

HOUSE SELECT COMMITTEE FOR SCHOOL SAFETY
FINAL REPORT



TABLE OF CONTENTS

Cover Letter	2
Committee	
• Structure	4
• Membership	5
• Purpose	6
Investigation and Review	
• Current Policies and Procedures (School Survey)	7
• Current Law	13
Findings	35
Recommendations	51
Appendices	
• Appendix A: House Resolution 53, 2013	
• Appendix B: Hearing 1 – Agenda and Testimony	
• Appendix C: Hearing 2 – Agenda and Testimony	
• Appendix D: Hearing 3 – Agenda and Testimony	
• Appendix E: Hearing 4 – Agenda and Testimony	
• Appendix F: Additional Written Testimony	
• Appendix G: Model Memorandum of Understanding	

Honorable Members of the House of Representatives,

A safe learning environment is a necessary precursor to the successful education of Pennsylvania's children and young adults. The Commonwealth has long been concerned with enacting laws and shaping policies to provide all students with such an environment and, in 2010 and 2011, the General Assembly passed important legislation updating and improving statutes relating to school safety.

While the issue of school safety has been considered by the General Assembly before, we nevertheless recognize the need for further examination. Furthermore, when news of the unimaginable tragedy at Sandy Hook Elementary School in Newtown, Connecticut, was reported across the nation, we in the Legislature not only mourned the loss of these innocent victims but we also felt the call to act to prevent such a tragedy from occurring again. Despite this desire to act swiftly, the House of Representatives endeavored to undertake a careful, thorough, and deliberative investigation of current law, policies, and procedures impacting school safety through the formation of a select committee. Through the select committee's studied investigation and gathering of information, we hope to ensure that our final recommendations to public and nonpublic schools, institutions of higher education, state agencies, law enforcement, and the General Assembly will help make facilities safe and secure for students, employees, and visitors.

The issue of school safety and security is a transcendent one that overlooks partisanship and political concerns. Just as House Resolution 53 was passed in a bipartisan manner, this committee dedicated itself to examining the issue of school safety in a bipartisan fashion, in terms of both the representation of the committee and the issues that were raised, discussed, and debated throughout the committee's hearings.

From the outset of its work, the committee recognized and respected the geographic and demographic diversity of our state with its 500 school districts, 67 counties, and over 3,000 school buildings. As a result, to reflect this diversity and embrace these important differences, the committee decided that it was imperative to hold hearings throughout the Commonwealth. The committee held four public hearings: two at the State Capitol in Harrisburg, one at Sun Valley High School in Aston (southeastern Pennsylvania), and one at Slippery Rock University in Slippery Rock (western Pennsylvania). These hearings, particularly the ones in Aston and Slippery Rock, allowed members of the committee not only to visualize the different geographic challenges schools face throughout the Commonwealth but also to experience a part of the immense system of education in the state, including both K-12 education and higher education.

Driven by House Resolution 53, the committee also recognized that the issue of school safety necessarily encompasses a broad spectrum of issues. While the physical security of school buildings, emergency planning, and law enforcement engagement were inevitably high priorities, the committee also dedicated a significant portion of its deliberations to the complicated, related

issues of mental health, bullying, and community involvement. As a result of the scope of the issues before the committee, we were compelled to call upon a broad and diverse group of experts and stakeholders to testify, including representatives from K-12 public and nonpublic schools, higher education, state agencies, state and local law enforcement, mental health experts, educational associations, students, and parents. The committee also recognized that the issue of school safety is profoundly impacted by the needs and concerns of the local community, and it was paramount for the committee to acknowledge the importance of local control by hearing the voices of those serving communities locally across the Commonwealth.

On behalf of the committee, we would like to extend our sincerest thanks to all of the testifiers, who provided the committee with a wealth of invaluable information, and to the gracious hosts of our public hearings throughout the Commonwealth. We would also like to thank our fellow members of the committee who dedicated their time and serious consideration to the important work of this committee, and we are grateful for their contributions both at our hearings and in the recommendations included in this report.

Respectfully submitted,

State Representative Gary Day

State Representative Cherelle Parker

COMMITTEE STRUCTURE

Pursuant to House Resolution 53, the Speaker of the House, in consultation with the House Majority and Minority Leaders, appointed one member from the majority party and one member from the minority party from the following standing committees: Education, Health, Local Government, Children and Youth, Judiciary, and Veterans Affairs and Emergency Preparedness.

Furthermore, in accordance with the resolution, the Speaker of the House also appointed two at-large members from the majority party, of whom one served as the chairperson, and one at-large member from the minority party to serve as vice chairperson, for a total of fifteen members.

COMMITTEE MEMBERSHIP

Chairperson: Representative Gary Day

Vice Chairperson: Representative Cherelle Parker

Majority Members

Representative Jim Christiana	Education Committee
Representative Marcy Toepel	Health Committee
Representative Tarah Toohil	Local Government Committee
Representative Todd Rock	Children and Youth Committee
Representative Mike Regan	Judiciary Committee
Representative Joe Hackett	Veterans Affairs and Emergency Preparedness Committee
Representative Seth Grove	At-Large Member

Minority Members

Representative Michael H. O'Brien	Education Committee
Representative Mary Jo Daley	Health Committee
Representative Patty Kim	Local Government Committee
Representative Michelle Brownlee	Children and Youth Committee
Representative Dom Costa	Judiciary Committee
Representative Patrick Harkins	Veterans Affairs and Emergency Preparedness Committee

COMMITTEE PURPOSE

The Select Committee on School Safety was created by Resolution of the House of Representatives for the purpose of reviewing and making recommendations on all aspects of school safety and security in public and nonpublic schools and institutions of higher education.

Investigation into the laws, regulations, policies, and procedures governing school safety and security within the Commonwealth was initiated by the adoption of House Resolution 53 as a result of the tragic events at Sandy Hook Elementary School in Newtown, Connecticut in December 2012. The formation of the select committee to investigate school safety recognizes the need for a coordinated and unified response that is deliberative and systematic in nature in order to identify concerns regarding school safety and to recommend solutions.

House Resolution 53 acknowledged that in order for students to learn, they must have access to a safe and secure learning environment and that an account of current safety and security measures must incorporate not only facility security, planning, and training for emergencies but also prevention and early intervention measures, including access to mental health services.

The select committee was specifically charged with investigating, reviewing, and making recommendations on the following:

- Current security policies and procedures in public and nonpublic schools and institutions of higher education and ways to improve school policies and procedures;
- Current state laws and regulations concerning school safety and ways to strengthen state laws and regulations, with a review of school safety and security laws and regulations in effect in other states;
- Early detection of potentially violent perpetrators, including strategies used by education, health, and other professionals to identify family, community, and environmental factors that may lead to potentially violent behaviors; and
- Potential budgetary, revenue, and governance reforms to address these matters.

INVESTIGATION AND REVIEW

CURRENT POLICIES AND PROCEDURES (SCHOOL SURVEY)

During the committee's hearing in Harrisburg on April 18, 2013, the committee heard testimony from the Director of the Office for Safe Schools (OSS), the entity within the Department of Education (PDE) responsible for the collection and compilation of school safety statistics, among other duties. Committee members at this time raised critical questions as to the security and safety measures school entities currently employ throughout the Commonwealth.

As a result, the committee requested that the OSS conduct a survey of public school entities throughout the Commonwealth to determine the prevalence and importance of security measures employed in school facilities. Through this survey, administered through the OSS, 979 public school employees responded to questions about the current security measures. The following data was collected by the OSS, as of August 21, 2013. The committee would like to extend its thanks to the OSS and to Michael Kozup, Director of the OSS, for their support in undertaking this task on behalf of the committee and for their diligent work in circulating the survey and collecting the data.

Respondents were asked to respond to the following prompts:

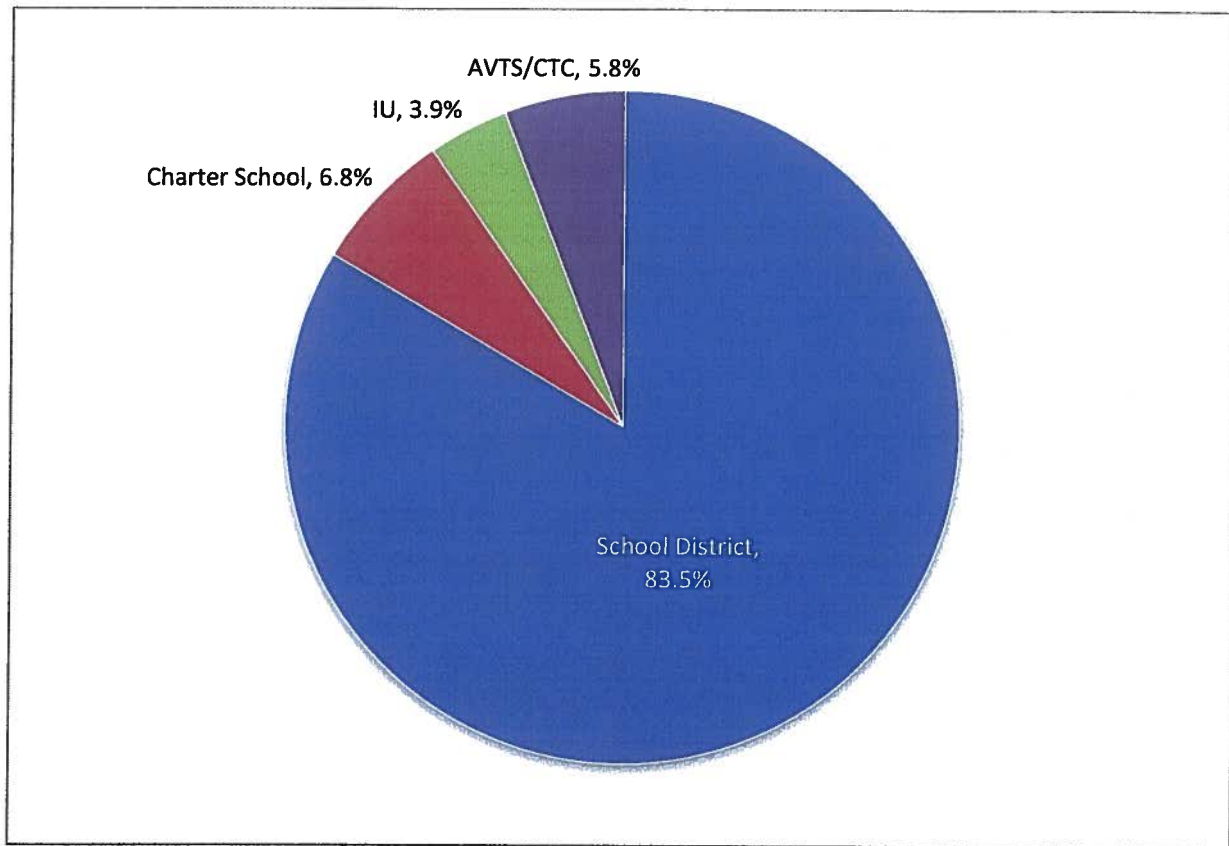
- Select which school entity type the respondent represents: school district, charter school, intermediate unit, and area vocational-technical school/career and technical center;
- Select the type of building for which the respondent is replying: district level,¹ elementary (Pre-K - 5), middle school/junior high (6-8), and high school (9-12);
- Select from a list provided the security measures being used in respondent's building(s); and
- Rank the importance of listed equipment with 1 being the most important.

¹ Respondents selecting "district level" are school administrators responding on behalf of an entire district.

DATA

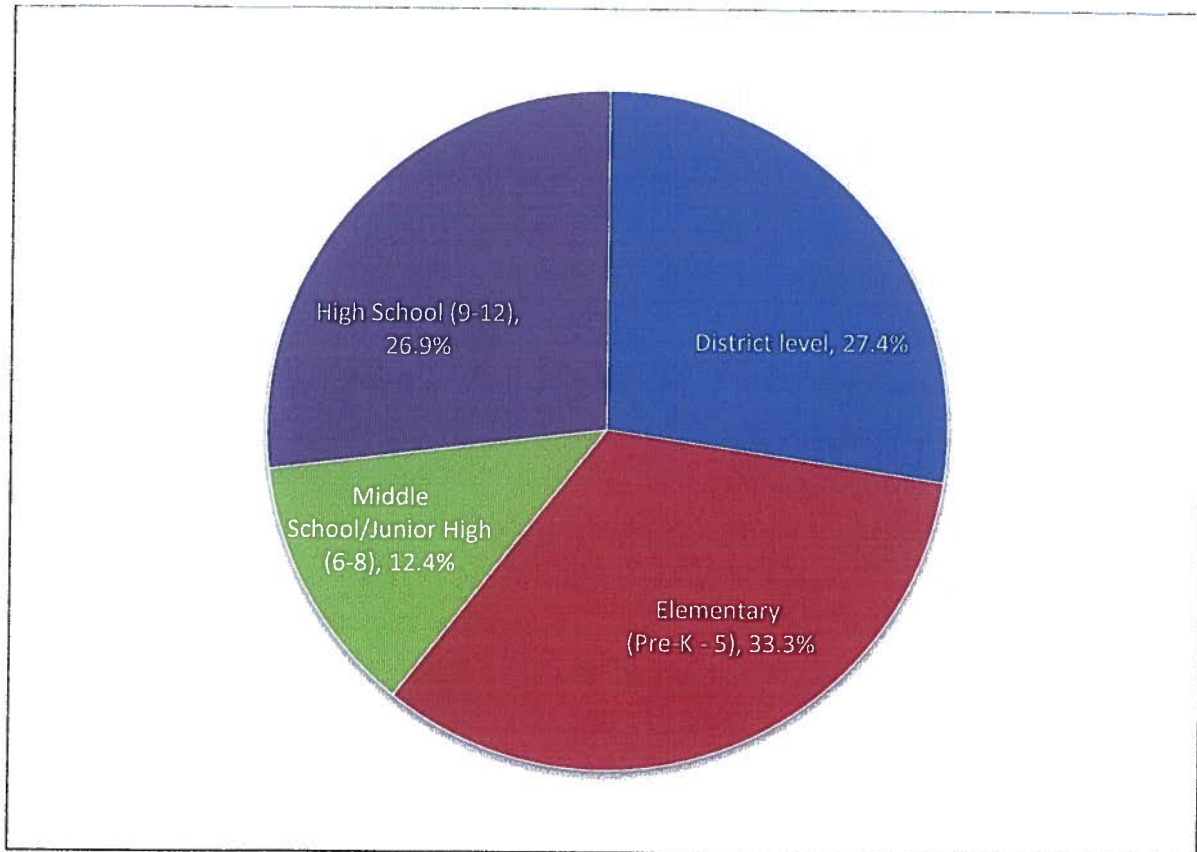
School Entity: Answer Options	Response Percent	Response Count
School District	83.5%	817
Charter School	6.8%	67
IU	3.9%	38
AVTS/CTC	5.8%	57
<i>answered question</i>		979
<i>skipped question</i>		6

School Entity



Type of Building: Answer Options	Response Percent	Response Count
District level	27.4%	233
Elementary (Pre-K - 5)	33.3%	283
Middle School/Junior High (6-8)	12.4%	105
High School (9-12)	26.9%	229
<i>answered question</i>		850
<i>skipped question</i>		135

School Building



Select from the following the security measures that are being used in your building(s): (Check all that apply)		
Answer Options	Response Percent	Response Count
Metal detectors	7.2%	61
Cameras	87.2%	741
Panic buttons	30.5%	259
Security staff	32.0%	272
Two-way radios	80.5%	684
Intercom system	87.5%	744
Buzz-in devices for schools and school offices	92.4%	785
Electronic locking systems for doors	62.0%	527
Key fobs/identification tags to swipe in and out of the building	72.2%	614
Key fobs/identification tags to access certain rooms	12.1%	103
Texting/calling/emailing system to inform parents of an emergency situation	86.1%	732
V-soft or like program that scans visitors ID/License to check for Megan's list file	6.4%	54
Telephones placed in classrooms	85.8%	729
Performance of active shooter drills	46.8%	398
Performance of security related lockdown drills	90.5%	769
Performance of weather related lockdown drills	89.1%	757
None	0.2%	2
Other (please explain)		81
<i>answered question</i>		850
<i>skipped question</i>		135

Please rank the importance of the following equipment: (1 = most important, etc.)		
Answer Options	Rating Average²	Response Count
Cameras	3.78	836
Buzz-in devices for schools and school offices	4.33	836
Intercom system	6.58	836
Two-way radios	6.90	836
Electronic locking systems for doors	7.14	836
Security staff	7.54	836
Key fobs/identification tags to swipe in and out of the building	7.61	836
Telephones placed in classrooms	7.87	836
Performance of security related lockdown drills	8.24	836
Panic buttons	8.91	836
Texting/calling/emailing system to inform parents of an emergency situation	9.22	836
Performance of active shooter drills	9.74	836
Performance of weather related lockdown drills	11.17	836
Metal detectors	12.02	836
Key fobs/identification tags to access certain rooms	12.16	836
V-soft or like program that scans visitors ID/License to check for Megan's list file	12.79	836
	<i>answered question</i>	836
	<i>skipped question</i>	149

² "Rating Average" is calculated as the average score assigned to a security measure, on a scale of 1 to 16, with 1 being most important.

SUMMARY OF RESULTS

When asked to select the security measures presently implemented in their buildings,

- 92.4 percent of respondents reported using “buzz-in” devices for schools and school offices;
- 90.5 percent reported performing security related lockdown drills;
- 89.1 percent reported performing weather related lockdown drills;
- 87.5 percent reported using intercom systems to enhance security; and
- 87.2 percent utilized cameras.

In contrast, those measures least frequently implemented in the buildings of survey respondents included key fobs/identification tags to access certain rooms (12.1 percent), metal detectors (7.2 percent), and V-soft or similar programs (6.4 percent), with 0.2 percent of respondents reporting that no security measures are being utilized.

Among the types of equipment listed in the survey, cameras and “buzz-in” devices were ranked as most important, with average scores of 3.78 and 4.33 respectively. Key fobs/identification tags and V-soft and similar programs were ranked as least important, with average scores of 12.16 and 12.79 respectively.

CONCLUSION

Results of the survey conducted by the OSS indicated that nearly all the school entities surveyed, as represented by their administrators, utilize multiple security measures listed in the survey, with particular emphasis on security hardware and technology.

Additionally, there appears to be correlation between the measures being used in respondents’ buildings and the perceived importance of those measures.

CURRENT LAW³

STATUTE

The committee would like to recognize the important work of the General Assembly in 2010 and 2011 to update and improve the Commonwealth's statutes relating to school safety and the protection of students. These improvements include revisions to the Public School Code in Section 111 regarding background checks for school employees and in Article XIII-A (Safe Schools).

Background Checks (Section 111 of the Public School Code)

Section 111 of the Public School Code, which was substantially amended in 2011, provides that administrators of public and private schools, intermediate units, and area vocational technical schools (AVTS) must require prospective employees to submit with their application a criminal history record from the Pennsylvania State Police (PSP). This record must not be more than one year old. Contractors must also submit a criminal history record for each prospective employee of the contractor prior to employment. Administrators are required to maintain on file with the application for employment a copy of the federal criminal history record.

Section 111(e) further provides that no person shall be employed or remain employed in a public or private school, intermediate unit, or AVTS when a report of criminal history or a form submitted by employee indicates that the individual has been convicted of any of the following offenses:

- An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:
 - Chapter 25 (relating to criminal homicide).
 - Section 2702 (relating to aggravated assault).
 - Section 2709.1 (relating to stalking).
 - Section 2901 (relating to kidnapping).
 - Section 2902 (relating to unlawful restraint).
 - Section 2910 (relating to luring a child into a motor vehicle or structure).
 - Section 3121 (relating to rape).
 - Section 3122.1 (relating to statutory sexual assault).
 - Section 3123 (relating to involuntary deviate sexual intercourse).
 - Section 3124.1 (relating to sexual assault).
 - Section 3124.2 (relating to institutional sexual assault).
 - Section 3125 (relating to aggravated indecent assault).

³ The following does not represent a fully exhaustive list of all statutes and regulations related and tangential to school safety and security.

- Section 3126 (relating to indecent assault).
- Section 3127 (relating to indecent exposure).
- Section 3129 (relating to sexual intercourse with animal).
- Section 4302 (relating to incest).
- Section 4303 (relating to concealing death of child).
- Section 4304 (relating to endangering welfare of children).
- Section 4305 (relating to dealing in infant children).
- A felony offense under section 5902(b) (relating to prostitution and related offenses).
- Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).
- Section 6301(a)(1) (relating to corruption of minors).
- Section 6312 (relating to sexual abuse of children).
- Section 6318 (relating to unlawful contact with minor).
- Section 6319 (relating to solicitation of minors to traffic drugs).
- Section 6320 (relating to sexual exploitation of children).
- An offense designated as a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."
- An offense similar in nature to those crimes listed above under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former Pennsylvania law.

Section 111(f.1) provides that if a report of criminal history record information or a form submitted by an employee indicates the individual has been convicted of an offense graded as a felony offense of the first, second or third degree other than one of the offenses listed above, the person shall be eligible for continued or prospective employment only if a period of ten years has elapsed from the date of expiration of the sentence for the offense. If a report of criminal history record information or a form submitted by an employee indicates the person has been convicted of an offense graded as a misdemeanor of the first degree, other than one of the offenses listed above, the person shall be eligible for continued or prospective employment only if a period of five years has elapsed from the date of expiration of the sentence for the offense. If the report of criminal history record information or a form submitted by an employee indicates the person has been convicted more than once for an offense under 75 Pa.C.S. § 3802(a), (b), (c) or (d) (relating to driving under influence of alcohol or controlled substance) and the offense is graded as a misdemeanor of the first degree under 75 Pa.C.S. § 3803 (relating to grading), the person shall be eligible for current or prospective employment only if a period of three years has elapsed from the date of expiration of the sentence for the most recent offense.

Section 111 also provides for a standardized form developed by PDE to be used by current and prospective employees of public and private schools, intermediate units, and area-vocational technical schools for reporting any arrest or conviction for an offense under Section 111(e) or (f.1). Current or prospective employees that willfully fail to disclose such a conviction or arrest shall be subject to discipline up to and including denial or termination of employment and may be subject to criminal prosecution under 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Section 111 applies to all current and prospective employees of public and private schools, intermediate units, and AVTSs, including but not limited to teachers, substitutes, janitors, cafeteria workers, independent contractors and their employees, except those employees, independent contractors, and their employees who do not have direct contact with children. Section 111 also applies to bus drivers offered employment by a school district, private school, intermediate unit, area-vocational technical school, or independent contractor, and to student teachers and student teacher candidates assigned to all public and private schools, intermediate units, and AVTSs.

Intergovernmental Agreements for School Security and Safety (Section 617 of the Public School Code)

Section 617 of the Public School Code, which was added in 2012, allows school boards to enter into agreements with other political subdivisions to provide for the safety and security of schools. School boards may use school funds to share costs with municipalities and counties for expenses such as benefits and salaries of school resource officers and probation officers. These officers are not required to be employees of the school district.

School Police Officers (Section 778 of the Public School Code)

Section 778 of the Public School Code allows school districts to apply to any judge of the court of common pleas of the county in which the school district is located to appoint persons designated by the school district as school police officers. Judges may, at the school district's request, grant school police officers the power to arrest, the authority to issue citations for summary offenses, or the authority to detain students until the arrival of local law enforcement.

School districts employing school police officers are required to report annually to the OSS information regarding school police officers receiving training as required under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training), including the identity of the school district and the number of school police officers it employs, the municipalities comprising the school district, and the date and type of training provided to each school police officer.

School police officers granted the power to arrest, issue citations, or detain students, or who have been authorized to carry a firearm, are required to complete training as set forth in under 53 Pa.C.S. Ch. 21 Subch. D.

Appointed school police officers are endowed with the power and duty to enforce order in school buildings, on school buses, and on school grounds. If authorized by the court, school police officers are allowed to exercise the same powers exercised by the police of the municipality in which the school property is located, to issue summary citations, or to detain individuals until local law enforcement is notified.

School police officers are required to wear in plain view a shield or badge while on duty except when employed as a detective. Compensation of school police officers is paid by the school district to which they are appointed.

Possession of Weapons on School Property (Section 1317.2 of the Public School Code)

Possession of a Weapon on School Property (18 Pa.C.S. § 912)

Provisions Applicable to Charter Schools (Sections 1732-A and 1749-A of the Public School Code)

Section 1317.2 of the Public School Code requires school districts and AVTSs to expel for a least one year a student who is determined to have brought onto or is in possession of a weapon on school property, any school-sponsored activity, or any public conveyance providing transportation to a school or school-sponsored activity. Every school district and AVTS is required to develop a policy regarding expulsions for possession of a weapon. The superintendent of a school district or administrative director of an AVTS may recommend modifications of such expulsion requirements for a student on a case-by-case basis.

Section 1317.2 does not apply to a weapon being used as part of a program approved by a school by an individual participating in the program or a weapon that is unloaded and possessed by an individual traversing school property for the purpose of obtaining access to public or private lands used for lawful hunting, if the entry on school premises is authorized by school authorities.

The provisions of Section 1317.2 apply to both charter and cyber charter schools (Section 1732-A; Section 1749-A).

Regarding the report of incidents involving the possession of a weapon prohibited under Section 1317.2, superintendents and chief administrators must report the discovery of a weapon prohibited by this section to law enforcement. Superintendents and chief administrators are also required to report to PDE all incidents relating to expulsions for the possession of a weapon, and reports must include all information as required under Section 1303-A of the Public School Code.

18 Pa.C.S. § 912 provides that a person commits a misdemeanor of the first degree if he possesses a weapon in the buildings of, on the grounds of, or in conveyances providing transportation to and from a publicly-funded elementary or secondary institution, an elementary or secondary school licensed by PDE, or any elementary or secondary parochial school.

Both Section 1317.2 of the Public School Code and 18 Pa.C.S. § 912 define “weapon” as including but not limited to any knife, cutting instrument, cutting tool, nun-chuck stick, firearm, shotgun, rifle and any other tool, instrument, or implement capable of inflicting serious bodily injury.

Safe Schools (Article XIII-A of the Public School Code)⁴

Article XIII-A of the Public School Code, which was substantially amended by Act 104 of 2010, establishes the OSS. The office has the power and duty to coordinate antiviolence efforts among school, professional, parental, governmental, law enforcement, and community organizations, to collect, develop, and disseminate information, policies, and strategies addressing school violence, to direct all school entities to submit annual school violence statistics and reports, to provide direct training to school employees, parents, law enforcement officials, and communities on effective measures against school violence, to advise school entities and nonpublic schools on the development of policies relating to weapons possession, acts of violence, coordination with and reporting to law enforcement officials and PDE, to develop forms used by school entities and law enforcement for reporting incidents involving acts of violence and possession of a weapon on school property, to verify that school entities have biennially updated their memorandum of understanding (MOU) with local law enforcement and filed that MOU with the OSS, and to publish a School Safety Annual Report on PDE’s website.

Section 1302-A authorizes the OSS to make targeted grants to school entities to fund programs that address school violence. Such programs include:

- conflict resolution or dispute management, including restorative justice strategies; school-wide positive behavior support that includes primary or universal, secondary, and tertiary supports and interventions in school entities; and school-based diversion programs;
- peer helper programs;
- risk-assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies;
- classroom management;
- student codes of conduct;
- training to undertake district-wide assessment of risk factors that increase the likelihood of problem behaviors among students;
- development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying;
- comprehensive, district-wide school safety and violence prevention plans;
- security planning, purchase of security-related technology which may include metal detectors, protective lighting, surveillance equipment, special emergency

⁴ See page 32f. for the regulations promulgated pursuant to Article XIII-A of the Public School Code.

communications equipment, electronic locksets, deadbolts and theft control devices and training in the use of security-related technology;

- institution of student, staff and visitor identification systems, including criminal background check software;
- establishment or enhancement of school security personnel, including school resource officers;
- provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle, and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services;
- alternative education programs provided for in Article XIX-C of the Public School Code;
- counseling services for students enrolled in alternative education programs; an Internet web-based system for the management of student discipline, including misconduct and criminal offenses; and
- staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

Targeted grants are allocated through a competitive grant review process established by the OSS. Priority in grant funding is given to school entities designated as persistently dangerous as defined in 22 Pa. Code Section 403.2 and to school entities with the greatest need to establish safety and order. The OSS must also ensure that grant funding is geographically dispersed throughout the Commonwealth, to the greatest extent possible.

Act 70 of 2013 amended Section 1302-A to expand the existing system of targeted grants and provide for a new system of targeted grants. Under the existing system of targeted grants, Act 70 added emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders, to the lists of programs supported by the grants. The act also eliminated the establishment or enhancement of school security personnel as a focus for the existing system of targeted grants.

Act 70 created a new system of targeted grants to be distributed to school entities and municipalities to fund programs that address school violence by establishing and enhancing school security, including the costs associated with the training and compensation of school resource and police officers. Municipalities receiving grant funding must assign school resource officers to public and nonpublic schools, with the prior consent of the governing board of the school entity or nonpublic school. Municipalities are not eligible for other grants provided to school entities under Section 1302-A.

The Act further clarified that the priority in grant funding previously established under the Article is not applicable to this new system of grants.

For school entities and municipalities that apply for funding for school resource and police officers under this new system of grants, priority in grant funding shall be given to those who utilize school resource and police officers who have completed additional training recommended by PDE relating to interaction with children and adolescents in a school setting.

For school entities that apply for funding for school police officers under this new system of grants, priority shall be granted to school entities utilizing police officers who meet the following criteria:

- are retired Federal agents or retired state, municipal, or military police officers;
- are independent contractors;
- are compensated on an hourly basis with no fringe benefits from the school entity;
- have completed annual training as required under Title 53 (related to municipal officers training);
- have satisfied the background check requirements laid out in Section 111;
- have been indemnified by the school entity; and
- are utilized by a school entity that has not employed a police officer in the three years preceding the effective date of the section.

Priority in funding for retired officers shall only be applicable to the pool of entities applying for funding for school police officers and shall not impact grant decisions relating to school resource officers.

The act also provided that of the sum appropriated annually to PDE for the purpose of making these targeted grants, 40 percent shall be allocated for those programs provided for under the existing system of targeted grants and 60 percent shall be allocated for those programs provided for under the new system of targeted grants established in the act.

Section 1302.1-A, which was substantially amended in 2010, required the State Board of Education to promulgate regulations, including:

- A model MOU between school entities and local police departments to be reviewed biennially and revised as necessary by the State Board of Education;
- A protocol for the notification of the police department when an offense listed under section 1303-A (b)(4.1) occurs on school property;

- A protocol for the notification of the police department at the discretion of the chief school administrator when an offense listed under section 1303-A (b)(4.2) occurs on school property;
- A protocol for emergency and nonemergency response by the police department; and
- Procedures and a protocol for the response and handling of students with a disability.

Section 1303-A provides for reporting requirements from school entities to the OSS. Each school administrator is required to report to the OSS each year all new incidents involving acts of violence, possession of a weapon, or possession, use, or sale of controlled substances, alcohol, or tobacco by any person on school property. Incidents to be reported include all incidents involving conduct constituting a criminal offense listed under Section 1303-A (b)(4.1) and (4.2). Reports must also include: age or grade of student; name and address of school; circumstances surrounding the incident; race of student; whether the student has an Individualized Education Plan (IEP); sanction imposed by the school; notification of law enforcement; remedial programs involved; parental involvement required; and arrests, convictions, and adjudications.

Section 1303-A (b)(4.1) lists the following offenses:

- The following offenses under 18 Pa.C.S. (relating to crimes and offenses):
 - Section 908 (relating to prohibited offensive weapons).
 - Section 912 (relating to possession of weapon on school property).
 - Chapter 25 (relating to criminal homicide).
 - Section 2702 (relating to aggravated assault).
 - Section 2709.1 (relating to stalking).
 - Section 2901 (relating to kidnapping).
 - Section 2902 (relating to unlawful restraint).
 - Section 3121 (relating to rape).
 - Section 3122.1 (relating to statutory sexual assault).
 - Section 3123 (relating to involuntary deviate sexual intercourse).
 - Section 3124.1 (relating to sexual assault).
 - Section 3124.2 (relating to institutional sexual assault).
 - Section 3125 (relating to aggravated indecent assault).
 - Section 3126 (relating to indecent assault).
 - Section 3301 (relating to arson and related offenses).
 - Section 3307 (relating to institutional vandalism) when the penalty is a felony of the third degree.
 - Section 3502 (relating to burglary).
 - Section 3503(a) and (b)(1)(v) (relating to criminal trespass).
 - Section 5501 (relating to riot).
 - Section 6110.1 (relating to possession of firearm by minor).

- The possession, use or sale of a controlled substance or drug paraphernalia as defined in "The Controlled Substance, Drug, Device and Cosmetic Act."
- Attempts, solicitation or conspiracy to commit any of the offenses listed.
- An offense for which registration is required under 42 Pa.C.S. § 9795.1 (relating to registration).

Section 1303-A (b)(4.2) lists the following offenses:

- The following offenses under 18 Pa.C.S., and any attempt, solicitation or conspiracy to commit any of these offenses:
 - Section 2701 (relating to simple assault).
 - Section 2705 (relating to recklessly endangering another person).
 - Section 2706 (relating to terroristic threats).
 - Section 2709 (relating to harassment).
 - Section 3127 (relating to indecent exposure).
 - Section 3307 (relating to institutional vandalism) when the penalty is a misdemeanor of the second degree.
 - Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2) (relating to criminal trespass).
 - Chapter 39 (relating to theft and related offenses).
 - Section 5502 (relating to failure of disorderly persons to disperse upon official order).
 - Section 5503 (relating to disorderly conduct).
 - Section 6305 (relating to sale of tobacco).
 - Section 6306.1 (relating to prohibition on use of tobacco in schools).
 - Section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

Chief school administrators are required to submit these reports to the police department with jurisdiction over the relevant school property prior to submission to the OSS. The police department must notify the chief school administrator whether the report accurately reflects police incident data, and sign the report.

School administrators are required to form an advisory committee, composed of relevant school staff, to develop a MOU with police departments having jurisdiction over the school property. MOUs must be reviewed and re-executed biennially with local law enforcement and submitted to the OSS biennially.

MOUs must comply with the regulations promulgated by the State Board of Education and include:

- Procedure for police department review of the annual incident report filed with the OSS;
- Procedure for resolution of school violence data discrepancies; and
- Additional matter pertaining to crime prevention agreed to between the chief school administrator and police department.

PDE may initiate disciplinary action before the Professional Standards and Practices Commission, pursuant to the Professional Educator Discipline Act, against a chief school administrator or principal failing to submit the required report, enter into an MOU with the police department, report an incident involving an act of violence, possession of a weapon, or an offense listed in Section 1303-A (b) (4.1) and (4.2) that occurs on school property, submit a copy of the MOU to the OSS, or intentionally falsify a report. Additionally, a chief school administrator or principal shall be subject to prosecution for violation of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities). The following civil penalties may be imposed by the Professional Standards and Practices Commission for such violations:

- \$2,500 for a first violation;
- \$3,500 for a second violation; and
- \$5,000 for a third or subsequent violation.

Section 1303.1-A requires each school entity to adopt a policy relating to bullying. The policy must delineate disciplinary consequences for bullying and may provide for prevention, intervention, and education programs. The policy must also identify the school staff person to receive reports of incidents of alleged bullying. The policy must be posted on the school entity's website and be reviewed with students within 90 days of its adoption and at least once every school year thereafter. School entities are required to review their policies every three years and annually provide the OSS with a copy of the policy.

Bullying is defined in the article as an intentional electronic, written, verbal, or physical act, or series of acts:

- Directed at another student or students;
- Which occurs in a school setting;
- That is severe, persistent, or pervasive; and
- That has the effect of doing any of the following:
 - Substantially interfering with a student's education;
 - Creating a threatening environment; or
 - Substantially disrupting the orderly operation of the school.

Section 1304-A requires a parent or guardian to provide a sworn statement or affirmation stating whether a pupil seeking admission to any public school entity was previously or is presently suspended or expelled from any public or private school for an offense involving weapons, alcohol, or drugs, or for violence committed on school property.

Section 1305-A requires that a certified copy of a student's disciplinary record be transferred whenever the student transfers to another public or nonpublic school.

Section 1306-A requires that a student's disciplinary record be available for inspection to the student, his or her parent or guardian, school officials, and state and local law enforcement officials.

Section 1307-A requires public and nonpublic schools to maintain updated records of all incidents of violence, incidents involving possession of a weapon, and convictions and adjudications of delinquency for acts committed on school property by enrolled students.

Section 1308-A requires the Secretary of Education to survey all school districts and nonpublic schools to determine the extent to which additional costs have been incurred as a result of reporting requirements in Section 1317.2 and Section 1304-A through 1307-A.

Section 1309-A requires PDE to provide technical assistance and guidelines for school districts and nonpublic schools in implementing this act.

Section 1310-A provides for a safe schools advocate, established within the Pennsylvania Commission on Crime and Delinquency (PCCD), for each school district of the first class. In 2011 this office was reinstated and moved from PDE to PCCD.

Powers and Duties of the safe schools advocate include:

- Monitoring the school district's compliance with the Safe Schools Article, including the school district's reporting of incidents involving acts of violence, possession of a weapon, or possession, use, or sale of a controlled substance, alcohol, or tobacco by any person on school property, obtaining the school district's copies of reports and analyzing them, and the school district's compliance with procedures established in the MOU with the appropriate police department for incidents involving acts of violence and possession of a weapon, and obtaining weekly documentation of all written and verbal contact by the school district with the police department consistent with the requirements of the MOU;
- Monitoring the school district's compliance with the mandatory expulsion requirements established in Section 1317.2;

- Receiving inquiries from school staff and parents and guardians of victims of acts of violence on school property;
- Establishing a protocol, in consultation with the Juvenile Court Judges' Commission, to assure timely receipt by the school district of information regarding students who have been adjudicated delinquent pursuant to 42 Pa.C.S. § 6341(b.1) (relating to adjudication) and to monitor the school district's use of that information to ensure that victims of acts of violence by a student are protected;
- Establishing a program to assure extensive and continuing public awareness of information regarding the role of the advocate on behalf of victims of acts of violence on school property, including mailing information to the parents or guardians of students in the school district;
- Reviewing and analyzing Federal and State statutes which may be an impediment to school safety and the imposition of discipline for the commission of acts of violence on school property and to prepare reports making recommendations for changes to the statutes to promote school safety and facilitate effective and expedient disciplinary action;
- Reviewing and analyzing court decisions applicable to the school district's disciplinary process and procedures, to make recommendations to the school district regarding any negative impact these decisions have upon the effective maintenance of school safety;
- Preparing an annual report regarding the activities of the advocate during the prior fiscal year and any recommendations for remedial legislation, regulations, or school district administrative reforms; and
- Monitoring infractions of the school district's code of conduct to identify students whose conduct would constitute an offense under 18 Pa.C.S. § 2701 (relating to simple assault).

The safe schools advocate shall, on behalf of victims of acts of violence on school property, victims of conduct that would constitute an act of violence and victims of students who have committed two or more infractions of the school district's code of conduct:

- provide assistance and advice, including information on support services provided by victim assistance offices of the appropriate district attorney and through local community-based victim service agencies;
- provide information to the parent or guardian of the student victim regarding the disciplinary process and any action ultimately taken against the student accused of committing the act of violence;
- in cases involving the possession or use of a weapon, advise the parent or guardian of the victim whether the school district properly exercised its duty under section 1317.2;
- attend formal disciplinary proceedings, when requested;
- with the consent of the parent or guardian of the victim, present information in the disciplinary proceeding, which may include oral or written presentations;

- assist the parent or guardian of the victim in providing input to the school district and the appropriate juvenile or criminal justice authority to ensure the victim's safety on school property where the perpetrator of an act of violence is returning to school after placement under a consent decree, adjudication of delinquency or conviction of a criminal offense;
- in cases where the district has failed to report the act of violence to the appropriate police department as required by the MOU, report such act of violence directly; and
- provide information and make recommendations to the office of the district attorney regarding the impact of the act of violence on the victim and the victim's family.

Upon discovery of the commission of an act of violence upon a student, a school district of the first class is required immediately to notify the victim's parent or guardian of the safe schools advocate, including the address and telephone number of the advocate and a brief description of the purposes and functions of the safe schools advocate.

Fire and Emergency Evacuation Drills (Section 1517 of the Public School Code)

Section 1517 of the Public School Code requires public schools to conduct fire drills at least once a month. Drills are required to include the use and complete removal of students and teachers from the building. Schools using or contracting school buses for the transportation of students must also conduct on school grounds two emergency evacuation drills on school buses each year. The drill must include practice and instruction regarding the location, use, and operation of emergency exit doors and fire extinguishers and the proper evacuation of buses in the event of fire or accidents. Each district superintendent is required to certify to PDE on or before April 10th of each year that the required drills have been held. Persons violating or failing to comply with the provisions of Section 1517 will be guilty of a misdemeanor.

Drug and Alcohol Education, Counseling and Support Services (Section 1547 of the Public School Code)

Section 1547 of the Public School Code provides that beginning with school year 1991-1992 each public school student must receive mandatory instruction in alcohol, chemical, and tobacco abuse in every year in every grade from kindergarten through grade twelve integrated into the health course of study.

The Department of Health, Office of Drug and Alcohol Programs, must make appropriate curriculum materials available upon a school district's request. In developing their alcohol, chemical, and tobacco abuse programs, school districts are required to consult with the single county authority designated by the Department of Health to provide drug and alcohol services in the school district's area.

Section 1547 required the Secretary of Education to recommend to the General Assembly a plan to require and assist each school district to establish and maintain a program to provide

appropriate counseling and support services for students experiencing problems with drugs, alcohol, and dangerous substances.

Dating Violence Education (Section 1553 of the Public School Code)

Section 1553 of the Public School Code, which was added by Act 104 of 2010, requires PDE, through the OSS, to develop a model dating violence policy to assist school districts in developing policies for dating violence reporting and response. School districts may establish a specific policy to address such incidents involving students at school. School districts which establish a policy are required to publish the policy in any school district policy or handbook, make the policy available on its publicly accessible website, and provide parents with a copy of the policy.

School districts may provide dating violence training to guidance counselors, nurses, and mental health staff at the high school level, with other staff included on a voluntary basis at the discretion of the superintendent. School districts may incorporate age-appropriate dating violence education into the annual health curriculum for students in grades nine through twelve. PDE, through the OSS, is required to provide school districts with grade-appropriate educational materials regarding dating violence and healthy relationships for the purpose of assisting school districts in preparing a program on dating violence.

Section 1553 also requires the State Board of Education to conduct a study of the benefits and detriments of mandatory dating violence education and submit a report of its recommendations to the chairman and minority chairman of the House and Senate Education Committees within three years of the effective date of the section.

Disruptive Student Programs (Article XIX-C of the Public School Code)

Section 1901-C defines an “alternative education program” as a program applying for funds under this article and implemented by a school district, an AVTS, a group of school districts, or an intermediate unit, which removes disruptive students from regular school programs in order to provide those students with an educational course of study and counseling designed to modify disruptive behavior and return the students to a regular school curriculum. School districts and private alternative education institutions operating pursuant to Article XIX-E are required to adopt a policy for periodic review of students placed in their respective alternative education program in order to determine whether or not the student is prepared to return to the regular school curriculum. This review must occur, at a minimum, at the end of every semester the student is in the program. Programs may include services for students returning from placements or who are on probation resulting from being adjudicated delinquent in a proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) or have been judged to have committed a crime under an adult criminal proceeding.

Section 1901-C defines a “disruptive student” as a student who poses a clear threat to the safety and welfare of other students or the school staff, who creates an unsafe school environment or whose behavior materially interferes with the learning of other students or disrupts the overall educational process. The disruptive student exhibits to a marked degree any or all of the following conditions:

- Disregard for school authority, including persistent violation of school policy and rules.
- Display or use of controlled substances on school property or during school-affiliated activities.
- Violent or threatening behavior on school property or during school-affiliated activities.
- Possession of a weapon on school property, as defined under 18 Pa.C.S. § 912 (relating to possession of weapon on school property).
- Commission of a criminal act on school property or during school-affiliated activities.
- Misconduct that would merit suspension or expulsion under school policy.
- Habitual truancy.

A student eligible for special education services pursuant to the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) shall not be deemed a disruptive student for the purposes of this act, except as provided for in 22 Pa. Code § 14.35 (relating to discipline).

Section 1902-C provides that applicants for funding under this article must document the following:

- The program is developed in consultation with the faculty and administrative staff of the school and parents and members of the community;
- The applicants have established policies to identify those students who are eligible for placement in the program and that the placement of such students will comply with the informal hearing procedures set forth in 22 Pa. Code § 12.8(c) (relating to hearings). Notice of the hearing should precede placement in the program. Where the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the student may be immediately removed from the regular education curriculum with notice and a hearing to follow as soon as practicable;
- School personnel assigned to the alternative education program for which funding is sought under this article possess a Level I or Level II Pennsylvania certificate as provided for in 22 Pa. Code Ch. 49 (relating to certification of professional personnel);
- The program provides participating students with a course of instruction which recognizes their special needs, prepares them for successful return to a regular school curriculum and/or completion of the requirements for graduation;

- The program is used only when other established methods of discipline have been utilized and have failed unless the seriousness of the student's behavior warrants immediate placement;
- A determination of the scope, type and severity of student disruption and a survey of community and school resources available to the applicant for the remediation of student disruption; and
- A description of the educational program to be provided, including how the student will make normal academic progress and meet requirements for graduation.

An applicant applying for funds under this article that contracts with a private alternative education institution under Article XIX-E are exempt from the application requirements regarding the development of the program in consultation with faculty and staff of the school and parents and members of the community, the certification of school personnel, and the determination of the scope, type, and severity of student disruption and community and school resources survey.

Section 1903-C requires PDE to establish grants for alternative education programs, an application procedure for grant eligibility, and a review process to annually evaluate the effectiveness of alternative education programs to include an annual report to the Education Committees of the House of Representatives and the Senate. Section 1903-C provides that PDE shall determine the annual grant amount calculated by dividing the amount appropriated by the estimated average number of students enrolled in eligible programs, further divided by thirty-six. Each applicant shall be eligible to receive this grant amount, per average number of pupils enrolled, per week of participation in an eligible program. A school district may not receive funding for more than two percent of a school district's average daily membership for students enrolled in grades seven through twelve.

Private Alternative Education Institutions for Disruptive Students (Article XIX-E of the Public School Code)

Section 1901-E defines a "private alternative education institution" as an institution operated by an individual or for-profit or not-for-profit entity to provide alternative education programs as defined in Section 1901-C.

Section 1902-E provides that public school entities may contract with private alternative education institutions. This contract must specify the policies established by the public school entity to identify those students eligible for assignment to the institution and assure that the placement of a student will comply with the informal hearing procedures set forth in 22 Pa. Code § 12.8(c) (relating to hearings). The section provides that notice of the hearing should precede placement in the institution and where the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the student may be

immediately removed from the regular education curriculum with notice and a hearing to follow as soon as practicable.

Private alternative education institutions are exempt from the statutory requirements established in the Public School Code and from regulations of the State Board of Education and standards of the Secretary of Education, except the following: Sections 111, 325, 326, 327, 431, 436, 437, 443, 518, 527, 736, 737, 738, 739, 740, 741, 753, 755, 771, 809, 810, 1112(a), 1303(a), 1317, 1317.1, 1317.2, 1327, 1332, 1361, 1366, 1501, 1513, 1517, 1518, 1546 and 1547 of this act; Articles XIII-A and XIV of this act; 22 Pa. Code Chs. 4 (relating to academic standards and assessment), 11 (relating to pupil attendance) and 14 (relating to special education services and programs); the "Pennsylvania Fair Educational Opportunities Act"; and regulations promulgated pursuant to this article.

Private alternative education institutions are required to:

- Comply with all Federal and State laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion or ancestry and provide for enrollment and hiring in a nondiscriminatory manner;
- Be nonsectarian in all operations and not provide any religious instruction, nor display religious objects and symbols on the premises of the institution;
- Be subject to any additional requirements established through regulation;
- Submit an application to PDE; and
- Submit an annual report to PDE containing information required by PDE.

Section 1903-E provides that a private alternative education institution may not operate in the Commonwealth unless it is approved by PDE. PDE is responsible for evaluating a private alternative education institution's initial application to operate in the Commonwealth, and each private alternative education institution must be reevaluated for approval every three years. PDE may also issue guidelines for the operation of a private alternative education institution.

Sexual Violence Education at Institutions of Higher Education (Article XX-G of the Public School Code)

Article XX-G of the Public School Code requires institutions of higher education, which include community colleges, State-related institutions, member institutions of the State System of Higher Education (PASSHE), independent institutions of higher education, and private licensed schools, to establish a sexual violence awareness education program. Such education programs must include a discussion of sexual violence, consent, and drug and alcohol-facilitated sexual violence, information related to risk education and personal protection, information on how to get assistance and how to report sexual violence to campus authorities and law enforcement, and a promise of discretion, dignity, and confidentiality. Institutions of higher education are also

required to conduct a follow-up program for the duration of the school year for new students. Institutions of higher education are required to report to PDE on the implementation of these education programs.

35 Pa.C.S. § 7701

Under 35 Pa.C.S. § 7701(d) public-funded universities, colleges, and elementary and secondary schools must be made available to local, county, and state officials for emergency planning and exercise purposes and service as mass-care facilities in the event of an emergency evacuation. In addition, 35 Pa.C.S. § 7701(e) requires that school bus and transportation vehicles owned or leased by universities, colleges, and school districts be made available to local, county, and state officials for emergency planning and exercise purposes and service as mass-care facilities in the event of an emergency evacuation.

Schools and custodial child care facilities are required by 35 Pa.C.S. § 7701(f) to conduct at least one disaster response or emergency preparedness plan drill annually. Further, 35 Pa.C.S. § 7701(g) requires every school district and custodial child care facility, in cooperation with the local emergency management agency, to develop and implement a comprehensive disaster response plan consistent with the guidelines developed by the Pennsylvania Emergency Management Agency (PEMA). The plan must be reviewed annually, and a copy of the plan must be provided to the county emergency management agency.

Uniform Crime Reporting Act

Act 180 of 2004 requires institutions of higher education, including independent institutions of higher education, community colleges, state-owned institutions, and state-related institutions, to report annually to the Pennsylvania State Police (PSP) crime statistics for publication in Crime in Pennsylvania (Uniform Crime Report) on forms and in the format required by the PSP. Institutions are also required to publish and distribute an annually updated report on crime statistics for the prior three years. Information must be provided annually to all students and employees, and institutions must notify applicants for admission of the availability of such information.

Campus police or campus security officers are required to develop and maintain a daily log to include: a report of each valid complaint and all reports of crimes received by the campus police or campus security officers; the names and addresses of the persons arrested and charged and the charges filed against them; and a description of the disposition of those charges filed. For arrests made by State, local, or county police on campuses of institutions of higher education, the applicable police department is required to provide the institution the names and addresses of persons arrested and charges filed for inclusion in the daily log. These entries in the daily log are public records available for inspection and examination by the public.

Institutions of higher education are required to provide information regarding security policies and procedures to every applicant for admission, new employees at the time of employment, and annually to all students and employees. This information must include the number of undergraduate and graduate students living in student housing; the number of nonstudent employees on campus; the administrative office responsible for school security; a description of the type and number of security personnel used by the campus; the enforcement authority of security personnel; a policy on reporting criminal incidents to State and local law enforcement; a policy regarding access to institutional facilities and programs by students, employees, guests, and other individuals; a statement on policy regarding possession, use, and sale of alcoholic beverages and illegal drugs; a statement on policy regarding the possession and use of weapons by security personnel and any other person; any policy regarding students or employees with criminal records; security considerations in the maintenance of campus facilities; and a description of the communication media used to inform the campus community about security matters as well as the frequency with which information is provided.

Institutions that maintain student housing facilities are also required to include information relating to the types of student housing available; policies on housing assignments and requests by students for assignment changes; policies concerning the identification and admission of visitors in student housing facilities; measures to secure entrances to student housing facilities; standard security features used to secure doors and windows in student housing; a description of the type and number of employees assigned to student housing facilities including a description of their security training; the type and frequency of programs informing students of security and enforcement procedures; a policy for housing students during low-occupancy periods; and a policy on the housing of guests and others not assigned to the student housing or not associated with the institution.

The Act also establishes a Pennsylvania Uniform Crime Reporting Program under the direction, control, and supervision of the PSP.

State, county, and local law enforcement agencies are required to report statistical information concerning the number and nature of offenses occurring within their jurisdictions, the disposition of such incidents, and other related information required by the PSP.

The PSP are required to publish electronically an annual report of the results of the information gathered for access by the Governor, the General Assembly, the Attorney General, and the public through the Pennsylvania Uniform Crime Reporting System (PAUCRS).

REGULATION

Background Checks (22 Pa. Code, Chapter 8)

Section 8.2 provides that school entities, defined as school districts, intermediate units, AVTSs, and private school administrative units, must require a criminal history background check prior to hiring an applicant or accepting the services of a contractor, if the applicant, contractor, or contractor's employee has direct contact with children. If the applicant, contractor, or contractor's employee does not have direct contact with children, a background check is not required. Substitutes are required to provide a background check only prior to the initial hiring at a school entity. The background check remains in effect as long as the substitute is employed by the same school entity. School entities may not employ an applicant, contractor, or contractor's employee who would have direct contact with children if his or her background check states that the individual has been convicted of a crime specified in Section 111(e) of the Public School Code, or equivalent federal or out-of-state crime, within five years or less of the date of the background check. Section 8.3 provides for exemptions from the requirements of presenting a background check if the applicant is 20 years of age or younger, would have been employed for less than 90 days, and is part of a job development or training program, funded by public or nonpublic sources.

Safe Schools (22 Pa. Code, Chapter 10)

The purpose of this chapter is to establish and maintain cooperative relationships between public school entities and local police departments. Section 10.11 requires each chief school administrator to execute and update, on a biennial basis, a MOU, meeting the requirements of Section 1303-A(c) of the Public School Code, with each local police department having jurisdiction over school property of the school entity. School entities are required to consult and consider the model MOU included in Appendix A of this chapter (which can be found in Appendix G of this report). School entities are required to file their MOUs on a biennial basis with the OSS.

Section 10.21 requires a chief school administrator to notify the local police department immediately when an offense listed in Section 1303-A(b)(4.1) of the Public School Code occurs on school property, at a school sponsored activity, or on a conveyance providing transportation to or from school. In response to students who commit such offenses, school entities may consider utilizing school-based programs, such as school-wide positive behavior supports, to address the student's behavior. Section 10.22 provides that a chief school administrator may notify the local police department immediately when an offense listed in Section 1303-A(b)(4.2) occurs on school property, at a school sponsored activity, or on a conveyance providing transportation to or from school. In response to students who commit such offenses, school entities may consider utilizing school-based programs such as school-wide positive behavior supports, to address the student's behavior.

Section 10.23 requires school entities to provide each local police department having jurisdiction over the property of the school entity a copy of its procedures on behavior support services. This section also provides for the school entity's response when students with disabilities commit an offense listed in Section 1303-A(b)(4.1) and (4.2).

Section 10.24 requires each school district, in cooperation with the local emergency management agency and PEMA, to develop and implement a comprehensive disaster response and emergency preparedness plan as required under 35 Pa.C.S. §7701(g). The plan must be reviewed annually. School districts are required to provide a copy of this plan to the county emergency management agency of which the school district is a part and each local police and fire department having jurisdiction over the school property of the school entity. School entities are required to report to the Incident Command Post established in accordance with their plans adopted under 35 Pa.C.S. §7701(g) the following information by September 30 of each year:

- Blueprints or floor plans of the school buildings;
- Aerial photo, map, or layout of the school campus, adjacent properties and surrounding streets or roads;
- Locations of predetermined or prospective command posts;
- Current teacher/employee roster;
- Current student roster;
- Most recent school yearbook;
- School fire-alarm shutoff location and procedures;
- School sprinkler system shutoff location and procedures;
- Gas/utility line layouts and shutoff valve locations;
- Cable/satellite television shutoff location and procedures; and
- Other information the school entity deems pertinent to assist local police and fire departments in responding to an emergency.

Section 10.25 requires school entities to notify as soon as practicable the parent or guardian of a victim or suspect involved in an offense listed in Section 1303-A(b)(4.1) and (4.2).

Student Assistance Program (22 Pa. Code, Section 12.42)

Section 12.42 requires public school entities to plan and provide for a student assistance program under Section 1547(g) of the Public School Code.⁵

College and University Security (22 Pa. Code, Chapter 33)

Section 33.111 requires independent institutions of higher education, community colleges, a state-related institution, or a member institution of PASSHE to report annually to the PSP crime statistics and rates. A crime report for the most recent three-year period must be published

⁵ See page 46f. for a description of Pennsylvania's Student Assistance Program (SAP).

annually and distributed to all students and employees. Section 33.113 requires institutions to notify applicants for admission and new employees that they are entitled to receive the institution's most recent crime report. Section 33.121 requires institutions to provide information regarding their security policies and procedures to every applicant for admission and new employees and annually to all students and current employees.

General Safety (22 Pa. Code, Section 51.22)

Section 51.22 requires private academic schools to have a written plan for emergency evacuations and to conduct monthly fire drills.

FINDINGS

Pennsylvania Department of Education (PDE)

PDE, in coordination with its OSS, provides technical assistance and professional development sessions focusing on safety and security topics, including active shooter training, de-escalation training, school bus safety measures, and peer meditation. Within the past two years, 60 percent of local education agencies (LEAs)⁶ have participated in some aspect of the school safety training supported by PDE.

PDE collaborates with PEMA to develop guidelines, in the form of the “All Hazards” Safe Schools Planning Toolkit, to help school entities with the development of their required disaster response and emergency preparedness plans. PDE also helps to administer and provide technical assistance to Pennsylvania’s Student Assistance Program (SAP).⁷

Office for Safe Schools (OSS)

OSS coordinates safety and security programs for schools, annually collects school violence statistics, keeps records of school entities’ bullying policies and MOUs with local law enforcement, and makes policy recommendations on issues surrounding school safety.

OSS also administers the Safe Schools Targeted Grant, which provides funding for programs that address school violence. In previous years, approximately \$500,000 was distributed through this grant program. In school year 2011-2012, 180 grant applications requesting more than \$2,371,185 were received. 39 LEAs were awarded grants totaling \$497,200. In school year 2012-2013, 97 grant applications requesting more than \$1,305,498 were received. 37 LEAs were awarded grants totaling \$479,513.

SB 10, which is now Act 70 of 2013, critically expanded this system of targeted grants and created a new system of targeted grants, focusing on providing funding to programs that enhance school security, including the costs associated with school police and resource officers. Act 70 also provides that 40 percent of funding for the grants will be allocated to the existing grant program, with 60 percent allocated to the new system of grants.

The General Appropriations Bill for the 2013-2014 fiscal year appropriated an additional \$6.5 million over the previous fiscal year’s appropriation to the Safe Schools Initiative line item, which supports OSS, for a total of \$8.5 million.

Additionally, OSS funds SAP Training for new SAP members and refresher trainings for existing teams. OSS also funds smaller grants of around \$4,500 to school entities for school safety improvements and trainings. These funds represent the remaining funds in the OSS

⁶ LEAs include school districts, cyber charter schools, charter schools, AVTSs, and intermediate units.

⁷ See page 46f. for a description of SAP.

budget after the targeted grants and funds used to support the staff and the OSS's operation have been utilized.

Pennsylvania Commission on Crime and Delinquency (PCCD)

PCCD allocates federal and state funds to victim service providers and criminal and juvenile justice agencies to prevent and reduce crime, improve the justice system, and provide resources to victims of crime. These funds include federal Victims of Crime Act (VOCA) funds, which provide direct support to victims of crime, and state Victims of Juvenile Offenders (VOJO) funds.

PCCD, through its Office of Juvenile Justice and Delinquency Prevention (OJJDP), develops policy recommendations and provides technical assistance to prevent youth violence and delinquency and promote youth development. PCCD has worked to implement delinquency prevention programs and balanced and restorative justice strategies. OJJDP also ensures that the Commonwealth complies with the federal Juvenile Justice and Delinquency Prevention Act.

PCCD biennially conducts the Pennsylvania Youth Survey (PAYS) of school students in grades 6, 8, 10, and 12 to evaluate their behavior and attitudes toward drugs, alcohol, tobacco, and violence. The survey assesses risk factors related to these behaviors and provides stakeholders with information related to changes in patterns of use and abuse. The 2013 PAYS is being offered to all schools, including public and nonpublic schools.

Safe Schools Advocate

In 2011 the Safe Schools Advocate was moved from the PDE to the PCCD. Section 1310-A of the Public School Code requires the Executive Director of the PCCD to establish a safe schools advocate for each school district of the first class. Presently, there is one safe schools advocate assigned to the School District of Philadelphia.

The Safe Schools Advocate is responsible for ensuring the school district's compliance with laws, regulations, and reporting requirements concerning school safety and disciplinary procedures, including the school district's compliance with the procedures established in the MOU with the local police department regarding incidents involving acts of violence or possession of weapons.

Additionally, the Safe Schools Advocate is responsible for providing information and support for victims of violent incidents as well as receiving and responding to inquiries from parents, guardians, teachers, victims, principals, and other school administrators regarding incidents of school violence, school district disciplinary policies and procedures, and delinquency proceedings of the Juvenile Courts.

Pennsylvania Emergency Management Agency (PEMA)

PEMA is the state agency responsible for coordinating resources for, and helping local communities recover from, natural and manmade disasters and emergencies. With regard to school safety, PEMA assists school entities with planning, training, and exercises.

PEMA develops and provides the guidelines to direct school districts and custodial child care facilities in the development and implementation of their required disaster response and emergency preparedness plans, mandated in 35 Pa.C.S. Section 7701(g). These current guidelines take the form of the “All Hazards” Safe Schools Planning Toolkit, which is available to schools, school districts, and emergency responders in Pennsylvania. The Toolkit is based on the National Incident Management System (NIMS) model and was developed by the School Safety Planning Committee comprised of representatives from the following: PDE, PEMA, the PSP, the Southeastern Pennsylvania Task Force, the Office of Homeland Security, the City of Philadelphia, Carlisle Area School District, Milton Hershey School, Pennsylvania Catholic Conference, Lincoln Intermediate Unit #12, Office of the Attorney General, PCCD, Pennsylvania Department of Health, the Center for Safe Schools, county and local emergency management professionals, and other first responders. The Toolkit assists schools in addressing the four phases of a crisis: Prevention/Mitigation, Planning/Preparedness, Response, and Recovery. The Toolkit also contains technical information, references, checklists for lockdown, shooter, hostage, and intruder situations, as well as sample documents for schools to adapt to their own needs.

PEMA also provides Multi-Hazards Safe Schools Training for schools, emergency management agencies, and first responders to help schools and first responders create their emergency preparedness plans. PEMA also recommended in its testimony before the committee that all schools have their personnel complete the standardized federal NIMS training, regardless of whether or not they receive federal preparedness funds.

PEMA, with participation from county emergency management agencies, assists schools in fulfilling the statutory requirement demanding that schools and custodial child care facilities conduct at least one disaster response or emergency preparedness plan drill annually (35 Pa.C.S. Section 7701(f)). During the month of March each year, PEMA conducts an Annual Hazardous Weather Exercise to test the plans and preparedness of counties, schools, hospitals, nursing homes, child care centers, and other facilities. This exercise affords schools the opportunity to exercise their emergency response plans.

Pennsylvania State Police (PSP)

The PSP provides both police services and support to Commonwealth law enforcement agencies. Regarding school safety, the PSP provides risk vulnerability assessments, emergency exercises, and training to school entities and local law enforcement agencies.

Among the services provided to school entities, colleges, and universities by the PSP are risk vulnerability assessments completed by the department's Risk and Vulnerability Assessment Team (RVAT). The RVAT, which is comprised of specially trained Troopers, completes assessments, upon request, on critical infrastructure and key assets throughout the state. The RVAT can play an important role in helping schools in identifying vulnerabilities in their facility security and in providing recommendations to improve security measures. Since these assessments are detailed in nature, the PSP limits its assessment to one building within a school district. Furthermore, the number of officers dedicated to conducting these assessments is limited.

Another service the PSP provides to schools is the PSP School Resource Officer Program, which places a specially trained Trooper, designated as a School Resource Officer (SRO), in schools. In addition to performing general law enforcement duties and maintaining a secure environment on a daily basis, SROs conduct safety training, including lockdown drills, and serve as mentors to students. Presently, twelve school districts in Pennsylvania contract with the PSP to utilize this service.

PSP provides additional training and education to local communities and schools through Community Service Officers (CSOs) assigned to each Troop. CSOs provide information and presentations regarding the PSP's operations and programs to many organizations within the local community, and they are available to schools to assist with security assessments and the development of emergency preparedness plans. Troop Commanders also serve as a resource for municipal law enforcement, local emergency services agencies, and schools to practice police response to emergencies. In 2012, for example, Troop Commanders conducted 70 emergency response exercises, with 24 conducted at K-12 schools and six at colleges and universities.

Pennsylvania Auditor General

The Office of the PA Auditor General is responsible for conducting a routine audit of public school entities approximately every three to four years. Included in this routine audit is a safety review. Safety reviews evaluate elements of physical security, such as controlled points of entry and egress, the school district's emergency plan, emergency responder involvement, bullying policies, visitation policies, and Internet filters. In addition to these initial safety reviews, the office also conducts follow-up safety reviews to determine if further action is needed and to assess newly implemented safety measures. According to the Auditor General's testimony before the committee, recommendations have been implemented as a result of these audits, including facilities improvements, revisions to visitor protocols, and updating emergency plans and agreements with local law enforcement. The Auditor General noted that these school safety audits have also uncovered failures to conduct tabletop exercises and emergency drills with emergency responders as well as incomplete crisis plans and emergency procedures. The Auditor General further testified that the Office of the Auditor General has been instructed to inform members of the General Assembly of these findings in their legislative districts.

Department of Military and Veterans Affairs (DMVA)

The DMVA is responsible for providing resources and assistance to the Commonwealth's veterans and their families. The DMVA also oversees and supports the Pennsylvania National Guard (PNG).

As a military force shared by both federal and state government, the PNG not only serves as members of the reserve component of the Armed Forces on federal missions but also undertakes state missions as directed by the Governor to support state and local authorities in responding to state emergencies. As a result of these duties, the DMVA in its testimony before the committee raised concerns about assigning National Guard Soldiers and Airmen, who are not trained as police officers, to a long-term safe school mission. Additional concerns were raised with regard to the federal and state authority to assign the PNG to assist with safe school efforts, which would require amendments to both federal and state law.

Local Flexibility

As the committee continued its investigative work, the importance of maintaining local flexibility in the decision-making process in implementing school safety and security measures became apparent. The Commonwealth spans a vast area with 500 school districts and 67 counties and is both geographically and demographically diverse. As a result, local school officials have unique and specific knowledge about their buildings, surrounding communities, student populations, local concerns and threats, and locally available resources.

In the course of its four hearings throughout the Commonwealth, the committee received testimony from a state agency, a district attorney, an intermediate unit, and educational organizations regarding the importance of ensuring that that local school officials play a role in determining the programs necessary to enhance school security and continue to have adequate flexibility so that they can tailor measures according to the needs of their populations. Additional concerns were raised regarding the implementation of a single "one-size-fits-all" solution to school safety that does not account for local conditions and concerns. One testifier pointed to significant policy and implementation challenges in requiring a single plan, for example, across all 500 school districts through 67 county emergency management agencies to enter into a MOU with 1,178 law enforcement agencies.

In addition to affording school entities flexibility in implementing school safety measures and programs, the committee heard testimony that schools must also have flexibility in using funds to improve facility security and to adopt new practices, according to local conditions. Currently, the OSS administers a targeted grant program which allows school entities to apply for a grant to support various programs addressing school violence.

Through the course of its hearings, the committee began to identify that, in spite of the need for flexibility to reflect local concerns, standards must also be set to ensure that school buildings are

secure and to guide schools in the development of their disaster response and emergency preparedness plans and the exercise of emergency drills. Several committee members voiced the need for standard operating procedures or best practices that establish minimum standards for various areas, such as building safety or lockdown drills. Moving forward, the committee acknowledges that a balance must be achieved between setting thorough safety and security standards that should be achieved by schools and allowing adequate flexibility for schools to modify these standards as local needs and concerns dictate.

School Facilities and Security Technology

It became clear to the committee, as it completed its work, that schools must have adequate technological and structural support in order to provide a safe and secure learning environment. As is evidenced by the survey included in this report, as well as the testimony provided by school representatives, schools have decided to implement a broad spectrum of security technology, including locking doors, video surveillance systems, signage designating “no trespassing” areas, intercom systems, buzz-in devices, and visitor identification systems, among others. Schools implement these measures according to their individual needs, taking into account the availability of local resources, and not as a result of a state mandate. While no single security measure was universally implemented or mandated, testifiers most frequently noted the importance of defining and securing a single main point of entrance that is staffed with appropriately trained personnel.

Additionally, the committee heard concerns regarding openness of schools. School facilities are designed, in part, to be open to the community and serve as centers for community activity. This factor can present a challenge in modifying facilities and implementing new security measures.

Furthermore, several testifiers noted the challenge posed by the age of school buildings. Older buildings necessitate new improvements, and these adjustments can prove particularly costly, as older buildings are more difficult to retrofit with new technology. Two statewide educational organizations testified that school districts’ ability to undertake new improvements to facilities has been even further limited as a result of the PlanCon moratorium on applications for reimbursement for new school construction projects. PlanCon (or the “Planning and Construction Workbook”) is the 11 step process a school district or an AVTS uses to apply for Commonwealth reimbursement for school construction projects. The PlanCon moratorium will be in effect through the 2013-2014 fiscal year while PDE conducts a statewide analysis of school facilities and future capital needs and prepares a report of its findings. The committee recognizes that PDE was recently charged with performing this analysis and encourages PDE to review safety concerns as they relate to school construction projects in the course of its analysis.

Testifiers also expressed the need for continuous and stable funding to support technological and structural improvements related to safety in schools. At present public school entities are

eligible to apply for Safe Schools Targeted Grants, which can be used for security planning and the implementation of security-related technology.

School District Planning

As schools plan and prepare for emergencies, the committee identified three components districts have accounted for and must continue to account for in creating a thorough all-hazards approach to their safety and security procedures: plans, drills, and training.

Presently, school districts are required to have comprehensive disaster response and emergency preparedness plans, developed according to the guidelines established by PEMA, and the plan must be reviewed annually. This plan must also be shared with the county emergency management agency and local police and fire departments. Despite this statutory requirement, as mentioned above, the committee heard from the Auditor General that common findings of school safety and security audits are incomplete, underdeveloped, and untested crisis plans and emergency procedures. As mentioned previously, the committee identified concerns regarding the need for flexibility with regard to these plans, and different school districts may be prone to different natural and manmade disasters.

In order for a plan to be effective in helping schools respond to an emergency, the committee recognizes the role of emergency drills and exercises. A statute requires schools and custodial child care facilities to conduct at least one disaster response or emergency preparedness drill annually, while schools are required to perform fire drills at least once a month. Testifiers pointed to the importance of conducting a broad range of emergency drills and exercises, including lockdown drills, so that school employees and staff know how to respond to different emergencies, and this has raised questions of whether one annual drill can adequately address this need. The committee also found that schools should have some flexibility with regard to emergency drills, as districts prone to certain natural disasters, for example, should regularly practice responses to those events. Testifiers also pointed to the lack of current regulations requiring schools to conduct these drills with local law enforcement, though the committee found that some schools have elected to engage law enforcement in the exercise of these drills. The Auditor General's office substantiated this finding and reported findings in school safety audits that indicated a failure to conduct tabletop exercises with law enforcement and other emergency responders, as mentioned previously.

The committee also identified, from testifiers representing schools and law enforcement, the importance of ensuring that the individuals carrying out these emergency plans and drills are properly trained. Testifiers shared that school employees should have access to a broad scope of training, including training related to threat recognition, situational awareness, and combating aggressive behavior. It was recommended to the committee that all schools should be encouraged to require NIMS training⁸ for their personnel, particularly because it can help to

⁸ See page 38 for an explanation of NIMS training.

establish a common language between schools and their emergency responders. Training should include teachers, administrators, school board members, and security personnel. The committee also found the importance of having teachers trained to respond to students who provide them information about a threat or disturbing situation.

As the committee proceeded through its hearings, it became apparent that questions regarding the possibility of arming school personnel would need to be discussed and addressed. As a result, the committee actively sought input and perspective from its testifiers with their broad range of expertise and professional backgrounds. The consensus among the testifiers, including state agencies, law enforcement, educational organizations, district attorneys, and others, was that implementing a plan involving the arming of school personnel, with the exception of properly trained school police officers, SROs, and school security officers, should be opposed. A number of testifiers noted that carrying firearms falls outside of the professional roles of school personnel. Other testifiers pointed to the potential dangers in placing in schools individuals, who have not been properly and thoroughly trained to handle firearms, with one law enforcement professional noting that approximately six months of dedicated training is required in order to become a police officer in the Commonwealth.

In the course of its investigation, the committee also noted the benefit of creating local School Safety Committees comprised of school communities, members of local law enforcement, and the school board, to conduct regular meetings on school safety issues. With such cooperation, such local committees can be responsible for assessing and reviewing current school safety measures. It was also recommended to the committee that threat and incident reporting be expanded to include many aspects of reporting a threat.

The committee was also pointed to benefits of additional practices that can be implemented to improve school climate and address issues surrounding youth aggression and nonsocial behavior. These include mentoring, in which non-parental adults provide support to a child or youth, and peer-mentoring. Testifiers also supported the use of restorative practices and restorative justice, which take into account victim reparation, offender responsibility, and community involvement in resolving tensions and conflicts within the school community, as well as the benefits of youth courts in the Commonwealth.

Finally, the committee recognized that an important component of school district planning is community engagement, particularly with parents and guardians of students. The committee heard from several testifiers about including parents and guardians as participants in school safety solutions. According to several testifiers, parents and schools need to strengthen communication about safety and security procedures, and parents need to know procedures and how they can assist. Testifiers also suggested that parents need to communicate with their children about safety concerns.

Law Enforcement Engagement

Current regulation requires school districts to execute MOUs with local police departments and update these agreements on a biennial basis. Regulation also requires school districts to notify local law enforcement when certain offenses occur on school property. Despite this mandated engagement, several testifiers, including some representing law enforcement, noted that relationships between schools and law enforcement should be ongoing, working relationships that transcend the formal MOU. The committee found that some school districts choose to consult law enforcement about developing emergency and facilities security plans, scheduling facilities staff training, and conducting lockdown drills within the district; however, this depends on the relationship among the schools, school districts, and police departments. In addition to these examples of law enforcement engagement, the Upper Darby Police Department shared with the committee how its fifth grade mentoring program, through which police officers visit student classrooms, helps to educate students about police work, builds relationships and fosters communication. The Philadelphia Police Department has a special unit devoted to school safety within the district, in order to foster contact between school administrators and the police department.

Another method of engagement with law enforcement is PSP's Risk and Vulnerability Assessment Team (RVAT), which works with schools to identify vulnerabilities within the security and safety procedures. These assessments have served to identify important weaknesses in school planning and security measures. Common elements of failure that these assessments have identified include lack of means to screen visitors, leaving exterior doors opened, not securing classroom doors, lack of staff and student identification cards, lack of emergency plans, and not conducting regular lockdown or hostile action drills. Up to the date of PSP's testimony, RVAT has assessed over 250 schools and 20 colleges. However, RVAT limits these reviews to one school district building, thus leaving school districts to implement RVAT's recommendations in their other buildings on their own. One testifier recommended that a Threat Assessment Team composed of law enforcement, safety experts, and educators be assembled to visit every school in the state to combine the different perspectives of these important stakeholders in such reviews.

The committee heard much debate over the presence of police officers in schools. According to data from PDE, 683 school police officers, 180 school resource officers (SROs), and 1,060 school security officers are employed in school districts in the Commonwealth. School police officers are sworn police officers who are appointed, at the request of a school district, by the judge of the court of common pleas of the county in which the school district is located, and who are employed by that school district (Section 778 of the Public School Code). School police officers have the power to enforce good order on school property; the appointing judge may give a school police officer the authority to arrest, to issue citations, and to detain students until the arrival of local law enforcement. SROs are sworn municipal police officers with police powers,

who are assigned to schools in cooperative agreements between municipalities and schools to provide a law enforcement presence.

On the one hand, the committee identified the deployment of SROs into schools as an important tool employed by some districts to curtail school violence. Some testifiers advocated for additional funding for SROs, since the decision to obtain SROs for some districts is dependent upon the availability of funding. The committee heard from some testifiers about the benefits of SROs due to their specialized training and their ability to be integrated into the school community. However, on the other hand, some testifiers believe that the decision to implement SROs should be a local decision, according to the needs of their school district, rather than an unfunded mandate. Other testifiers shared concerns that without proper training to work in a school environment, SROs may have a limited impact. The committee heard much discussion regarding research into the effectiveness of SROs in schools, which is contained in the testimony included in the appendices of this report.

Additional examples of police presence in schools include the use of PSP Troopers as Community Service Officers (CSOs) and the use of Philadelphia police officers to provide a uniformed presence at the start and dismissal of school in the district.

Finally, representatives of law enforcement, in response to questions about the benefit of having parents or guardians of students report lost or stolen weapons, indicated that this information would be helpful to law enforcement officials and that law enforcement would encourage individuals to voluntarily, without penalty, report lost or stolen weapons as defined by the Public School Code. These testifiers also suggested that schools should be encouraged to cooperate with local law enforcement as they conduct their investigations into lost or stolen weapons as defined by the Public School Code.

Mental Health

In its investigation into factors impacting a safe learning environment, the committee learned of the importance of providing a continuum of services for students, which balances physical safety with emotional and psychological safety. Therefore, a critical component to this continuum is the availability of adequate mental health services for students. Testimony from the committee's hearings also made it evident that the identification and treatment of mental health issues contributes to increased physical security in school facilities and their attendant communities.

While the benefits of access to school-based mental health services and supports has been shown to improve students' physical and psychological safety, academic performance, social-emotional learning, self-image, and interpersonal relationships, the committee also became aware of the importance of early access to services, as the warning signs of mental illness often appear during childhood. Following the tragedy at Sandy Hook Elementary school, experts testified at a U.S.

Senate hearing that nearly three-quarters of mental illnesses emerge during childhood; however, less than 20 percent of children and youth with mental health diagnoses are receiving treatment.

In addition, the committee also found that educators and school staff play an important role in students' mental and social development, and they often can be the first to see the warning signs of mental health problems. Consequently, there is a greater need for all school employees, including teachers, administrators, and support staff, to receive training to identify the signs of mental illness, to intervene, and to refer students for further assistance.

The committee also identified a consistent need for structured prevention and intervention programs to ensure that students can be promptly connected to mental health and emotional support services. The committee was pointed to the benefits of a multi-tiered system of intervention and prevention that begins with promoting wellness and development for all students and progresses to more intensive, individualized interventions for students with more significant needs. The committee found this multi-tiered system begins on a school-wide level with a universal, school-based prevention program delivered to all students within a school or grade level to help lower instances of aggression or violent behavior.

One multi-tiered system that is currently being utilized in some Commonwealth schools is Positive Behavioral Interventions and Supports (PBIS), a three-tiered system of assessment and prevention. PBIS is a system that helps to establish a positive school climate and deliver emotional, social, and behavioral supports to students in need. Its three tiers are as follows:

- Tier I: prevention measures, with school-wide practices intended to prevent problematic and disruptive behavior;
- Tier II: strategic interventions for students, including small group counseling or short-term therapy; and
- Tier III: highly individualized interventions and intensive supports for students not responding to the supports in Tiers I or II.

According to Dr. Timothy Runge, the co-principal investigator for Pennsylvania School-Wide Positive Behavioral Intervention and Supports, by the spring of 2012, 74 elementary schools, 13 middle schools, 10 high schools, and 14 schools classified as other (K-12) in Pennsylvania had implemented school-wide PBIS with high fidelity.

Current regulation already requires school entities to plan and provide for a student assistance program of counseling and other services (Section 12.42 of 22 Pa. Code). Act 211 of 1990 required the Secretary of Education to recommend to the General Assembly a plan to require and assist each school district to establish and maintain a program to provide appropriate counseling and support services to students. Subsequently, the Secretary of Education named the Student

Assistance Program (SAP) to fulfill this requirement. The Commonwealth's SAP program is administered by the PDE - OSS in partnership with the PA Department of Drug & Alcohol Programs - Division of Prevention & Intervention, and the PA Department of Public Welfare (DPW) - Office of Mental Health and Substance Abuse Services.

SAP helps school personnel identify high risk students having problems with alcohol and drug use or other mental health problems. The goal of the program is to help students address and overcome these barriers to achievement. The SAP team is comprised of professionally trained members, including school staff and liaisons from community mental health and drug and alcohol agencies. The team also works with parents and guardians to determine whether the student needs services outside of the school setting, and the team helps to refer a student for additional screening or assessment. According to PDE's SAP Data Collection for 2011-2012, the most prevalent reason for a student referral to the SAP program was behavioral concerns, including crying, sleeping in class, distractibility, fatigue, self-abuse or self-harm, aggression, and policy violations.

In addition to the aforementioned concerns, the committee found that a significant barrier to students receiving mental health services is continuing misinformation regarding mental illness and a social stigma that continues to persist with a mental health diagnosis. To eliminate this barrier, testifiers pointed to the need for students to be educated on mental health issues and for parents and guardians to be engaged in the dialogue about mental health issues.

Finally, the committee also received recommendations from several testifiers to examine the current process and criteria for involuntary commitment, as determined by Article III of the Mental Health Procedures Act of 1976. Under current statute, a person, "severely mentally disabled" and in need of immediate treatment, may be subject to emergency examination and treatment. The statute defines severely mentally disabled as when, as a result of mental illness, one's capacity to exercise self-control, judgment and discretion in the conduct of his affairs and social relations or to care for his own personal needs is so lessened that he poses a clear and present danger of harm to others or to himself.

The statute further limits the criteria of "clear and present danger" as follows:

- Clear and present danger to others shall be shown by establishing that within the past 30 days the person has inflicted or attempted to inflict serious bodily harm on another and that there is a reasonable probability that such conduct will be repeated, or has made threats of harm and has committed acts in furtherance of the threat to commit harm.
- Clear and present danger to himself shall be shown by establishing that within the past 30 days:

- the person has acted so as to be unable, without care, supervision and the continued assistance of others, to satisfy his need for nourishment, personal or medical care, shelter, or self-protection and safety, and that there is a reasonable probability that death, serious bodily injury or serious physical debilitation would ensue within 30 days unless adequate treatment were afforded under the act; or
- the person has attempted suicide or has made threats to commit suicide and has committed acts which are in furtherance of the threat to commit suicide; or
- the person has substantially mutilated himself or attempted to mutilate himself substantially or has made threats to commit mutilation and has committed acts which are in furtherance of the threat to commit mutilation.

The committee received testimony from a chief of campus police and a county district attorney recommending reconsideration of these criteria, as individuals needing assistance often fall outside the limited scope of the current statute, and, as a result, intervention is limited. It was suggested that the criteria of the law be broadened to include consideration of additional relevant factors, such as prior history of violence or harm, treatment history, and compliance with treatment.

Higher Education

During the course of its hearings and through written submissions, the committee heard testimony from representatives of the state-related and state-owned universities, community colleges, and independent institutions of higher education.

Representatives from these institutions, in general, cited the unique challenges in ensuring that their campuses are safe and secure and in balancing campus security concerns with providing an open learning environment. Unlike K-12 education, institutions of higher education afford the public greater accessibility and are limited in the extent to which they can restrict access or lock down facilities. Colleges and universities throughout the Commonwealth have campuses that vary in size and geographic location, with additional satellite campuses, numerous buildings, multiple entrances, student residence halls, and open spaces traversed by students, faculty, staff, community members, and other visitors throughout the day and often in the evening. In addition to those students living in on-campus residences, many students live in off-campus residences and commute to campus, adding a further complexity to security and safety policies.

The institutions of higher education submitting testimony emphasized the use of security technology as a means to improve safety on campus. These technology improvements include monitored campus surveillance systems, improved lighting, emergency “blue light” boxes, direct radio communication with local law enforcement, lockdown capabilities, swipe card

accessibility, anonymous tip lines, and multi-layered emergency notification systems, which can include texts, emails, online bulletins, social media notifications, sirens, announcements over public address, and other digital display notifications. The installation and implementation of these technology improvements is contingent upon the availability of funding.

Testifiers also emphasized the importance of training and planning for campus security and emergency preparedness. Among these measures include the formation of campus security committees to investigate and review safety and security issues and emergency procedures, such as Harrisburg Area Community College's (HACC) campus security committee. PASSHE has also recently formed a Public Safety and Security Task Force, comprised of representatives from internal and external groups, to examine university police operations. HACC and the University of Pennsylvania provided testimony regarding the availability of active shooter training for various groups on campus. In addition to these on-campus measures, testifiers stressed the importance of maintaining collaborative and open relationships with local law enforcement and other law enforcement agencies either through MOUs or mutual aid agreements.

Slippery Rock University and other PASSHE universities have also begun implementing Behavioral Intervention Teams (BITs) to identify students exhibiting concerning behaviors, especially those demonstrating the potential to harm themselves or others, and to intervene before a problem occurs. At Slippery Rock University, the BIT meets weekly, and daily incident reports compiled from Campus Police, Student Health, and Residence Life are reviewed daily. Faculty, staff, and students are able to report a concern by phone or online, and once the student of concern is identified, the BIT meets to provide services to assist the student. The BIT performs student interventions only.

Nonpublic Schools

Safety and security are of paramount importance for public and nonpublic schools alike, and the committee was charged with investigating relevant safety and security policies and procedures for nonpublic schools.

The committee found that emergency plans and staff training are critical elements for nonpublic schools in preparing for emergencies. Though nonpublic schools are not mandated like public school entities to have a comprehensive disaster response plan or hold an annual emergency preparedness drill as required as 35 Pa.C.S § 7701, testifiers shared that nonpublic schools often do have comprehensive written security and emergency plans. Testifiers also reported that their schools secure and monitor their main entrances and limit public access. Nonpublic schools emphasize the need for training of their professional staff for crises, and one testifier expressed the desire for greater access to state-funded training programs on safety and security. An additional planning component that some nonpublic schools undertake is the formation of a school safety committee, which can be composed of administrators, teachers, security personnel,

law enforcement, parents, and other members of the community, tasked with meeting regularly to develop procedures and policies related to safety.

The committee discovered that while nonpublic schools are not mandated to engage with local law enforcement through MOUs, testifiers representing several of these entities shared that their schools maintain relationships with local police and fire departments. Many schools are accustomed to seeking their guidance on school safety concerns on a regular basis, particularly to observe and evaluate safety procedures and drills. Additionally, one testifier offered that accreditation standards for his schools required such schools to communicate with legal authorities when a major incident occurs. Support was also voiced for mandating that local law enforcement engage with local nonpublic schools, including reviewing the schools' crisis management plans, providing on-site training, and observing formal crisis drills.

A further concern that the committee identified from testifiers representing nonpublic schools is the exclusion of nonpublic schools from consistent and flexible funding for multiple purposes related to school safety, including school building security, planning, and training. Until the recent passage of Act 70, nonpublic schools were ineligible to receive support from the Safe Schools Targeted Grant. As a result of Act 70, municipalities will be able to support school police and resource officers in nonpublic schools through this funding stream. Several testifiers expressed their support of such legislation. One testifier also pointed to the availability of funding through the Federal Urban Area Security Grant, which provides funding to non-profit organizations located in urban areas, such as Philadelphia and Pittsburgh, to purchase security hardware. However, organizations outside these urban areas are not eligible to receive funding. In general, the committee found that nonpublic schools feel limited in the security improvements they can make as a result of restricted financial resources.

Bullying

In the Centers for Disease Control's 2009 Youth Risk Behavior Surveillance Report, of those high school students surveyed, 19.2 percent reported being bullied on school property and 5.4 percent reported they did not go to school for at least one day because they felt unsafe at school or on their way to or from school.

Instances of bullying not only impact a school's environment and can precipitate violent instances at school but also affect whether students, as well as teachers, perceive their learning environment as safe.

Current statute requires school entities, including public school districts, intermediate units, AVTSs, and charter schools, to adopt policies relating to bullying and to update that policy every three years. The policy must detail the disciplinary consequences for bullying and identify the appropriate school staff person to receive reports of instances of alleged bullying.

While current law requires school entities to have a policy relating to bullying, testifiers addressing the issue emphasized a need to improve bullying intervention efforts in schools throughout the Commonwealth, such as preventative measures, staff training, and community involvement.

The preventative measures recommended to the committee include the establishment of a mechanism for anonymous reporting, such as a hotline or suggestion box, to facilitate the investigation of bullying tips or to suggest ideas to improve the school climate in general. School entities should also consider utilizing programs that address issues of conflict resolution, bullying, and self-esteem and reinforce positive, pro-social behaviors, such as Positive Behavioral Supports (PBS) or the Olweus Bullying Prevention Program, a research-validated framework for reducing bullying behaviors and improving school climate.

Additionally, to recognize incidents of bullying and to intervene effectively when incidents occur, testifiers recommended that school employees receive high-quality training specific to issues surrounding bullying, including conflict resolution and self-esteem. According to several testifiers, all school employees, including teachers, administrators, support staff, food service workers, and school bus drivers, should have access to and receive this training.

A further component identified in the testimony received by the committee is the need to provide students, parents, and other community members with training and resources. Students must be trained to deal with bullying and other threats and be informed on the procedures to report such incidents.

RECOMMENDATIONS

State Agencies and Organizations

- The select committee appreciates that the topic of school safety intersects various agencies throughout the Commonwealth and that, as a result, these agencies must coordinate with one another. The relevant standing committees should consider identifying and selecting an agency to coordinate school safety and enforcement issues. The relevant standing committees should also explore amending Article XIII-A of the Public School Code to move the OSS to this coordinating agency and consider PCCD in its decision-making process. The coordinating agency, in consultation with other relevant agencies, should develop incident and pre-incident guidelines to help all stakeholders identify threatening behavior and other safety concerns. These stakeholders should include teachers, administrators, students, parents and guardians, community leaders, mental health professionals, as well as emergency responders.
- PDE should consider providing access to a database for public and nonpublic schools to verify that they have complied with employment mandates concerning background checks. The relevant standing committees should consider legislation requiring PDE to develop and implement such a database.
- PCCD should investigate and evaluate the use of youth courts in the Commonwealth and whether they should be expanded to other areas.
- PSP should consider expanding its RVAT program to cover more school districts and, importantly, individual school buildings. Furthermore, the select committee recommends that the General Assembly consider increasing funding to PSP specifically for this program.

School Facilities and Security Technology

- School entities should consider utilizing the following security equipment:
 - Cameras and surveillance systems;
 - Secured entrance systems;
 - Locking doors;
 - Identification badges for school employees and students;
 - Panic buttons located in school front offices or on wireless pendants for teachers and administrators to alert emergency responders; and
 - Electronic notification systems to inform parents of emergencies.

- School entities should consider implementing a “choke point” security model with a retired officer screening persons entering the schools. Additionally, the relevant standing committees should review and consider legislation, such as HB 896, which would implement such measures. The committee recognizes that HB 896 contains a substantial fiscal note to the Commonwealth and its schools and that the implementation of such measures would entail a multi-year, phased-in process.
- The select committee recognizes that PDE was recently charged with conducting a statewide analysis of school facilities and future capital needs and submitting a preliminary report on that analysis by May 1, 2014. The select committee recommends that PDE consider the state of the Commonwealth’s school facilities and their impact on school safety in its analysis and recommendations. The select committee also recommends that PDE consider prioritizing and incentivizing school districts to update school facilities with safety as a paramount concern when they seek Commonwealth reimbursement through PlanCon.
- School entities should consider utilizing principles and programs combining technology, architecture, human activities, and security polices to create school facilities that are protective environments.

School District Planning

- The relevant standing committees should investigate and consider requiring all schools in the Commonwealth to conduct monthly lockdown and active shooter drills and to coordinate with local law enforcement to develop lockdown security procedures.
- School entities should consider collaborating with the PSP, the OSS, or other security experts in developing their disaster response and emergency plans and other security procedures to ensure that these plans and procedures have been developed by security professionals.
- The relevant standing committee should further investigate and consider amending Article XIII-A of the Public School Code to require each school building in the Commonwealth to develop and implement its own plan and procedures so that school districts do not utilize one security plan for the entire district.
- School entities should consider increasing the availability of confidential threat reporting avenues, including a mechanism to allow students to report anonymously threats and violent or disturbing behavior.

- School districts should work to provide quality alternative placements for disruptive and potentially violent students.
- School entities should consider requiring all personnel to complete National Incident Management System (NIMS) training. Furthermore, the relevant standing committees should investigate and consider mandating school personnel to complete this training.
- School entities should consider the creation of local school safety committees comprised of school officials, law enforcement, parents, and students, specifically to increase community involvement in discussions about school safety procedures and policies. The relevant standing committees should also consider legislation requiring school entities to form these local committees.
- The relevant standing committees should investigate amending the Sunshine Law to exempt discussions of school security and emergency preparedness from open meeting requirements and consider relevant legislation, such as HB 747.
- The House Education Committee should consider SB 46, the “Pass the Trash” legislation, requiring school entities to complete more extensive employment reviews for applicants for positions involving direct contact with children.
- The select committee recognizes that the House of Representatives recently passed HB 930, which updates and modernizes the Professional Educator Discipline Act.
- The relevant standing committees should consider the issue of amending the Public School Code to require all school employees to report all arrests.
- The select committee heard testimony from state agencies, law enforcement, educational organizations, and district attorneys that school personnel, other than properly trained school police officers, SROs, and school security officers, should not be armed on school property. The select committee therefore recommends that only school personnel who are engaged as school police officers, SROs, or school security officers, and who have been properly trained in compliance with applicable state laws or have received training determined to be equivalent by the Commissioner of the Pennsylvania State Police, be armed on school property. The select committee recognizes that decisions regarding the employment of school police officers, SROs, and school security officers, as well as decisions to arm such personnel, are informed by the needs of the local school community and are rightfully within the realm of local control.

Law Enforcement Engagement and Responsibility

- School entities should consider requiring specialized training for SROs ensure that they have been properly trained to work in an environment with children.
- The select committee recommends that law enforcement agencies work more closely with public and nonpublic schools in the creation of their security measures and emergency response plans.

Mental Health

- School entities should be strongly encouraged to utilize, continue to utilize, or expand the use of a continuum of school-wide practices to improve school safety and reduce incidents of violence on school property including:
 - Student Assistance Program (SAP) teams to facilitate early intervention into student mental health and other related issues;
 - Positive Behavior Supports (PBS) or Positive Behavioral Interventions and Supports (PBIS);
 - Mentoring; and
 - Restorative justice practices.
- The General Assembly should considering increasing funding, as resources permit, for the Commonwealth's SAP and other mental health programs to ensure that those students with mental health problems and other needs are being identified and can obtain access to these services. Furthermore, the select committee recommends that the relevant standing committees consider legislation to update and improve the SAP statute, as it has not been amended since 1990. When updating this statute, consideration should also be given to requiring PDE and DPW to work in greater conjunction and coordination in delivering a continuum of school-based mental health services, including the possibility of requiring an MOU between these agencies.
- The relevant standing committees should investigate and review the Commonwealth's process of involuntary commitment and consider whether to broaden the scope of the law to allow law enforcement and mental health professionals to intervene earlier when mental health issues emerge.

Bullying

- The select committee recognizes that the House Education Committee has dedicated considerable time to and numerous hearings on bullying, and the select committee commends the House Education Committee for its leadership and work on bullying and encourages it to continue its work, as it is important to arrive at a consensus to address this issue. The select committee also recommends that the House Education Committee work to develop a comprehensive initiative to improve the culture and climate of Pennsylvania's schools and reduce incidents of bullying. Finally, the select committee recognizes that a number of bills have been introduced this session and referred to multiple standing committees. These bills include HB 44, HB 99, HB 101, HB 156, HB 509, HB 845, HB 846, HB 847, HB 914, HB 1163, and HB 1211.

Funding for the Office for Safe Schools and Safe Schools Advocate

- The select committee recognizes the important work that was done with the enactment of SB 10 to expand the Safe Schools Targeted Grants administered by the OSS within PDE. The Committee also recognizes the need for school entities to have stable funding to support a plethora of violence prevention programs. The committee encourages the General Assembly to provide consistent support for school safety initiatives through this line item. Furthermore, the General Assembly should continue to work with the OSS to determine the whether there is a need for additional funding.
- The General Assembly should continue to maintain sufficient funding for the support of the Safe Schools Advocate in the School District of Philadelphia.

