and for purposes of issuing
34 administrator certificates or letters of eligibility and
35 approved programs for the induction and continuing professional
36 education of school or system leaders shall address:

37 (1) The following core standards:

38 * * *

39 (iv) Understanding the impact of trauma on a child's
40 educational experience, the school's culture, climate and
41 demographics and the community as a whole and applying trauma-
42 informed approaches to inform decision-making at all levels of
43 the system.

44 * * *

45 Section 8. Section 1302-A(c) introductory paragraph and (e)
46 of the act, amended June 22, 2018 (P.L.327, No.44), are amended,
47 subsection (c) is amended by adding a paragraph and the section
48 is amended by adding a subsection to read:

49 Section 1302-A. Office for Safe Schools.--* * *

50 (c) In addition to the powers and duties set forth under
51 subsection (b), the office is authorized to make targeted grants

1 to school entities, and to intermediate units on behalf of
2 nonpublic schools, to fund programs which address school
3 violence, including:

4 * * *

5 (17) The implementation of Article XIII-E.

6 * * *

7 (e) [The] For any fiscal year prior to 2019-2020, the sum
8 appropriated annually to the Department of Education for the
9 purpose of making targeted grants under this section shall be
10 allocated as follows:

11 (1) Twenty-five percent of the sum shall be allocated for
12 grants under subsection (c).

13 (2) Seventy-five percent of the sum shall be allocated for
14 grants under subsection (c.1).

15 * * *

16 (e.2) Beginning in fiscal year 2019-2020, grants awarded
17 under subsection (c.1) shall not exceed the amount awarded in
18 fiscal year 2018-2019 under that subsection and no less than
19 \$3,200,000 shall be awarded to intermediate units on behalf of
20 nonpublic schools under subsection (c).

21 * * *

22 Section 9. The definition of "school entity" in section
23 1301-B of the act, added June 22, 2018 (P.L.327, No.44), is
24 amended and the section is amended by adding a definition to
25 read:

26 Section 1301-B. Definitions.

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

30 * * *

31 "School entity." A school district, intermediate unit, area
32 [vocational-technical] career and technical school, charter
33 school, cyber charter school, regional charter school, approved
34 private school, chartered school for the education of the deaf
35 or the blind or private residential rehabilitative institution.

36 * * *

37 "State-related institution of higher education." As the term
38 "State-related institution" is defined in section 1502-A.

39 Section 10. Section 1302-B(b), added June 22, 2018 (P.L.327,
40 No.44), is amended to read:

41 Section 1302-B. School Safety and Security Committee.

42 * * *

43 (b) Composition.--The committee shall consist of a
44 chairperson and the following members:

45 (1) The Secretary of Education or a designee.

46 (2) The Attorney General or a designee.

47 (3) The Commissioner of Pennsylvania State Police or a
48 designee.

49 (4) The Director of the Pennsylvania Emergency
50 Management Agency or a designee.

51 (5) An individual appointed by the President pro tempore

1 of the Senate.

2 (6) An individual appointed by the Minority Leader of
3 the Senate.

4 (7) An individual appointed by the Speaker of the House
5 of Representatives.

6 (8) An individual appointed by the Minority Leader of
7 the House of Representatives.

8 (9) The chairperson of the commission or a designee.

9 (10) The Secretary of Human Services or a designee.

10 (11) A recognized subject matter expert in strategic
11 security appointed by the Governor from three names submitted
12 jointly by the President pro tempore of the Senate and the
13 Speaker of the House of Representatives.

14 (12) The following members appointed by the Governor:

15 (i) An individual recommended by the Pennsylvania
16 Association of School Business Officials with experience
17 in school safety and security matters.

18 (ii) An individual recommended by the Pennsylvania
19 Association of School Administrators with experience in
20 school safety and security matters.

21 (iii) An individual member of local law enforcement
22 recommended by the State Fraternal Order of Police.

23 (iv) A child psychologist who specializes in mental,
24 social and emotional development of children recommended
25 by the Pennsylvania Psychological Association.

26 (v) A licensed clinical social worker recommended by
27 the Pennsylvania Society for Clinical Social Work.

28 (vi) An architect recommended by the American
29 Institute of Architects of Pennsylvania with experience
30 in school building safety and security matters.

31 (vii) An individual who is a subject matter expert
32 in trauma-informed approaches from a State-related
33 institution of higher education.

34 (viii) A school principal recommended by the
35 Pennsylvania Principals Association with experience in
36 behavioral health matters.

37 (ix) A school nurse recommended by the Pennsylvania
38 State Education Association with experience in behavioral
39 health matters.

40 (x) A school director recommended by the
41 Pennsylvania School Boards Association with experience in
42 school safety and security matters or behavioral health
43 matters.

44 * * *

45 Section 11. Section 1305-B(e) of the act, added June 22,
46 2018 (P.L.327, No.44), is amended and the section is amended by
47 adding a subsection to read:

48 Section 1305-B. Survey of school safety and security.

49 * * *

50 (e) Confidentiality of data.--Any school entity-specific
51 data collected through the survey instrument by the committee

1 and the findings of the committee shall remain confidential and
2 shall not be subject to the act of February 14, 2008 (P.L.6,
3 No.3), known as the Right-to-Know Law. The committee may release
4 aggregate data at its discretion.

5 (f) Survey administration.--The committee shall administer
6 the survey instrument established in subsection (a) at a minimum
7 every two years and may make revisions as needed.

8 Section 12. Section 1306-B(d), (f), (g), (h)(6), (i) and (l)
9 of the act, added June 22, 2018 (P.L.327, No.44), are amended,
10 subsection (j) is amended by adding a paragraph and the section
11 is amended by adding subsections to read:

12 Section 1306-B. School Safety and Security Grant Program.

13 * * *

14 (d) Supplement and not supplant.--Grant money allocated
15 through the program shall be used to supplement and not supplant
16 existing school entity spending on school safety and security.
17 Nothing shall preclude a school entity from making an
18 application in a subsequent year for the same purpose and amount
19 awarded in a prior year.

20 * * *

21 (f) Minimum allocation.--Each school district that makes a
22 meritorious application as prescribed by the committee under
23 subsection (j) shall receive a minimum grant allocation [of
24 \$25,000 annually.] as follows:

25 (1) A school district with an average daily membership
26 greater than 3,900 shall receive a minimum grant allocation
27 of \$45,000.

28 (2) A school district with an average daily membership
29 greater than 2,100 but less than or equal to 3,900 shall
30 receive a minimum grant allocation of \$40,000.

31 (3) A school district with an average daily membership
32 greater than 1,200 but less than or equal to 2,100 shall
33 receive a minimum grant allocation of \$35,000.

34 (4) A school district with an average daily membership
35 of less than or equal to 1,200 shall receive a minimum grant
36 allocation of \$30,000.

37 (g) [Limitation] Limitations.--

38 (1) Each school entity may [submit one] make application
39 annually and no school entity may receive an annual grant
40 allocation that exceeds [10%] the minimum allocation in
41 subsection (f) plus \$450,000, except a school district of the
42 first class, which may not receive an annual grant allocation
43 that exceeds 7% of the funds available under the grant
44 program[.], and a school district of the first class A, which
45 may not receive a grant allocation that exceeds 3% of the
46 funds available under the grant program.

47 (2) Grant allocations awarded to a cyber charter school
48 shall be limited to the safety and security needs of students
49 at facilities where tutoring, testing, supplemental programs
50 and services or instruction for students with disabilities
51 occur.

1 (g.1) Whole or partial awards.--The committee, in its
2 discretion, may award in whole or in part a request made by a
3 school entity in its grant application based upon the merit of a
4 specific item requested.

5 (g.2) Sustainability planning.--Sustainability planning is
6 not a necessary component of an application under this section.

7 (g.3) Confidentiality.--Information submitted by school
8 entities as part of the grant application, the disclosure of
9 which would be reasonably likely to result in a substantial and
10 demonstrable risk of physical harm or the personal security of
11 students or staff shall remain confidential and shall not be
12 subject to the act of February 14, 2008 (P.L.6, No.3), known as
13 the Right-to-Know Law. The committee may release aggregate data
14 at its discretion.

15 (h) School Safety and Security Fund.--

16 * * *

17 (6) [Money from the fund shall be allocated for the
18 purpose of making grants] Grants under this section shall be
19 awarded no later than [October 31, 2019, and each October 31]
20 March 1, 2020, and each March 1 thereafter.

21 * * *

22 (i) Community violence prevention programs.--

23 (1) [For the purpose of subsection (j)(22),
24 municipalities] Municipalities, institutions of higher
25 education, community-based organizations and other entities
26 approved by the committee [shall be deemed school entities]
27 are the only eligible applicants under subsection (j)(22).

28 (2) (Reserved).

29 * * *

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

33 * * *

34 (23) The implementation of Article XIII-E.

35 (j.1) Prioritization of grants.--

36 (1) The committee may in its discretion utilize the
37 information obtained from the most recent survey instrument
38 completed by a school entity under section 1305-B and trends
39 in applications from the prior year to prioritize the
40 allocation of grants from among the specific purposes
41 enumerated in subsection (j).

42 (2) If the commission chooses to prioritize the
43 allocation of grants, it shall provide guidance in the
44 funding announcement detailing the specific purposes
45 enumerated under subsection (j) which it intends to
46 prioritize when making grant awards.

47 (j.2) Training.--The committee shall conduct informational
48 training for applicants outlining the grant priorities and
49 completion of applications.

50 * * *

51 (l) Audits.--

1 (1) The commission may randomly audit and monitor grant
2 recipients to ensure the appropriate use of grant funds and
3 compliance with the provisions of subsection (d).

4 (2) The Auditor General shall not perform audits related
5 to school safety and security assessments, survey instruments
6 and grant applications.

7 Section 13. Section 1307-B(a) and (d) of the act, added June
8 22, 2018 (P.L.327, No.44), are amended and the section is
9 amended by adding a subsection to read:

10 Section 1307-B. Risk and Vulnerability Assessment Teams.

11 (a) Establishment.--From existing appropriations, no later
12 than March 31, 2019, the Pennsylvania State Police shall
13 establish [three] six Risk and Vulnerability Assessment Teams to
14 operate within [three] six regions geographically designated by
15 the Pennsylvania State Police in consultation with the
16 committee. Each Risk and Vulnerability Assessment Team shall be
17 comprised of no fewer than three troopers.

18 * * *

19 (d) Reports.--Each Risk and Vulnerability Assessment Team
20 shall [annually] report to the committee annually beginning July
21 15, 2019, and July 15 of each year thereafter, the following:

22 (1) The school entities where the Risk and Vulnerability
23 Assessment Team has conducted a school safety and security
24 assessment.

25 (2) Critical school entity safety and security needs
26 identified through safety and security assessments.

27 (e) Confidentiality of reports.--Reports to the committee
28 under this subsection shall remain confidential and shall not be
29 subject to the act of February 14, 2008 (P.L.6, No.3), known as
30 the Right-to-Know Law.

31 (f) Reports to Governor and General Assembly.--The
32 Commissioner of Pennsylvania State Police shall provide a report
33 to the Governor and the General Assembly no later than July 15,
34 2019, and July 15 of each year thereafter, detailing the work of
35 each Risk and Vulnerability Assessment Team. The report shall,
36 at a minimum, include a description of the geographical regions
37 served by each Risk and Vulnerability Assessment Team and the
38 number of risk and vulnerability assessments conducted in total
39 and by each team during the prior fiscal year. The report, upon
40 its submission, shall be posted on the home page of the
41 Pennsylvania State Police's publicly accessible Internet
42 website.

43 Section 14. Sections 1309-B(c)(2) and 1310-B of the act,
44 added June 22, 2018 (P.L.327, No.44), are amended to read:
45 Section 1309-B. School safety and security coordinator.

46 * * *

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

49 * * *

50 (2) Coordinate training and resources for students and
51 school entity staff in matters relating to situational

1 awareness, trauma-informed [education awareness] approaches,
2 behavioral health awareness, suicide and bullying awareness,
3 substance abuse awareness and emergency procedures and
4 training drills, including fire, natural disaster, active
5 shooter, hostage situation and bomb threat.

6 * * *

7 Section 1310-B. School safety and security training.

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

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

14 (i) Situational awareness.

15 (ii) Trauma-informed [education awareness]
16 approaches.

17 (iii) Behavioral health awareness.

18 (iv) Suicide and bullying awareness.

19 (v) Substance use awareness.

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

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

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

29 (3) Employees shall complete a minimum of three hours of
30 training every five years.

31 (4) Employees required to undergo continuing
32 professional education under section 1205.2 shall receive
33 credit toward their continuing professional education
34 requirements if the training program has been approved by the
35 department in consultation with the committee.

36 Section 15. The act is amended by adding a section to read:
37 Section 1311-B. Trauma-informed approach.

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

42 (1) Designation of at least one individual who:

43 (i) is assigned to the school;

44 (ii) oversees the implementation of the plan,
45 integrating the coordination of services and professional
46 development into the school entity's comprehensive plan;
47 and

48 (iii) serves as a member of a school's student
49 assistance program.

50 (2) Coordination of services among:

51 (i) the student and the student's family;

1 (ii) the school; and
2 (iii) county-based services, community care
3 organizations, public health entities, nonprofit youth
4 service providers, community-based organizations,
5 organizations that provide before or after-school care
6 and other similar groups that are located in the
7 community.

8 (3) Indication of how coordinated services are provided
9 based on a trauma-informed approach with an understanding,
10 recognition and responsiveness to the effects of trauma on
11 education, absenteeism and school completion, including the
12 secondary impact of trauma on school employees.

13 (4) Utilization of evidence-based or evidence-informed
14 approaches that are tailored to the community to ensure that
15 data is collected and the effectiveness of the trauma-
16 informed approaches are determined.

17 (5) Professional development and support for school
18 staff which fosters a culture in the school entity and
19 community that is informed about how to understand, recognize
20 and respond to trauma and address the impact of trauma on
21 students as a secondary impact on school employees.

22 Section 16. Sections 1306-D(a), (b) and (c) and 1307-D(b) (5)
23 of the act, added June 22, 2018 (P.L.327, No.44), are amended to
24 read:

25 Section 1306-D. Judicial proceeding.

26 (a) [General rule.--] Protection of records.--

27 (1) A person implementing, operating or working for the
28 program may not be compelled to produce a record except
29 pursuant to a court order.

30 (2) The Commonwealth [or a criminal defendant] may file
31 a motion or an application for a search warrant and an
32 authorization with the court for release of the record. The
33 motion or an application for a search warrant and an
34 authorization shall be accompanied by an affidavit
35 establishing why the record should be produced.

36 (3) A criminal defendant may file a motion with the
37 court for release of the record. The motion shall be
38 accompanied by an affidavit establishing why the record
39 should be produced.

40 (4) A copy of any application or motion filed under this
41 section shall be served on the Office of Attorney General.

42 (b) In camera review.--[Upon the Commonwealth's or criminal
43 defendant's motion under subsection (a), the] The court [shall]
44 may conduct an in camera review of the record requested to be
45 produced under the motion of the Commonwealth or a criminal
46 defendant.

47 (c) Decision by court.--[After a review of the record under
48 subsection (b), if] If the court determines that the record
49 requested under subsection (a) should be released, the court
50 [may] shall order the record to be produced [to the Commonwealth
51 and criminal defendant pursuant to a protective order that

includes:]. The court's order may require:

(1) the redaction of the identity of the individual who made the report; and

(2) limitations, if any, on the use of the materials.

* * *

Section 1307-D. Annual report.

* * *

(b) Contents of report.--The report shall, at a minimum, include:

* * *

(5) A breakdown of [the report by school entity] reports by intermediate units utilizing only aggregate data.

* * *

Section 17. The act is amended by adding an article to read:

ARTICLE XIII-E

THREAT ASSESSMENT

Section 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:

"Behavioral service providers." The term includes, but is not limited to, a State, county or local behavioral health service provider, crisis intervention center or psychiatric hospital. The term includes a private service provider which contracts with a State, county or local government to act as a behavioral health agency.

"Chief school administrator." A superintendent of a school district, executive director of an intermediate unit, administrative director of an area career and technical school or chief executive officer of a charter school, regional charter school or cyber charter school.

"Committee." The School Safety and Security Committee established under section 1302-B.

"County agency." The term includes, but is not limited to, a county children and youth agency, drug and alcohol service agency, behavioral or mental health agency or other human or social services agency.

"Law enforcement agency." As defined in section 1302-D.

"Safe2Say Program." The Safe2Say Program established under Article XIII-D.

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

"School security personnel." A school police officer, school resource officer or school security guard appointed or employed under Article XIII-C.

"Student assistance program." As defined in 22 Pa. Code § 12.16 (relating to definitions).

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

Section 1302-E. Threat assessment teams.

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

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

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

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

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

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

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

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

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

34 (B) The number and composition of established
35 teams.

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

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

40 (vi) Annually present to the school entity's board
41 of directors at an executive session the following:

42 (A) A summary of interactions with outside law
43 enforcement, juvenile probation and behavioral
44 service providers.

45 (B) An assessment of the operation of the school
46 entity's teams.

47 (C) Recommendations for improvement of the
48 school entity's threat assessment processes.

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

51 (b) Team requirements.--The following shall apply to teams

1 established under subsection (a):

2 (1) Each team shall:

3 (i) Include individuals with expertise in:

4 (A) School health.

5 (B) Counseling, school psychology, or social
6 work.

7 (C) Special education.

8 (D) School administration.

9 (ii) Include:

10 (A) The school safety and security coordinator
11 appointed under section 1309-B or a designee.

12 (B) Other school staff or community resources
13 who may serve as regular team members or be consulted
14 during the threat assessment process, as appropriate,
15 and as determined necessary by the team, including:

16 (I) School security personnel.

17 (II) Law enforcement agency representation.

18 (III) Behavioral health professionals.

19 (IV) The individual identified by the school
20 entity to receive reports from the Safe2Say
21 Program.

22 (V) An individual who serves on the student
23 assistance program.

24 (VI) Juvenile probation professionals.

25 (iii) Have a designated leader.

26 (iv) Be responsible, at a minimum, for the
27 following:

28 (A) Making age-appropriate informational
29 materials available to students regarding recognition
30 of threatening or at-risk behavior that may present a
31 threat to the student, other students, school
32 employees, school facilities, the community or others
33 and how to report their concerns, including through
34 the Safe2Say Program.

35 (B) Making informational materials available to
36 school employees regarding recognition of threatening
37 or at-risk behavior that may present a threat to the
38 student, other students, school employees, school
39 facilities, the community or others and how to report
40 their concerns, including through the Safe2Say
41 Program.

42 (C) Ensuring that school employees are aware of
43 the staff members who are appointed to the team and
44 how to report threatening or at-risk behavior,
45 including through the Safe2Say program.

46 (D) Assisting in assessing and responding to
47 reports received through the Safe2Say Program. Where
48 a school entity has only one team, that team may also
49 serve as the school entity's team for assessing and
50 responding to reports received through the Safe2Say
51 Program.

1 (E) Assessing and responding to reports of
2 students exhibiting self-harm or suicide risk factors
3 or warning signs as provided for under section 1526.

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

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

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

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

16 (A) Responsibilities of team members.

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

21 (C) Confidentiality requirements under Federal
22 and State law.

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

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

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

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

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

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

51 (i) a student assistance program;

1 (ii) a law enforcement agency;
2 (iii) an evaluation under the Individuals with
3 Disabilities Education Act (Public Law 91-230, 20 U.S.C.
4 § 1400 et seq.) or section 504 of the Rehabilitation Act
5 of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.);

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

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

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

16 (i) a behavioral service provider;

17 (ii) a health care provider; or

18 (iii) a county agency.

19 (4) Nothing in this section shall:

20 (i) Preclude school employees from acting
21 immediately to address an imminent threat. Imminent
22 threats and emergencies shall be promptly reported to a
23 law enforcement agency.

24 (ii) Limit the responsibilities of school employees
25 or other mandated reporters to report suspected child
26 abuse as required by law.

27 (iii) Limit the authority of a school entity to
28 refer a student to the student assistance program without
29 referral by a team, so long as the student's behavior
30 does not indicate a threat to the safety of the student,
31 other students, school employees, school facilities, the
32 community or others.

33 (d) Access to student information.--In order to carry out
34 the duties under subsections (b) and (c) and facilitate the
35 timely assessment of, and intervention with, students whose
36 behavior may indicate a threat to the safety of the student,
37 other students, school employees, school facilities, the
38 community or others, a team shall have access to the following
39 student information to the extent permissible under Federal law:

40 (1) Notwithstanding any provision of section 1409 to the
41 contrary, student health records.

42 (2) Prior school disciplinary records.

43 (3) Records or information shared with the school entity
44 under Article XIII-A and 42 Pa.C.S. § 6341(b.1) (relating to
45 adjudication).

46 (4) Records of any prior behavioral or mental health or
47 psychological evaluations or screenings maintained by the
48 school entity.

49 (5) Other records or information that may be relevant to
50 evaluating a threat or determining treatment or referral
51 options for a student that are maintained by the school

1 entity.
2 (e) Cooperation of county agency or juvenile probation
3 department.--Notwithstanding 42 Pa.C.S. § 6352.2 (relating to
4 interagency information sharing), upon a preliminary
5 determination that a student's behavior indicates a threat to
6 the safety of the student, other students, school employees,
7 school facilities, the community or others, a team may request
8 that the county agency or juvenile probation department consult
9 and cooperate with the team in assessing the student who is the
10 subject of the preliminary determination. The county agency or
11 juvenile probation department shall comply with the team's
12 request except as prohibited by the following:

13 (1) 42 Pa.C.S. § 5944 (relating to confidential
14 communications to psychiatrists or licensed psychologists).

15 (2) The act of February 13, 1970 (P.L.19, No.10),
16 entitled "An act enabling certain minors to consent to
17 medical, dental and health services, declaring consent
18 unnecessary under certain circumstances."

19 (3) The act of July 9, 1976 (P.L.817, No.143), known as
20 the Mental Health Procedures Act.

21 (4) The act of November 29, 1990 (P.L.585, No.148),
22 known as the Confidentiality of HIV-Related Information Act.

23 (5) Federal law, including the Family Educational Rights
24 and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. §
25 1232g), the Individuals with Disabilities Education Act, the
26 Health Insurance Portability and Accountability Act of 1996
27 (Public Law 104-191, 110 Stat. 1936), and the procedures,
28 limitations and criteria set forth in regulations adopted by
29 the Department of Health and Human Services relating to the
30 confidentiality of drug and alcohol treatment records.

31 (f) Use of information or records.--The team shall use the
32 information or records obtained under subsection (d) or (e) in
33 fulfilling the team's duty to evaluate a threat or the
34 recommended disposition of a threat. No member of a team may
35 redisclose any record or information obtained under this section
36 or otherwise use any record of a student beyond the purpose for
37 which the disclosure was made to the team.

38 (g) Disclosure.--The following shall apply:

39 (1) Records or documentation developed or maintained by
40 a team shall not be subject to the act of February 14, 2008
41 (P.L.6, No.3), known as the Right-to-Know Law.

42 (2) The report and information presented to the school
43 entity's board of directors and submitted to the committee
44 under subsection (a)(2)(v) shall not be subject to the Right-
45 to-Know Law.

46 (3) School entities shall not be required to report any
47 data on the functioning of the team other than specifically
48 required under this article.

49 Section 1303-E. Threat assessment guidelines, training and
50 information materials.

51 (a) Duties of committee.--No later than 180 days from the

1 effective date of this section, the committee shall:

2 (1) Research, develop and publish best practices in
3 implementing this article.

4 (2) Develop and offer, at no charge to school entities
5 through the Internet or other distance communications
6 systems, all of the following:

7 (i) A model training program for members of teams
8 that may be used and adapted by school entities and team
9 members to meet the requirements of section 1302-E(b)(1).

10 (ii) A model training program for school employees,
11 other than members of teams, that may be used and adapted
12 by school entities to meet the requirements of section
13 1310-B(1).

14 (iii) Model, age-appropriate informational materials
15 for students that may be used and adapted by school
16 entities to meet the requirements of section 1302-E(a)(2)
17 (iv) and (b)(1)(iv)(A).

18 (iv) Model informational materials for parents and
19 school employees that may be used and adapted by school
20 entities to meet the requirements of section 1302-E(a)(2)
21 (iv) and (b)(1)(iv)(B).

22 (3) Develop model procedures and guidelines that school
23 entities may use in implementing this article. The model
24 procedures and guidelines shall, at a minimum:

25 (i) Establish standard definitions and terminology.

26 (ii) Reflect best practices in identifying,
27 reporting, assessing and responding to threats, including
28 threats reported through the Safe2Say Program and
29 coordinating with stakeholders.

30 (iii) Provide for flexibility and local decision-
31 making and recognize the differing levels of available
32 resources in each school entity.

33 (iv) Be posted on the Pennsylvania Commission on
34 Crime and Delinquency's publicly accessible Internet
35 website.

36 (4) Comply with Federal and State student record
37 confidentiality laws and regulations.

38 (5) Provide guidance to teams for communications and
39 coordination with student assistance program and
40 individualized education program teams.

41 (6) Annually review school entity threat assessment
42 reports and use them when developing the requirements under
43 this subsection.

44 (7) Annually review the training programs, informational
45 materials and model procedures and guidelines and make
46 updates or revisions as necessary.

47 (8) Notify school entities when the training programs,
48 informational materials, model procedures and guidelines
49 become available or are updated or revised.

50 Section 18. Section 1409 of the act is amended to read:

51 Section 1409. Confidentiality, Transference and Removal of

1 Health Records.--[All] (a) Except as provided under subsection
2 (b), all health records established and maintained pursuant to
3 this act shall be confidential, and their contents shall be
4 divulged only when necessary for the health of the child or at
5 the request of the parent or guardian to a physician legally
6 qualified to practice medicine and surgery or osteopathy or
7 osteopathic surgery in the Commonwealth.

8 (b) Notwithstanding any limitation on disclosure provided
9 under this section or any other law, a school entity may
10 disclose information from health records to appropriate parties
11 in connection with an emergency if knowledge of the information
12 is necessary to protect the health or safety of the student or
13 other individuals in accordance with the Family Educational
14 Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. §
15 1232g).

16 (c) In the case of any child of school age who enrolls in
17 any school, public or private, in any district and who
18 previously attended school in another district in Pennsylvania,
19 the district or school wherein the child is newly enrolled shall
20 request and the district or school where the child previously
21 attended shall surrender the health record of the child. School
22 districts, joint school boards or private schools, shall not
23 destroy a child's health record for a period of at least two
24 years after the child ceases to be enrolled, but may surrender
25 such child's health record or portion thereof to his parent or
26 guardian if the child does not re-enroll in an elementary or
27 secondary school in Pennsylvania.

28 Section 19. Section 1513-D of the act is amended by adding a
29 paragraph to read:

30 Section 1513-D. Duties of department.

31 The department shall have the following powers and duties:

32 * * *

33 (8) To encourage the integration of trauma-informed
34 approaches into the program curriculum and the professional
35 development curriculum of personnel of the eligible provider
36 who have regular contact with children.

37 Section 20. The act is amended by adding an article to read:

38 Amend Bill, page 5, line 21, by striking out all of said line
39 and inserting

40 Section 21. Section 2603-B(d)(8) and (9) of the act are
41 amended and the subsection is amended by adding a clause to
42 read:

43 Section 2603-B. Powers and Duties of the Board.--* * *

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

45 * * *

46 (8) adopt policies under which the Secretary of Education
47 shall approve or disapprove the request of any private
48 institution of higher education for admission to State-related
49 or State-aided status, or for eligibility for other State

1 financial support; [and]

2 (9) require the submission of long-range plans from all
3 public and private institutions of higher education at the times
4 and in the form requested by the board. Such documents shall be
5 reviewed by the Council of Higher Education and the board in the
6 development of a master plan for higher education as provided in
7 subsection (h) and section 2604-B(c)(1)[.];

8 (9.1) adopt policies encouraging the inclusion of trauma-
9 informed approaches in professional education curriculum in all
10 public and private institutions of higher education in this
11 Commonwealth issuing degrees to individuals who may desire to
12 teach in the schools of this Commonwealth; and

13 * * *

14 Section 22. Section 2604-B(b)(2)(vii) and (viii) of the act
15 are amended and subsection (b)(2) is amended by adding a
16 subclause to read:

17 Section 2604-B. Powers and Duties of Council of Basic
18 Education and Council of Higher Education.--* * *

19 (b) The Council of Basic Education shall have the power, and
20 its duty shall be to:

21 * * *

22 (2) investigate programs, conduct research studies and
23 formulate policy proposals in all educational areas not within
24 the purview of higher education, including, but not limited to:

25 * * *

26 (vii) the subjects to be taught and the activities to be
27 conducted in elementary, secondary, adult education and other
28 schools; [and]

29 (viii) the qualifications for employment of professional
30 personnel in the public schools; and

31 (ix) education and training in trauma-informed approaches.

32 * * *

33 Section 23. A reference in statute or regulation to "area
34 vocational-technical school" shall be deemed a reference to
35 "area career and technical school."

36 Section 24. The amendment or addition of sections 1310-B(1)
37 and 1302-E of the act shall apply beginning in the 2021-2022
38 school year.

39 Section 25. This act shall take effect as follows:

40 (1) The amendment or addition of the following
41 provisions of the act shall take effect in 60 days:

42 (i) Section 328(a)(1) and (2) and (b)(1) and (2).

43 (ii) Section 1205.1(b.1).

44 (iii) Section 1205.7.

45 (iv) Section 1207.1(a)(3)(i)(H).

46 (v) Section 1217(a)(1)(iv).

47 (2) The addition of Article XV-J of the act shall take
48 effect in 90 days.

49 (3) The remainder of this act shall take effect
50 immediately.