

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2269 Session of 2015

INTRODUCED BY KAMPF, JAMES, MILLARD, SACCONI, PICKETT, HEFFLEY,
V. BROWN, D. COSTA, STAATS, R. BROWN, PHILLIPS-HILL, DeLUCA
AND SONNEY, JULY 26, 2016

REFERRED TO COMMITTEE ON EDUCATION, JULY 26, 2016

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in preliminary provisions, providing
6 for disclosure of student discipline information.

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

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

12 Section 126. Disclosure of Student Discipline Information.--
13 (a) Upon request, a public school shall disclose information
14 concerning the discipline of a student enrolled in the public
15 school to appropriate parties other than the student's parent,
16 and without the consent of the student's parent or, if the
17 student has attained eighteen (18) years of age or is attending
18 an institution of postsecondary education, without the consent
19 of the student, in connection with an emergency if knowledge of

1 the information is necessary to protect the health or safety of
2 the student or other individuals, as permitted by the Family
3 Educational Rights and Privacy Act of 1974 (Public Law 90-247,
4 20 U.S.C. § 1232g). For purposes of this section, knowledge of
5 information shall be considered necessary to protect the health
6 or safety of other individuals when all of the following apply:

7 (1) There is an articulable and significant threat to the
8 health or safety of the person requesting the disclosure or to
9 the child of the person requesting the disclosure.

10 (2) Any of the following apply to the student with respect
11 to the conduct that is the subject of the request for
12 disclosure:

13 (i) Initiation of a criminal proceeding in a court of common
14 pleas or magisterial district court.

15 (ii) Referral to an adult diversion program.

16 (iii) Commencement of juvenile delinquency proceedings under
17 42 Pa.C.S. § 6321 (relating to commencement of proceedings).

18 (iv) Referral for informal adjustment under 42 Pa.C.S. §
19 6323(a)(2) (relating to informal adjustment) or a juvenile
20 diversion program.

21 (b) The recipient of information disclosed under subsection
22 (a) shall not disclose such information to any other party.

23 (c) Nothing in this section shall be construed to conflict
24 with the Family Educational Rights and Privacy Act of 1974.

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

28 "Information concerning the discipline of a student" shall
29 include, but not be limited to, the date on which a suspended or
30 expelled student is scheduled to return to school and any

1 conditions or restrictions placed on a suspended or expelled
2 student upon the student's return to school.

3 "Public school" shall mean a school district, charter school,
4 cyber charter school, regional charter school, area vocational-
5 technical school or intermediate unit.

6 Section 2. This act shall take effect in 60 days.