

PUBLIC SCHOOL CODE OF 1949 - OMNIBUS AMENDMENTS

Act of Jun. 28, 2019, P.L. 146, No. 18

Cl. 24

Session of 2019

No. 2019-18

SB 144

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in preliminary provisions, further providing for definitions; in school directors, further providing for school director training programs; in intermediate units, providing for school safety and security enhancements; in certification of teachers, further providing for continuing professional development, providing for trauma-informed education and further providing for postbaccalaureate certification and for Pennsylvania school leadership standards; in safe schools, further providing for Office for Safe Schools; in school safety and security, further providing for definitions, for School Safety and Security Committee, for survey of school safety and security, for School Safety and Security Grant Program, for Risk and Vulnerability Assessment Teams, for school safety and security coordinator and for school safety and security training and providing for trauma-informed approach; in Safe2Say Program, further providing for judicial proceeding and for annual report; providing for threat assessment; in school health services, further providing for confidentiality, transference and removal of health records; in early learning programs, further providing for duties of department; providing for the Keystone Telepresence Education Grant Program; in the State Board of Education, further providing for powers and duties of the board and for powers and duties of Council of Basic Education and Council of Higher Education; and providing for references to area career and technical school in statute and regulation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

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

Section 102. Definitions.--When used in this act the following words and phrases shall have the following meanings:

* * *

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

"Trauma-informed approach." Includes a school-wide approach to education and a classroom-based approach to student learning that recognizes the signs and symptoms of trauma and responds by fully integrating knowledge about trauma into policies, professional learning, procedures and practices for the purposes of recognizing the presence and onset of trauma, resisting the

reoccurrence of trauma and promoting resiliency tailored to a school entity's culture, climate and demographics and the community as a whole.

* * *

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

Section 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 [four (4)] **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.

(ii) Personnel.

(iii) Fiscal management.

(iv) Operations.

(v) Governance.

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

(2) Within one (1) year after each reelection or reappointment to the board of school directors, each school director shall complete an advanced 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. The advanced training program shall consist of a minimum of [two (2)] **three (3)** hours of instruction, including information on relevant changes to Federal and State public school law and regulations, fiscal management, **trauma-informed approaches** and other information deemed appropriate by the Department of Education to enable the school director to serve effectively.

* * *

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

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

(2) During the fifth year of a trustee's service on the board of trustees and every four (4) years thereafter, each trustee shall complete an advanced training program made available by the Department of Education in consultation with Statewide organizations representing charter school entities. The advanced training program shall consist of a minimum of [two (2)] **three (3)** hours of instruction, including information on relevant changes to Federal and State public school law and regulations, including Article XVII-A, fiscal management,

trauma-informed approaches and other information deemed appropriate by the Department of Education to enable the trustee to serve effectively.

* * *

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

Section 923.3-A. School Safety and Security

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

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

"Nonpublic school" means any school, other than a public school within this Commonwealth, 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).

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

(c) **Program of School Safety and Security Enhancements.** A program of school security enhancements shall be provided by an intermediate unit in which a nonpublic school is located, in accordance with standards developed by the Secretary of Education in consultation with the Office of Safe Schools and the Pennsylvania Commission on Crime and Delinquency. Through the program, an intermediate unit shall make application for school safety and security enhancements upon the request of a nonpublic school or combination of nonpublic schools located within the intermediate unit. School safety and security enhancements for which grants are received shall be provided for or contracted for directly by the intermediate unit or loaned by the intermediate unit to the nonpublic school.

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

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

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

(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.

* * *

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

Section 1205.7. Trauma-Informed Education.--(a) School entities shall provide school employes 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 employes and appropriate resources for school employes 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 employes required to undergo continuing professional education under section 1205.2 or 1205.5 shall receive credit toward the school employes' 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 employes 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.

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

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

* * *

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

(i) Instruction and training in the following:

* * *

(H) Trauma-informed approaches.

* * *

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

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

(1) The following core standards:

* * *

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

* * *

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

Section 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:

* * *

(17) The implementation of Article XIII-E.

* * *

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

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

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

* * *

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

* * *

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

Section 1301-B. Definitions.

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

* * *

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

* * *

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

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

Section 1302-B. School Safety and Security Committee.

* * *

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

(1) The Secretary of Education or a designee.

(2) The Attorney General or a designee.

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

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

(5) An individual appointed by the President pro tempore of the Senate.

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

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

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

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

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

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

(12) The following members appointed by the Governor:

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

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

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

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

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

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

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

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

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

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

* * *

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

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

* * *

(e) Confidentiality of data.--Any **school entity-specific** data collected through the survey instrument by the committee and the findings of the committee shall remain confidential and shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. **The committee may release aggregate data at its discretion.**

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

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

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

* * *

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

* * *

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

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

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

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

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

(g) [Limitation] **Limitations.--**

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

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

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

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

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

(h) School Safety and Security Fund.--

* * *

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

* * *

(i) Community violence prevention programs.--

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

(2) (Reserved).

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

* * *

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

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

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

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

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

* * *

(1) **Audits.--**

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

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

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

Section 1307-B. Risk and Vulnerability Assessment Teams.

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

* * *

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

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

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

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

(f) **Reports to Governor and General Assembly.--The Commissioner of Pennsylvania State Police shall provide a report to the Governor and the General Assembly no later than July 15,**

2019, and July 15 of each year thereafter, detailing the work of each Risk and Vulnerability Assessment Team. The report shall, at a minimum, include a description of the geographical regions served by each Risk and Vulnerability Assessment Team and the number of risk and vulnerability assessments conducted in total and by each team during the prior fiscal year. The report, upon its submission, shall be posted on the home page of the Pennsylvania State Police's publicly accessible Internet website.

Section 14. Sections 1309-B(c)(2) and 1310-B of the act, added June 22, 2018 (P.L.327, No.44), are amended to read: Section 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 [education awareness] **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.

* * *

Section 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 [education awareness]

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.

Section 15. The act is amended by adding a section to read: **Section 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.

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

Section 1306-D. Judicial proceeding.

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

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

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

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

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

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

(c) Decision by court.--[After a review of the record under subsection (b), if] **If** the court determines that the record **requested under subsection (a)** should be released, the court [may] **shall** order the record to be produced [to the Commonwealth 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.

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

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(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.

(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 United States 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.

Section 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.

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

Section 1409. Confidentiality, Transference and Removal of Health Records.--[All] (a) **Except as provided under subsection (b), all** health records established and maintained pursuant to this act shall be confidential, and their contents shall be divulged only when necessary for the health of the child or at the request of the parent or guardian to a physician legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the Commonwealth.

(b) **Notwithstanding any limitation on disclosure provided under this section or any other law, a school entity may disclose information from health records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or**

other individuals in accordance with the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g).

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

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

Section 1513-D. Duties of department.

The department shall have the following powers and duties:

* * *

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

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

ARTICLE XV-J

KEYSTONE TELEPRESENCE EDUCATION GRANT PROGRAM

Section 1501-J. Scope of article.

This article relates to the Keystone Telepresence Education Grant Program.

Section 1502-J. 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.

"Grant." A Keystone Telepresence Education Grant authorized and awarded by the department under the program to intermediate units in this Commonwealth.

"Homebound student." A student in this Commonwealth who:

(1) is unable to attend school for an extended period as the result of a serious medical condition, including injuries from an accident, recovery from a medical procedure, serious illness or chronic illness; and

(2) satisfies the conditions for receipt of homebound instruction under 22 Pa. Code § 11.25 (relating to temporary excusals due to illness or other urgent reasons).

"Nonpublic school." A nonprofit school, other than a public school within this Commonwealth, where 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).

"Program." The Keystone Telepresence Education Grant Program established under section 1503-J(a).

"Public school." A school district, charter school, regional charter school or career and technical school.

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

"Telepresence equipment." Available technology that enables homebound students to participate in daily educational activities with the students' classmates and teachers, in real-time, from a remote location. The technology shall include

audio and video capabilities that enable homebound students to communicate with classmates and teachers.

"Telepresence equipment manufacturer." An entity that manufactures telepresence equipment for the use of, among other things, educating homebound students and provides technical support and training for the equipment.

Section 1503-J. Keystone Telepresence Education Grant Program.

(a) Establishment.--The Keystone Telepresence Education Grant Program is established for the purpose of awarding grants to intermediate units for the purchase of telepresence equipment and related support services for the educational support of homebound students. The department shall:

(1) Develop guidelines for the purchase of telepresence equipment and services related to the utilization of the equipment through the program, including department-approved telepresence equipment manufacturers.

(2) Determine the form and manner in which an application for a grant may be filed with the department.

(3) Provide notice of the program to intermediate units.

(4) Make grant applications available to all intermediate units along with details relating to the application process.

(5) Adopt guidelines for the approval of grant applications.

(b) Eligibility.--Each intermediate unit shall be eligible for a grant.

(c) Application.--An intermediate unit may apply for a grant by submitting one annual application to the department. The secretary shall determine in accordance with the guidelines of the department the amount of a grant award to an intermediate unit.

(d) Allocation.--To award grants under the program, the department shall use up to \$300,000 annually of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the department to award grants. The funds shall be transferred by the Secretary of the Budget to a restricted account as necessary to award grants and, when transferred, are appropriated to carry out the provisions of this article.

(e) Limitations.--An intermediate unit may not receive an annual grant allocation that exceeds 10% of the funds available under the grant program.

Section 1504-J. Intermediate unit policies.

(a) Telepresence equipment use.--An intermediate unit shall develop an internal policy for the use of telepresence equipment and related support services prior to applying for a grant. The policy shall include guidelines for the process by which public schools or nonpublic schools within the intermediate unit may request the use of telepresence equipment through an intermediate unit.

(b) Dissemination.--An intermediate unit shall, upon request, provide the policy under subsection (a) to a public school or nonpublic school within the intermediate unit.

(c) Policy modification.--A public school or nonpublic school within an intermediate unit may request that the intermediate unit modify its policy for the use of telepresence equipment and related support services to meet the needs of a homebound student.

Section 1505-J. Use of grants.

(a) Equipment.--An intermediate unit which is awarded a grant shall use the grant to purchase telepresence equipment.

(b) Service and training.--A grant may be used, in part, to secure technical support, mechanical support and training support related to the use of telepresence equipment.

Section 1506-J. Reports.

An intermediate unit which is awarded a grant shall submit to the department a report detailing all expenditures related to the use of the grant.

Section 1507-J. Prohibition.

An intermediate unit that purchases telepresence equipment with a grant may not charge a public school or nonpublic school within the intermediate unit for the use of the telepresence equipment when the equipment is used to support the educational needs of a homebound student.

Section 1508-J. Construction.

Nothing in this article shall be construed to require or create an entitlement to telepresence equipment as a component of an individualized education plan for any student in this Commonwealth.

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

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

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

(8) adopt policies under which the Secretary of Education shall approve or disapprove the request of any private institution of higher education for admission to State-related or State-aided status, or for eligibility for other State financial support; [and]

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

(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; and

* * *

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

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

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

* * *

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

* * *

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

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

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

* * *

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

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

Section 25. This act shall take effect as follows:

- (1) The amendment or addition of the following provisions of the act shall take effect in 60 days:
 - (i) Section 328(a)(1) and (2) and (b)(1) and (2).
 - (ii) Section 1205.1(b.1).
 - (iii) Section 1205.7.
 - (iv) Section 1207.1(a)(3)(i)(H).
 - (v) Section 1217(a)(1)(iv).
- (2) The addition of Article XV-J of the act shall take effect in 90 days.
- (3) The remainder of this act shall take effect immediately.

APPROVED--The 28th day of June, A.D. 2019.

TOM WOLF