

## Introduction

In Pennsylvania, like in other states, public school practices and policies are guided by a combination of federal and state laws and regulations. These legal frameworks ensure that schools operate within certain standards and meet the educational needs of students while also protecting their rights. State laws in Pennsylvania establish the overall structure for education, including funding mechanisms, curriculum requirements, and the governance of school districts. The Pennsylvania Department of Education (PDE) plays a crucial role in interpreting these laws, developing regulations through the State Board of Education, and setting standards to be followed by schools. For instance, the state mandates the number of instructional days/hours, the standardized assessments given to all students at certain grade levels, and oversees the certification of teachers. Further, schools must adhere to federal laws that impact education across the country. For example, this would include things like the Individuals with Disabilities Education Act (IDEA), which ensures services to children with disabilities, and Every Student Succeeds Act (ESSA), which sets standards for student achievement and school accountability.

### Description of Legal Resource Guide

This legal resource guide includes a series of charts, and supplemental descriptions that provide detailed summaries of laws and regulations that are relevant to your PCCD professional development training and relevant to you as the appointed School Safety and Security Coordinator. The charts below outline the key legal and regulatory requirements that are most relevant to your work and provide insights into how these provisions influence and govern various areas of focus. Your school entity's local policies and procedures are often developed based on these legal requirements. This resource guide provides a structured overview and summary of these laws and regulations, which is intended to help you understand and navigate the legal landscape that is relevant to the work you do in schools in Pennsylvania.

Throughout this legal resource guide, you will see both laws and regulations. As a brief reminder, laws and regulations are not the same thing. The PA General Assembly enacts a law (also known as a statute) by passing bills that are sent to the governor for approval. Laws are generally broad in scope and form the legal framework for society, often outlining rights and responsibilities, and imposing penalties for breaking them. A regulation, on the other hand, is a rule or directive designed to further carry out the intent of the law. Regulations are often more specific in nature and provide details on *how* the general mandates of the law are to be implemented and enforced. The key difference between a law and a regulation is that the law provides the basic structure and principles, whereas the regulation contains the details and steps on what has to be done to comply with the law. Essentially, the laws tell us what we have to do, and the regulations tell us how to do it. At your local level, this is

mirrored by the structure of board policies approved by your governing board, and administrative regulations or guidelines developed by administration to implement those policies and direct specific actions.

This legal resource guide also includes both state and federal laws and regulations, because both apply to the work of schools in the Commonwealth. As a brief reminder on how federal and state laws interact, federal laws are created at the national level, and apply to all states and citizens within the United States. Federal laws are established by the federal government. State laws, on the other hand, are established by each individual state and apply only within that particular state's geographical borders. While state laws can vary widely from one state to another, they must not conflict with federal law. When there is a direct conflict between federal law and state law, the federal law will generally supersede the state law. However, there are times when a state law provides greater rights or protections for its citizens, and those more specific provisions would need to be followed rather than the broader federal standard—for example, federal law prohibits smoking within any facility used for provision of education or library services to children, but Pennsylvania law prohibits any use of tobacco, including vaping and electronic cigarettes, in school buildings.

Compliance with these laws and regulations is critical. Non-compliance with the law can lead to sanctions, loss of funding, or legal action. School Safety and Security Coordinators must work closely with school administrators, school solicitor or other legal experts and state agencies to understand the laws and regulations that impact school safety and security and to guide schools in providing a safe, inclusive, and high-quality educational environment for all students.

### **Relevant Structures and Systems in the Commonwealth**

The Pennsylvania Department of Education (PDE) is the primary administrative agency responsible for developing and managing regulations that impact the Pennsylvania educational system. The PDE oversees public K-12 schools, as well as a range of other educational institutions and programs. This includes monitoring compliance, providing guidance, and implementing state policies related to school operations, curriculum standards, teacher certification, student services, and more.

The Pennsylvania Commission on Crime and Delinquency (PCCD) is an agency in Pennsylvania tasked with improving the criminal justice system, enhancing community safety, supporting crime victims, and promoting juvenile justice system improvements. In 2018, Article XIII-B of the Public School Code of 1949 established the School Safety and Security Committee (“Committee”) within PCCD. The Committee is comprised of a diverse group of individuals who all have expertise to offer regarding school safety and security. The Committee developed and approved the criteria that make up the foundation for training School Safety and Security Coordinators in Pennsylvania. Recent amendments to Article XIII-B have given the Committee additional regulatory responsibilities that supplement the responsibilities of PDE.

These two agencies work closely together on matters of school safety and security and this collaboration helps in aligning resources and strategies to help improve school safety and security in the Commonwealth.

### Conclusion

This legal resource guide is tailored to highlight laws and regulations (or portions of laws and regulations) that are important for you, as School Safety and Security Coordinator. Your school solicitor, typically appointed by your governing board as your school entity’s legal representative, is a critical resource in navigating the laws and regulations applicable to your school entity in a particular situation, and your school entity should look to that individual for interpretations of laws and regulations. While you are not expected to be legal experts, a solid understanding of how these laws and regulations guide your day-to-day operations will help ensure compliance and foster an environment where school safety and security practices are both effective and lawful.

## Section 1 – Leadership and Appropriate Staffing

LEADERSHIP AND APPROPRIATE STAFFING	
<b>Summary Chart</b>	
Overarching Law:	<a href="#">PUBLIC SCHOOL CODE OF 1949</a> . Act 14 of 1949 (or the Public School Code of 1949) is the over-arching statute governing the public school system in Pennsylvania. It also includes certain provisions that are applicable to private and parochial schools. The following list includes sections of the Public School Code that influence the work of school safety and security and are relevant for this training.

<p>Name of Relevant Sections:</p>	<p><a href="#">Section 1309-B</a> <a href="#">(24 P.S. §13-1309-B)</a></p> <p><b>“School Safety and Security Coordinator”</b></p>	<p><a href="#">Section 1310-B</a> <a href="#">(24 P.S. §13-1310-B)</a></p> <p><b>“School Safety and Security Training”</b></p>	<p><a href="#">Sections 1301-C – 1315-C</a> <a href="#">(24 P.S. §§13-1301-C – 1315-C)</a></p> <p><b>“Article XIII-C - School Security”</b></p>
<p>Applies to (Relevant to):</p>	<p>School Safety and Security Coordinators (SSSC or coordinator) and School Administrators. It is the chief school administrator (i.e. superintendent in public school or career / technical school, executive director of IU, or CEO of charter school) who appoints the SSSC.</p>	<p>This section applies to school employees and the school safety and security coordinator and/or administrator who oversees training of employees.</p>	<p>This Article applies to the same chief school administrator (responsible for managing school safety) and provides important guidelines, powers and duties for school security personnel (i.e. school police officer, school resource officers, school security guards, etc.).</p>
<p>Purpose (What it does):</p>	<p>This section outlines the requirements for appointing a SSSC within a school entity and <b>describes the duties that the SSSC is legally responsible for.</b></p>	<p>This section mandates <a href="#">standards-aligned</a> training on school safety and security for employees of school entities. It aims to ensure that school employees are well-equipped and regularly trained in various aspects of school safety and security, adapting to the specific needs and circumstances of their school entity.</p>	<p>This section provides key definitions for the various terms related to school safety and security personnel. This section is integral in setting the framework for understanding roles and responsibilities of school security personnel within Pennsylvania's educational institutions.</p>

<p>Permits (or Requires):</p>	<p>Requires that the SSSC oversees school police officers, resource officers, security guards, and safety policies, reporting directly to the chief school administrator.</p> <p>Also requires that SSSC review safety policies, coordinate training for safety and emergency procedures, oversee security assessments, liaise with various agencies on safety matters, report annually to the school board, and coordinate tours of the school for law enforcement and first responders. Also notes their training requirements.</p>	<p>School entities must provide two hours of training annually (may be conducted in-person or virtually) for their employees on a range of subjects based on the needs of the school entity. The eligible topics include: situational awareness, trauma-informed approaches, behavioral health, suicide and bullying awareness, and substance use awareness.</p> <p>School entities must provide one hour of training annually specifically on emergency training drills (e.g., for fire, natural disasters, active shooters, hostage situations, and bomb threats – this training may only be conducted in-person) and the identification of student behaviors indicating potential threats are required annually. Notes training requirements and relevant timelines (may be conducted in-person or virtually).</p>	<p>It provides multiple definitions, but some of the most salient of these are:</p> <p><u>School Police Officer</u>: A law enforcement officer employed by a school (or appointed) responsible for maintaining order and security in schools. See <a href="#">1306-C</a> for additional clarity on power and duties.</p> <p><u>School Resource Officer</u>: A law enforcement officer stationed in a school based on an agreement between the school and a law enforcement agency. See <a href="#">1313-C</a> for additional clarity on power and duties.</p> <p><u>School Security Guard</u>: An individual, employed or contracted, who provides routine safety and security duties in a school without certain powers granted under section <a href="#">1314-C</a></p>
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## LEADERSHIP AND APPROPRIATE STAFFING

*(More detail below, use as needed)*

### [Section 1309-B of the Public School Code \(24 P.S. § 13-1309-B\)](#)

This section of the PA School Code is perhaps the most important section for School Safety and Security Coordinators. It outlines the requirements for appointing a School Safety and Security Coordinator within a school entity and the specific duties of a Coordinator. Key points include:

- **Appointment:** The chief school administrator must appoint a school administrator as the coordinator by August 31, 2018.
- **Deadline and Vacancies:** Appointments must be made within 30 days after the section's effective date or within 30 days of a vacancy.
- **Notification:** Schools must submit the coordinator's name and contact information to the School Safety and Security committee within 30 days of the appointment.
- **General Duties:** The coordinator **shall** oversee school police officers, resource officers, security guards, and safety and security policies, reporting directly to the chief school administrator.
- **Specific Duties:** The coordinator **shall**:
  - Review safety and security policies for the school entity and ensure that they comply with state and federal laws;
  - Coordinate training and resources for students and staff in matters relating to situational awareness, trauma-informed 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;
  - Oversee security assessments;
  - Serve as a liaison with the school safety and security committee, the department of education and law enforcement and other organizations on matters of school safety and security;
  - Report annually (by June 30<sup>th</sup> of that year) to the school board and school safety and security committee regarding the school entity's current safety and security practices and strategies to improve safety; and
  - Coordinate tours of the school for law enforcement and first responders. This is required biannually or when a building is newly built or configured.
- **Training:** Coordinators must complete required training within one year of their appointment or within one year from when the date the first school safety training for coordinators (this training) is posted by the committee. **The start date for this initial compliance period is**

**February 2, 2024. All coordinators who were appointed prior to February 2, 2024 must complete this training by February 2, 2025. All coordinators appointed after February 2, 2024 must complete the required training within one year of their appointment. By law, coordinators taking this training are eligible for both Act 45 and Act 48 training credit.**

[Section 1310-B of the Public School Code \(24 P.S. § 13-1310-B\)](#)

**This section of the Public School Code in Pennsylvania mandates training on school safety and security for employees of school entities. As leaders, School Safety and Security Coordinators are responsible for coordinating training for students and staff for many of the topics below. Key points include:**

- **Training Topics and Frequency:**
  - A minimum of two hours of training is required annually for all school employees on one or more of the following topics: situational awareness, trauma-informed approaches, behavioral health, suicide and bullying awareness, and substance use awareness. The school entity may select one or more topics to be provided to their employees each year based on their unique needs, however, there must be at least two total hours of training provided.
  - A minimum of one hour of training **combined** is required annually for all school employees on the topics of emergency training drills (e.g., for fire, natural disasters, active shooters, hostage situations, and bomb threats) **and** the identification of student behaviors indicating potential threats. The emergency training drills module is not required to be an hour long, and the threat assessment training does not need to be an hour long, but, between the two topics combined, training must be at least one full hour or longer. Training on these two topics can be done at separate times, and using different modalities, but the emergency training drills training must **always** be delivered in person. It is important to note that the approved training standards state that the time spent conducting required emergency drills may **not** count toward the one hour of training.
- **Training Delivery:** While most training can be conducted online or via distance communication, emergency training drills must be conducted in person.
- **Professional Education Credits:** Employees required to undergo continuing professional education under section 1205.2 can count this training towards their professional education requirements.
- **Standards and Compliance:** The training must comply with minimum standards developed by the school safety and security committee. The committee adopted initial standards in September of 2022 and they are posted on PCCDs website.

- Review and Update of Standards: The committee must review and, if necessary, revise or update the training standards every three years.

[Article XIII-C \(Sections 1301-C-1315-C\) \(24 P.S. § 13-1301-C – 1315-C\)](#)

**This article of the Public School Code is focused on the legal requirements for school security personnel. Because Coordinators are required to oversee school police officers, school resource officers and school security guards, they should be familiar with the information contained in these sections.**

**Section 1301-C (24 P.S. § 13-1301-C)**: defines various terms related to school safety and security personnel. Key definitions include:

- Commission: Refers to the Pennsylvania Commission on Crime and Delinquency.
- Department: Refers to the Department of Education of the Commonwealth of Pennsylvania.
- Independent Contractor: An individual, often a retired law enforcement officer, contracted by a school for security services with terms defined in a written contract.
- School Entity: Includes school districts, intermediate units, area career and technical schools, charter schools, and private residential rehabilitative institutions.
- School Police Officer: A law enforcement officer employed by a school or appointed under section 1302-C (independent contractor or third-party vendor), responsible for maintaining order and security in schools.
- School Resource Officer: A law enforcement officer stationed in a school based on an agreement between the school and a law enforcement agency (this may include a sheriff's office).
- School Security Guard: An individual, employed or contracted, who provides routine safety and security duties in a school without certain powers granted under section 1306-C (the powers and duties of a school police officer).
- School Security Personnel: Encompasses school police officers, school resource officers, and school security guards.
- Third-party Vendor: A company or entity approved to provide school security services.

**Sections 1302-C through 1310-C (24 P.S. § 13-1302-C – 1310-C)**: These sections all focus on school police officers as defined above. These sections describe the following:

- The legal process a school must go through to hire a school police officer. (**Section 1302-C**) (**Note**: Changes were made to this subsection in December of 2023 and requires that a school entity that goes through the court process to have a school police



officer appointed, must provide a copy of the court order to the School Safety and Security Committee within 30 days of approval by the court. For those school entities that had an SPO approved prior to the change in statute, they have 120 days to submit the order).

- The required content of the annual report that must be filed by the school entity which employs or contracts for a school police officer. **(Section 1303-C) (Note: Changes were made to this section in December 2023, requiring a copy of the report to be provided to the School Safety and Security Committee in addition to the previously required entities).**
- The training requirements for school police officers. **(Section 1305-C)**
- The powers and duties of a school police officer. **(Section 1306-C)**
- The technical requirements for employment of school police officers including compensation, cooperative agreements and employment status. **(Sections 1307-C through 1310-C)**

**Section 1311-C (24 P.S. § 13-1311-C)**: Describes the parameters for school security services that are offered by independent contractors or third-party vendors. These include services provided by both School Police Officers and School Security Guards.

**Section 1313-C (24 P.S. § 13-1313-C)**: Describes the role of School Resource Officers (SRO) as defined above. This section includes a description of the powers and duties of an SRO, the training required for an SRO, and agreements governing the support of an SRO.

**Section 1314-C (24 P.S. § 13-1314-C)**: Describes the role of School Security Guards as defined above. The section includes a description of the scope of services that can be provided by a school security guard, along with the training required for both armed and unarmed school security guards.

**Section 1315-C (24 P.S. § 13-1315-C)**: Describes the responsibilities of PCCD as it relates to training requirements for school security personnel.

#### **Additional Laws and Regulations Related to Leadership and Appropriate Staffing**

- [44 Pa. C.S. 7301 et seq.](#) (relates to law enforcement background investigations and employment information, including the rules for hiring and firing, in addition to background checks and child abuse certifications required for all school employees and contracted personnel)
- [37 Pa. Code 241.1 et seq.](#) (regulations associated with the statute above for the hiring and separation of a law enforcement officer by a law enforcement agency)
- [Child abuse recognition and reporting](#) (24 P.S. § 12-1205.6)



- Act 18 of 2019 - [Threat assessment team training](#) (24 P.S. §13-1302-E)
- [Trauma-informed approach for certificated staff and board of directors](#) (24 P.S. § 3-328 and § 12-1205.7)
- Act 71 of 2014 - [Suicide awareness and prevention for educators in grades 6-12](#) (24 P.S. § 15-1526)
- [CPR/AED](#) – at least 1 certified staff member in each school (24 P.S. § 14-1424)
- [Positive behavior support](#) and de-escalation for staff working with students with disabilities - must invite local law enforcement (22 Pa Code 10.23, 14.133)

## Section 2 – Behavior Health Awareness, Bullying/Suicide, Substance Abuse

BHA, BULLYING, SUICIDE AWARENESS, SUBSTANCE ABUSE			
SUMMARY CHART			
Overarching Law or Statute:	The Family Educational Rights and Privacy Act ( <a href="#">FERPA</a> ) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.	The Individuals with Disabilities Education Act ( <a href="#">IDEA</a> ) is a federal law that ensures students with disabilities are provided with Free Appropriate Public Education (FAPE) through specially designed instruction and related services tailored to their individual needs.	The Health Insurance Portability and Accountability Act of 1996 ( <a href="#">HIPAA</a> ) is a federal law that requires the creation of national standards to protect sensitive patient health information from being disclosed without the patient’s consent or knowledge.
Name of Relevant Sections:	<a href="#">§ 20 U.S.C. 1232g (FERPA) and 34 CFR Part 99</a>	<a href="#">§ 20 U.S.C. 1400 et seq. (IDEA) and 34 CFR Part 300</a>	<a href="#">§ Health Insurance Portability and Accountability Act of 1996 (HIPAA)</a>
Applies to (Relevant to)	Part 99 of FERPA regulations applies to educational agencies or institutions receiving federal funds (i.e. programs administered by the U.S. Secretary of Education) including those providing educational services or instruction to students, and those authorized to	Part 300 of IDEA regulations establishes the framework for states to provide appropriate educational services to children with disabilities, ensuring their rights and the involvement of	“In most cases, the <a href="#">HIPAA Privacy Rule</a> does not apply to an elementary or secondary school because the school either: (1) is not a <i>HIPAA</i> covered entity or (2) is a <i>HIPAA</i> covered entity but maintains health information only on students in records that are by definition “education records” under <i>FERPA</i> and, therefore, is not subject to the <i>HIPAA</i>

	control educational institutions (i.e. public schools).	their parents/guardians in their education.	Privacy Rule.” Schools and staff should be aware that HIPAA privacy rules do apply to community partners who provide behavioral health services and support to students.
Purpose (What it does):	It sets out regulations for the protection of privacy of parents/guardians and students in educational settings.	The main objectives of IDEA and its regulations are to ensure that all children with disabilities receive a free appropriate public education (FAPE) suited to their unique needs, to protect the rights of these children and their parents/guardians, to assist states and localities in educating children with disabilities, and to assess the effectiveness of these educational efforts.	Limits the disclosure of protected health information.
Permits (or Requires):	Essentially, it requires us to balance maintaining privacy and parent/guardian or student control over educational records, while also providing exceptions for things such as safety emergencies or educational needs. Particularly relevant to this training is that it	Essentially, it requires that children with disabilities are entitled to a Free and Appropriate Public Education through provision of specially designed instruction and related services. It also provides parameters for	Most relevant to this training, is the potential intersection of FERPA and HIPAA. This is most relevant when considering “ <a href="#">educational records</a> ” and information that may be shared about a student (for example, with community based providers).

	allows for the disclosure of information from educational records in health and safety emergencies and provides parameters for acquiring parental consent when records need to be shared with partners who are providing behavioral health and other support services to students.	sharing of records and information in an emergency and with parental consent when records need to be shared with partners who are providing educational or support services.	
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**BHA, BULLYING, SUICIDE AWARENESS, SUBSTANCE ABUSE**

*(More detail below, use as needed)*

**Family Educational Rights and Privacy Act (FERPA) – 20 U.S.C. 1232g and Part 99 Regulations**

Sets out regulations for the protection of privacy of parents/guardians and students in educational settings. Key aspects include:

- **Applicability:** Applies to educational agencies or institutions receiving funds under programs administered by the U.S. Secretary of Education, including those providing educational services or instruction to students, and those authorized to control educational institutions.
- **Purpose:** To safeguard the privacy of parents/guardians and students under the General Education Provisions Act.
- **Definitions:** Provides detailed definitions of terms used in the regulations, such as "educational agency or institution," "personally identifiable information," "directory information," and "educational records."
- **Rights of Parents/Guardians and Students:** Outlines the rights of parents and students to inspect and review education records, request amendments, consent to disclosures of personal information, and file complaints for alleged failures to comply with FERPA.
- **Annual Notification:** Educational agencies and institutions must annually notify parents/guardians and eligible students of their rights under FERPA.
- **Disclosure of Education Records:** Sets conditions for when educational agencies or institutions may disclose information from education records without consent, such as to school officials with legitimate educational interests, other schools where the student seeks to enroll, and in connection with financial aid.

- Recordkeeping Requirements: Mandates that educational agencies and institutions keep records of requests for and disclosures of personally identifiable information from education records.
- Redisclosure of Information: Regulates the redisclosure of personally identifiable information from education records by third parties.
- Health and Safety Emergencies: Provides for the disclosure of information from education records in health and safety emergencies.
- Directory Information: Allows for the disclosure of directory information without prior consent, subject to certain conditions and the right of parents/guardians and eligible students to refuse such disclosures.
- Enforcement: Describes the enforcement responsibilities of the Office of the Chief Privacy Officer, U.S. Department of Education, including investigating complaints and violations.
- Crimes of Violence Definitions: Includes definitions for various crimes of violence and nonforcible sex offenses for the purpose of disciplinary proceedings disclosures.

This regulation primarily focuses on maintaining privacy and parental or student control over educational records, while also providing exceptions under certain conditions such as safety emergencies or educational needs.

#### **Individuals with Disabilities Education Act (IDEA) – 20 U.S.C. 1400 et seq. and Part 300 Regulations**

Focuses on providing assistance to states for the education of children with disabilities. Here are the key points:

- Purpose (§ 300.1): The main objectives are to ensure that all children with disabilities receive a free appropriate public education (FAPE) suited to their unique needs, to protect the rights of these children and their parents/guardians, to assist states and localities in educating children with disabilities, and to assess the effectiveness of these educational efforts.
- Applicability (§ 300.2): These regulations apply to states receiving funds under Part B of the Act, and bind all state and local agencies involved in the education of children with disabilities. This includes state educational agencies, local educational agencies, educational service agencies, public charter schools, state and local correctional facilities, and other state agencies and schools.
- Consent (§ 300.9): Outlines the requirements for obtaining parental consent for activities related to the education of their child with a disability.
- Free Appropriate Public Education (FAPE) (§ 300.17): Defines FAPE as special education and related services provided at public expense, meeting the standards of the State Education Agency, and developed in accordance with an Individualized Education Program (IEP).

- Individualized Education Program (IEP) (§§ 300.22, 300.23, 300.320): Defines an IEP as a written statement for a child with a disability that is developed, reviewed and revised with an IEP team, which includes the student's parents/guardians, and describes the specific educational goals of the student and related services and accommodations needed to meet the student's needs.
- Behavior support (§ 300.324): Requires the IEP team to consider the use of positive behavioral interventions and supports (Behavior Support Plan) when a student with a disability's behavior impedes the learning of the student or others.
- Authority of school personnel (§ 300.530): Outlines the authority of school personnel in addressing a student with a disability's conduct and behavior that violates the Code of Student Conduct; this includes provisions for disciplinary changes in placement, continuation of FAPE and related services, determinations of whether conduct was a manifestation of the disability, and special circumstances allowing immediate interim alternative educational settings for instances involving possession of weapons, controlled substance possession or use and serious bodily injury of another person.
- Referral to and action by law enforcement and judicial authorities (§300.535): Requires school entities who report a crime by a student with a disability to law enforcement or judicial authorities to ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities. The school entity must comply with FERPA provisions when transmitting records.
- Confidentiality of special education student information (§§ 300.611-300.627): Requires school entities to protect the confidentiality of students' records and personally identifiable information when collecting, retaining, disclosing and destroying student special education records. Provides similar provisions to FERPA in regard to review and amendment of records, but specifically pertains to special education records.

Overall, PART 300 of IDEA establishes the framework for states to provide appropriate educational services to children with disabilities, ensuring their rights and the involvement of their parents/guardians in their education.

### [The Health Insurance Portability and Accountability Act of 1996 \(HIPAA\)](#)

HIPAA significantly impacts how health information is handled in the healthcare and insurance industries, with a strong emphasis on protecting the privacy and security of individual health information.

- Privacy Rule: The [Privacy Rule](#) standards address the use and disclosure of individuals' health information (known as *protected health information* or *PHI*) by entities subject to the Privacy Rule. These individuals and organizations are called "covered entities."
- [Public Interest and Benefit Activities](#): The Privacy Rule permits use and disclosure of protected health information, without an individual's authorization or permission, for 12 national priority purposes. The potentially relevant categories include "law enforcement purposes" and "serious threat to health or safety."
  - [Law Enforcement Purposes](#). Covered entities may disclose protected health information to law enforcement officials for law enforcement purposes in circumstances specified in the law, this includes in response to law enforcement request for information about a victim or suspected victim, and a medical emergency not occurring on its premises, when necessary to inform law enforcement about the commission or nature of a crime, the location of the crime or crime victims, and the perpetrator.
  - [Serious Threat to Health or Safety](#). Covered entities may disclose protected health information that they believe is necessary to prevent or lessen a serious and imminent threat to a person or the public, when such disclosure is made to someone they believe can prevent or lessen the threat (including the target of the threat). Covered entities may also disclose to law enforcement if the information is needed to identify or apprehend an escapee or violent criminal."

HIPAA impacts how health information is handled in the healthcare and insurance industries, with emphasis on protecting the privacy and security of individual health information. School entities should be aware of these requirements that apply to community partners, particularly when information is shared in health and safety emergencies.



## Additional laws and regulations associated with Behavioral Health Awareness, Bullying & Suicide Awareness, and Substance Use

### Behavioral Health Awareness

#### Pennsylvania Statutes and Regulations

- [42 Pa. C.S. §5945](#) (*Directs that no guidance counselor, school nurse, school psychologist, or visitor that has acquired confidential information from a student disclose that information in a legal proceeding without consent of the student (if the student is 18 or older) or the parent/guardian if the child is younger than 18. There is an exception relating to child abuse.*)
- [22 Pa. Code §12.12](#) (*Regulation relating to the use of communications in legal proceedings and release of information to parents/guardians, guardians, the principal or other authority when the health, welfare, or safety of the student or other person is clearly in jeopardy*)
- [42 Pa. C.S. §8337](#) (*Protects school employees from civil liability for reporting student drug or alcohol abuse in good faith. Includes reports regarding a students' drug or alcohol abuse to parents, guardians, other school employees or referrals for treatment or counseling.*)
- [42 Pa. C.S. §8337.1](#) (*Protects school employees from civil liability for providing medical care to or taking a student to a hospital or emergency care facility when the employee believes in good faith that the student needs medical care*)
- [24 P.S. §15-1547](#) (*Statute directing all school districts to implement a comprehensive tobacco, alcohol and other drugs program including instruction in the classroom, in service training for instructors and counseling and support services*)
- [PDE Basic Education Circular \(BEC\) relating to 24 P.S. §15-1547](#) - (*Basic education circular related to the statute above and designating the student assistance program as the vehicle to require and assist each school district to establish and maintain a program to provide appropriate counseling, and support services for students who experience programs related to the use of drugs, alcohol and dangerous controlled substances*).

#### Federal Statutes and Regulations

- [20 U.S.C. 1232h](#) and [34 CFR Part 98](#): *Federal Statute and regulation that address the privacy and protection of student rights, including requirements for written parental consent, opportunity for inspection and opt out provisions prior to administration of student surveys or evaluations that include protected information in specific categories, including:*
  - *Political affiliations or beliefs of the student or the student's parent/guardian.*
  - *Mental or psychological problems of the student or the student's family;*
  - *Sex behavior or attitudes;*
  - *Illegal, anti-social, self-incriminating, or demeaning behavior;*

- *Critical appraisals of other individuals with whom respondents have close family relationships;*
- *Legally recognized privileged or analogous relations, such as those of lawyers, physicians, and ministers;*
- *Religious practices, affiliations, or beliefs of the student or student's parent/guardian; or*
- *Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).*
- [42 CFR Part 2](#) *(Federal regulation that protects the confidentiality of patient records created by federally assisted programs for the treatment of substance use disorders)*

## **Bullying**

### **Pennsylvania Laws and Regulations**

- [24 P.S. §13-1303.1-A](#) *(Directs that school entities establish a policy relating to bullying. The policy must include disciplinary consequences for bullying and may provide for prevention, intervention and education programs) (See also Policy 249 for most school entities).*
- [18 Pa. C.S. §2709 \(a\) \(a.1\)](#) *(Statute criminalizing cyber harassment of a child. Cyber harassment of a child includes a seriously disparaging statement or opinion about the child's physical characteristics, sexuality, sexual activity or mental or physical health and also includes threats to inflict harm that are made with the intent to harass, annoy or alarm).*

### **Federal Laws and Regulations**

- [Title IX](#) and [34 CFR 106.30](#) *(Title IX and the associated regulations of the offices of the department of education and Office for Civil Rights prohibits sex discrimination in any type of education program or activity receiving federal financial assistance. This includes elementary and secondary schools and post-secondary institutions. The definitions of what behavior may constitute "sexual harassment" under Title IX and its regulations overlap with conduct that may be reported as bullying or other types of harassment. School administrators should receive training and have awareness of when reported conduct must be referred to and investigated as sexual harassment under Title IX and when it should be addressed under bullying policies or other student code of conduct rules.)*
- [20 U.S.C. §7118](#) *(Requires local educational agencies to set aside federal educational funds to develop, implement and evaluate programs and activities to support safe, healthy supportive and drug-free environments to support student academic achievements. This set-aside may be used for programs that help prevent bullying and harassment).*

### Suicide Awareness

- [Act 71 of 2014](#) (Includes [24 P.S. §15-1526](#) and [24 P.S. § 15-1527](#)) (Directs school entities to adopt an age-appropriate suicide awareness and prevention policy and requires four hours of suicide awareness and prevention training every five years for professional educators in school buildings serving students in grades six through twelve).
- [22 Pa. Code §12.12](#) (Regulation relating to the use of communications in legal proceedings and release of information to parents, guardians, the principal or other authority when the health, welfare, or safety of the student or other person is clearly in jeopardy)

### Substance Use Awareness

#### **Pennsylvania Laws and Regulations**

- [42 Pa. C.S. §8337](#) (Protects school employees from civil liability for reporting student drug or alcohol abuse in good faith. Includes reports regarding a students' drug or alcohol abuse to parents, guardians, other school employees or referrals for treatment or counseling).
- [42 Pa. C.S. §8337.1](#) (Protects school employees from civil liability for providing medical care to or taking a student to a hospital or emergency care facility when the employee believes in good faith that the student needs medical care)
- [24 P.S. § 13-1306.2-B and 13-1319-B](#) (Sections of the School Code that describe what is required in the regulations related to the model memorandum of understanding between schools and local police depts and the crimes (including drug related crimes) that must be and may be reported to police) (See also Coordination and Communication with Law Enforcement)
- [24 P.S. §15-1547](#) (Statute directing all school districts to implement a comprehensive tobacco, alcohol and other drugs program including instruction in the classroom, in service training for instructors and counseling and support services – Student Assistance Program)
- [35 P.S. §807.1 et seq.](#) (Directs that school districts adopt policies and enforce rules and regulations that prohibit the use of steroids)
- [22 Pa. Code §10.21](#) (Part of Chapter 10, of title 22 referenced below, this subsection mandates **immediate** notification by the chief school administrator to local police when the criminal offenses in [section 1319-B\(B\)\(7\)](#) of the school code (formerly section 1303-A(b)(4.1)) occur on school property or during school activities. This includes possession, use or sale of a controlled substance or drug paraphernalia)
- [22 Pa. Code §10.22](#) (Part of Chapter 10 of title 22 referenced below, this subsection gives the chief school administrator the discretion to notify police for the criminal offenses listed under [section 1319-B\(B\)\(8\)](#) of the school code (formerly section 1303-A(b)(4.2)) and allows for consideration of factors like seriousness, the student's age, and whether the student has a disability).
- [22 Pa. Code §10.23](#) (Part of Chapter 10 of title 22 referenced below, this subsection outlines specific procedures for handling incidents involving students with disabilities, including provision of a copy of the school's behavior support services to local law enforcement and consulting individualized education plans (IEPs) and behavior support plans.)

- [22 Pa. Code §10.25](#) (A subsection of Chapter 10 of title 22 referenced below, this subsection requires immediate notification of the parents or guardians of victims or suspects involved in an incident listed in section 1319-B(B)(7) or (8) of the school code. Requires that the notification include whether the incident has been or may be reported to police.)
- [22 Pa. Code §12.16](#) (Definitions and requirements relating to the implementation of student services including counseling, health services, psychological services, social work and home and school visitor services).
- [22 Pa. Code §12.42](#) (Provision of the Pennsylvania regulations requiring that school entities must plan and provide for a student assistance program under Section 1547 (above) of the school code)
- [PDE Basic Education Circular \(BEC\) relating to 24 P.S. §15-1547](#) (Basic education circular related to 24 P.S. § 15-1547 and designating the student assistance program as the vehicle to require and assist each school district to establish and maintain a program to provide appropriate counseling, and support services for students who experience programs related to the use of drugs, alcohol and dangerous controlled substances).

#### **Federal Laws and Regulations**

- [20 U.S.C. §7114](#) (Directs what percentage and how federal funds may be used to support the activities included in section 7118 below)
- [20 U.S.C. §7118](#) - (Requires local educational agencies to set aside federal educational funds to develop, implement and evaluate programs and activities to support safe, healthy supportive and drug-free environments to support student academic achievements. This set-aside may be used for programs that help prevent substance use and abuse)

## Section 3 – Physical Assessment & Physical Security, Emergency Preparedness

PHYSICAL ASSESSMENT, PHYSICAL SECURITY and EMERGENCY PREPAREDNESS			
SUMMARY CHART			
Name of Relevant Sections:	<a href="#">Section 1309-B of the Public School Code (24 P.S. § 13-1309-B)</a>	<a href="#">Chapter 10 (Safe Schools) - Regulations</a> (22 Pa. Code §§10.1-10.25)	<a href="#">35 Pa.C.S. §7701(g)</a> (Duties concerning disaster prevention)
Applies to (Relevant to):	School Safety and Security Coordinators and School Administrators.	School entities and local police departments with jurisdiction over school buildings.	School Entities
Purpose (What it does):	This describes the duties that the SSSC is legally responsible for.	<a href="#">Chapter 10</a> contains the regulatory procedures related to the memorandum of understanding (MOU) between schools and their local police departments. <a href="#">24 P.S. §13-1319-B</a> also addresses the MOU and reporting requirements. <a href="#">24 P.S. §13-1306.2-B</a> is the statute that authorizes these regulations. In addition, these regulations include regulatory procedures associated with <a href="#">35 Pa.C.S. §7701(g)</a> which require a comprehensive disaster response plan.	Addresses the requirements for disaster response preparation.

Permits (or Requires):	For purposes of this section, one of the responsibilities of the coordinator is overseeing the physical assessments related to school safety.	<p>For purposes of emergency preparedness, this chapter requires the development of a disaster response plan and sets out the information required to be deployed to the Incident Command Post.</p> <p>More specific information on the MOU and the reporting requirements will be discussed in the “Coordination with Law Enforcement” section of the training. More specific information on the disaster response plan and incident command documents can be found below.</p>	Requires that school districts and child care facilities develop and implement a comprehensive disaster response and emergency preparedness plan consistent with the guidelines developed by the Pennsylvania Emergency Management Agency.
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**PHYSICAL ASSESSMENT, PHYSICAL SECURITY and EMERGENCY PREPAREDNESS**

*(More detail below, use as needed)*

[Title 22, Chapter 10: School Safety \(22 Pa. Code § 10.1-10.25\)](#)

Chapter 10 of Title 22 of the Pennsylvania Code requires that chief school administrators execute a memorandum of understanding between school entities and their local police departments. The regulations are intended to enhance safety in schools by fostering clear communication and response strategies between schools, law enforcement, parents, and guardians, especially in handling critical incidents and emergencies. Chapter 10 also includes a model memorandum of understanding to be used by school entities in developing their own MOUs.

[Section 1319-B](#) of the School Code of 1949 (amended in December 2023) is the underlying law that requires a memorandum of understanding between school entities and local police and [Section 1306.2-B](#) (below in the “coordination with law enforcement” section) of the school code directs what should be included in the regulations in Chapter 10 related to the MOU and reporting of incidents to police.

Chapter 10, provides regulatory guidance surrounding the relationship between school entities and local law enforcement and also the requirements for emergency preparedness plans. More information related to the MOU and reporting requirements to police can be found below in the “coordination with law enforcement” section.

**For purposes of Emergency Preparedness**, the most important subsection of this Chapter is summarized below:

[Section 10.24 \(22 Pa. Code § 10.24\)](#): Requires that every school district develop a comprehensive disaster response and emergency preparedness plan in cooperation with the local emergency management agency and the Pennsylvania Emergency Management Agency (PEMA).

- This plan must be reviewed annually
- The plan must consider the framework presented in the National Incident Management System
- The plan must be provided to the emergency management agency of every county of which the school district is a part.
- The plan must provide each local police department and local fire department having geographic territory over the school district with the plan.
- The district shall follow the procedures in the plan in the event of an emergency.

In addition to requirements relating to the plan, section 10.24 of Chapter 10 also requires that school entities prepare certain materials for immediate deployment to the incident command post for the purpose of assisting local police and fire departments in responding to an emergency. The materials that **MUST** be assembled and ready for deployment to the Incident Command Post by September 30 of each year include:

- (1) Blueprints or floor plans of the school buildings.
- (2) Aerial photo, map or layout of the school campus, adjacent properties and surrounding streets or roads.
- (3) Locations of predetermined or prospective command posts.
- (4) Current teacher/employee roster.

- (5) Current student roster.
- (6) Most recent school yearbook.
- (7) School fire-alarm shutoff location and procedures.
- (8) School sprinkler system shutoff location and procedures.
- (9) Gas/utility line layouts and shutoff valve locations.
- (10) Cable/satellite television shutoff location and procedures.
- (11) Other information the school entity deems pertinent to assist local police and fire departments in responding to an emergency.

**[35 Pa.C.S. §7701\(g\)](#) – Duties Concerning Disaster Prevention**

This statute broadly describes the requirements that school districts have to develop disaster prevention plans. The regulations above under Chapter 10 are more specific as to information required for disaster response. All coordinators should be familiar with their school entity's emergency response plan. The statute requires:

- Every school district to develop and implement a comprehensive disaster response and emergency preparedness plan;
- The plan must be consistent with the guidelines developed by the Pennsylvania Emergency Management Agency and other pertinent state requirements;
- The plan must be reviewed annually and modified as necessary; and
- A copy of the plan must be provided to the county emergency management agency.



## Section 4 – Coordination with Law Enforcement

COORDINATION WITH LAW ENFORCEMENT			
SUMMARY CHART			
Name of Relevant Sections:	<a href="#">Chapter 10 (Safe Schools)- Regulations</a> (22 Pa. Code §§10.1-10.25)	<a href="#">Article XIII-D Safe2Say Program</a>	<a href="#">Section 1302-E (24 P.S. § 13-1302-E) of the Public School Code (threat assessment coordination)</a>
Applies to (Relevant to):	School entities and local law enforcement agencies.	Department of Ed, School Entity, Chief school administrator / Superintendent	School Entity, Chief school administrator / Superintendent, Threat Assessment Team
Purpose (What it does):	Chapter 10 of the Safe Schools outlines procedures and policies for maintaining safe school environments, particularly focusing on the cooperation between schools and local police departments.	<p>This section outlines the Pennsylvania General Assembly's findings regarding Safe2Say Program.</p> <p>It emphasizes the need for improved communication between schools, law enforcement, and communities to prevent school violence.</p> <p>The various sections map out things like defining the Safe2Say program, confidentiality, false reports, judicial proceedings and annual reports. Additional details below.</p>	<p>This section outlines the duties of school entities and chief school administrators regarding the assessment and intervention of students whose behavior may indicate a threat to safety.</p> <p>Various sections map out things like the duties of the superintendent, the requirements of the team, the notification and referral process and more.</p>

<p>Permits (or Requires):</p>	<p>For purposes of coordination with law enforcement, Chapter 10 requires that a memorandum of understanding be executed between school entities and law local enforcement agencies. In addition, Chapter 10 requires immediate notification of police for certain crimes (see below) and discretionary notification for other crimes.</p> <p>This section further assists in strengthening communication between public schools and law enforcement by creating opportunities for schools to help law enforcement officers become more knowledgeable about appropriately responding to students with disabilities. This section requires school entities to share copies of their procedures on behavior support services with local police and to invite local police to participate in staff training in the use of positive behavior supports, de-escalation techniques and appropriate</p>	<p>Requires implementation of the program, which is intended as a confidential, anonymous reporting system for threats or harmful activities in schools, and is not designed as a disciplinary tool for school employees or a primary tool for law enforcement.</p>	<p>Requires that every school entity establish at least one team responsible for assessing and intervening with students whose behavior may indicate a safety threat (i.e. threat assessment team).</p>
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	<p>responses to student behavior that may require immediate intervention.</p>		
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**Coordination with Law Enforcement**  
*(More detail below, use as needed)*

[Title 22, Chapter 10: School Safety \(22 Pa. Code §§ 10.1 - 10.25\)](#)

Chapter 10 of Title 22 of the Pennsylvania Code requires that chief school administrators execute a memorandum of understanding between school entities and their local police departments. The regulations are intended to enhance safety in schools by fostering clear communication and response strategies between schools, law enforcement, parents, and guardians, especially in handling critical incidents and emergencies.

[Section 1319-B](#) of the School Code of 1949 (amended in December 2023) is the underlying law that requires a memorandum of understanding between school entities and local police and [Section 1306.2-B](#) (below) of the School Code directs what should be included in the regulations. More information on Chapter 10 as it relates to emergency preparedness is located in the “emergency preparedness” section above.

Below is a summary of the main sections related to the MOU with police and reporting of criminal incidents:

**General Provisions**

- **10.1 Purpose:** Establishes the intent to maintain a cooperative relationship between school entities and local police departments for reporting and resolving incidents occurring on school property or during school-related activities.
- **10.2 Definitions:** Provides definitions for terms used in the chapter, such as "Charter School," "Chief School Administrator," "Incident," "Local Police Department," "Memorandum of Understanding," and others, including various categories of incidents (e.g., acts of violence, possession of weapons, drug-related activities).

## Memorandum of Understanding

- **10.11 Memorandum of Understanding:** Requires each chief school administrator to create and update a memorandum of understanding with local police departments biennially. This document outlines the cooperation terms between schools and police for handling incidents on school property. A model memorandum of understanding is included in the Appendix of Chapter 10 to be used by school entities when developing their own MOU with local law enforcement. [Section 1319-B](#) (largely formerly contained in section 1303-A) of the public School Code provides the underlying statutory authority for the memorandum of understanding and details the incidents that must be reported to police.

## Notification of Incidents

- **10.21 Immediate Notification:** Mandates **immediate** notification by the chief school administrator to local police when the criminal offenses in [section 1319-B\(b\)\(7\)](#) of the School Code (formerly section 1303-A(b)(4.1)) occur on school property or during school activities.
- **10.22 Discretionary Notification:** Gives the chief school administrator the discretion to notify police for the criminal offenses listed under [section 1319-B\(b\)\(8\)](#) of the School Code (formerly section 1303-A(b)(4.2)) and allows for consideration of factors like seriousness, the student's age, and whether the student has a disability.
- **10.23 Response and Handling of a Student with a Disability:** Outlines specific procedures for handling incidents involving students with disabilities, including provision of a copy of the school's behavior support services to local law enforcement and consulting individualized education plans (IEPs) and behavior support plans.
- **10.24 Emergency and Nonemergency Response and Preparedness:** Requires school districts to develop and implement comprehensive disaster response and emergency preparedness plans in cooperation with local emergency management agencies. (See "Emergency Preparedness" section for more specific information).
- **10.25 Notification to Parents/Guardians** Requires immediate notification of the parents or guardians of victims or suspects involved in an incident listed in section 1319-B(B)(7) or (8) of the School Code. Requires that the notification include whether the incident has been or may be reported to police.
- **Appendix A – Model Memorandum of Understanding** – Provides a model or sample MOU for use when school entities develop their own MOU with a law enforcement agency. PDE also provides this model MOU and it can be located [here](#).

[Section 1306.2-B of the Public School Code \(24 P.S. §13-1306.2-B\)](#)

Section 1306.2-B was recently added to the Public School Code of 1949 via Act 33 of 2023 (most of its provisions were previously contained in section 1302.1-A). This section simply describes what must be included in the Chapter 10 regulations above related to the MOU with policy and reporting of criminal incidents to police. The recent amendment, which took effect on December 13, 2023, made some very minor adjustments to what is to be included in Chapter 10, however, **the regulations currently found in Chapter 10 will remain the same until such time as they are updated.**

[Article XIII-D of the Public School Code - Safe2Say Program](#)

This Article outlines the Pennsylvania General Assembly's findings and intentions regarding the Safe2Say Program. It emphasizes the need for improved communication between schools, law enforcement, and communities to prevent school violence. The program is intended as a confidential, anonymous reporting system for threats or harmful activities in schools and is not designed as a disciplinary tool for school employees or a primary tool for law enforcement.

- **Section 1302-D. Definitions:** Defines key terms used in the context of the Safe2Say Program, such as "Attorney General," "In camera review," "Law enforcement agency," "Office," "Program," "Record of the program," and "School entity."
- **Section 1303-D. Safe2Say Program:** Establishes the Safe2Say Program within the Office of the Attorney General, detailing its administration and responsibilities. The program is responsible for anonymous reporting of potentially harmful or criminal activities in schools, maintaining confidentiality, and forwarding information to relevant authorities. It also outlines the training and awareness responsibilities of the program.
- **Section 1304-D. Confidentiality:** Directs that records created or obtained through the Safe2Say Program are confidential. It outlines the conditions under which these records can be disclosed and establishes penalties for unauthorized disclosure.
- **Section 1305-D. False reports:** Establishes a criminal offense for falsely reporting to the Safe2Say Program. It establishes penalties for knowingly making false reports and ensures that information about false reports does not become part of a student's record.
- **Section 1306-D. Judicial proceeding:** Details the procedures for handling records from the Safe2Say Program in judicial proceedings. It includes provisions for in-camera review by courts and the sealing and preservation of records not released during trials.
- **Section 1307-D. Annual report:** Requires the Office of the Attorney General to prepare and submit an annual report about the Safe2Say Program. The report must include various statistics and information about the program's operation, including the number of reports received, the types of reports, the cost of operating the program, and the number of false reports.

[Section 1302-E of the Public School Code \(24 P.S. § 13-1302-E\) - Threat assessment teams](#)

This outlines the duties of school entities and chief school administrators in Pennsylvania related to the establishment of threat assessment teams. Key points include:

- **Subsection (a)(1). Establishment of Teams:** Each school entity must establish at least one team responsible for assessing and intervening with students whose behavior may indicate a safety threat.
- **Subsection (a)(2). Duties of Chief School Administrators:** Responsibilities include appointing team members, ensuring implementation procedures, facilitating training, informing students, parents/guardians, and school employees about the team, and developing annual reports on the school's approach to threat assessment.
- **Subsection (b). Team Requirements:** Describes the individuals who must be included on a threat assessment team and the responsibilities of the team. Teams must include professionals with expertise in: school health, counseling, school psychology and social work, special education, and school administration. Each team must also include the school safety and security coordinator, other staff or community resources deemed necessary by the team. Threat assessment teams are responsible for tasks such as making informational materials available to students and employees, responding to reports, and undergoing specialized training.
- **Subsection (c). Notification and Referral:** If a student's behavior is preliminarily deemed a threat, the team must notify specific school officials, **including the school safety and security coordinator** and the building principal, who then must notify the student's parent or guardian. The team may then refer the student to appropriate programs or agencies, with parental consent required for certain referrals.
- **Subsection (d). Access to Student Information:** Allows teams to access specific student information (like health records, disciplinary records, etc.) as permissible under Federal law to carry out their duties.
- **Subsection (e). Cooperation with County Agencies:** Allows teams to request consultation and cooperation from county agencies or juvenile probation departments in assessing students, subject to various confidentiality laws and regulations.
- **Subsection (f) Use and Disclosure of Information:** Limits how information can be used by the team. Information obtained by the team is strictly for evaluating and addressing threats and cannot be redisclosed or used beyond this scope. Records developed by the team are not subject to the Right-to-Know Law.
- **Subsection (g). Disclosure:** Limits the disclosure of information collected by the team and makes clear that the annual report required to be submitted to the school board under subsection (a)(2)(v) is not subject to the Right-to-Know Law.

## Section 5 – Emergency Procedures and Training Drills

EMERGENCY PROCEDURES AND TRAINING DRILLS		
SUMMARY CHART		
Name of Relevant Sections:	<a href="#">35 Pa. C.S. §7701(g) and (f)</a> Relating to duties concerning disaster prevention and requirement for conducting an annual emergency preparedness or disaster response drill	<a href="#">Section 1517 of the Public School Code (24 P.S. § 15-1517)</a>
Applies to (Relevant to):	Publicly-funded schools and universities, Governor, Department of Environmental Resources, PA Emergency Management Agency, etc.	School Entity, Chief school Administrator (Superintendent), School Safety and Security Coordinator
Purpose (What it does):	Chapter 77 of title 35 of the Pennsylvania statutes includes various miscellaneous provisions related to disaster prevention and response.	Section 1517 of the Public School Code mandates regular fire drills, bus and emergency evacuation drills and school security drills in school buildings.
Permits (or Requires):	Requires that school districts and child care facilities develop comprehensive disaster response and emergency preparedness plans in cooperation with local and state emergency management agencies.  Also requires that annually, schools shall conduct at least one disaster response or emergency preparedness plan drill.	This section details the requirements related to fire drills, bus evacuation drills and most relevant to this training, school security drills. It also discusses things like enforcement and penalties. Additional details discussed below.

## EMERGENCY PROCEDURES AND TRAINING DRILLS

*(More detail below, use as needed)*

### [35 Pa. C.S. §7701\(g\) and \(f\)](#)

Chapter 77 of title 35 of the Pennsylvania statutes includes various miscellaneous provisions related to disaster prevention and response. There are two key parts relevant to schools (and custodial child care facilities), related to disaster response and emergency preparedness. They include:

- **Subsection (f) - Disaster Response and Emergency Preparedness Drills:** Annually, both schools and custodial child care facilities are mandated to conduct at least one drill related to disaster response or emergency preparedness. This requirement ensures that both staff and students/children are familiar with the procedures and actions to take in the event of an emergency.
- **Subsection (g) - Development of Plans:** Every school district and custodial child care facility must develop and implement a comprehensive disaster response and emergency preparedness plan. This plan should be created in cooperation with both the local Emergency Management Agency and the Pennsylvania Emergency Management Agency, ensuring it aligns with state-level guidelines and requirements. The plan is not static; it must be reviewed and potentially modified on an annual basis to ensure its effectiveness and relevance. Once reviewed or updated, a copy of this plan should be provided to the county emergency management agency. (See “Emergency Preparedness” section above for more detailed information).

### [Chapter 10 \(Safe Schools\) \(22 Pa. Code § 10.1 et seq.\) – Regulations issued under section 1306.2-B of the Public School Code of 1949 \(24 P.S. §13-1306.2-B\)](#)

- **Subsection 10.24 (f)** In an emergency, a school district shall follow the procedures in its comprehensive disaster response and emergency preparedness plan adopted under 35 Pa.C.S. §7701(g).

### [Section 1517 of the Public School Code \(24 P.S. § 15-1547\)](#)

Section 1517 of the Public School Code mandates regular fire and emergency evacuation drills, and school security drills, in school buildings, with specific guidelines:



- **Subsection (a) - Fire and Emergency Evacuation Drills:** All school entities must conduct fire drills at least once a month. If there are fire-escapes, appliances and fire exits, students and teachers are required to be instructed on how to use the escapes, appliances and/or exits and must use implements like fire escapes, appliances and exits in their drills where applicable.
- **Subsection (a.1) - School Security Drills:** Within 90 days of the start of each school year, while school is in session and with students present, schools are required to conduct one school security drill, replacing one of the fire drills required in subsection (a). After 90 days from the start of the school year a school entity *may* replace up to two additional fire drills described in section (a) with school security drills. The chief school administrator or their designee (possibly the SSSC) oversees the training and instruction for these drills for both students and employees. Local law enforcement and emergency management agencies are to be notified and asked for assistance when conducting these drills. Parents and guardians of students must be informed in advance of scheduled security drills. School Security Drills are defined as “a planned exercise, other than a fire drill or natural disaster drill, designed to practice procedures to respond to an emergency situation that may include, but is not limited to, an act of terrorism, armed intruder situation or other violent threat.”
- **Subsections (b) and (c) Enforcement and Penalties:** Chief school administrators are responsible for ensuring compliance with these requirements. Violation of these provisions is classified as a misdemeanor, with penalties ranging from a fine of \$25 to \$500, or imprisonment for 10 to 60 days, or both.
- **Subsection (e) - Annual Certification:** Each chief school administrator must certify to the Department of Education by April 10th each year that the required evacuation and security drills have been conducted in compliance with the section.