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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 729 Session of  
2019

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INTRODUCED BY COSTA, HUGHES, FONTANA, FARNESE, BLAKE,  
LANGERHOLC, SANTARSIERO, BREWSTER AND SCHWANK, JUNE 7, 2019

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REFERRED TO EDUCATION, JUNE 7, 2019

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AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in school safety and security,  
6 further providing for School Safety and Security Grant  
7 Program and for school safety and security training;  
8 providing for threat assessment; and, in school health  
9 services, further providing for confidentiality, transference  
10 and removal of health records.

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

13 Section 1. Section 1306-B(j) of the act of March 10, 1949  
14 (P.L.30, No.14), known as the Public School Code of 1949, is  
15 amended by adding a paragraph to read:

16 Section 1306-B. School Safety and Security Grant Program.

17 \* \* \*

18 (j) Specific purposes.--The committee shall provide grants  
19 to school entities for programs that address safety and  
20 security, including:

21 \* \* \*

22 (23) The implementation of Article XIII-E.

1 \* \* \*

2 Section 2. Section 1310-B(1) of the act, added June 22, 2018  
3 (P.L.327, No.44), is amended to read:

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

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

7 (1) Training shall address any combination of one or  
8 more of the following, based on the needs of the school  
9 entity:

10 (i) Situational awareness.

11 (ii) Trauma-informed education awareness.

12 (iii) Behavioral health awareness.

13 (iv) Suicide and bullying awareness.

14 (v) Substance use awareness.

15 (vi) Emergency training drills, including fire,  
16 natural disaster, active shooter, hostage situation and  
17 bomb threat.

18 (vii) Identification or recognition of student  
19 behavior that may indicate a threat to the safety of the  
20 student, other students, school employees, school  
21 facilities, the community or others.

22 \* \* \*

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

24 ARTICLE XIII-E

25 THREAT ASSESSMENT

26 Section 1301-E. Definitions.

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

30 "Chief school administrator." A superintendent of a school

1 district, executive director of an intermediate unit,  
2 administrative director of an area vocational-technical school  
3 or chief executive officer of a charter school, regional charter  
4 school or cyber charter school.

5 "County agency." The term includes, but is not limited to, a  
6 county children and youth agency, drug and alcohol service  
7 agency, mental health agency or other human or social services  
8 agency.

9 "Law enforcement." An officer or representative from the  
10 Pennsylvania State Police, the police department of a city,  
11 borough, incorporated town or township or a district attorney's  
12 office.

13 "Mental health agency." The term includes, but is not  
14 limited to, a state, county or local mental health service  
15 provider, crisis intervention center or psychiatric hospital.  
16 The term includes a private service provider which has  
17 contracted with a State, county or local government to act as a  
18 mental health agency.

19 "Public school entity." A school district, intermediate  
20 unit, area vocational-technical school, charter school, regional  
21 charter school or cyber charter school.

22 "Safe2Say Program." The Safe2Say Program established under  
23 Article XIII-D.

24 "School security." A school police officer, school resource  
25 officer or school security officer appointed or employed under  
26 Article XIII-C.

27 "Student assistance program." As defined in 22 Pa. Code §  
28 12.16 (relating to definitions).

29 "Threat assessment team" or "team." A threat assessment team  
30 established by a public school entity under section 1302-E(a).

1 Section 1302-E. Threat assessment teams.

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

4 (1) Each public school entity shall establish at least  
5 one threat assessment team as provided under subsection (b)  
6 for the assessment of and intervention with students whose  
7 behavior may indicate a threat to the safety of the student,  
8 other students, school employees, school facilities, the  
9 community or others.

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

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

13 (ii) Ensure and establish procedures for the  
14 implementation of this section.

15 (iii) Facilitate opportunities for members of the  
16 threat assessment team to complete group or individual  
17 training consistent with nationally recognized best  
18 practices during paid working hours or as in-service  
19 training.

20 (iv) Ensure that students, parents and guardians are  
21 informed of the existence and purpose of the threat  
22 assessment team. The information shall be posted on the  
23 public school entity's publicly accessible Internet  
24 website.

25 (v) Annually develop and present to the school  
26 entity's board of directors at an executive session a  
27 report generally outlining the school entity's approach  
28 to threat assessment which shall include:

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

1           (B) The number and composition of established  
2 threat assessment teams.

3           (C) The total number of threats assessed in the  
4 public school entity.

5           (D) A summary of interactions with outside law  
6 enforcement, juvenile probation and mental health  
7 service providers.

8           (E) An assessment of the operation of the school  
9 entity's threat assessment teams.

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

12          (G) Any additional information determined by the  
13 chief school administrator or designee.

14    (b) Threat assessment team requirements.--The following  
15 shall apply to threat assessment teams established under  
16 subsection (a):

17           (1) Each team shall:

18           (i) Include individuals with expertise in:

19           (A) School health.

20           (B) Counseling, school psychology, or social  
21 work.

22           (C) Special education.

23           (D) School administration.

24           (E) Other school staff or community resources  
25 may serve as regular team members or be consulted  
26 during the threat assessment process, as appropriate,  
27 and as determined by the team. Other school staff or  
28 community resources include, but are not limited to:

29           (I) School security.

30           (II) Law enforcement.

1                   (III) Juvenile probation.

2                   (IV) Mental health professionals.

3                   (ii) Have a designated leader.

4                   (iii) Be responsible, at a minimum, for the

5 following:

6                   (A) Making age-appropriate informational  
7 materials available to students regarding recognition  
8 of threatening or at-risk behavior that may present a  
9 threat to the student, other students, school  
10 employees, school facilities, the community or others  
11 and how to report their concerns.

12                   (B) Making informational materials available to  
13 school employees regarding recognition of threatening  
14 or at-risk behavior that may present a threat to the  
15 student, other students, school employees, school  
16 facilities, the community or others and how to report  
17 their concerns.

18                   (C) Ensuring that school employees are aware of  
19 the staff members who are appointed to the threat  
20 assessment team and how to report threatening or at-  
21 risk behavior, in addition to reports made under the  
22 Safe2Say program.

23                   (D) Assisting in assessing and responding to  
24 reports received through the Safe2Say Program. Where  
25 a public school entity has only one threat assessment  
26 team, that team may also serve as the school entity's  
27 team for assessing and responding to reports received  
28 through the Safe2Say Program.

29                   (E) Assessing and responding to reports of  
30 students exhibiting self-harm or suicide risk factors

1 or warning signs as provided for under section 1526.

2 (F) Assessing and making appropriate  
3 determinations and referrals under subsection (c)  
4 based on the information available to the team.

5 (G) Responding to threats as provided under  
6 subsection (c).

7 (H) Providing required information to the chief  
8 school administrator or designee to make the report  
9 provided for under subsection (a)(2)(v).

10 (iv) Ensure parents and guardians are notified as  
11 provided under subsection (c).

12 (v) Undergo training which shall address, at a  
13 minimum, the following:

14 (A) Responsibilities of team members.

15 (B) The process of identifying, reporting,  
16 assessing, responding to and intervening with  
17 threats, including identifying and avoiding racial or  
18 cultural bias.

19 (C) Confidentiality requirements under Federal  
20 and State law.

21 (2) The training required under this section shall be  
22 credited toward a professional educator's continuing  
23 professional education requirement under section 1205.2, any  
24 staff development requirements for paraprofessionals under 22  
25 Pa. Code § 14.105 (relating to personnel), a school or system  
26 leader's continuing professional education requirement under  
27 section 1205.5 and the school safety and security training  
28 required under section 1310-B.

29 (3) A public school entity may satisfy the requirements  
30 of subsection (a)(1) by assigning the duties listed under

1 paragraph (1) to an existing team established by the public  
2 school entity.

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

6 (c) Notification and referral.--Upon a preliminary  
7 determination that a student's behavior may indicate a threat to  
8 the safety of the student, other students, school employees,  
9 school facilities, the community or others, the following shall  
10 apply:

11 (1) A threat assessment team shall immediately notify  
12 the chief school administrator or a designee and the  
13 student's building principal. The building principal shall  
14 then immediately notify the student's parent or guardian.

15 (2) Following notification of the parent or guardian,  
16 the threat assessment team may refer the student, as  
17 appropriate, to:

18 (i) a student assistance program;

19 (ii) a mental health agency;

20 (iii) a health care provider for evaluation and  
21 treatment;

22 (iv) a law enforcement agency;

23 (v) an evaluation under the Individuals with  
24 Disabilities Education Act (Public Law 91-230, 20 U.S.C.  
25 § 1400 et seq.) or section 504 of the Rehabilitation Act  
26 of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.);

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



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

5           (3) Nothing in this section shall:

6           (i) Preclude school employees from acting  
7           immediately to address an imminent threat. Imminent  
8           threats and emergencies shall be promptly reported to law  
9           enforcement.

10          (ii) Limit the responsibilities of school employees  
11          or other mandated reporters to report suspected child  
12          abuse as required by law.

13          (iii) Limit the authority of a public school entity  
14          to refer a student to the student assistance program  
15          without referral by a threat assessment team, so long as  
16          the student's behavior does not indicate a threat to the  
17          safety of the student, other students, school employees,  
18          school facilities, the community or others.

19          (d) Access to student information.--In order to carry out  
20          the duties under subsections (b) and (c) and facilitate the  
21          timely assessment of, and intervention with, students whose  
22          behavior may indicate a threat to the safety of the student,  
23          other students, school employees, school facilities, the  
24          community or others, a threat assessment team shall have access  
25          to the following student information to the extent permissible  
26          under Federal law:

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

29                  (2) Prior school disciplinary records.

30                  (3) Records or information shared with the public school

1 entity under Article XIII-A and 42 Pa.C.S. § 6341(b.1)  
2 (relating to adjudication).

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

6 (5) Other records or information that may be relevant to  
7 evaluating a threat or determining treatment or referral  
8 options for a student that are maintained by the public  
9 school entity.

10 (e) Cooperation of county agency or juvenile probation  
11 department.--Notwithstanding 42 Pa.C.S. § 6352.2 (relating to  
12 interagency information sharing), upon a preliminary  
13 determination that a student's behavior indicates a threat to  
14 the safety of the student, other students, school employees,  
15 school facilities, the community or others, a threat assessment  
16 team may request that the county agency or juvenile probation  
17 department consult and cooperate with the team in assessing the  
18 student who is the subject of the preliminary determination. The  
19 county agency or juvenile probation department shall comply with  
20 the threat assessment team's request except as prohibited by the  
21 following:

22 (1) 42 Pa.C.S. § 5944 (relating to confidential  
23 communications to psychiatrists or licensed psychologists).

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

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

30 (4) The act of November 29, 1990 (P.L.585, No.148),

1 known as the Confidentiality of HIV-Related Information Act.

2 (5) Federal law, including the Family Educational Rights  
3 and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. §  
4 1232g), the Individuals with Disabilities Education Act, the  
5 Health Insurance Portability and Accountability Act of 1996  
6 (Public Law 104-191, 110 Stat. 1936), and the procedures,  
7 limitations and criteria provided in regulations adopted by  
8 the Department of Health and Human Services relating to the  
9 confidentiality of drug and alcohol treatment records.

10 (f) Use of records.--The threat assessment team shall use  
11 the information contained in the records obtained under  
12 subsections (d) and (e) in fulfilling the team's duty to  
13 evaluate a threat or the recommended disposition of a threat. No  
14 member of a threat assessment team may redisclose any record or  
15 information obtained under this section or otherwise use any  
16 record of a student beyond the purpose for which the disclosure  
17 was made to the threat assessment team.

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

19 (1) Records or documentation developed or maintained by  
20 a threat assessment team shall not be subject to the act of  
21 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know  
22 Law.

23 (2) The report and information presented to the school  
24 entity's board of directors under subsection (a)(2)(v) shall  
25 not be subject to the "Right-to-Know Law."

26 (3) Records of a threat assessment team that pertain to  
27 a student shall be considered a part of the student's  
28 educational records and protected under the Family  
29 Educational Rights and Privacy Act of 1974 and other  
30 applicable Federal and State laws and regulations.

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

4 Section 1303-E. Threat assessment guidelines, training, and  
5           informational materials.

6           (a) Duties of the School Safety and Security Committee.--No  
7           later than 180 days from the effective date of this section, the  
8           School Safety and Security Committee within the Pennsylvania  
9           Commission on Crime and Delinquency shall:

10           (1) Research, develop and publish best practices for  
11           implementation of this article and make recommendations to  
12           the Governor and the General Assembly regarding legislative  
13           or regulatory changes necessary to improve threat assessment  
14           in public school entities.

15           (2) Develop and offer, at no charge to public school  
16           entities, all of the following:

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

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

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

29           (iv) Model informational materials for parents and  
30           school employees that may be used and adapted by public

1 school entities to meet the requirements of section 1302-  
2 E(a)(2)(iv) and (b)(1)(iii)(B).

3 (3) Develop model procedures and guidelines which public  
4 school entities may use in implementing this article. The  
5 model procedures and guidelines shall, at a minimum:

6 (i) Establish standard definitions and terminology.

7 (ii) Reflect best practices in identifying,  
8 reporting, assessing and responding to threats, including  
9 threats reported through the Safe2Say program.

10 (iii) Provide for flexibility and local decision  
11 making and recognize the differing levels of available  
12 resources in each public school entity.

13 (iv) Be posted on the Pennsylvania Commission on  
14 Crime and Delinquency's publicly accessible Internet  
15 website.

16 (4) Annually review the training programs, informational  
17 materials and model procedures and guidelines and make  
18 updates or revisions as necessary.

19 (5) Notify public school entities when the training  
20 programs, informational materials and model procedures and  
21 guidelines become available or are updated or revised.

22 (b) Availability of programs.--Model training programs  
23 developed under this section shall be available through the  
24 Internet or other distance communications systems.

25 Section 1304-E. Grant funding.

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

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

1 Section 1409. Confidentiality, Transference and Removal of  
2 Health Records.--[All] (a) Except as provided under subsection  
3 (b), all health records established and maintained pursuant to  
4 this act shall be confidential, and their contents shall be  
5 divulged only when necessary for the health of the child or at  
6 the request of the parent or guardian to a physician legally  
7 qualified to practice medicine and surgery or osteopathy or  
8 osteopathic surgery in the Commonwealth.

9 (b) Notwithstanding any limitation on disclosure provided  
10 under this section or any other law, a public school entity may  
11 disclose information from health records to appropriate parties  
12 in connection with an emergency if school officials determine  
13 that the totality of the circumstances pertaining to a  
14 particular threat to the health or safety of a student or other  
15 individuals indicates that the information in the health records  
16 is necessary to protect the health or safety of the student or  
17 other individuals.

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

30 Section 4. The amendment or addition of sections 1310-B(1)

1 and 1302-E shall apply beginning in the 2021-2022 school year.

2 Section 5. This act shall take effect immediately.