

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 124 Session of 2019

INTRODUCED BY D. MILLER, STEPHENS, A. DAVIS, MURT, YOUNGBLOOD,
SIMMONS, HILL-EVANS, KORTZ, McCLINTON AND GILLEN,
JANUARY 28, 2019

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 28, 2019

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 safe schools, providing for school
6 safety requirements; and, in terms and courses of study,
7 further providing for fire and emergency evacuation drills.

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

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

13 Section 1302.2-A. School Safety Requirements.--(a) Each
14 school entity shall be subject to an annual safety assessment
15 audit that reviews the school entity's school safety plan to
16 determine compliance with the requirements of this section. The
17 safety assessment audit shall be conducted by police officers
18 with a certification in physical security training from the
19 Department of Homeland Security.

20 (b) Each school entity shall have a school safety plan that

1 may be districtwide or school-specific but shall, at a minimum,
2 detail the following:

3 (1) Age-appropriate programs and plans for violence
4 prevention, crisis intervention, emergency response and
5 management.

6 (2) Communication strategies during emergencies within the
7 school and with parents, law enforcement and other emergency
8 responders.

9 (3) Detailed information regarding drill requirements,
10 emergency plans, building security and related infrastructure,
11 as well as the memorandum of understanding described in section
12 1302-A(b)(6) and the disaster response and emergency
13 preparedness plan as required by 35 Pa.C.S. § 7701(g) (relating
14 to duties concerning disaster prevention).

15 (4) Specific information regarding the establishment and
16 maintenance of a threat assessment team, as determined by the
17 school entity.

18 (c) Each school entity shall establish and develop policies
19 for a threat assessment team that may service one or more
20 schools as determined by the school entity. A threat assessment
21 team:

22 (1) Shall include, at a minimum, individuals with experience
23 in counseling, instruction and school administration, and may
24 include other personnel as deemed necessary as long as student
25 privacy rights are maintained.

26 (2) Shall assess a student whose behavior or comments
27 suggest that the student may pose a threat to the safety of the
28 student, other students, faculty or staff based on information
29 of which the school was made aware or which the school legally
30 obtained.

1 (3) Shall notify the chief school administrator of the
2 threat assessment team's determination.

3 (d) The chief school administrator shall notify the parents
4 or guardians of the student when the threat assessment team has
5 determined that the student may pose a threat to the safety of
6 the student, other students, faculty or staff and may refer the
7 matter to law enforcement.

8 (e) A student who may pose a threat to the safety of the
9 student, other students, faculty or staff who has a current
10 individualized education program or qualified 504 plan shall be
11 scheduled for an individualized education program or 504 meeting
12 to consider additional support services.

13 (f) A threat assessment team shall:

14 (1) Meet regularly as determined to be necessary by the
15 chief school administrator in order to assess the progress of a
16 student who the threat assessment team has determined may pose a
17 threat to the safety of the student, other students, faculty or
18 staff until the determination is no longer substantiated to the
19 best of the information available to the threat assessment team.

20 (2) When appropriate, provide guidance to students, faculty
21 and staff regarding recognition of threatening or aberrant
22 behavior that may represent a threat to the students, faculty or
23 staff.

24 (g) Nothing in this section shall be construed to preclude
25 school personnel from acting immediately to address an imminent
26 threat.

27 (h) No member of a threat assessment team may disclose
28 student information protected or privileged by law to anyone
29 otherwise not entitled to the information.

30 (i) Each school entity shall submit in an annual report to

1 the office the following:

2 (1) The number of threat assessment team meetings.

3 (2) The number of students the threat assessment team has
4 determined may pose a threat to the student, other students,
5 faculty or staff.

6 (3) The race and gender of students the threat assessment
7 team has determined may pose a threat to the student, other
8 students, faculty or staff.

9 (4) Certification that the safety assessment audit was
10 completed.

11 (j) Each school entity shall provide the Pennsylvania State
12 Police or municipal police department that has jurisdiction over
13 the school entity with current blueprints for each building of
14 the school entity and provide updated blueprints as changes are
15 made to the building layout.

16 (k) Any chief school administrator or member of the faculty
17 or staff of a school entity who in good faith acts or omits to
18 act in furtherance of a power authorized or duty imposed under
19 this section shall not be liable for any civil damages as a
20 result of such act or omission, except for any act or omission
21 intentionally designed to harm or any grossly negligent act or
22 omission that results in harm to a student or member of the
23 faculty or staff.

24 (l) As used in this section:

25 "Chief school administrator" shall mean a superintendent of a
26 public school district, superintendent of an area vocational-
27 technical school, executive director of an intermediate unit,
28 chief executive officer of a charter school or cyber charter
29 school or an administrative designee of a nonpublic school or
30 private school.

1 "Safety assessment audit" shall mean an annual review of a
2 school entity safety plan conducted by police officers with a
3 certification in physical security training from the Department
4 of Homeland Security.

5 "School entity" shall mean a public school district, joint
6 school district, charter school, cyber charter school, private
7 school, nonpublic school, intermediate unit or area vocational-
8 technical school operating within this Commonwealth.

9 Section 2. Section 1517(a.1) of the act, amended June 22,
10 2018 (P.L.241, No.39), is amended to read:

11 Section 1517. Fire and Emergency Evacuation Drills.--* * *

12 (a.1) [~~Within ninety (90) days of the commencement of the~~
13 ~~school year after the effective date of this subsection and~~
14 ~~within ninety (90) days of the commencement of each school year~~
15 ~~thereafter, each]~~ Each school entity shall conduct [~~one~~] two
16 school security [~~drill~~] drills per school year in each school
17 building, which may be in place of [~~a fire drill~~] the fire
18 drills required under subsection (a). [~~After ninety (90) days~~
19 ~~from the commencement of each school year, each school entity~~
20 ~~may conduct two school security drills per school year in each~~
21 ~~school building in place of two fire drills required under~~
22 ~~subsection (a).]~~ All of the following shall apply:

23 (1) The school security [~~drill~~] drills shall be conducted
24 while the school entity is in session and students are present
25 under policies adopted by the chief school administrator.

26 (2) The chief school administrator or a designee shall
27 oversee the instruction and training of students and school
28 employees in the procedures to be used in the school security
29 [~~drill~~] drills.

30 (3) The chief school administrator shall notify and request

1 assistance from the local law enforcement agency and emergency
2 management agency before conducting the school security [drill]
3 drills.

4 (4) The chief school administrator shall provide notice of
5 the school security [drill] drills in advance to parents and
6 legal guardians of the students attending the school building
7 for which the school security [drill is] drills are scheduled.

8 * * *

9 Section 3. The amendment of section 1517(a.1) of the act
10 shall apply to school years that begin after the effective date
11 of this section.

12 Section 4. This act shall take effect in 60 days.