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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 919 Session of  
2017

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INTRODUCED BY KAMPF, PICKETT, MILLARD, DOWLING, SONNEY, V. BROWN  
AND READSHAW, MARCH 22, 2017

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REFERRED TO COMMITTEE ON EDUCATION, MARCH 22, 2017

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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  
20 the information is necessary to protect the health or safety of

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

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

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

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

14 (ii) Referral to an adult diversion program.

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

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

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

22 (c) An individual who, acting in good faith under this  
23 section, discloses information concerning the discipline of a  
24 student on behalf of a public school shall have immunity from  
25 civil and criminal liability under State law that might result  
26 from the disclosure. For the purpose of a civil or criminal  
27 proceeding under State law, the good faith of the individual  
28 shall be presumed, if the individual complies with the  
29 guidelines developed by the Department of Education under  
30 subsection (d).

1 (d) Within six (6) months of the effective date of this  
2 section, the Department of Education shall develop guidelines  
3 for school officials regarding the implementation of this  
4 section and post the guidelines on its publicly accessible  
5 Internet website. The guidelines developed by the Department of  
6 Education under this subsection shall describe the circumstances  
7 under which a school official must disclose information  
8 concerning the discipline of a student and shall be consistent  
9 with this section.

10 (e) Nothing in this section shall be construed to conflict  
11 with the Family Educational Rights and Privacy Act of 1974.

12 (f) As used in this section, the following terms and phrases  
13 shall have the meanings given to them in this subsection, unless  
14 the context clearly indicates otherwise:

15 "Information concerning the discipline of a student" shall  
16 include, but not be limited to, the date on which a suspended or  
17 expelled student is scheduled to return to school and any  
18 conditions or restrictions placed on a suspended or expelled  
19 student upon the student's return to school.

20 "Public school" shall mean a school district, charter school,  
21 cyber charter school, regional charter school, area vocational-  
22 technical school or intermediate unit.

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