
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1423 Session of
2019

INTRODUCED BY ORTITAY, BARRAR, DeLUCA, MIHALEK, KAIL, FRITZ,
PUSKARIC, MADDEN, MEHAFFIE, NELSON, SCHLOSSBERG, LONGIETTI,
SCHROEDER, STAATS AND FARRY, MAY 7, 2019

REFERRED TO COMMITTEE ON EDUCATION, MAY 7, 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 school safety and security,
6 further providing for school safety and security training;
7 providing for threat assessment; and, in school health
8 services, further providing for confidentiality, transference
9 and removal of health records.

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

12 Section 1. Section 1310-B(1) of the act of March 10, 1949
13 (P.L.30, No.14), known as the Public School Code of 1949, added
14 June 22, 2018 (P.L.327, No.44), is amended to read:

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

16 School entities shall provide their employees with mandatory
17 training on school safety and security subject to the following:

18 (1) Training shall address any combination of one or
19 more of the following, based on the needs of the school
20 entity:

21 (i) Situational awareness.

- 1 (ii) Trauma-informed education awareness.
- 2 (iii) Behavioral health awareness.
- 3 (iv) Suicide and bullying awareness.
- 4 (v) Substance use awareness.
- 5 (vi) Emergency training drills, including fire,
- 6 natural disaster, active shooter, hostage situation and
- 7 bomb threat.

8 (vii) Identification or recognition of student
9 behavior that may indicate a threat to the safety of the
10 student, other students, school employees, school
11 facilities, the community or others.

12 * * *

13 Section 2. The act is amended by adding an article to read:

14 ARTICLE XIII-E
15 THREAT ASSESSMENT

16 Section 1301-E. Definitions.

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

20 "Chief school administrator." A superintendent of a school
21 district, executive director of an intermediate unit,
22 administrative director of an area vocational-technical school
23 or chief executive officer of a charter school, regional charter
24 school or cyber charter school.

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

29 "Mental health agency." The term includes, but is not
30 limited to, a state, county or local mental health service

1 provider, crisis intervention center or psychiatric hospital.

2 "Public school entity." A school district, intermediate
3 unit, area vocational-technical school, charter school, regional
4 charter school or cyber charter school.

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

7 "Student assistance program." As defined in 22 Pa. Code §
8 12.16 (relating to definitions).

9 "Threat assessment task force" or "task force." The threat
10 assessment task force established by the School Safety and
11 Security Committee within the Pennsylvania Commission on Crime
12 and Delinquency under section 1303-E.

13 "Threat assessment team" or "team." A threat assessment team
14 established by a public school entity under section 1302-E(a).
15 Section 1302-E. Threat assessment teams.

16 (a) Duties of public school entities and chief school
17 administrators.--The following shall apply:

18 (1) Each public school entity shall establish at least
19 one threat assessment team as provided under subsection (b)
20 for the assessment of and intervention with students whose
21 behavior may indicate a threat to the safety of the student,
22 other students, school employees, school facilities, the
23 community or others.

24 (2) Each chief school administrator or a designee shall:

25 (i) Appoint the members of the threat assessment
26 team and designate a member to serve as team leader.

27 (ii) Ensure and establish procedures for the
28 implementation of this section.

29 (iii) Facilitate opportunities for members of the
30 threat assessment team to complete group or individual

1 training consistent with nationally recognized best
2 practices during paid working hours or as in-service
3 training.

4 (iv) Ensure that students, school employees and
5 parents and guardians are informed of the staff members
6 appointed to the team and how to report concerns to the
7 team. The information under this subparagraph shall be
8 posted on the public school entity's publicly accessible
9 Internet website.

10 (v) Annually develop and present to the school
11 entity's board of directors at an executive session a
12 report generally outlining the school entity's approach
13 to threat assessment which shall include:

14 (A) A verification that the public school entity
15 is in compliance with this article.

16 (B) The number and composition of established
17 threat assessment teams.

18 (C) The total number of threats assessed in the
19 public school entity.

20 (D) A summary of interactions with outside law
21 enforcement, juvenile probation and mental health
22 service providers.

23 (E) An assessment of the operation of the school
24 entity's threat assessment teams.

25 (F) Recommendations for improvement of the
26 school entity's threat assessment processes.

27 (G) Any additional information determined by the
28 chief school administrator or designee.

29 (b) Threat assessment team requirements.--The following
30 shall apply to threat assessment teams established under

1 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 (E) School security or law enforcement, if
10 available.

11 (F) Juvenile probation, if available.

12 (G) Mental health, if available.

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

17 (ii) Have a designated leader.

18 (iii) Be responsible, at a minimum, for the
19 following:

20 (A) Making age-appropriate informational
21 materials available to students regarding recognition
22 of threatening or at-risk behavior that may present a
23 threat to the student, other students, school
24 employees, school facilities, the community or others
25 and how to report their concerns.

26 (B) Making informational materials available to
27 school employees regarding recognition of threatening
28 or at-risk behavior that may present a threat to the
29 student, other students, school employees, school
30 facilities, the community or others and how to report

1 their concerns.

2 (C) Identifying members of the school community
3 to whom threatening or at-risk behavior should be
4 reported, in addition to reports made under the
5 Safe2Say Program.

6 (D) Assisting in assessing and responding to
7 reports received through the Safe2Say Program. Where
8 a public school entity has only one threat assessment
9 team, that team may also serve as the school entity's
10 team for assessing and responding to reports received
11 through the Safe2Say Program.

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

15 (F) Assessing and making appropriate
16 determinations and referrals under subsection (c)
17 based on the information available to the team.

18 (G) Responding to threats as provided under
19 subsection (c).

20 (H) Providing required information to the chief
21 school administrator or designee to make the report
22 provided for under subsection (a) (2) (v).

23 (iv) Ensure parents and guardians are notified as
24 provided under subsection (c).

25 (v) Undergo training which shall address, at a
26 minimum, the following:

27 (A) Responsibilities of team members.

28 (B) The process of identifying, reporting,
29 assessing, responding to and intervening with
30 threats, including identifying and avoiding racial or

1 cultural bias.

2 (C) Confidentiality requirements under Federal
3 and State law.

4 (2) The training required under this section shall be
5 credited toward a professional educator's continuing
6 professional education requirement under section 1205.2, any
7 staff development requirements for paraprofessionals under 22
8 Pa. Code § 14.105 (relating to personnel), a school or system
9 leader's continuing professional education requirement under
10 section 1205.5 and the school safety and security training
11 required under section 1310-B.

12 (3) A public school entity may satisfy the requirements
13 of subsection (a)(1) by assigning the duties listed under
14 paragraph (1) to an existing team established by the public
15 school entity.

16 (4) A threat assessment team established by a public
17 school entity may serve one or more schools within the public
18 school entity.

19 (c) Notification and referral.--Upon a preliminary
20 determination that a student's behavior may indicate a threat to
21 the safety of the student, other students, school employees,
22 school facilities, the community or others, the following shall
23 apply:

24 (1) A threat assessment team shall immediately notify
25 the chief school administrator or a designee and the
26 student's building principal. The building principal shall
27 then immediately notify the student's parent or guardian.

28 (2) Following notification of the parent or guardian,
29 the threat assessment team may refer the student, as
30 appropriate, to:

1 (i) a student assistance program;

2 (ii) a mental health agency;

3 (iii) a health care provider;

4 (iv) a law enforcement agency;

5 (v) an evaluation under the Individuals with
6 Disabilities Education Act (Public Law 91-230, 20 U.S.C.
7 § 1400 et seq.) or section 504 of the Rehabilitation Act
8 of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.);

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

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

17 (3) Nothing in this section shall:

18 (i) Preclude school employees from acting
19 immediately to address an imminent threat.

20 (ii) Limit the responsibilities of school employees
21 or other mandated reporters to report suspected child
22 abuse as required by law.

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

29 (d) Access to student information.--In order to carry out
30 the duties under subsections (b) and (c) and facilitate the

1 timely assessment of, and intervention with, students whose
2 behavior may indicate a threat to the safety of the student,
3 other students, school employees, school facilities, the
4 community or others, a threat assessment team shall have access
5 to the following student information to the extent permissible
6 under Federal law:

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

9 (2) Prior school disciplinary records.

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

13 (4) Records of any prior mental health or psychological
14 evaluations or screenings maintained by the public school
15 entity.

16 (5) Other records or information that may be relevant to
17 evaluating a threat or determining treatment or referral
18 options for a student that are maintained by the public
19 school entity.

20 (e) Cooperation of county agency or juvenile probation
21 department.--Notwithstanding 42 Pa.C.S. § 6352.2 (relating to
22 interagency information sharing), upon a preliminary
23 determination that a student's behavior indicates a threat to
24 the safety of the student, other students, school employees,
25 school facilities, the community or others, a threat assessment
26 team may request that the county agency or juvenile probation
27 department consult and cooperate with the team in assessing the
28 student who is the subject of the preliminary determination. The
29 county agency or juvenile probation department shall comply with
30 the threat assessment team's request except as prohibited by the

1 following:

2 (1) 42 Pa.C.S. § 5944 (relating to confidential
3 communications to psychiatrists or licensed psychologists).

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

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

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

12 (5) Federal law, including the Family Educational Rights
13 and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. §
14 1232g), the Individuals with Disabilities Education Act, the
15 Health Insurance Portability and Accountability Act of 1996
16 (Public Law 104-191, 110 Stat. 1936), and the procedures,
17 limitations and criteria set forth in regulations adopted by
18 the Department of Health and Human Services relating to the
19 confidentiality of drug and alcohol treatment records.

20 (f) Use of records.--The threat assessment team shall use
21 the information contained in the records obtained under
22 subsections (d) and (e) in fulfilling the team's duty to
23 evaluate a threat or the recommended disposition of a threat. No
24 member of a threat assessment team may redisclose any record or
25 information obtained under this section or otherwise use any
26 record of a student beyond the purpose for which the disclosure
27 was made to the threat assessment team.

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

29 (1) Records or documentation developed or maintained by
30 a threat assessment team shall not be subject to the act of

1 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
2 Law.

3 (2) Records of a threat assessment team that pertain to
4 a student shall be considered a part of the student's
5 educational records.

6 (3) Public school entities shall not be required to
7 report any data on the functioning of threat assessment teams
8 other than specifically required under this article.

9 Section 1303-E. Threat assessment task force.

10 No later than 60 days from the effective date of this
11 section, the School Safety and Security Committee within the
12 Pennsylvania Commission on Crime and Delinquency shall establish
13 a threat assessment task force. The following shall apply:

14 (1) The task force shall consist of one representative
15 from each of the following:

16 (i) The Department of Education.

17 (ii) The Pennsylvania Commission on Crime and
18 Delinquency.

19 (iii) The Department of Human Services.

20 (iv) The Pennsylvania Emergency Management Agency.

21 (v) The Office of Attorney General.

22 (vi) The Pennsylvania State Police.

23 (vii) The Pennsylvania Association of School
24 Administrators.

25 (viii) The Pennsylvania School Boards Association.

26 (ix) The Pennsylvania State Education Association.

27 (x) The Juvenile Court Judges' Commission.

28 (xi) The Association of School Psychologists of
29 Pennsylvania.

30 (2) The task force shall elect one of its members to

1 serve as chairperson.

2 (3) The task force shall:

3 (i) Meet at least bi-annually, at the call of the
4 chairperson.

5 (ii) Receive any administrative assistance required
6 from the School Safety and Security Committee within the
7 Pennsylvania Commission on Crime and Delinquency.

8 (iii) Research, develop and publish best practices
9 in implementing this article and make recommendations to
10 the Governor and the General Assembly regarding
11 legislative or regulatory changes necessary to improve
12 threat assessment in public school entities.

13 (iv) Develop and offer, at no charge to public
14 school entities, all of the following:

15 (A) A model training program for members of
16 threat assessment teams that may be used and adapted
17 by public school entities and team members to meet
18 the requirements of section 1302-E(b)(1)(v).

19 (B) A model training program for school
20 employees, other than members of threat assessment
21 teams, that may be used and adapted by public school
22 entities to meet the requirements of section 1310-
23 B(1).

24 (C) Model, age-appropriate informational
25 materials for students that may be used and adapted
26 by public school entities to meet the requirements of
27 section 1302-E(a)(2)(iv) and (b)(1)(iii)(A).

28 (D) Model informational materials for parents
29 and school employees that may be used and adapted by
30 public school entities to meet the requirements of

1 section 1302-E(a)(2)(iv) and (b)(1)(iii)(B).

2 (v) Model training programs developed under this
3 paragraph shall be available through the Internet or
4 other distance communications systems.

5 (vi) Within 60 days of establishment of the task
6 force, develop model procedures and guidelines that
7 public school entities may use in implementing this
8 article. The model procedures and guidelines shall, at a
9 minimum:

10 (A) Establish standard definitions and
11 terminology.

12 (B) Reflect best practices in identifying,
13 reporting, assessing and responding to threats,
14 including threats reported through the Safe2Say
15 Program.

16 (C) Provide for flexibility and local decision-
17 making and recognize the differing levels of
18 available resources in each public school entity.

19 (D) Be posted on the Pennsylvania Commission on
20 Crime and Delinquency's publicly accessible Internet
21 website.

22 Section 1304-E. Grant funding.

23 Notwithstanding any provision of law to the contrary, a
24 public school entity shall be eligible to receive grant funding
25 under section 1302-A or 1306-B for the purpose of implementing
26 this article.

27 Section 3. Section 1409 of the act is amended to read:

28 Section 1409. Confidentiality, Transference and Removal of
29 Health Records.--[All] (a) Except as provided under subsection
30 (b), all health records established and maintained pursuant to

1 this act shall be confidential, and their contents shall be
2 divulged only when necessary for the health of the child or at
3 the request of the parent or guardian to a physician legally
4 qualified to practice medicine and surgery or osteopathy or
5 osteopathic surgery in the Commonwealth.

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

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

26 Section 4. The amendment or addition of sections 1310-B(1)
27 and 1302-E shall apply beginning in the 2021-2022 school year.

28 Section 5. This act shall take effect immediately.