

STATE MANDATES

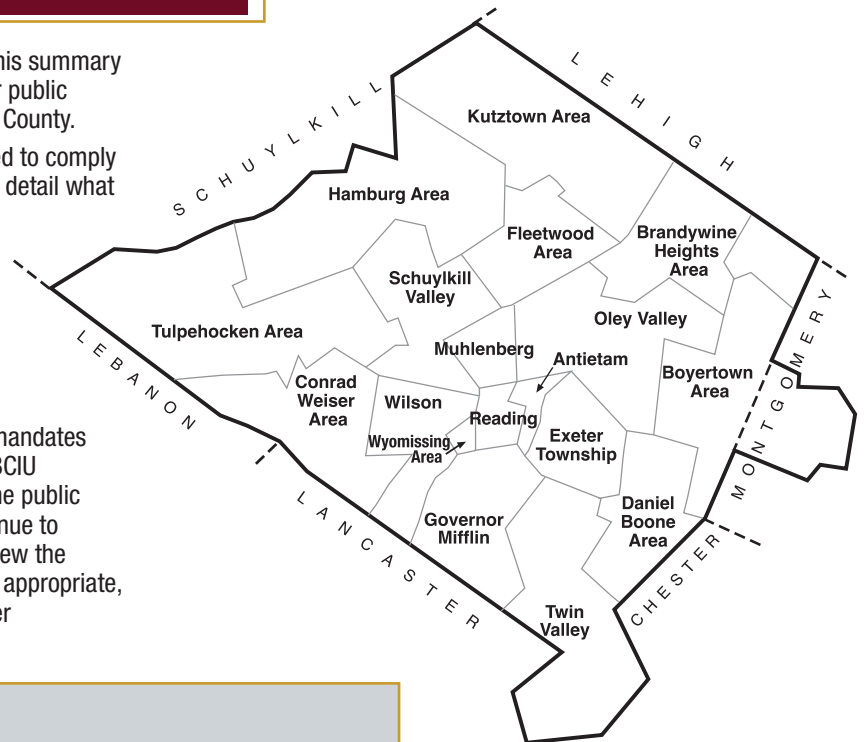
BERKS COUNTY SCHOOL DISTRICTS

The Berks County Intermediate Unit (BCIU) has licensed this summary of educational mandates to serve as an informational tool for public school administrators and school directors throughout Berks County.

As many are aware, Pennsylvania school districts are required to comply with federal, state, and even local mandates which outline in detail what school districts must do, how they must do it, and how much funding, if any, may be allocated for each mandate.

Mandates come from several sources. The federal government articulates some of these requirements; however, most mandates come from state laws, regulations, and other types of guidance issued from Pennsylvania governmental agencies.

This document is a summary compilation of the majority of mandates required of Pennsylvania's public school districts. While the BCIU understands that mandates are a necessary component of the public education system, please be assured that the BCIU will continue to collaborate with federal, state, and local policymakers to review the relevancy of these mandates and discuss alternatives where appropriate, including the need for additional funding or resources in order to comply with a particular mandate.



EXECUTIVE SUMMARY

This document serves to outline state mandates for Pennsylvania public school districts. Mandates for school districts come in two forms:

- Legislation approved by the General Assembly, most typically amending the Act of March 10, 1949, also known as the Pennsylvania Public School Code of 1949.
- Directives from the Pennsylvania Department of Education and other state agencies, reflected in the Pennsylvania Public School Code, the Commonwealth's official publication of rules and regulations.

This document is an active document and is updated as new legislation is passed and new directives are handed down. Please note the date to see when it was last modified.

Disclaimer: The information in this State Mandates document is based on the Pennsylvania Public School Code and has been reviewed by several education leaders. It is considered to be complete and accurate to the best of the preparers' knowledge, as of the date of publication. The information provided in this document is a summary of applicable laws, policies, and regulations. For any particular question about any specific mandate, please refer to the section and title of the source cited. Specific questions about any mandate and/or how a particular mandate may apply to your school entity should be directed to your school solicitor.

Table of Contents

STATE MANDATES FOR PUBLIC SCHOOL DISTRICTS

Human Resources

| | | |
|-------------------------|--|---|
| Chapter 83 | PSERS | 1 |
| Chapter 84 | 403(b) Plans | 1 |
| 111 | Clearances / Background Checks | 1 |
| | Arrest / Conviction Report and Certification | 1 |
| | Sexual Misconduct / Abuse Disclosure Release (Employment History Review) | 2 |
| 524 | Public Hearing Prior to School Closing | 2 |
| | Notice of School Closing to Employees | 2 |
| 527 | Drug Law Convictions | 2 |
| 528 | Third-Party Services | 3 |
| 1073 | Contracts for Superintendents | 3 |
| 1111 | Employment of Relatives of School Directors | 3 |
| 1113 | Transferred Programs and Classes (Transfer of Entity) | 3 |
| 1121 | Tenure | 4 |
| 1127 | Procedure on Dismissals | 4 |
| 1130 | Notice of Discharge | 4 |
| | Procedure on Decision Favorable to Employee | 4 |
| 1138 | Revised Rating System for Classroom Teachers | 4 |
| 1138.4 | Revised Rating System for Principals | 5 |
| 1138.5 | Revised Rating System for Nonteaching Professional Employees | 5 |
| 1138.9 | Operative Provisions for Rating Professional and Temporary Professional Employees | 5 |
| 1138.10 | Rating System Reporting | 5 |
| 1154 | Sick Leave | 6 |
| | Bereavement Leave | 6 |
| 1164 | Compensation Plans for School Administrators | 6 |
| 1166 | Sabbatical Leaves | 6 |
| 1169 | Salary While on Sabbatical Leave | 7 |
| 1176/1181 | Military Leaves of Absence | 7 |
| 1111-A* | Collective Bargaining | 7 |
| 1204.1 | Standard Employment Application | 7 |
| 1418 | Medical Examinations of School Personnel | 7 |
| 1504 | Lunch Periods | 8 |
| 2070.11 | Investigations of Allegations of Misconduct | 8 |
| Title 16 | | |
| Chapter 44.12 | Eliciting or Disseminating Medical Information | 8 |
| Title 35 | | |
| Section 7307 | Health & Safety Workplace Postings | 8 |
| Title 43 | | |
| Chapter 955 1955 | Pennsylvania Human Relations Act | 8 |
| Title 51 Chapter 71 | Veterans Preference | 8 |
| Title 75 Section 1509 | School Bus Driver Qualifications | 8 |
| Title 75 | Notification Requirements for Drivers Holding a Commercial Driver's License | 9 |
| Section 1604 | | |
| Section 229.14 | | |
| Section 31306 | Drug / Alcohol Program for Covered Drivers | 9 |

Table of Contents

STATE MANDATES FOR PUBLIC SCHOOL DISTRICTS

Health & Wellness

| | | |
|---------------------------|---|----|
| 742 | Lead Testing | 9 |
| 1303 | Immunizations | 9 |
| 1402 | Mandated Health Services | 10 |
| 1403 | Mandated Dental Services | 10 |
| | Mandated Vision Screening | 10 |
| 1410 | Employment of School Health Personnel | 10 |
| 1414.1 | Possession and Use of Asthma Inhalers and Epinephrine Auto-Injectors | 11 |
| 1414.2 | School Access to Emergency Epinephrine | 11 |
| 1414.3 | Education of School Employees in Diabetes Care | 12 |
| 1414.4 | Diabetes Care in Schools | 12 |
| 1414.5 | Possession and Use of Diabetes Medication and Monitoring Equipment | 13 |
| 1414.9 | Administration of Epinephrine Auto-Injectors by School Bus Drivers and Crossing Guards | 13 |
| 1414.10 | Sun Protecting Measures for Students | 14 |
| 1418 | Medical Exams for Staff | 14 |
| 1423 | Automatic External Defibrillators (AEDs) | 14 |
| 1424 | CPR Certification | 15 |
| 1547 | Student Assistance Program (SAP) | 15 |
| 5323 | Concussions and Traumatic Brain Injuries | 15 |
| 5333 | Sudden Cardiac Arrest | 15 |
| Title 18 Section 6306.1 | Use of Tobacco Products in Schools | 15 |
| Title 28 Chapter 23 | Required Health Services | 16 |
| Title 35 Section 807.1 | Anabolic Steroids | 16 |

Curriculum

| | | |
|--------------|--|----|
| Chapter 4.21 | Elementary Education | 17 |
| Chapter 4.22 | Middle Level Education | 17 |
| Chapter 4.23 | High School Education | 17 |
| Chapter 4.25 | Languages | 17 |
| Chapter 4.29 | HIV/AIDS Education | 18 |
| Chapter 4.31 | Career & Technical Education (CTC) | 18 |
| Chapter 4.52 | Local Assessment System | 18 |
| 121 | Keystone Exams and Graduation Requirements | 18 |
| 1501 | School Terms | 19 |
| | Flexible Instructional Days | 19 |
| 1511 | Prescribed Courses | 19 |
| 1511.1 | Remedial Courses | 19 |
| 1513 | Physiology and Hygiene | 19 |
| 1514 | Humane Education | 20 |
| 1518 | Fire Dangers and Prevention | 20 |
| 1523 | Right of Refusal (Animal Dissection) | 20 |
| 1528 | CPR Curriculum | 20 |
| 1547 | Alcohol, Chemical, and Tobacco Abuse Program | 20 |
| 1605 | Courses of Study | 20 |
| 1605.1 | Civic Knowledge Assessment | 20 |

Table of Contents

STATE MANDATES FOR PUBLIC SCHOOL DISTRICTS

Policy & Procedure | Finances & Accounting

| | | |
|-------------------|--|----|
| 218 | Financial Reports | 21 |
| 437 | Audit of Accounts | 21 |
| 440.1 | Investment of Funds | 21 |
| 621 | Designation of Depositories | 21 |
| 687 | Annual Budget | 21 |
| Title 53 | | |
| Section 6924.504 | Tax Collection Districts | 22 |
| Title 53 Section | | |
| 6926.341–343 | Homestead and Farmstead Applications and Exclusions. | 22 |
| Title 53 | | |
| Section 6926.1502 | Installment Payments for Property Taxes. | 22 |
| Title 53 | | |
| Section 8423 | Disclosure Statement (Taxpayer Bill of Rights) | 22 |
| Title 72 | | |
| Section 5860.207 | Reimbursement of County | 22 |

Policy & Procedure | Student Procedures

| | | |
|---------------|--|----|
| Chapter 4.4 | Parental Review | 23 |
| Chapter 4.26 | English as a Second Language | 23 |
| Chapter 4.27 | Athletics | 24 |
| Chapter 12.6 | Exclusions from School. | 24 |
| Chapter 12.7 | In-School Suspensions | 25 |
| Chapter 12.14 | Student Searches | 25 |
| Chapter 12.31 | Student Records | 25 |
| Chapter 12.41 | Student Services | 26 |
| 128 | Career Information and Recruiting | 26 |
| 1301 | Attendance | 26 |
| 1305 | Non-Resident Child Placed in Home of Resident | 27 |
| 1306 | Non-Resident Inmates of Children’s Institutions | 27 |
| 1306.2 | Incarcerated Juveniles in Adult Facilities. | 27 |
| 1310.1 | Classroom Placement of Twins or Higher Order Multiples | 27 |
| 1318.1 | Students Convicted or Adjudicated Delinquent of Sexual Assault | 27 |
| 1327.1 | Home-Educated Students. | 28 |
| 1333 | Procedure When Child is Truant | 28 |
| 1333.1 | Procedure When Child is Habitually Truant | 28 |
| 1521 | Limitation of Refusal to Enroll Student | 29 |
| 1614 | Participation by Students with Disabilities in High School Graduation Ceremonies. | 29 |
| 1719-A | Participation of Charter School Students. | 29 |
| 1901-C | Disruptive Student Programs | 29 |

Table of Contents

STATE MANDATES FOR PUBLIC SCHOOL DISTRICTS

Policy & Procedure | Operations & Transportation

| | | |
|-------------|---|----|
| 504.1 | Food and Beverage Contracts | 30 |
| 701.1 | Construction or Lease of New School Building | 30 |
| | Construction and Renovation Reimbursement Eligibility | 30 |
| 751 | Construction Contracts | 30 |
| 772.1 | Integrated Pest Management Program | 30 |
| 772.2 | Pesticide Treatments at Schools | 31 |
| 780 | Public Hearing Prior to Closing School | 31 |
| 807.1 | Purchase of Supplies | 31 |
| 1337 | Nonprofit School Food Program | 32 |
| 1361 | Transportation of Pupils | 32 |
| 1726-A | Transportation for Charter School Students. | 32 |
| Title 67 | | |
| Chapter 171 | School Buses and School Vehicles | 32 |

Policy & Procedure | Other

| | | |
|-------------------|--|----|
| Chapter 4.13 | Strategic Plans | 33 |
| 220 | State Report Cards | 33 |
| 222 | Drop-Out Data Collection | 33 |
| 329 | Publication of School Board Members' Email Addresses | 34 |
| 510.2 | Publication of Rules, Regulations, and Policies | 34 |
| 518 | Retention of Records | 35 |
| 771 | Display of the Flag | 35 |
| 1351 | Enumeration of School Children | 35 |
| 1422.1 | Wellness Policy. | 35 |
| 1526 | Youth Suicide Awareness & Prevention | 36 |
| 1603-C | Interscholastic Athletics Reporting | 36 |
| 1717-A | Establishment of a Charter School | 36 |
| 1725-A | Charter School Funding | 36 |
| 1744 | School District Responsibilities for Cyber Charter Schools. | 37 |
| Right to Know Act | | |
| Section 502 | Open Records Officer | 37 |
| Title 18 | | |
| Section 6306.1 | Use of Tobacco Products in Schools | 37 |
| Title 24 | | |
| Section 4604 | School Internet Policies | 37 |
| Title 24 | | |
| Section 5004 | Unfair Educational Practices | 38 |
| Title 25 | | |
| Section 2727 | Use of Schools as Polling Places. | 38 |
| Title 47 | | |
| Section 4-493 | Unlawful Acts Relative to Liquor | 38 |
| Title 51 | | |
| Section 20222 | Military Affairs – List of Seniors | 38 |
| Title 65 | | |
| Section 701-716 | Open Meetings. | 39 |
| Title 73 | | |
| Chapter 43 | Breach of Personal Information. | 39 |

Table of Contents

STATE MANDATES FOR PUBLIC SCHOOL DISTRICTS

School Safety & Security

| | | |
|-------------------------------|---|----|
| Chapter 10 | All Hazards Planning | 40 |
| Chapter 10 Section 23 | Response and Handling of a Student with a Disability | 40 |
| 223 | Certified Safety Committee | 40 |
| 1317.2 | Possession of Weapons. | 41 |
| 1303-A | Safe Schools Reporting. | 41 |
| 1303.1-A | Anti-Bullying. | 41 |
| 1305-A | Transfer of Records. | 41 |
| 1307-A | Maintenance of Records | 42 |
| 1309-B | School Safety and Security Coordinator | 42 |
| 1310-B | School Safety and Security Training | 42 |
| 1302-C | School Police Officers | 43 |
| 1313-C | School Resource Officers | 43 |
| 1314-C | School Security Guards. | 43 |
| 1303-D | Safe2Say Something | 43 |
| 1302-E | Threat Assessment Teams | 44 |
| 1517 | Fire Drills / School Security Drills / Bus Evacuation Drills | 44 |
| Title 18 Chapter 28 | Antihazing | 45 |
| Title 23 Section 6311–6313 | Mandated Reporters | 45 |
| Title 42 Section 6341 | Finding of Delinquency | 45 |

Professional Development

| | | |
|---------------|--|----|
| Chapter 4 | English as a Second Language | 46 |
| Chapter 49.16 | Induction Plans | 46 |
| 328 | School Director Training | 46 |
| 1109 | PA Inspired Leadership (PIL) | 46 |
| 1205.1 | Professional Education Plan / Continuing Professional Education (CPE) | 47 |
| 1205.4 | CPR Instruction | 47 |
| 1205.6 | Child Abuse Recognition and Reporting | 47 |
| 1205.7 | Trauma-Informed Approaches. | 47 |
| 1526 | Youth Suicide Awareness and Prevention | 47 |

Note: Within this document, the term “professional employee” is referenced. For clarification purposes, in accordance with Title 24 P.S. Education Section 11-1101, a professional employee is defined as follows:

Professional Employee – the term “professional employee” shall include those who are certificated as teachers, supervisors, supervising principals, assistant principals, vice-principals, directors of career and technical education, dental hygienists, visiting teachers, home and school visitors, school counselors, child nutrition program specialists, school librarians, school secretaries the selection of whom is on the basis of merit as determined by eligible lists and school nurses. (Title 24 P.S. Education Section 11-1101).

Title 22 | Chapter 14 Special Education Services & Programs

| | |
|--|----|
| General Provisions | 49 |
| Child Find, Screening, and Evaluation | 51 |
| Individualized Education Program (IEP) | 52 |
| Educational Placement | 54 |
| Early Intervention | 54 |
| Procedural Safeguards | 56 |

Title 22 | Chapter 15 Protected Handicapped Students

| | |
|---|----|
| General Provisions | 57 |
| Annual Notice | 57 |
| School District Initiated Evaluation and Provision of Services | 57 |
| Parent Initiated Evaluation and Provision of Services. | 58 |
| Service Agreement | 59 |
| Procedural Safeguards | 60 |
| Confidentiality. | 60 |
| Discrimination Claims. | 60 |

Title 22 | Chapter 16 Special Education for Gifted Students

| | |
|---|----|
| General Provisions | 61 |
| Screening and Evaluation Process | 62 |
| Gifted Individualized Education Plan (GIEP) | 65 |
| Educational Placement | 66 |
| Procedural Safeguards | 67 |

Act 1 of 2006 – Taxpayer Relief Act

| | |
|--|----|
| Public Referendum Requirements for Increasing Certain Taxes | 69 |
|--|----|

At a Glance

| | |
|--|----|
| State Mandates for Public School Districts | 70 |
| Major Federal Regulations Impacting K-12 Education. | 71 |
| Health & Safety Plan | 72 |

| | |
|-----------------|----|
| Notes | 73 |
|-----------------|----|

| Section | Title | Action | Timing | Details |
|---|---|---|---|--|
| <p>CHAPTER 83 Act 96 of 1975</p> | <p>Pennsylvania Public School Employees' Retirement System (PSERS)</p> | <p>Shall Enroll</p> <p>Shall Enroll</p> | <p>At Time of Hire</p> <p>At Time of Hire</p> | <p>Membership in the Public School Employees' Retirement System (PSERS) is mandatory for all school employees with limited exceptions (as outlined in Chapter 83, Section 8301).</p> <p>Regular contributions are to be made to the fund on behalf of each active member for current service with limited exceptions. Additional requirements for contributions are outlined in Chapter 83, Subchapter B.</p> |
| <p>CHAPTER 84 Act 5 of 2017</p> | <p>403(b) Plans</p> | <p>Shall Maintain</p> | <p>Annually</p> | <p>Schools are required to have a minimum of four financial institutions or pension management organizations for 403(b) and 457 plans.</p> |
| <p>111 Act 34 of 1985 Act 151 of 1994 Act 114 of 2006 Act 61 of 2008 Act 24 of 2011 Act 82 of 2012 Act 168 of 2014 <i>continued on next page</i></p> | <p>Clearances / Background Checks</p> <p>Arrest / Conviction Report and Certification</p> | <p>Shall Obtain from Applicants</p> | <p>Before Hire</p> | <p>All applicants, employees of independent contractors, and student-teacher candidates must undergo background checks if they will have direct contact with students. In addition, employment history reviews must be completed.</p> <p>The required background checks include:</p> <ul style="list-style-type: none"> • Department of Human Services Child Abuse History Clearance • Pennsylvania State Police Request for Criminal Records Check • Federal Criminal History Record Information <p>A candidate's clearances and federal criminal history record cannot be more than 1 year old at the time of employment.</p> <p>All clearances must be renewed every 60 months.</p> <p>Applicants must complete a Pennsylvania Department of Education Form PDE-6004 "Arrest/Conviction Report and Certification Form."</p> <p>This form must also be utilized by current and prospective employees to provide written notice within 72 hours after a subsequent arrest or conviction for an offense enumerated under 24 P.S. Section 1-111(e) or (f.1).</p> <p>Before individuals may be hired (or, in the case of an independent contractor, assigned) to a position involving "direct contact with children," the applicant must complete the "Sexual Misconduct/ Abuse Disclosure" Form under Act 168 of 2014.</p> <p>The school or contractor must then:</p> <ul style="list-style-type: none"> • Send the form to each current/former employer to verify the employee's information. • Check license or certificate status or any other requirements both for eligibility and to see if ever professionally disciplined. • Determine if PDE has received notice of any pending criminal charges against the individual. <p>Employers must return the completed form within 20 days.</p> <p>Where there are any affirmative responses relating to abuse, the school/contractor, who still wishes to consider the individual for the position, must send a follow-up request for further information and related records.</p> |

HUMAN RESOURCES

| Section | Title | Action | Timing | Details |
|--|---|--|--|---|
| <p>111</p> <p>Act 34 of 1985 Act 151 of 1994 Act 114 of 2006 Act 61 of 2008 Act 24 of 2011 Act 82 of 2012 Act 168 of 2014</p> <p><i>continued from previous page</i></p> | <p>Sexual Misconduct / Abuse Disclosure Release</p> <p>(Employment History Review)</p> | <p>Shall Obtain from Applicants</p> | <p>Before Hire</p> | <p>As with other similar statutes, an employer is permitted to hire an individual on a provisional basis on certain pre-conditions and restrictions before it receives back the information from other current and past employers. However, if those forms are not returned, or are returned but incomplete, the school/contractor should consider that fact but then (according to PDE) may still hire the individual.</p> |
| <p>524</p> <p>Act 192 of 1969 Title 24 P.S. Section 7-780</p> | <p>Public Hearing Prior to School Closing</p> <p>Notice of School Closing to Employees</p> | <p>Shall Hold</p> <p>Shall Be Given</p> | <p>Not Less Than 3 Months</p> <p>At Least 60 Days Prior</p> | <p>In the event of a permanent closing of a school or substantially all of a school's facilities, a school board shall hold a public hearing on the question not less than 3 months prior to the decision of the board relating to the closing of the school. Notice of the hearing shall be in a newspaper of general circulation in the the school district at least 15 days prior to the date of such hearings.</p> <p>In the event that a school board decides to close any school or department, written notice must be provided, at least 60 days prior to closing, to all professional employees and temporary professional employees. If written notice is not given, the school district must pay the affected employees' salaries through the end of the school year during which the closing occurred.</p> |
| <p>527</p> <p>Act 191 of 1988 Act 211 of 1990</p> | <p>Drug Law Convictions</p> | <p>Shall Terminate</p> | <p>Immediately as Occurs</p> | <p>Any employee who is convicted of delivery of a controlled substance or possession with intent to deliver, shall be terminated from employment.</p> |

| Section | Title | Action | Timing | Details |
|-----------------------|---|-------------------------------------|-----------------------------|---|
| 528 Act 39 of 2018 | Third-Party Services | Shall Obtain | As Needed | For all third-party service contracts for non-instructional services, schools are required to obtain from vendors: financial projections, violation history, criminal records of employees, and traffic violations/chargeable accident records for employees. “Non-instructional services” is defined as services provided by a school employee whose terms and conditions of employment are governed by a collective bargaining agreement negotiated by the school and the exclusive representative of the employee, excluding professional staff, substitutes, or temporary professionals. The definition of “third party” excludes individuals. |
| | | Shall Conduct | 30 Days Prior | Before entering into an agreement, the school must conduct an advertised public meeting – no later than 30 days prior – where the proposal shall be advertised. |
| | | Shall Ensure Consideration is Given | As Needed | If a school employee is terminated because of a new third-party contract, the third-party is required to give consideration to the employee, including but not limited to an interview for the same or substantially similar position if one becomes available during the term of the contract. |
| 1073 | Contracts for Superintendents | Shall Specify | Upon Hire | Upon selection as superintendent, his or her contract shall include performance standards and assessments; compensation and benefits; the length of the contract; and the termination, buyout, and severance provisions. |
| | | Hold Public Meeting | 90 Days Prior to Expiration | If a superintendent’s term is set to expire, the school board must place the item on the agenda at a board meeting at least 90 days prior to the expiration date. The board may either vote to retain for an additional term of three to five years or to consider other candidates for the office. If the board fails to take action prior to the 90-day window, the contract of the current superintendent will be extended for one year. |
| 1111 | Employment of Relatives of School Directors | Shall Vote | As Needed | No teacher shall be employed by a school district where they are related to a member of the school district’s board of directors, unless the teacher receives affirmative votes of the majority of the school board (other than the related member who shall not vote). |
| 1113 | Transferred Programs and Classes (Transfer of Entity) | Shall Be Offered Employment | At Time of Transfer | If a program or class is transferred from one school to another, the professional employees assigned to the class prior to transfer must be offered employment at the new school before new staff is hired. |

HUMAN RESOURCES

| Section | Title | Action | Timing | Details |
|------------------------|--|---|--|---|
| 1121 Act 16 of 1996 | Tenure | Shall Enter | After 3 Years of Service | Tenure shall be awarded to professional employees who have satisfactorily completed three years of service in the school district. Tenure status is also transferrable to other school districts in Pennsylvania. |
| | | Shall Something | Timing | Achieving tenure provides employment protections and a contract may only be terminated under certain conditions as outlined in Section 1122. An employee may also be suspended or furloughed only under certain conditions as outlined in Sections 1124 and 1125.1. |
| 1127 | Procedure on Dismissals | Shall Hold a Hearing | Between 10-15 Days After Notice | Before any tenured employee may be discharged, the employee must be given an opportunity to be heard in person or by counsel. A written notice of the charges must be signed by the board president and secretary and delivered via registered mail. The hearing must be held no sooner than 10 days and no later than 15 days after the employee receives the notice. The hearing must be recorded by a public stenographer paid at the expense of the district. |
| 1130 | Notice of Discharge | Shall Be Given | Within 10 Days | If a decision is made to discharge a professional employee, written notice must be provided to that employee via registered mail within 10 days of the conclusion of their hearing. |
| | Procedure on Decision Favorable to Employee | Shall Be Expunged | At Time of Decision | If a decision is made in favor of the employee, the charges must be expunged from the records of the school board. A record of the hearing must be delivered to the employee in question, and there shall be no abatement of salary or compensation. |
| 1138 Act 13 of 2020 | Revised Rating System for Classroom Teachers | Shall Be Evaluated | Annually | Beginning with the 2021-2022 school year, classroom teachers are to be evaluated based on a weighted formula of classroom observation and student performance. The formula varies depending on the teacher's placement within the district, whether the employee is considered temporary, and the availability of building-related data. |
| | | Shall Complete Professional Development | During Probationary Period (TPE) Every 7 years (PE) | Temporary professional employees must complete a professional development plan tailored to the evaluation system for classroom teachers. Professional employees must complete a condensed version of the program every 7 years. |

| Section | Title | Action | Timing | Details |
|--------------------------|---|---|--|---|
| 1138.4 Act 13 of 2020 | Revised Rating System for Principals | Shall Be Evaluated Shall Complete Professional Development | Annually Within 6 Months of Appointment, Every 7 years Thereafter | Beginning with the 2021-2022 school year, school principals are to be evaluated based on a weighted formula that includes planning and preparation, school environment, delivery of services, professional development, student performance, and individual performance goals. The formula varies depending on whether building-level data is made available from the PA Department of Education. Principals must complete a professional development program tailored to evaluators and to the principal evaluation system. |
| 1138.5 Act 13 of 2020 | Revised Rating System for Nonteaching Professional Employees | Shall Be Evaluated Shall Complete Professional Development | Annually During Probationary Period | Beginning with the 2021-2022 school year, nonteaching professional employees are to be evaluated based on a weighted formula that includes the following criteria: planning and preparation, educational environment, delivery of services, professional development, and building-level performance. The formula varies based on the availability of building-level data and whether an employee is considered temporary. Nonteaching professional employees must complete a professional development program tailored to the evaluation system for nonteaching professionals. |
| 1138.9 | Operative Provisions for Rating Professional and Temporary Professional Employees | Shall Be Evaluated | As Outlined | Professional employees who are considered satisfactory may not be rated more than once annually. Professional employees who are considered unsatisfactory shall be rated at least annually. Temporary professional employees shall be rated at least twice annually. Ratings are to be performed by or under the supervision of the chief school administrator; however, the school administrator may designate an assistant administrator, supervisor, or principal (who has supervision over the employee) to conduct the rating. Unsatisfactory ratings will not be considered valid without approval of the chief school administrator. |
| 1138.10 | Rating System Reporting | Shall Report | Annually | All school entities are to report the aggregate results of annual evaluations to the PA Department of Education. |

HUMAN RESOURCES

| Section | Title | Action | Timing | Details |
|---|--|---------------------------|---------------------------|--|
| 1154 Act of Mar. 10, 1949 Act 84 of 1951 Act 88 of 1971 Act 86 of 2016 | Sick Leave | Shall Pay | For 10 Days | Professional employees who must miss work as a result of illness or physical injury is to be paid their full salary for a period of 10 days. Unused leave is to be cumulative year-over-year without limitation. Any or all unused leave may be taken at any time with full pay in any one or more school years. |
| | | Shall Receive | Up to 25 Days | Professional employees who move from a position in one Pennsylvania school district to another are entitled to all accumulated leave up to a maximum of 25 days. |
| | Bereavement Leave | Shall Maintain and Supply | Annually | School districts are required to maintain and supply a copy of each employee's cumulative record of sick leave annually. |
| | | Shall Pay | Up to 3 Days | If a professional employee is absent because of the death of an immediate family member, they are entitled to full pay for an absence up to three days. |
| | | Shall Pay | For 1 Day | A professional employee is also entitled to a day off with pay to attend the funeral of a near relative. |
| 1164 Act 93 of 1984 | Compensation Plans for School Administrators | Shall Adopt | Ongoing | School districts are required to adopt written compensation plans which apply to all school administrators (as defined in Section 1164). The plan must include, at minimum, a description of the program determining administrative salaries, salary amounts, or a salary schedule; and a listing of benefits. |
| 1166 Act of Mar. 10, 1949 | Sabbatical Leaves | Shall Be Entitled | After 10 Years of Service | <p>Any professional employee, supervisor, instructional staff, administrative staff, or commissioned officer of a school district who has completed 10 years of satisfactory service is entitled to a leave of absence for professional development or sabbatical leave for restoration of health. At least five consecutive years of service must be in the district for which the leave is sought.</p> <p>Employees are entitled to a leave of either a half or full school term (or two half terms over two years).</p> <p>The leave may not be granted unless the employee agrees to return to employment with the school for a period of not less than one school term immediately following the leave of absence.</p> <p>Employees who fail to return are required to repay salary and benefits received while on leave unless the employee is prevented by illness or physical disability from returning.</p> <p>An employee who has earned and takes a sabbatical will be eligible for another sabbatical after seven years, and again every seven years thereafter.</p> |

| Section | Title | Action | Timing | Details |
|---|--|---|--|--|
| 1169 | Salary While on Sabbatical Leave | Shall Receive | While on Leave | An employee on leave of absence shall receive at least one-half of his or her salary during his or her sabbatical. |
| 1176 / 1181 51 PA C.S.A. Section 4102 | Military Leaves of Absence | Shall Be Considered on Leave Shall be Paid | For Duration of Service Applicable to Certain Circumstances | <p>Any employee who has been regularly employed by a school district for any period who volunteers for – or is inducted into – service in the United States military will be considered to be on a leave of absence for the duration of his or her service, and all rights and privileges shall be reserved for the employee upon their return from service.</p> <p>An employee shall be entitled to paid military leaves of absence as follows:</p> <ul style="list-style-type: none"> • As a member of the Pennsylvania National Guard engaged in active State duty under section 508 • On all days not exceeding 15 consecutive or nonconsecutive days in any one year during which the employee is engaged in training or other military duty under orders authorized by Federal or State law. |
| 1111-A* Act 88 of 1992 | Collective Bargaining | Shall Have the Right | At All Times | <p>All public employees, including employees of public school districts, have the right to join or assist in employee organizations for the purpose of collective bargaining.</p> <p>It is the mutual obligation of the employer and employee union to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms or conditions of employment.</p> <p>* Additional provisions regarding the collective bargaining process can be found in Article XI-A of the Pennsylvania Public School Code of 1949 and Chapter 43 (Labor) of the Pennsylvania Public School Code.</p> |
| 1204.1 Act 107 of 1996 | Standard Employment Application | Shall Use | In All Instances | School districts must use the standard employment application developed by the PA Department of Education as part of its application process for teaching positions. |
| 1418 Act 107 of 1996 | Medical Examinations of School Personnel | Shall Submit | Prior to Employment | All school employees are required to take a pre-employment medical examination, the results of which are to be recorded on forms prescribed by the PA Department of Health. Additionally, employees and any other person providing services to school children under contract are required to take a tuberculosis test prior to employment (unless they can provide an adequate reason for being excused, in which case an alternative method of testing shall be administered). |

HUMAN RESOURCES

| Section | Title | Action | Timing | Details |
|---|--|------------------------|----------------|--|
| 1504 | Lunch Periods | Shall Provide | Daily | Professional and temporary professional employees must be allowed a 30-minute lunch period free of supervisory or other duties. |
| 2070.11 | Investigations of Allegations of Misconduct | Shall Submit | Within 90 Days | Upon receipt of notification from the PA Department of Education, school districts have 90 days to conduct an investigation and report the outcome to the Department. (The Department may extend the 90-day reporting period upon written request.) The report must include a summary of evidence gathered and the name and contact information of the person in charge of the items listed in the inventory. If a school makes a recommendation concerning discipline, it must notify the educator. |
| TITLE 16 CHAPTER 44.12 | Eliciting or Disseminating Medical Information | Shall Not Disclose | As Outlined | Employers must maintain confidentiality with regards to an employee's handicap or disability, medical condition, or medical history. This confidential information may only be disseminated with the approval of employee or when specific criteria are met. |
| TITLE 35 CHAPTER 7307 | Health & Safety Workplace Postings | Shall Post | Ongoing | Employers must post a list of hazardous substances found in the workplace and all hazardous emissions produced by those substances. |
| TITLE 43 CHAPTER 955 1955 Act 222 Section 3 | Pennsylvania Human Relations Act | Shall Not Discriminate | At Any Time | <p>The Pennsylvania Human Relations Act asserts that it is unlawful for employers to discriminate based on race, color, familial status, religious creed, ancestry, age, sex, national origin, handicap or disability, the use of a guide or support animal, because of the blindness, deafness, or physical handicap of the user or because the user is a handler or trainer of guide or support animals. The protections extend to compensation; hiring; tenure; and terms, conditions, or privileges of employment.</p> <p>Additionally, employers cannot discriminate against an employee or potential employee for taking part in litigation related to the Act; deny equal jobs or benefits to a person because of a handicap or disability of an individual with whom the person is known to have a relationship or association; or to discriminate against an employee or perspective employee because they hold a GED instead of a diploma.</p> |
| TITLE 51 CHAPTER 71 | Veterans Preference | Shall Give Preference | When Qualified | Veterans are to receive preference in hiring, as long as they meet the job qualification requirements set forth by the school district. |
| TITLE 75 SECTION 1509 | School Bus Driver Qualifications | Shall Require | As Outlined | <p>In order to be endorsed to operate a school bus, a driver must be at least 18 years of age, have successfully completed the school bus driver training program, and passed a physical examination. Drivers must register with the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse.</p> <p>Additionally, every driver must carry a certificate issued by an examining physician or practitioner indicating that the person has passed the prescribed physical exam – including an eye exam – within the preceding 13 months.</p> |

| Section | Title | Action | Timing | Details |
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| <p>TITLE 75 SECTION 1604 49 Section 40.25</p> | <p>Notification Requirements for Drivers Holding a Commercial Driver's License</p> | <p>Shall Require</p> | <p>Ongoing</p> | <p>A driver, convicted of violating a federal, state, or local ordinance relating to motor vehicle control in any state, must notify the school in writing of the conviction within 30 days of the conviction.</p> <p>A driver, whose operating privilege is suspended, revoked, or canceled by any state, who loses the privilege to drive, must notify the school before the end of the business day following the day the driver received notice of the suspension, revocation, cancellation, loss, or disqualification.</p> <p>An applicant must provide a list of names and addresses of prior employers for which the applicant was a driver for the 10 years preceding the date of application.</p> <p>After obtaining the driver's consent, a school must obtain alcohol and drug testing information from prior U.S. Department of Transportation-regulated employers during the past 3 years.</p> |
| <p>SECTION 229.14 67 Pa. Code SECTION 31306 SECTION 382.603 49 U.S. Code</p> | <p>Drug/Alcohol Program for Covered Drivers</p> | <p>Shall Require</p> | <p>As Outlined</p> | <p>Schools are required to implement and / or ensure that any contracted transportation provider has established a program requiring reasonable suspicion, random, and post-accident testing for those employees who hold a commercial driver's license. Supervisors of CDL drivers are required to receive training on alcohol abuse and controlled substance use.</p> |

| Section | Title | Action | Timing | Details |
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| <p>742 Act 39 of 2018</p> | <p>Lead Testing</p> | <p>Shall Test</p> | <p>Annually</p> | <p>School districts must either test drinking water for lead contamination or discuss lead issues in the school facilities at a public meeting.</p> |
| <p>1303 Act 67 of 1974</p> | <p>Immunizations</p> | <p>Shall Require</p> | <p>Upon Entry</p> | <p>Pennsylvania considers it the duty of school districts to ascertain that every child has been immunized – as directed by the Secretary of Health – prior to enrollment. Exceptions are provided for those children who are deemed to have a medical contradiction and those whose parent or guardian objects in writing on religious grounds.</p> <p>Title 28, Chapter 23 outlines the required immunizations. These include properly spaced doses of the following vaccines:</p> <ul style="list-style-type: none"> • Diphtheria, tetanus, and pertussis (DTP) • Poliomyelitis (polio) • Measles, mumps, and rubella (MMR) • Hepatitis B • Varicella (chickenpox) <p>Additionally, the following immunizations are required prior to the entry of 7th grade:</p> <ul style="list-style-type: none"> • Tetanus and diphtheria toxoids and acellular pertussis (Tdap) • Meningococcal conjugate vaccine (MCV) <p>An additional dose of MCV is required for entry into 12th grade.</p> |

HEALTH + WELLNESS

| Section | Title | Action | Timing | Details |
|---|---------------------------------------|---------------|---------------------|---|
| 1402 Act 404 of 1957 | Mandated Health Services | Shall Provide | At All Times | Schools are required to provide school nurse services for children at a maximum of 1,500 students per one nurse. |
| | | Shall Keep | At All Times | Comprehensive health records must be kept. |
| | | Shall Report | As Needed | All teachers must report to the school nurse/physician any unusual behavior, change in appearance, etc., that may indicate a health issue. <ul style="list-style-type: none"> The school nurse/physician may advise a parent/guardian of the need for a special examination. If parent/guardian fails to report the results of an exam, the school nurse/physician shall arrange a special medical exam for the child. |
| | | Shall Provide | At Given Times | School physicians shall make a medical exam/appraisal of health for every child upon entering the school, while in sixth grade, and while in 11th grade. <ul style="list-style-type: none"> An exception will be given if the student has been given an exam within the preceding four months and the results are provided to the school. A physical must also be given prior to issuance of farm or domestic services permit. |
| 1403 Act of Mar. 10, 1949 Act 535 of 1963 | Mandated Dental Services | Shall Provide | At Prescribed Times | Schools are required to provide either (1) dental examinations by a school dentist upon entry into the school, while in third grade, and while in seventh grade; or (2) an approved dental hygiene program. <ul style="list-style-type: none"> Dental exam records from family dentists are acceptable if the visit was within the prior four months. |
| 1403 Act 122 of 2020 | Mandated Vision Screening | Shall Provide | At Prescribed Times | First-time school students must have a vision screening in the 12 months prior to their first day of school. Schools must perform student vision screenings every year through fifth grade and at least every other year through twelfth grade. If a child fails a required screening, the parent or guardian must be notified and provided a list of vision resources compiled by the Department of Health. The child should have a comprehensive eye examination within 120 days or before the start of the next school year, whichever comes first. However, no child can be excluded from attending school if the comprehensive eye examination is not performed. |
| 1410 | Employment of School Health Personnel | Shall Employ | Ongoing | School districts – whether alone or jointly with other districts or joint school boards – shall employ school physicians and dentists with the approval of the Pennsylvania Secretary of Health. |

| Section | Title | Action | Timing | Details |
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| <p>1414.1</p> <p>Act 187 of 2004</p> <p>Act 24 of 2010</p> | <p>Possession and Use of Asthma Inhalers and Epinephrine Auto-Injectors</p> | Shall Develop | Ongoing | Each school entity is required to develop a written policy to allow for students to self-administer asthma inhalers and epinephrine auto-injectors, and the prescribed medication they contain. |
| | | Shall Publish | Ongoing | <p>The policy must be distributed with the school code of conduct and published on the school's website.</p> <p>Under the policy, affected students must be able to demonstrate the capability of self-administration (and responsible behavior in its use), and notify the school nurse immediately following each use of the inhaler or auto-injector.</p> |
| | | Shall Develop | Ongoing | <p>It is the school entity's duty to develop a system that allows the student to demonstrate their ability to self-administer and prove they have permission to do so. Determination of a student's competency shall be based on age, cognitive function, maturity, and demonstration of responsible behavior.</p> <p>The school entity must also restrict the availability of the device(s) from other students.</p> <p>The policy must specify the conditions for which a student's permission to use the device(s) may be revoked.</p> |
| | | Shall Provide | As Needed | If a student's privilege is revoked, the school entity is responsible for ensuring safe storage of the devices in close proximity to the student. |
| | | Shall Notify | As Needed | The school district must also notify the student's classroom teachers of the device's placement. |
| <p>1414.2</p> <p>Act 195 of 2014</p> <p><i>continued on next page</i></p> | <p>School Access to Emergency Epinephrine</p> | May Authorize | Ongoing | <p>School districts may, but are not required to, authorize a school employee to provide epinephrine auto-injectors, provided the following guidelines are met: the auto-injectors may be used for self-administration that meets a student's prescription on file; to administer to a student an epinephrine auto-injector that meets the prescription on file for either the individual student or the school entity; and to administer an epinephrine auto-injector that meets the prescription on file for the school entity to a student that the employee, in good faith, believes is having an anaphylactic reaction.</p> <p>A physician or certified registered nurse practitioner may prescribe epinephrine auto-injectors to school entities. Those devices must be kept in a safe, secure location.</p> |
| | | Shall Designate | As Needed | A school entity that authorizes the provision of epinephrine auto-injectors must designate one or more individuals at each school who shall be responsible for the storage and use of the devices. |
| | | Shall Complete | As Needed | Those individuals designated as responsible must successfully complete a training program developed by the PA Department of Health. |

HEALTH + WELLNESS

| Section | Title | Action | Timing | Details |
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| <p>1414.2 Act 195 of 2014</p> <p><i>continued from previous page</i></p> | School Access to Emergency Epinephrine | Shall Contact | As Needed | In the event that a student is believed to be having an anaphylactic reaction, the school nurse or responsible individual must contact 911 as soon as possible. |
| | | Shall Notify | As Needed | Parents or guardians may request a student be exempt from receiving treatment with an epinephrine auto-injector, and principals at each school where the student is enrolled must notify all parents or legal guardians of the right to exempt their children by returning a signed opt-out form. |
| <p>1414.3 Act 86 of 2016</p> | Education of School Employees in Diabetes Care | Shall Develop | Ongoing | Act 86 of 2016 is a voluntary option for school districts; however, any school opting in must abide by all of the requirements as directed. The act allows a school nurse to identify at least one additional employee to be responsible for a child with diabetes in the absence of a school nurse. |
| | | Shall Complete | Annually | The identified employee must complete an annual educational module outlined by the PA Department of Education and PA Department of Health or an alternative educational offering from a licensed care practitioner with an expertise in the care and treatment of diabetes. |
| | | Shall Have the Right | Ongoing | An employee responsible for a child with diabetes in the absence of the school nurse shall have the right to decline the responsibility and related directives. |
| | | Shall Designate | As Needed | A school employee who meets the criteria outlined above may be designated in the student's service agreement or IEP to administer diabetes medications, use monitoring equipment, and provide other diabetes care. |
| | | Shall Coordinate | Annually | Education provided to school employees must be coordinated by the chief school administrator and may be included in the professional education plan. |
| | | Shall Receive | Prior to Administering | School entities must also receive written authorization from the student's health care practitioner and parent to allow an employee who is not a licensed health care practitioner to administer specified diabetes medications. |
| <p>1414.4 Act 86 of 2016</p> | Diabetes Care in Schools | Shall Receive | Prior to Administering Care | In order for a child to receive diabetes-related care and treatment in a school setting, a parent or guardian must provide the school entity with written authorization and instructions from the student's primary care physician. |

| Section | Title | Action | Timing | Details |
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| 1414.5 Act 86 of 2016 | Possession and Use of Diabetes Medication and Monitoring Equipment | Shall Require | Prior to Authorizing | <p>In order for a student to possess and self-administer diabetes medication in a school setting, the school entity shall require a parent or guardian to provide the following:</p> <ul style="list-style-type: none"> A written statement from the student's physician providing the name of the drug, dose, timing of medication and/or monitoring, and diagnosis or reason for the diabetes care. Additionally, the physician must indicate potential harmful reactions to the medication that may occur and the emergency response to such a reaction. The physician must also state whether the student is competent to self-administer and practice safety precautions. A written request from the parent or guardian asking the school entity to comply with the instructions from the physician. The request must also include a statement relieving the school entity or employee of any responsibility for the medication or equipment and acknowledge that the school entity or employee bears no responsibility for ensuring the student takes the medication or uses the monitoring equipment. A written acknowledgment by the school nurse that the student has demonstrated to be capable of self-administering. A written acknowledgment by the student that he or she has received instruction from a physician on proper safety precautions for the handling and disposal of medications and monitoring equipment. This must also include a statement that the student will not allow other students to have access to his medical supplies and that the student understands the appropriate safeguards. |
| | | Shall Have the Right | As Needed | School entities have the right to revoke or restrict a student's privileges because of noncompliance with school rules, provisions of the student's service agreement or IEP, or by demonstrating unwillingness or inability to safeguard his or her medical supplies from access by other students. |
| | | Shall Esnure | As Needed | If a school entity restricts or revokes this right, it is the school entity's responsibility to ensure the medication or monitoring equipment is appropriately stored in a readily accessible place in the student's school building. |
| | | Shall Notify | As Needed | The school nurse and other identified employees must be notified as to the location. |
| 1414.9 Act 2 of 2017 | Administration of Epinephrine Auto-Injectors by School Bus Drivers and Crossing Guards | Shall Be Authorized | In the Event of an Emergency | <p>School Bus Drivers and School Crossing Guards may administer epinephrine auto-injectors in case of emergencies if the following conditions are met:</p> <ul style="list-style-type: none"> The School Bus Driver or School Crossing Guard administers the device in a manner that is consistent with the policies of the independent contractor that employs the personnel (if it is an independent contractor), the school entity that has contracted the personnel (if employed by an independent contractor), and/or the school entity that employs the personnel (if employed by a school entity). The School Bus Driver has successfully completed the training program developed by the PA Department of Health. |

HEALTH + WELLNESS

| Section | Title | Action | Timing | Details |
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| <p>1414.10 Act 105 of 2018</p> | <p>Sun Protecting Measures for Students</p> | <p>Shall Allow</p> | <p>As Needed</p> | <p>School entities must allow for student use of sun-protective clothing and sunscreen.</p> <p>The outdoor use by a student of sun-protective clothing, including hats, must be permitted. (Schools may still restrict headwear with inappropriate graphics, color, or messages.)</p> <p>A student may use a non-aerosol topical sunscreen without a physician's note or prescription if:</p> <ul style="list-style-type: none"> • The product is approved by the FDA for over-the-counter use. • A parent or guardian submits a form to the school attesting the school is not responsible for ensuring the product is applied and the student has demonstrated an ability to self-apply. • The student submits a form attesting that he or she knows the proper method of self-applying and knows the proper safety precautions for handling and disposal of the product. |
| | | <p>Shall Revoke</p> | <p>As Needed</p> | <p>The school entity reserves the right to revoke or restrict possession, application, or use if the student fails to comply with school rules regarding the product or shows an unwillingness or inability to safeguard its use by other students.</p> |
| | | <p>Shall Provide Notice</p> | <p>As Needed</p> | <p>If a school entity revokes or restricts this privilege, the school must provide written notice to the student's parent or guardian.</p> |
| <p>1418 Act of Mar. 10, 1949 Act 47 of 1971 Act 104 of 2010 Act 123 of 2010</p> | <p>Medical Exams for Staff</p> | <p>Are Required</p> | <p>Prior to Employment</p> | <p>All school employees are required to receive a pre-employment medical examination, including a tuberculosis test.</p> <p>Student teachers and volunteers are also subject to tuberculosis tests.</p> |
| <p>1423 Act 4 of 2001 Act 35 of 2014</p> | <p>Automatic External Defibrillators (AEDs)</p> | <p>Shall Abide</p> | <p>When Applicable</p> | <p>Schools are not required to have AEDs in school buildings, but there are regulations for those that do.</p> |
| | | <p>Shall Complete</p> | <p>As Needed</p> | <p>Personnel expected to use the devices must complete training in CPR and AED use provided by the American Heart Association, the American Red Cross, or equivalent.</p> <p>This training may be included in the school's professional education plan.</p> |
| | | <p>Shall Report</p> | <p>Annually Before June 30</p> | <p>Prior to June 30 of each year, a school must report to the PA Department of Education the number, condition, age, and placement of AEDs in its annual report to receive state reimbursement for health services (Section 2505.1).</p> |

| Section | Title | Action | Timing | Details |
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| 1424 Act 82 of 2012 | CPR Certification | Shall Be Required | When School Is in Session | Each school building must have at least one person certified in the use of CPR who is present during regular school hours when school is in session and students are present. |
| 1547 Chapter 22 Pa. Code 12.42 | Student Assistance Program (SAP) | Shall Provide | Ongoing | School districts are required to provide appropriate counseling and support services for students who experience problems related to the use of drugs, alcohol, and dangerous controlled substances through the state's established student assistance program |
| 5323 Safety in Youth Sports Act | Concussions and Traumatic Brain Injuries | Shall Submit | Annually | Any student desiring to participate in an athletic activity which includes interscholastic sports, intramural / club sports, and cheerleading – along with the student's parent or guardian – must sign and submit an acknowledgement of receipt and review of a Concussion and Traumatic Brain Injury information sheet developed by the PA Department of Education. While participating, a student who exhibits signs of a concussion must be removed from play and cannot return to participation until he or she is evaluated and cleared by an appropriate medical professional. |
| | | Shall Complete | Annually | Once each year, a coach must complete the concussion management training course offered by the Centers for Disease Control and Prevention (CDC), the National Federation of State High School Associations, or another provider approved by the PA Department of Health. A coach shall not coach an athletic activity until the training course is completed. |
| 5333 Act 73 of 2020 | Sudden Cardiac Arrest | Shall Submit | Annually | Any student desiring to participate in an athletic activity which includes interscholastic sports, intramural / club sports, and cheerleading – along with the student's parent or guardian – must sign and submit an acknowledgement of receipt and review of a Sudden Cardiac Arrest Symptoms and Warning Signs information sheet that includes information about electrocardiogram testing developed by the PA Department of Education. While participating, a student who exhibits signs of a sudden cardiac arrest must be removed from play and cannot return to participation until he or she is evaluated and cleared by an appropriate medical professional. |
| | | Shall Complete | Annually | Once each year, a coach must complete the sudden cardiac arrest training course offered by a provider approved by the Department. A coach shall not coach an athletic activity until the training course is completed. |
| TITLE 18 SECTION 6306.1 Act 111 of 2019 | Use of Tobacco Products in Schools | Shall Prohibit | Ongoing | The possession and use of tobacco products and electronic nicotine devices in school buildings, on school grounds, or on school vehicles is prohibited by law and considered a summary offense. A school board may designate smoking areas on the property for use by persons other than students. These areas must be 50 feet or more from buildings, stadiums, or bleachers. |

HEALTH + WELLNESS

| Section | Title | Action | Timing | Details |
|---------------------------|--------------------------|----------------|---------|--|
| TITLE 28 CHAPTER 23 | Required Health Services | Shall Provide | Ongoing | School districts must provide the following health services to all school-age children: medical examinations, dental examinations, vision screening tests, hearing screening tests, threshold screening tests, height and weight measurements, maintenance of medical and dental records, tuberculosis tests, and special examinations. Districts should urge parents to have the medical and dental examinations conducted by private physicians to promote continuity of care. |
| TITLE 35 SECTION 807.1 | Anabolic Steroids | Shall Prohibit | Ongoing | School districts are required to prescribe, adopt, and enforce rules and regulations prohibiting the use of anabolic steroids, except for a valid medical purpose, by any student engaged in school-related athletics. |

| Section | Title | Action | Timing | Details |
|-----------------|---------------------------|----------------------------|--|---|
| CHAPTER 4.21 | Elementary Education | Shall Instruct | Children Through Age 8 | Instruction for primary students, which includes children through eight years old, must include language arts; mathematics; science and technology; environment and ecology; social studies; health, safety, and physical education; and the arts. Specific concepts that must be taught in these areas can be found in Chapter 4.21 of the Pennsylvania Public School Code. |
| | | Shall Instruct | Children Between Ages 8 and 11 | Instruction for intermediate level students, which includes children between 8 and 11 years old, must include language arts; mathematics; science and technology; environment and ecology; social studies; the arts; understanding the use of library and other information sources; and health, safety, and physical education. Specific concepts that must be taught in these areas can be found in Chapter 4.21 of the Pennsylvania Public School Code. |
| CHAPTER 4.22 | Middle Level Education | Shall Instruct | Children Between Ages 11 and 14 | Instruction for middle level students, which includes children between ages 11 and 14 years, must include the following: language arts; mathematics; science and technology; social studies; environment and ecology; information skills; health, safety, and physical education; the arts; career education; technology education; and family and consumer sciences. Specific concepts that must be taught in these areas can be found in Chapter 4.22 of the Pennsylvania Public School Code. |
| CHAPTER 4.23 | High School Education | Shall Instruct | High School Age Students | Instruction for high school age students must include the following: language arts; mathematics; science and technology; social studies; environment and ecology; the arts; use of applications of microcomputers and software; health, safety, and physical education; and family and consumer science. Specific concepts that must be taught in these areas can be found in Chapter 4.23 of the Pennsylvania Public School Code. |
| | | Shall Make Available | High School Age Students | Instruction in the following areas must be made available to students at the high school level: vocational-technical education; business education; world languages; and technology education. Specific concepts to be taught in these areas can be found in Chapter 4.21 of the Pennsylvania Public School Code. |
| CHAPTER 4.25 | Languages | Shall Instruct | Secondary Students | School districts are required to provide planned instruction in at least two world languages, at least one of which must be a modern language. At least one language must be offered in a minimum four-year sequence between middle and high school. |

| Section | Title | Action | Timing | Details |
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| CHAPTER 4.29 | Human Immunodeficiency Virus (HIV) / Acquired Immunodeficiency Syndrome (AIDS) Education | Shall Instruct | All Ages | Schools are required to provide instruction regarding prevention of HIV, AIDS, and other life-threatening and communicable diseases. Age appropriate education should be provided in primary, intermediate, middle school, and high school levels. The district may omit instruction in the elementary grades on transmission of disease through sexual activity. |
| | | Shall Publicize | Prior to Instruction | School districts must publicize that the detailed curriculum outlines and curricular materials are available to parents and guardians during normal school hours or at teacher-parent conferences. |
| | | Shall Provide | When a Student is Excused | If a student is excused from the school's HIV/AIDS instruction, the school must make curriculum material available to the student's parents or guardian (if practical). A student may be excused when the instruction conflicts with religious beliefs or principles of the student or the parent or guardian. The request for excusal must be made in writing. |
| CHAPTER 4.31 | Career & Technical Education (CTC) | Shall Provide | High School Students | School districts must provide access to career and technical education (CTE) courses to high school students. Parents and guardians must be informed of students' rights to participate in CTE programs. These programs may be taught at career and technology centers or other high schools. Districts and CTCs must develop written policies regarding admissions. |
| CHAPTER 4.52 | Local Assessment System | Shall Develop | Every 6 Years | School districts must design an assessment system to determine the degree to which students are achieving academic standards, use the results to improve curriculum and instructional practices, provide information to the PA Department of Education regarding student achievement, and provide summary information on test results to the general public. The local assessment system must be approved by the school district's board of directors every six years. |
| 121 Act 158 of 2018 | Keystone Exams and Graduation Requirements | Shall Be Required | For Graduation | New graduation requirements will take effect with the 2022-2023 school year. A satisfactory composite score on the Keystone Exams for algebra I, literature, and biology is the primary requirement for graduation; however, students may demonstrate proficiency for graduation based on alternative requirements as outlined in Section 121 of the Pennsylvania Public School Code. |

| Section | Title | Action | Timing | Details |
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| <p>1501</p> <p>Act 64 of 2019</p> <p>Section 1506</p> | <p>School Terms</p> <p>Flexible Instructional Days</p> | <p>Shall Be In Session</p> <p>Shall Establish or Renew</p> | <p>180 Days Annually</p> <p>Annually</p> | <p>For kindergarten through 12th grade, schools must be open for at least 180 days of instruction.</p> <p>During the 2021-2022 and 2022-2023 school years only, due to the COVID-19 pandemic, local governing boards have the authority to enact temporary provisions as set forth in section 520.1. Any school that enacts temporary provisions must submit the board meeting minutes demonstrating approval and the temporary provisions adopted to the Secretary of Education for approval.</p> <p>Remote learning time may continue to satisfy the 180-day and 900/990 hour statutory requirements so long as certain criteria are met.</p> <p>A school may seek to establish or renew a program that allows schools to use Flexible Instructional Days (FIDs) in the instance of a cancellation to fulfill instructional requirements. A school must establish procedures to include the notification to students, parents, and professional employees that a flexible instructional day is instituted, the technology to be utilized, and the responsibilities of students and professional employees during the flexible instructional day.</p> <p>For the first two years for application, a school must submit an application to PDE by September 1. For each year thereafter, a school's application to establish or renew a program must be submitted by June 1.</p> <p>A school must complete an annual survey related to the efficacy of the flexible instructional days by June 30 of the same year the survey was issued.</p> |
| <p>1511</p> <p>Act of Mar. 10, 1949</p> <p>Act 301 of 1968</p> | <p>Prescribed Courses</p> | <p>Shall Be Taught</p> <p>Shall Provide</p> | <p>In Elementary School</p> <p>In 8th Grade</p> | <p>In every elementary school, the following subjects are to be taught: English (including spelling, reading, and writing); arithmetic; geography; history (of Pennsylvania and the United States); civics (including loyalty to the State and Nation); safety education (including the humane treatment of birds and animals); health and physical education; music; and art.</p> <p>Each school district must provide an illustrated copy of the Flag Code to all students enrolled in eighth grade.</p> |
| <p>1511.1</p> <p>Act 93 of 1984</p> | <p>Remedial Courses</p> | <p>Shall Be Taught</p> | <p>In All Grades</p> | <p>Approved programs in reading and mathematics must be established to serve students who fall below an acceptable level of performance.</p> |
| <p>1513</p> <p>Act of Mar. 10, 1949</p> | <p>Physiology and Hygiene</p> | <p>Shall Be Taught</p> | <p>In Student's Career</p> | <p>As part of health education, schools are required to provide specific instruction as to the effect of alcoholic drinks, stimulants, and narcotics on the human system; education on tuberculosis and its prevention; and nutrition and obesity.</p> |

CURRICULUM

| Section | Title | Action | Timing | Details |
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| 1514 Act of Mar. 10, 1949 | Humane Education | Shall Be Taught | Through 4th Grade | Humane education must be taught to all pupils through the fourth grade. This may not include any cruel experiments on living animals. |
| 1518 Act of Mar. 10, 1949 | Fire Dangers and Prevention | Shall Be Provided | In All Grades | Schools must provide instructional books about the dangers of fire and the prevention of fire waste. These books should be distributed to students and teachers of all grades. |
| 1523 Act 88 of 1992 | Right of Refusal (Animal Dissection) | Shall Be Acknowledged | In All Grades | Students and their parents have the right to decline to participate in any project involving harmful or destructive use of animals. Schools must notify all incoming pupils and their parents of this right. Those students who exercise this right should be given an alternative education project in its place. |
| 1528 Act 7 of 2019 | CPR Curriculum | Shall Include | Ongoing | Act 7 of 2019 authorizes the PA Department of Education to create a model curriculum and curriculum guidelines for instruction of CPR. These guidelines will include hands-only CPR training and information on automated external defibrillators (AEDs). |
| 1547 Act 55 of 2017 | Alcohol, Chemical, and Tobacco Abuse Program | Shall Be Taught | In All Grades | Each public school student must receive instruction in alcohol, chemical, and tobacco abuse in every year in every grade from kindergarten through twelfth grade as part of health instruction. In sixth grade through twelfth grade, opioid abuse prevention must be taught. |
| 1605 Act of Mar. 10, 1949 Act 650 of 1961 | Courses of Study | Shall Be Taught | In Grades 7-12 | Schools must offer at least four semesters (or equivalent study) in the history and government of the United States and the Commonwealth of Pennsylvania for students in grades seventh through twelfth grades. |
| 1605.1 Act 35 of 2018 | Civic Knowledge Assessment | Shall Administer | Once Between Grades 7-12 | <p>Beginning with the 2020-2021 school year, each school district must administer a civics test to students at least once between seventh and twelfth grades.</p> <p>The test should be locally developed and include:</p> <ul style="list-style-type: none"> • The nature, purpose, principles, and structure of the United States constitutional democracy. • The principles, operations, and documents of the United States government. • The rights and responsibilities of citizenship. <p>This assessment is not a requirement for graduation, but a certificate of recognition shall be issued to students who achieve a perfect score.</p> |

| Section | Title | Action | Timing | Details |
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| 218 Act 104 of 2010 | Financial Reports | Shall Report Shall Include | Annually Before October 31 | <p>School districts must submit an Annual Financial Report (AFR) to the PA Secretary of Education before October 31 each year.</p> <p>AFR Reporting Requirements and Standards:</p> <ul style="list-style-type: none"> • Reports must be submitted in accordance with the provisions of Sections 218 and 971 of the PA Public School Code. • All required financial statements must be completed in compliance with governmental accounting standards established by the Governmental Accounting Standards Board (GASB). • The PA Department of Education will order a forfeiture to all school entities that do not submit their AFR within 30 days of the deadline. The forfeiture shall be \$300 per day for the first violation and \$500 per day for the second and subsequent violations. The forfeiture shall continue until a report meeting the established criteria is submitted. Reports not submitted within 60 days will result in disciplinary action against the chief school administrator. |
| 437 | Audit of Accounts | Shall Be Audited | Annually | School districts are to be audited annually. As outlined in Section 2401, audits are to be conducted by an independent auditor. |
| 440.1 | Investment of Funds | Shall Invest | Ongoing | School districts are to invest funds in a manner consistent with sound business practice and law. |
| 621 | Designation of Depositories | Shall Designate | Ongoing | Each school board must designate one or more financial institutions as a depository for its school funds. The financial institution(s) are required to furnish a proper bond with the surety as may be required. |
| 687 | Annual Budget | Shall Prepare Shall Provide Shall Provide Notice Shall Submit | 30 Days Prior to Adoption 20 Days Prior to Adoption 10 Days Prior to Adoption Within 15 Days of Adoption | <p>School districts must prepare a proposed budget, using a uniform form provided by the PA Department of Education, at least 30 days in advance of adopting it.</p> <p>The proposed budget must be made available for inspection at least 20 days prior to the school board taking action to approve a proposed budget.</p> <p>Ten days' notice must be given before a school board can take action to approve a proposed budget.</p> <p>A final budget must be approved annually by June 30.</p> <p>An electronic copy of the adopted budget must be provided to the PA Department of Education within 15 days of adoption. It will be published on the Department's public website within 30 days after receipt. This must include the total district revenues being held in excess of the total budgeted expenditures and documentation must be provided to include an explanation of the district's need to maintain the revenues in this fund balance.</p> |

POLICY & PROCEDURE – FINANCES & ACCOUNTING

| Section | Title | Action | Timing | Details |
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| TITLE 53 SECTION 6924.504 | Tax Collection Districts | Shall Participate | Ongoing | School districts are required to participate in a tax collection district for the purposes of collecting income taxes. If a school district serves residents in more than one county, it shall be part of the county where the larger percentage of the district's population resides. |
| TITLE 53 SECTION 6926.341-343 | Homestead and Farmstead Applications and Exclusions | Shall Notify | 60 Days Prior | Each school district is responsible for notifying property owners in the district (by first class mail) the existence of the district's homestead and farmstead exclusion program, the need to file an application in order to qualify, and the application deadline. The application deadline is March 1, and school districts must provide notice at least 60 days prior. |
| | | Shall Adopt | Before Fiscal Year-End | School districts must calculate a homestead and farmstead exclusion for the purpose of reducing school district property tax and must adopt a resolution implementing the exclusion no later than the last day of the fiscal year immediately preceding the fiscal year in which the exclusions take effect. |
| | | Shall Itemize | Upon Delivery | Homestead and farmstead exclusions must be itemized on tax bills of those who have applied and qualify. Additionally, notice of property tax relief must be provided, and at minimum should include the following: <i>Your enclosed tax bill includes a tax reduction for your homestead and/or farmstead property. As an eligible homestead and/or farmstead property owner, you have received tax relief through a homestead and/or farmstead exclusion which has been provided under the Pennsylvania Taxpayer Relief Act, a law passed by the Pennsylvania General Assembly designed to reduce your property taxes.</i> |
| TITLE 53 SECTION 6926.1502 | Installment Payments for Property Tax | Shall Provide | Annually | School districts are required to provide an installment option for the collection of school property taxes. School districts can set the terms of the installments with restrictions: Installments can be collected no more than monthly and no less than three times; the penalty for delinquent payment cannot exceed 10%; and a taxpayer who is more than 10 days delinquent on more than two payments shall be deemed ineligible for installment payments the following year. |
| TITLE 53 SECTION 8423 | Disclosure Statement (Taxpayer Bill of Rights) | Shall Prepare | Ongoing | School districts, as local taxing authorities, are required to prepare a statement outlining the rights of the taxpayer and the obligations of the district during an audit or administrative review of the taxpayer's books or records, the procedures by which a taxpayer may appeal, the procedure for filing and processing refund claims, and the enforcement procedures. |
| TITLE 72 SECTION 5860.207 | Reimbursement of County | Shall Pay | Upon Collection | If a school district collects its own delinquent real estate taxes or utilizes third-party services, districts are required to pay a 5% commission to the county to cover the operating expense of the county tax claims bureau. |

| Section | Title | Action | Timing | Details |
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| CHAPTER 4.4 | Parental Review | Shall Develop | Ongoing | <p>School districts must adopt policies related to parent and guardian involvement in their child’s education. Specifically, the policies must address the following:</p> <ul style="list-style-type: none"> • Access to information about the curriculum, including academic standards, instructional materials, and assessment techniques. • The process for the review of instructional materials. • The right to have their children excused from specific instruction that conflicts with religious beliefs. • The right to review a State assessment to determine whether the assessment conflicts with their religious belief (and the allowance for the student’s exemption from the assessment if the parent provides a written request that states the objection). • The right to have their children excluded from research studies conducted by entities other than the school district. |
| CHAPTER 4.26 Basic Education Circular – Educating English Language Learners (ELS) July 1, 2017 <i>continued on next page</i> | English as a Second Language | <p>Shall Be Taught</p> <p>Shall Identify</p> <p>Shall Meet Criteria</p> | <p>At All Times</p> <p>Within First 30 Days of School</p> <p>At All Times</p> | <p>Every school district is required to provide a program for students whose dominant language is not English for the purpose of increasing their English language proficiency. Programs must include appropriate bilingual-bicultural or English as a second language (ESL) instruction.</p> <p>School districts are required to identify English language learners at the time of enrollment. Parents must be notified of the identification and programming options and students must be placed into a language instruction education program (LIEP). This process must be completed within the first 30 days of school or within 14 days of enrollment if the student enrolls after the first day of school.</p> <p>Placement and programming decisions may not be made without notifying parents and allowing them to exercise their right of refusal for all or part of the LIEP.</p> <p>English language learners must have equitable access to academic content for all courses in which they are enrolled, and the student’s LIEP must meet certain minimum criteria as outlined in the Basic Education Circular. These criteria include, among others, alignment to state academic standards, English language instruction taught by certified teachers holding an ESL program specialist certificate, and equitable access to content for English language learners at all language proficiency levels.</p> <p>English Language Development (ELD) is a required component of all LIEPs. With limited exceptions, ELD is not a replacement for English Language Arts instruction or other core content in a student’s academic program.</p> |

POLICY & PROCEDURE – STUDENT PROCEDURES

| Section | Title | Action | Timing | Details |
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| <p>CHAPTER 4.26</p> <p>Basic Education Circular – Educating English Language Learners (ELS) July 1, 2017</p> <p><i>continued from previous page</i></p> | <p>English as a Second Language</p> | <p>Shall Be Evaluated</p> | <p>Annually</p> | <p>Evaluations of LIEP programs must be made (at least) annually and the results documented and reported to the state. Evaluations are to be done on the basis of student results and provide evidence of student growth toward English proficiency and academic achievement.</p> |
| | | <p>Shall Report</p> | <p>Annually</p> | <p>School districts are required to collect and report data on English language learners annually through the Pennsylvania Information Management System (PIMS) and English Learner Reporting System (ELRS).</p> |
| <p>CHAPTER 4.27</p> | <p>Athletics</p> | <p>Shall Provide</p> | <p>Ongoing</p> | <p>Students of both sexes must have equal access in interscholastic and intramural athletic programs. This includes equal access to:</p> <ul style="list-style-type: none"> • School Facilities • Coaching and Instruction • Scheduling of Practice Time and Games • Number of Activities at Each Level of Competition • Equipment, Supplies, and Services • Funding Appropriate for the Sport |
| <p>CHAPTER 12.6</p> <p><i>continued on next page</i></p> | <p>Exclusions from School</p> | <p>Shall Define and Publish</p> | <p>Ongoing</p> | <p>School districts are responsible for defining the types of offenses that would lead to exclusion – suspension or expulsion – from school. This information must be published.</p> |
| | | <p>Shall Inform</p> | <p>As Needed</p> | <p>Students may not be suspended until the student has been informed of the reasons for the suspension and given the opportunity to respond. Prior notice of the intended suspension is not necessary if the health, safety, and welfare of the school community is threatened. Parents or guardians must be notified immediately in writing when the student is suspended.</p> |
| | | <p>Shall Provide a Hearing</p> | <p>As Needed</p> | <p>If a suspension exceeds three school days, the student and parent must be given an opportunity for an informal hearing. Procedures for hearings are outlined in Title 22, Chapter 12.8.</p> |
| | | <p>Shall Make Up Work</p> | <p>As Needed</p> | <p>Students are responsible to make up any work or exams that were missed while being disciplined by the suspension.</p> |
| | | <p>Shall Provide a Hearing</p> | <p>As Needed</p> | <p>A formal hearing is mandatory for expulsion cases. However, if it is determined that the student's presence in the normal classroom would constitute a threat to the health, safety, or welfare of others, and it is not possible to hold a hearing within the period of a suspension, the student may be excluded from school for more than 10 school days. A student may not be excluded for more than 15 days without a formal hearing. Procedures for hearings are outlined in Title 22, Chapter 12.8.</p> |

POLICY & PROCEDURE – STUDENT PROCEDURES

| Section | Title | Action | Timing | Details |
|--|------------------------|----------------------------|-----------------|--|
| <p>CHAPTER 12.6</p> <p><i>continued from previous page</i></p> | Exclusions from School | Shall Provide Education | After Expulsion | <p>Students who are under 17 years of age are still subject to compulsory school attendance law and even though a student has been expelled, the student must be provided an education. The initial responsibility for this lies with the parents or guardians. Within 30 days of action, the parents or guardians must submit written evidence that the student's education is being provided for or that they are unable to do so. In the case that parents or guardians are unable to provide the required education, a school district has 10 days to make provisions for the student's education.</p> <p>Suspensions and expulsions of students with disabilities must comply with both state and federal special education laws and regulations.</p> |
| CHAPTER 12.7 | In-School Suspensions | Shall Inform | As Needed | A student may not receive an in-school suspension unless the student has been informed of the reasons for the suspension and has been given an opportunity to respond. Communication to parents or guardians must follow the suspension action. |
| | | Shall Provide a Hearing | As Needed | If an in-school suspension exceeds 10 consecutive school days, an informal hearing with the principal must be offered to the student and his or her parents or guardians prior to the 11th school day. |
| | | Shall Provide | As Needed | It is the responsibility of the school district to provide for the student's education during the period of in-school suspension. |
| CHAPTER 12.14 | Student Searches | Shall Develop and Maintain | At All Times | School districts must adopt "reasonable" policies regarding student searches and notify students and their parents or guardians of the policy and procedures. |
| | | Shall Notify | Prior to Search | Prior to a locker search, students must be notified and given the opportunity to be present. The only exception is in the case where school authorities have a reasonable suspicion that the locker contains materials that pose a threat to the health, welfare, or safety of students in the school. In this case, lockers may be searched without prior warning. |
| CHAPTER 12.31 | Student Records | Shall Maintain | At All Times | Each school district must adopt a plan for the collection, maintenance, and dissemination of student records. Copies of the plan must be updated as required by changes in state or federal law and must be submitted to the PA Department of Education upon request. |

POLICY & PROCEDURE – STUDENT PROCEDURES

| Section | Title | Action | Timing | Details |
|-----------------------|-----------------------------------|----------------------------|-----------------------------|---|
| CHAPTER 12.41 | Student Services | Shall Develop | Every 6 Years | <p>School districts are required to develop and submit a comprehensive student services plan to the PA Department of Education every six years. The plan must include the following:</p> <ul style="list-style-type: none"> • Policies and procedures for emergency care and the administration of medication and treatment. • Developmental services, including guidance counseling, psychological services, health services, home and school visitor services, and social work services. • Nutritional services. • Diagnostic, intervention, and referral services for students who are experiencing problems attaining educational achievement appropriate to their learning potential. • Consultation and coordination services for students who are experiencing chronic problems that require multiple services by teams or specialists. <p>Student services must be an integral part of the instructional program at all levels of the school system, provide information to students and parents about educational opportunities, provide career information and assessments, and provide basic health services.</p> <p>Student Services Plans must be available for public inspection and comment for a minimum of 28 days prior to approval by the school board.</p> |
| 128 Act 76 of 2019 | Career Information and Recruiting | Shall Allow | Annually | <p>Schools must allow for the delivery of information and recruitment of students by representatives of skilled trades, publicly identified priority occupations, community colleges, and higher education institutions. This includes annually allowing them to distribute age appropriate information to all students in grades 4 through 12. This may be done individually or in a group setting, including school assemblies, hosting students for visits, or any other method of speaking directly to students.</p> |
| | | Shall Develop and Maintain | At All Times | <p>Each school district must have a plan for guidance services for students in kindergarten through 12th grade. The plan must be posted on the school district's public website.</p> |
| | | Shall Document | Annually | <p>School districts must annually document their compliance with Section 128 and their plan to provide students with access to informational materials and career presenters in the following year.</p> |
| 1301 | Attendance | Shall Enroll | When Student Meets Criteria | <p>Every child between the ages of 6 and 21 who resides within a district is eligible to attend public schools in the district. A child who attains the age of 21 during the school year and has not yet graduated is entitled to finish his or her school year.</p> <p>A school may not inquire regarding the immigration status of a student as part of the admission process, and the child's immigration status does not take away their right to public education.</p> <p>A school entity must administer a home language survey to all students seeking first-time enrollment in its schools, in accordance with requirements of the United States Department of Education's Office for Civil Rights.</p> |

POLICY & PROCEDURE – STUDENT PROCEDURES

| Section | Title | Action | Timing | Details |
|--|--|----------------------------|-------------------------------|---|
| 1305 Act 342 of 1955 Act 192 of 1969 | Non-Resident Child Placed in Home of Resident | Shall Provide All Services | While Child is in District | A non-resident child placed in the home of a resident of any school district by order of court (or by agreement with an agency having care of neglected or dependent children) shall be entitled to all free school privileges according to resident children in the district. |
| 1306 Act of Mar. 10, 1949 Act 151 of 1955 Act 344 of 1956 Act 16 of 1993 | Non-Resident Inmates of Children's Institutions | Shall Admit | While Child is in Institution | Any school district where a children's home – or other institution for care of children – is located, must permit children of such homes into the district. School districts may admit with or without a charge for tuition, textbooks, and supplies, but transportation must be provided. |
| 1306.2 Act 30 of 1997 | Incarcerated Juveniles in Adult Facilities | Shall Provide Services | Until Age 21 | A person under 21 years of age who is confined to a local adult correctional institution following a conviction shall be eligible for the same services as a student who has been expelled. A person under 21 years of age who is confined to a local adult correctional institution following a charge of criminal activity shall be eligible for the same services as a student who has been placed in an alternative education program for disruptive students. |
| 1310.1 Act 61 of 2008 | Classroom Placement of Twins or Higher Order Multiples | Shall Place | Upon Request | Parents and guardians have the right to request placement – either in the same classroom or separate classrooms – for twins or higher order multiples. The request must be made no later than 10 days after the first day of school or 10 days after the children's first day of attendance (if enrolled after the beginning of the year). A school district must provide the classroom placement that the parent requests, unless it is deemed that it would be disruptive to the classroom or if placement in a separate classroom would require the district to add an additional class. |
| 1318.1 Act 110 of 2020 | Students Convicted or Adjudicated Delinquent of Sexual Assault | Shall Reassign | As Needed | If a student is convicted or adjudicated delinquent of committing a sexual assault upon another student enrolled in the same public school entity, the school district must ensure separation between the convicted/adjudicated student and the victim. The students shall not be educated in the same school, be transported on the same school vehicle, or participate in the same school-sponsored activities at the same time. To accomplish this, schools must do one of the following as it relates to the convicted or adjudicated delinquent student: <ul style="list-style-type: none"> • Expel the student. • Transfer the student to an alternative education program. • Reassign the student to another school or educational program within the school district. |

POLICY & PROCEDURE – STUDENT PROCEDURES

| Section | Title | Action | Timing | Details |
|---------------------------|---|--------------------|-----------------------------------|--|
| 1327.1 Act 169 of 1988 | Home-Educated Students | Shall Have on File | Annually Before August 1 | When a child begins a home education program, the school district must receive a notarized affidavit of the parent, guardian, or a person having legal custody of the child. An affidavit must be filed annually before August 1. |
| | | Shall Transfer | Within 30 Days | If a home education program is relocating from one school district to another within Pennsylvania, the supervisor of the home education program must apply to the current school district of residence to request a transfer letter. Within 30 days of receipt, the current superintendent must issue the transfer letter. |
| | | Shall Lend | Upon Request | School districts are required, upon request, to lend copies of the school district's planned courses, textbooks, and other age-appropriate curriculum materials. |
| | | Shall Permit | Upon Request | Children enrolled in home education must be provided the opportunity to participate in extracurricular activities in their school district of residence. This includes clubs, musical ensembles, athletics, and theatrical productions as long as they meet the same participation and tryout criteria as students in the school. |
| | | Shall Receive | Prior to June 30 | By June 30 of each year, the school district of residence for a home education student must receive an evaluator's certification of the home education program. If the certification is not received, the superintendent of the school district must send a certified letter to the program supervisor alerting them that it is past due. A response from the supervisor is due within 10 days of receipt. |
| 1333 Act 138 of 2016 | Procedure When Child is Truant | Shall Serve Notice | Within 10 Days | <p>When a child is truant – defined as a student incurring three or more school days of unexcused absences during the current school year – written notice must be provided to the child's parent or guardian within 10 school days of the third absence. The notice must include a description of the consequences if the student becomes habitually truant and must be communicated in the parent or guardian's preferred language.</p> <p>If the student continues to incur unexcused absences, the school must provide notice to the parent or guardian of a school attendance improvement conference. The outcome of the conference must be documented in a written plan.</p> |
| 1333.1 Act 138 of 2016 | Procedure When Child is Habitually Truant | Shall Refer Child | When Child is Under the Age of 15 | When a child under the age of 15 is deemed to be habitually truant – defined as a student incurring six or more school days of unexcused absences during the current school year – the school shall refer a child to either an attendance improvement program or a county children and youth agency for services or for possible disposition as a dependent child. |
| | | Shall Take Action | When Child is Over the Age of 15 | When a child over the age of 15 is deemed to be habitually truant, the school district shall either refer the child to an attendance improvement program or file a citation against the child or their parent or guardian. In the instance of filing a citation, the school district must provide verification that a school attendance improvement conference was held. |

| Section | Title | Action | Timing | Details |
|--------------------------|--|------------------|------------------------|--|
| 1521 Act 178 of 1986 | Limitation of Refusal to Enroll Student | Shall Not Refuse | At Any Time | School districts cannot refuse enrollment of a student on the basis of their race. |
| 1614 Act 31 of 2006 | Participation by Students with Disabilities in High School Graduation Ceremonies | Shall Allow | After 4 Years of Study | Students with an IEP that prescribes continued special education beyond the fourth year of high school must be allowed to participate in commencement ceremonies with the student's graduating class where they will receive a certificate of attendance. |
| 1719-A Act 22 of 1997 | Participation of Charter School Students | Shall Allow | At All Times | No school district of residence can prohibit a student of a charter school from participating in any extracurricular activities and athletic teams, providing that the student fulfills all requirements and the charter school does not provide the same activity. |
| 1901-C | Disruptive Student Programs | Shall Review | Every Semester | School districts and private alternative education programs must adopt a policy for periodic review of students placed in the program to determine if the student is ready to return to the regular school curriculum. Reviews must be done – at minimum – at the end of every semester the student is in the program or more frequently at the school's or provider's discretion. |

POLICY & PROCEDURE – OPERATIONS & TRANSPORTATION

| Section | Title | Action | Timing | Details |
|---|---|------------------------|--------------------------------|--|
| 504.1 Act 114 of 2006 | Food and Beverage Contracts | Shall Notify | At Least 30 Days Prior | Before entering into an exclusive contract with a food and beverage provider, school boards must notify parents and guardians at least 30 days prior taking action. The notice must indicate how a parent can make public comment on the matter. The amounts and specific sources of funds received, and the nature of expenditures made from funds received from a food and beverage contract must be reported at a regularly scheduled board meeting, a public hearing, or on the school district's website. |
| 701.1 Act 70 of 2019 Section 2602-J | Construction or Lease of New School Building | Shall Receive Approval | Prior to Construction or Lease | <p>School districts cannot enter into a contract to construct or enter into a lease for a new school building (or substantial addition to an existing building) without the consent of the electors obtained by referendum or without holding a public hearing on the subject.</p> <p>A public hearing must be held no later than 30 days before the submission of the initial construction cost estimates to the PA Department of Education for approval. Notice of the hearing must be given no later than 20 days before the hearing date.</p> <p>The school board must set a maximum project and maximum building cost. Should the maximum building construction cost authorization exceed the aggregate building expenditure (as outlined in Section 701.1), the authorization must go to the electors for approval within six months of submission of the final cost bids to the PA Department of Education.</p> |
| | Construction and Renovation Reimbursement Eligibility | Shall Comply | | <p>When a school undertakes a major school construction project and seeks reimbursement from the Commonwealth of Pennsylvania, a process known as PlanCon is initiated. PlanCon is an acronym for Planning and Construction Workbook, and is a set of forms and procedures used to apply for reimbursement.</p> |
| 751 | Construction Contracts | Shall Receive | Prior to Work | <p>All school building work in excess of \$21,900 requires separate contracts and a public bid process that awards the contract to the lowest responsible bidder.</p> <p>Written quotes must also be requested for any work above \$11,800 but less than the threshold for a public bid process.</p> |
| 772.1 Act 35 of 2002 | Integrated Pest Management Program | Shall Develop | Ongoing | Each school must have an integrated pest management plan that uses a sustainable approach to managing pests that minimizes economic, health, and environmental risks. |

POLICY & PROCEDURE – OPERATIONS & TRANSPORTATION

| Section | Title | Action | Timing | Details |
|---------------------------------|---|-----------------------------|-------------------------------------|--|
| <p>772.2 Act 35 of 2002</p> | <p>Pesticide Treatments at Schools</p> | <p>Shall Notify</p> | <p>72 Hours Prior</p> | <p>For a pesticide treatment inside a school or on school grounds, 72 hours' notice must be provided to staff and the parents or guardians of students. This includes posting an 8.5" by 11" pest control sign in areas of common access and/or at the place to be treated.</p> <p>A list must be kept of parents or guardians who request notification of individual application of pesticides. Individuals on this list must be notified of each application by first class mail or other means deemed appropriate by the school.</p> <p>In the event of an emergency application, parents and guardians who have requested information about pesticide applications must be informed via telephone.</p> |
| | | <p>Shall Record</p> | <p>For at Least 3 Years</p> | <p>Schools must maintain detailed records of all chemical pest control treatments for a period of at least three years.</p> |
| | | <p>Shall Comply</p> | <p>When Applying Pesticide</p> | <p>Pesticide may not be applied within a school building or on school grounds if students are expected to be present for class or extracurricular activities within seven hours following the application or within the reentry time restrictions contained on the pesticide label, whichever time is longer.</p> <p>If a pesticide is applied indoors, students may not be present in an untreated area of the building unless the area being treated has a separate ventilation system and is separated from the untreated portion by smoke or fire doors.</p> |
| <p>780 Act 38 of 1984</p> | <p>Public Hearing Prior to Closing School</p> | <p>Shall Be Held</p> | <p>Not Less than 3 Months Prior</p> | <p>In the event of the permanent closing of a school building or substantially all of a school's facilities, a public hearing must be held at least three months prior to a decision by the board of directors. Notice of the hearing must be placed in a newspaper no less than 15 days prior to the hearing date.</p> |
| <p>807.1 Act 82 of 2012</p> | <p>Purchase of Supplies</p> | <p>Shall Be Advertised</p> | <p>For 3 Weeks</p> | <p>In order for school districts to make purchases of \$21,900 or more (subjected to adjustment under section 120), public notice must be given by advertisement once per week for three weeks in two newspapers of general circulation. If there is no newspaper in the district, the notice must be posted in at least five public places.</p> |
| | | <p>Shall Receive Quotes</p> | <p>Prior to Purchase</p> | <p>For any purchases of \$11,800 or more (subject to adjustment under section 120) but less than the amount requirements for advertised bidding, districts must receive written responses or quotes by phone from at least three qualified vendors.</p> |
| | | <p>Shall Accept</p> | <p>After Bids Are Received</p> | <p>The board of directors must accept the bid of the lowest responsible bidder when kind, quality, and material are equal. Districts reserve the right to reject any and all bids or select a single item from any bid.</p> |
| | | <p>Shall Not Piecemeal</p> | <p>At Any Time</p> | <p>School districts may not purchase items piecemeal in an attempt to keep purchase below the \$21,900 threshold.</p> |

POLICY & PROCEDURE – OPERATIONS & TRANSPORTATION

| Section | Title | Action | Timing | Details |
|--------------------------|--|--------------------|---------------------------------|--|
| 1337 | Nonprofit School Food Program | Shall Provide | Ongoing | Regardless of whether a student has money to pay for a school meal or owes money for school meals, a meal must be provided to a student unless a parent or guardian has specifically provided written directive to withhold a school meal. |
| | | Shall Comply | When a Student Owes for 5 Meals | When a student owes money for five or more meals, the school must make at least two attempts to contact the parent and guardian in an effort to have them apply to participate in the school food program. The school may also offer assistance in applying for participation. |
| | | Shall Notify | Ongoing | For students in kindergarten through eighth grade, any communication about money owed for meals must be directed to the student's parents or guardians. For students in ninth through 12th grade, communications may be directed to the student. |
| | | Shall Not Identify | Ongoing | Schools shall not identify or stigmatize a student who cannot pay for a meal or who owes money for meals. Schools also cannot require a student to perform chores or other work to pay for a meal. And schools may not require a student to discard a meal after it was served as a punishment for the student's inability to pay. |
| 1361 | Transportation of Pupils | Shall Provide | At All Times | Any school district that provides for the transportation of public school students must also provide transportation services to students in the district who attend nonpublic schools. |
| 1726-A Act 61 of 2008 | Transportation for Charter School Students | Shall Provide | As Needed | School districts are responsible for providing free transportation for students living in the district and attending a charter school located within their school district of residence, or a regional charter school outside of the district's boundaries at a distance not to exceed 10 miles by the nearest public highway. |
| TITLE 67 CHAPTER 171 | School Buses and School Vehicles | Shall Maintain | Ongoing | Title 67, Chapter 171 outlines standards related to school buses and vehicles. This includes design and construction specifications, reporting of accidents, cleanliness standards, identification, seating, and safety features. |

| Section | Title | Action | Timing | Details | | | | | | | | | | |
|--|--------------------------|--------------------|---------------|--|-----------------------------|-------------------|----------------|-----------------|--|-----------------|------------------------|-------------------|-----------------------|-----------------|
| CHAPTER 4.13 | Strategic Plans | Shall Be Developed | As Prescribed | <p>School Districts are required to submit a variety of strategic plans to the PA Department of Education for approval. All plans must be made available for public comment at least 28 days prior to submission. Plans are to be submitted on the following schedule:</p> <table> <tr> <td>Professional Education Plan</td> <td>Every Three Years</td> </tr> <tr> <td>Induction Plan</td> <td>Every Six Years</td> </tr> <tr> <td>Comprehensive K-12 Student Services Plan</td> <td>Every Six Years</td> </tr> <tr> <td>Special Education Plan</td> <td>Every Three Years</td> </tr> <tr> <td>Gifted Education Plan</td> <td>Every Six Years</td> </tr> </table> | Professional Education Plan | Every Three Years | Induction Plan | Every Six Years | Comprehensive K-12 Student Services Plan | Every Six Years | Special Education Plan | Every Three Years | Gifted Education Plan | Every Six Years |
| Professional Education Plan | Every Three Years | | | | | | | | | | | | | |
| Induction Plan | Every Six Years | | | | | | | | | | | | | |
| Comprehensive K-12 Student Services Plan | Every Six Years | | | | | | | | | | | | | |
| Special Education Plan | Every Three Years | | | | | | | | | | | | | |
| Gifted Education Plan | Every Six Years | | | | | | | | | | | | | |
| 220 Act 153 of 2002 Act 94 of 2006 | State Report Cards | Shall Be Submitted | Annually | <p>The federal No Child Left Behind Act requires each state to publish an annual report card of student achievement and progress. In order to do so, the Pennsylvania Department of Education will collect information in the following areas:</p> <ul style="list-style-type: none"> • Student achievement on state academic assessments, aggregated at each proficiency level and disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged. • The percentage of students not tested (disaggregated by the same categories). • Aggregate information on any other indicators used by the state to determine adequate yearly progress. • Graduation rates for secondary school students. • The professional qualifications of teachers in the state, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the state not taught by highly qualified teachers. This information should be presented in the aggregate and also disaggregated by high-poverty compared to low-poverty schools. <p>In addition, the Pennsylvania Public School Code requires schools to report the following information:</p> <ul style="list-style-type: none"> • The number of students who were enrolled in the district less than two years before being administered the PSSA test. • The number of students classified as limited English proficient at the time of the PSSA assessment. • The number of students classified as having a disability who were given the PSSA test. | | | | | | | | | | |
| 222 Act 104 of 2010 | Drop-Out Data Collection | Shall Be Submitted | Annually | <p>The Pennsylvania Public School Code requires school districts to report graduation and drop-out data to the PA Department of Education annually.</p> <p>In order to identify at-risk students, the data shall be disaggregated based on the following classifications: limited English proficiency, low income, special education, gifted education, race or ethnicity, gender, school entity, geographic area, highest grade level completed, and age prior to dropping out.</p> | | | | | | | | | | |

POLICY & PROCEDURE – OTHER

| Section | Title | Action | Timing | Details |
|-------------------------|--|--------------------|--------------|---|
| 329 Act 84 of 2020 | Publication of School Board Members' Email Addresses | Shall Publish | At All Times | The email addresses of all board members must be posted on a school district website in a place that is easily visible and accessible to the public. |
| 510.2 Act 86 of 2016 | Publication of Rules, Regulations, and Policies | Shall Be Published | At All Times | <p>School districts must have the following regulations and policies posted on the district website:</p> <ul style="list-style-type: none"> • Relating to Students: <ul style="list-style-type: none"> – Admission of beginners – Attendance, excusals, and truancy – Withdrawal from school – Student discipline – Suspension and expulsion of students – Searches – Audio interception on school buses or school vehicles for disciplinary or security persons – Retention, maintenance, and access to student records – Use of personal electronic devices – Dress and grooming – Student complaint process – Parental appeal of placement of twins or multiple birth siblings – Participation by home school students in extracurricular activities • Relating to Education Programs: <ul style="list-style-type: none"> – Curriculum review by parents and students – Promotion and retention – Graduation requirements • Relating to Student Health: <ul style="list-style-type: none"> – Communicable diseases and immunization – Health examinations and screening – Student use of medications – Wellness policy • Relating to School Property: <ul style="list-style-type: none"> – Use of school property and facilities – School visitation policies – Integrated pest management plan • Relating to Community: <ul style="list-style-type: none"> – Public participation in school board meetings – Public attendance of school events – Parental involvement policy for parents and guardians – Public access to, and use of, school district buildings, facilities, and grounds – Public complaint process |

| Section | Title | Action | Timing | Details |
|---|--------------------------------|--|--|--|
| <p>518 Act 88 of 2002</p> | Retention of Records | Shall Retain | <p>Permanently</p> <p>At Least 6 Years</p> | <p>School districts must maintain a permanent record that includes the Board minute book, annual auditor's reports, and annual financial reports.</p> <p>All other financial records of the school district – bills, contracts, invoices, receipts, etc. – shall be retained by the district for at least six years. All other school district records shall be retained in accordance with federal and state laws and regulations and the Records Management Plan approved by the board.</p> |
| <p>771 Act of Mar. 10, 1949 Act 497 of 1951 Act 157 of 2002</p> | Display of the Flag | <p>Shall Display</p> <p>Shall Display</p> <p>Shall Provide</p> | <p>When School is in Session</p> <p>During the School Day</p> <p>Each School Day</p> | <p>The American Flag must be flown on or near each school building inclement weather, during school hours, and at other such times as the board may determine.</p> <p>A flag no less than three feet in length must be displayed in each school building on all days when school is in session, and an American Flag must be displayed in every classroom during the school day.</p> <p>Teachers must provide for the reciting of the Pledge of Allegiance or singing of the National Anthem at the beginning of each school day.</p> <ul style="list-style-type: none"> • Students may decline to recite the Pledge or salute the flag based on religious conviction or personal belief. • The supervising officer of the school must provide written notice to parents or guardians of students who choose to abstain. |
| <p>1351</p> | Enumeration of School Children | Shall Maintain | At All Times | Each school district must maintain a school census or in lieu thereof, an accurate count of all children from birth to 18 years of age living within their district. |
| <p>1422.1 42 USC, Sec. 1758b 7 CFR, Sec 210.31</p> | Wellness Policy | Shall Establish | Ongoing Conduct Assessment Every 3 Years | <p>Schools that participate in the National School Lunch or School Breakfast Program must establish a wellness policy.</p> <p>At a minimum, the policy must include:</p> <ul style="list-style-type: none"> • Goals that promote student wellness • Standards and nutrition guidelines for all foods and beverages provided or sold to students during the school day that promote student health <p>Parents, students, and the general public may participate in the development, implementation, and periodic review and update of the policy.</p> <p>The school must inform and update the public about the content and an assessment of the implementation of the policy.</p> |

POLICY & PROCEDURE – OTHER

| Section | Title | Action | Timing | Details |
|--------------------------|--------------------------------------|--|------------------------|--|
| 1526 Act 71 of 2014 | Youth Suicide Awareness & Prevention | Shall Have a Policy and Make Available | At All Times | <p>Schools must have a policy for youth suicide awareness and prevention and said policy must be available to parents and posted on the school website.</p> <p>The policy must include:</p> <ul style="list-style-type: none"> • A statement on youth suicide awareness and prevention • Protocols for educating students and staff on the subject • Methods of prevention and intervention • Reporting procedures • Recommended resources |
| 1603-C Act 82 of 2012 | Interscholastic Athletics Reporting | Shall Report | Annually by October 15 | <p>School districts must submit an annual report to the PA Department of Education detailing interscholastic athletic opportunity and treatment for male and female secondary students for the preceding school year. The report must be submitted by October 15.</p> |
| | | Shall Make Available | Annually by November 1 | <p>School districts must make a copy of the completed disclosure form available for public inspection during regular business hours, including posting on the district's public website. Notice must be provided of the form's availability for review by students, educational personnel, student athletes, and parents via school bulletin boards, school newspaper, electronic mailing, and other means reasonably likely to provide such notice.</p> |
| 1717-A Act 22 of 1997 | Establishment of a Charter School | Shall Hold a Hearing | Within 45 Days | <p>If an application is received for a charter school within a school district's boundaries, the school district must host at least one public hearing on the school within 45 days of receipt of the application.</p> <p>Failure to hold a public hearing within this timeframe allows the charter school to file its application as an appeal to the appeal board, which will have the authority to grant or deny the charter.</p> <p>At least 45 days, but no more than 75 days, must transpire between the first public hearing and the school board's decision on the charter school's application.</p> |
| 1725-A Act 22 of 1997 | Charter School Funding | Shall Pay Per Student | As Needed | <p>School districts must pay charter schools for each district resident student who chooses to attend a charter school.</p> <p>The amount paid is based on a funding formula outlined by the PA Department of Education.</p> <p>The funding formula differs between non-special education students and special education students.</p> |

| Section | Title | Action | Timing | Details |
|---|--|-----------------|-------------------------|---|
| 1744 Act 88 of 2002 | School District Responsibilities for Cyber Charter Schools | Shall Provide | As Needed | <p>The following must be provided to cyber charter schools to whom a district resident is enrolled:</p> <ul style="list-style-type: none"> • Students’ records for all district residents who choose to attend the cyber charter school. • Reasonable access to its facilities for the administration of standardized tests. • Upon request, assistance to the cyber charter school in delivery of services to a student with disabilities. |
| RIGHT-TO-KNOW ACT SECTION 502 | Open Records Officer | Shall Designate | At All Times | <p>School districts must designate an Open Records Officer to receive all Right-to-Know requests, direct requests to the appropriate person within or outside the district, track the progress of open requests, and issue interim and final responses to requests.</p> |
| | | Shall Complete | Upon Receiving Requests | <p>Upon receiving a request, the Open Records Officer must do all of the following:</p> <ul style="list-style-type: none"> • Note the date of receipt of the request. • Ensure response within five days of the request. • Maintain a copy (written or electronic) of the request, including all documents submitted, until the request has been fulfilled. |
| | | Shall Maintain | For 30 Days | <p>If a request is denied, the written request must be maintained for 30 days or until a final determination of an appeal is issued.</p> |
| TITLE 18 SECTION 6306.1 Act 111 of 2019 | Use of Tobacco Products in Schools | Shall Develop | Ongoing | <p>Each school district must establish a policy to enforce the prohibition of tobacco use on school property. The board shall notify employees, students, and parents of the policy in the student handbook, parent newsletter, and other means.</p> |
| TITLE 24 SECTION 4604 | School Internet Policies | Shall Maintain | Ongoing | <p>School districts must develop and maintain an acceptable-use policy for the Internet. At a minimum, the policy must prevent students and employees from accessing obscene, illegal, or harmful materials on district-owned machines; establish penalties for those who violate the acceptable-use policy; and provide a review process for claims that the policy is denying a student or employee access to material that is not prohibited.</p> <p>In order to enforce the policy, school districts must, at minimum, either utilize software programs or a selection of online servers designed to block access to harmful materials.</p> |
| | | Shall Provide | Upon Request | <p>Schools must provide a copy of the plan upon written request of a parent or guardian.</p> |

POLICY & PROCEDURE – OTHER

| Section | Title | Action | Timing | Details |
|--|-------------------------------------|--|---|--|
| <p>TITLE 24 SECTION 5004 Act of July 17, 1961 Act 187 of 1992</p> | Unfair Educational Practices | Shall Be Considered Unfair | At All Times | <p>The Act of July 17, 1961, as amended by Act 187 of 1992, outlines what are considered to be “unfair educational practices.” Under the law, school districts may not:</p> <ul style="list-style-type: none"> • Exclude, limit, or otherwise discriminate against students on the grounds of race, religion, color, ancestry, national origin, sex, handicap, or disability. A school district may not inquire about the same prior to admission. • Penalize or discriminate against any individual because the person has initiated, testified, participated, or assisted in proceedings under the act. • Fail to preserve for a period of three years any records, documents, and data pertaining to admission, rejection, expulsion, or suspension of students. Districts must also make this data available for inspection at all times. • Construct, operate, or otherwise make available facilities that are not accessible. • Exclude, limit, or otherwise discriminate against any student or applicant because of handicap or disability of any individual with whom the student or applicant is known to have a relationship or association. • Deny an individual with a handicap or disability equal opportunities for education because of uninsurability or increased cost of insurance. |
| <p>TITLE 25 SECTION 2727</p> | Use of Schools as Polling Places | Shall Provide | Upon Request | If requested by the county board of elections, a school district must allow for the use of school property as a polling place. |
| <p>TITLE 47 SECTION 4-493</p> | Unlawful Acts Relative to Liquor | Shall Supervise | As Needed | <p>For any school-endorsed function that takes place at an establishment with a liquor license, minors on the premises must be supervised by an adult over the age of 25. The ratio is one supervisor for up to 50 minors.</p> <p>No alcohol may be served and all alcohol must be removed or secured out of reach of the minors.</p> |
| <p>TITLE 51 SECTION 20222</p> | Military Affairs - Lists of Seniors | <p>Shall Provide</p> <p>Shall Notify</p> | <p>By the First Day of the Academic Year</p> <p>Prior to the End of a Student's Junior Year</p> | <p>School districts must provide a list of senior students, including name, home address, and (if published) phone number to military recruiters prior to the start of the students' senior year. If a school district provides additional access to senior students to institutes of higher learning, the same access must be granted to military recruiters.</p> <p>Each school district must notify students, in writing, prior to the end of the students' junior year that their basic information will be provided to military recruiters. A student has 21 days from receipt of this notice to opt-out of inclusion on this list.</p> |

SCHOOL SAFETY & SECURITY

| Section | Title | Action | Timing | Details |
|-----------------------------|---|--------------------------------|------------------------------------|--|
| CHAPTER 10 | All Hazards Planning | Shall Have Prepared | At All Times | Each school district – in cooperation with the local emergency management agency and Pennsylvania Emergency Management Agency (PEMA)– must have a comprehensive disaster response and emergency preparedness plan. |
| | | Shall Review | Annually | The plan must be reviewed annually. |
| | | Shall Distribute | Annually | A copy of the plan must be distributed to every county in which the school district is a part, as well as each police department and fire department having jurisdiction over geography within the district. |
| | | Shall Supply | Annually Before September 30 | By September 30 of each year, school districts must gather information on school buildings, students, staff, and utilities, and have it available at the Incident Command Post. |
| | | Memorandum of Understanding | Shall Execute | Biannually |
| CHAPTER 10 SECTION 23 | Response and Handling of a Student with a Disability | Shall Provide | Upon Revision | Each school entity must provide a copy of its procedures on behavior support services to the local police department having jurisdiction over property. Schools should have provided this before September 30, 2012, and should provide an updated copy every time the procedures are revised. |
| | | Shall Invite | As Provided | Representatives from the local police department must be invited to participate in trainings in the use of positive behavior supports, de-escalation techniques, and appropriate responses to student behavior that may require immediate intervention, as provided by the school entity's special education plan and positive behavior support program. |
| | | Shall Respond | As Prescribed | In response to an incident involving a student with a disability, the school must act in a manner consistent with the training provided in the district's special education plan. Additional actions vary based on whether the student has an individual positive behavior support plan. |
| | | Shall Respond | As Prescribed | In response to an incident involving a protected handicapped student, the school must act in a manner consistent with the student's service agreement. Additional actions vary based on whether the student has an individual positive behavior support plan. |
| 223 Act 24 of 2011 | Certified Safety Committee | Shall Maintain | Ongoing | School boards must take the steps necessary to maintain a Certified Safety Committee as prescribed in the Workers' Compensation Act. If a school district does not submit evidence of an active committee to the PA Department of Education, it faces a reduction in allocation of PA funds. This does not apply to school districts that self-insure. |

| Section | Title | Action | Timing | Details |
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| 1317.2 | Possession of Weapons | Shall Expel | For 1 Year | Any student who is determined to have brought onto school grounds or is in possession of a weapon shall be expelled for a period of not less than one year. This includes possession on school property, at any school-sponsored activity, or on any public conveyance providing transportation to a school or school-sponsored activity. |
| | | Shall Develop | Ongoing | School districts must develop a written policy regarding expulsions for possession of a weapon as outlined in Section 1317.2. |
| | | Shall Report | As Needed | School districts are required to report any incidents involving possession of a weapon to local law enforcement officials. Subsequently, districts must report all incidents relating to expulsions for possession of a weapon to the PA Department of Education. |
| 1303-A Act 26 of 1995 Act 104 of 2010 | Safe Schools Reporting | Shall Report | Annually Before July 31 | School districts are required to report, by July 31 of each year, all new incidents involving acts of violence (see list of offenses that constitute “acts of violence” in section 1303-A [4.1] of the Pennsylvania Public School Code); possession of a weapon; possession, sale, or use of a controlled substance; and possession, sale, or use of alcohol and tobacco by any person on school property. |
| 1303.1-A Act 61 of 2008 | Anti-Bullying | Shall Have | At All Times | School districts must have a policy related to bullying. |
| | | Shall Review with Students | Annually | The policy must be part of the student code of conduct; the policy must be available on the website and in every classroom; it must also be posted in a prominent location in each building; and the policy must be reviewed with students annually. |
| | | Shall Provide to PDE | Annually | School districts must review the policy every three years and annually provide a copy to the PA Department of Education. |
| 1305-A | Transfer of Records | Shall Transmit | As Needed | Whenever a student transfers to another school district or nonpublic school, the school district of residence must send a certified copy of the student's disciplinary record to the new school. The receiving school district should request the record, and the current district has 10 days from the time of the request to supply the record. |

SCHOOL SAFETY & SECURITY

| Section | Title | Action | Timing | Details |
|--------------------------|--|------------------|-----------------------------|--|
| 1307-A Act 26 of 1995 | Maintenance of Records | Shall Maintain | Ongoing | School districts must maintain records of all incidents of violence, possession of a weapon, and convictions or adjudications of delinquency for acts committed on school property by enrolled students. Records must be maintained in both a district-wide and school building specific manner. A statistical summary of these records must be available for public examination during regular business hours. |
| 1309-B Act 44 of 2018 | School Safety and Security Coordinator | Shall Appoint | Ongoing | Each school entity must have a school safety and security coordinator appointed by the chief administrator. The coordinator is responsible for overseeing all school security personnel (police officers, security guards, school resource officers) and for overseeing all policies and procedures related to security and safety. Specific duties include reviewing the school's policies and procedures relative to school safety and security and coordinating training and resources for students and staff in matters relating to: <ul style="list-style-type: none"> • Situational awareness • Trauma-informed approaches • Behavioral health awareness • Suicide and bullying awareness • Substance abuse awareness • Emergency procedures and training drills |
| | | Shall Report | Annually Before June 30 | The coordinator must make an annual report to the school board by June 30 of each year. |
| | | Shall Coordinate | Every 2 Years and As Needed | The coordinator must coordinate a tour of all buildings for local police and first responders, at least once every two years and upon the opening of a new building or renovation of existing building. |
| 1310-B Act 18 of 2019 | School Safety and Security Training | Shall Provide | 3 Hours Every 5 Years | School districts must provide employees with mandatory training on school safety and security. Employees shall complete a minimum of three hours of training every five years. Training should address situational awareness; trauma-informed education awareness; behavioral health awareness; suicide and bullying awareness; substance use awareness; and emergency training drills, and the recognition of student behavior that indicate a threat to the student or others. |

| Section | Title | Action | Timing | Details |
|--|--------------------------|-------------------------------|---------------------------|--|
| 1302-C Act 44 of 2018 Act 67 of 2019 | School Police Officers | Shall Be Appointed | Prior to Employment | In order for school districts to employ a school police officer, the officer must be appointed by a judge of the court of common pleas. |
| | | Shall Report | Annually | School districts must report annually to the Office of Safe Schools the identity of school police officers, municipalities comprising the school district, and the date of training provided to each officer. |
| | | Shall Complete | Prior to Employment | In order to qualify for employment, a school police officer must have completed basic training or graduated from the State Police Academy, served as a trooper, and separated from employment in good standing. A school police officer must also have completed the basic School Resource Officer course offered by the National Association of School Resource Officers (NASRO). |
| | | Shall Attend Shall Display | Annually While on Duty | A school police officer must also attend annual in-service training. A school police officer must wear a metallic shield or badge at all times when on duty. |
| 1313-C Act 67 of 2019 | School Resource Officers | Shall Complete | Prior to Employment | In order to qualify for employment, school resource officers must complete the basic School Resource Officer course offered by NASRO. |
| 1314-C Act 44 of 2018 Act 67 of 2019 | School Security Guards | Shall Complete | Prior to Employment | In order to qualify for employment, school security guards must complete the basic School Resource Officer course offered by NASRO. |
| | | Shall Meet Requirements | As Needed | A school security guard may be armed if all of the following conditions are met: <ul style="list-style-type: none"> The school security guard is licensed under the Uniform Firearms Act. The school security guard is certified under the Lethal Weapons Training Act. |
| 1303-D Act 44 of 2018 | Safe2Say Something | Shall Develop | Ongoing | Each school entity must develop procedures for receiving, assessing, and responding to reports received from the Safe2Say Something program. |

SCHOOL SAFETY & SECURITY

| Section | Title | Action | Timing | Details |
|---|---|---|---|--|
| <p>1302-E Act 18 of 2019</p> | Threat Assessment Teams | <p>Shall Establish</p> <p>Shall Include</p> | Ongoing | <p>School districts must have at least one team for the assessment and intervention with students whose behavior indicates they are a potential threat to themselves or others.</p> <ul style="list-style-type: none"> Teams must receive training. Teams must make resource materials available to students and staff. Teams must educate employees on reporting processes. Teams are responsible for notifying parents. <p>The team shall include individuals with expertise in the following areas:</p> <ul style="list-style-type: none"> School health Counseling, school psychology, or social work Special education School administration <p>Additionally, the team must include the appointed school safety and security coordinator and other qualified professionals, including, but not limited to:</p> <ul style="list-style-type: none"> School security personnel Law enforcement Behavioral health professionals The individual identified by the school to receive reports from the Safe2Say Something program An individual who serves the student assistance program Juvenile probation professionals |
| <p>1517 Act of Mar. 10, 1949 Act 55 of 2017 Act 39 of 2018</p> | <p>Fire Drills</p> <p>School Security Drills</p> <p>Bus Evacuation Drills</p> | <p>Shall Be Conducted</p> <p>Shall Be Conducted</p> <p>Shall Be Conducted</p> <p>Shall Submit</p> | <p>Monthly</p> <p>Annually in the First 90 Days</p> <p>Twice Annually</p> <p>Annually Before April 10</p> | <p>In each school building, fire drills are to be conducted at least once per month while school is in session.</p> <p>Each school building must conduct at least one school security drill per school year within the first 90 days of the school year. Schools may conduct two additional security drills per year in place of monthly fire drills.</p> <p>All schools that use or contract school buses for transportation of students shall conduct two emergency school bus evacuation drills during each school year. The first drill must be conducted during the first week of the school term and the second during the month of March.</p> <p>Schools are required to submit an annual certification related to the completion of each emergency school bus evacuation drill on or before April 10.</p> |

| Section | Title | Action | Timing | Details |
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| TITLE 18 CHAPTER 28 | Antihazing | Shall Adopt | Ongoing | Each school district must adopt a written policy against hazing. The policy – including rules, penalties, and program of enforcement – must be provided to each organization within the school. It is the responsibility of each secondary school to ensure students are informed of the policy and to post it on the school’s website. |
| TITLE 23 SECTION 6311–6313 | Mandated Reporters | Shall Report | Immediately | All school employees are considered mandated reporters, and as such are required to make an immediate report of any suspected child abuse to the state ChildLine Office. Additionally, employees must also alert their school administrator. |
| TITLE 42 SECTION 6341 | Finding of Delinquency | Shall Receive | Upon Finding | If a child is found to be a delinquent child, the court will provide the building principal of the child’s school the name and address of the child, the delinquent act(s) which the child has been found to have committed, and a brief description of the acts. |
| | | Shall Inform | Upon Receiving | The principal must inform the child’s teacher(s) of all information received from the court. |
| | | Shall Not Discipline | Upon Receiving | School administrators may not use the information from the court in admissions or disciplinary decisions regarding the child unless the act occurred on school grounds or within 1,500 feet of school property. |
| | | Shall Transfer | As Needed | If a student transfers enrollment to a new school, the information from the court must be transferred to the new school. |
| | | Shall Maintain | Ongoing | Any information received from the court must be maintained separately from the child’s official school record. |

PROFESSIONAL DEVELOPMENT

| Section | Title | Action | Timing | Details |
|---|------------------------------|-------------------------------------|-----------------|--|
| CHAPTER 4 | English as a Second Language | Shall Provide | Annually | All school districts in which English language learners (a student whose dominant language is not English) are enrolled must offer annual professional development related to English Language Development/English as a Second Language for all personnel as part of the district's Professional Development Act 48 plan. |
| CHAPTER 49.16 | Induction Plans | Shall Develop | Every 6 Years | School districts must submit a plan for the induction experience of first-year teachers every six years. The plan must be prepared by teacher or education specialist representatives, or both, with administrative representatives. The plan pertains to all first-year teachers, including prekindergarten teachers (where a program is offered), long-term substitutes, those hired for 45 days or more, and educational specialists. |
| | | Shall Make Available for Inspection | 28 Days Prior | The induction plan must be made available for public inspection for a minimum of 28 days prior to approval of the plan by the board of directors and submission to the PA Department of Education. |
| 328 Act 55 of 2017 Act 18 of 2019 | School Director Training | Shall Complete | Upon Election | Newly elected or appointed school directors must complete a five-hour mandatory training program during their first year in office. Training topics will include instruction and academic programs, trauma-informed approaches (which shall comprise a minimum of one hour of instruction), personnel, fiscal management, operations, governance, ethics, and open meetings. |
| | | | Upon Reelection | Reelected/Reappointed board members must complete an advanced training program with a minimum of three hours of instruction. |
| 1109 Act 45 of 2007 | PA Inspired Leadership (PIL) | Shall Complete | Within 5 Years | All principals, assistant or vice principals, and all other administrators, who are employed for the first time in that capacity in the Commonwealth must complete a Principal's Induction Program within their first five years of service. |
| | | | Every 5 Years | All persons employed as school and district leaders must complete 180 hours of Act 45/PIL continuing professional education every five years. Approved courses are listed on the PA Department of Education website. For public school districts, leaders are defined as principals, assistant or vice principals, superintendents, and assistant superintendents. |

| Section | Title | Action | Timing | Details |
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| <p>1205.1 Act 48 of 1999</p> | <p>Professional Education Plan</p> | Shall Develop | Every 3 Years | <p>School districts are required to develop and submit a three-year professional education plan to the PA Secretary of Education every three years.</p> <p>The plan must be developed by a committee consisting of teacher representatives divided equally among elementary, middle, and high schools; education specialists and representatives chosen by the administrators; parents of children attending school in the district; local business representatives; and other individuals representing the community appointed by the board of directors.</p> |
| | | Shall Review | Annually | <p>The plan must be reviewed annually to ensure it is still meeting the needs of professional employees, students, and the community.</p> |
| | | Shall Publicize | Shall Publicize | <p>The plan must be made available for public inspection 28 days prior to the approval of the plan by the school's governing board and subsequent submission to the PDE Secretary.</p> |
| | | Shall Complete | Every 5 Years | <p>All educators holding Pennsylvania public school certification, whether currently employed or not, must complete the continuing education requirements set forth in Act 48 in order to maintain an active certification. Failure to complete these requirements will disqualify the educator from employment in Pennsylvania until all Act 48 requirements have been met. Every five years, educators must complete one of the following:</p> <ul style="list-style-type: none"> • Six credits of collegiate study • Six credits of PDE-approved continuing professional education courses • 180 hours of PDE-approved continuing education programs, activities, or experiences • Any combination of the above <p>Educators manage their continuing professional education requirements through the Professional Education Record Management System (PERMS).</p> |
| <p>1205.4 Act 91 of 2000</p> | <p>CPR Instruction</p> | Shall Provide | Every 3 Years | <p>School districts are required to offer a CPR training class on school premises at least once every three years to the general public and to all school employees. The course is optional for all employees, and the training may be included in the district's continuing education plan.</p> |
| <p>1205.6 Act 126 of 2012</p> | <p>Child Abuse Recognition and Reporting</p> | Shall Provide | 3 Hours Every 5 Years | <p>School districts must provide child abuse recognition and reporting training to all employees who have direct contact with children. Those employees must complete a minimum of three hours of training every five years.</p> |
| <p>1205.7 Act 18 of 2019</p> | <p>Trauma-Informed Approaches</p> | Shall Provide | As Part of Professional Development | <p>School districts must provide employees with one-hour of training on trauma-informed approaches. A reasonable effort must be made to facilitate the training during paid working hours or in-service training.</p> |
| <p>1526 Act 71 of 2014</p> | <p>Youth Suicide Awareness and Prevention</p> | Shall Provide | 4 Hours Every 5 Years | <p>Professional development plans must include youth suicide awareness and prevention training (four hours every five years) for educators of sixth through twelfth grades.</p> |

Title 22, Chapter 14

SPECIAL EDUCATION SERVICES & PROGRAMS

22.14

Section 1372 of the Pennsylvania Public School Code of 1949 authorizes the Department of Education to set standards for special education. The Special Education regulations in Pennsylvania for school districts are found under the 22 PA Code, Chapter 14. Chapter 14 provides regulatory guidance to ensure compliance with the federal law, the Individuals with Disabilities Education Act of 2004, and its regulations.

The provisions of Chapter 14 ensure that all students with disabilities have available to them, a free, appropriate public education that is designed to enable the students to participate fully and independently in the community, including preparation for employment or higher education. Chapter 14 also ensures that the rights of students with disabilities and parents of these students are protected.

Section Contents

| | |
|---|----|
| General Provisions | 49 |
| Child Find, Screening, and Evaluation | 51 |
| Individualized Education Plan (IEP)..... | 52 |
| Educational Placement | 54 |
| Early Intervention..... | 54 |
| Procedural Safeguards | 56 |

CHAPTER 14 - GENERAL PROVISIONS

| Section | Title | Action | Timing | Details |
|---------|------------------------|---------------|---------------|--|
| 104 | Special Education Plan | Shall Develop | Every 3 Years | <p>School districts are required to develop and implement a special education plan that aligns with the strategic plan of the school district. The plan must be developed every three years along with the strategic plan. This plan must specify the special education programs that operate in the district, local intermediate units, area vocational technical schools, and other agencies.</p> <p>The plan must describe the following:</p> <ul style="list-style-type: none"> • Early intervention services, if provided by the district • Procedures for identifying children with specific learning disabilities • Supplementary aids and services provided • Access to a full continuum of educational placements • Procedures for preventing over-identification or disproportionate representation by race and ethnicity (for those districts identified with significant disproportionately) • Procedures on behavior support services: training to staff, de-escalation techniques, and appropriate responses to student behavior • Parent training activities <p>Plans must also include procedures for the education of all students with disabilities who are residents of the district, including those receiving special education in approved private schools and non-residents placed in a home or institution within the district.</p> <p>School districts must maintain specific information concerning students with disabilities, including services provided, performance data, and discipline data. These items must be reported to the state as required by the PDE Secretary.</p> |
| | | Shall Report | As Required | |

CHAPTER 14 - GENERAL PROVISIONS

| Section | Title | Action | Timing | Details | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------------------------------|--------------------------|---------------------------------|------------------------|---|-------|------------------------|---------------------------------|------------------------|------------------|----|----|----|---------------------|----|----|-----------------------|-------------------|----|----|----|---------------------------------|----|----|---|-----------------------------------|----|----|----|---------------------------|----|--|---|------------------|----|----|----|------------------|----|---|---|-------------------------------|----|---|---|
| 105 | Paraprofessionals | Shall Meet Requirements | Prior to Employment | Instructional paraprofessionals are defined as school employees who work under the direction of a certified staff member to support and assist the education of students with disabilities. Support includes one-on-one or group review of material in special education classes, regular classrooms, or other instructional settings prescribed by the IEP. Paraeducators must meet one of the following qualifications: 1) have completed at least 2 years of postsecondary study; 2) possess an associate degree or higher; or 3) meet a rigorous standard of quality as demonstrated through a state or local assessment. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 105 | Personal Care Assistants | Shall Meet Requirements | Annually | A personal care assistant provides one-to-one support and assistance to a student, including the use of medical equipment. A personal care assistant may provide support to more than one student, but not at the same time. Personal care assistants must complete 20 hours of annual staff development activities (this may include training required by the school-based access program). | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 105 | Educational Interpreters | Shall Meet Requirements | Prior to Employment | Educational interpreters provide students who are deaf or hard of hearing with interpreting or transliterating services in an educational setting. Interpreters must meet the same criteria as paraprofessionals, as well as achieve a score of 3.5 on the Educational Interpreter Performance Assessment (EIPA) for the appropriate grade level assigned; be qualified under the Sign Language Interpreter and Transliterator Registration Act; and complete a minimum of 20 hours of staff development annually. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 105 | Teacher Caseload | Shall Not Exceed | At Any Time | <p>The following represents the maximum number of students allowed on a teacher's caseload:</p> <table border="1"> <thead> <tr> <th>TITLE</th> <th>ITINERANT (< 20%)</th> <th>SUPPLEMENTAL (20% < > 80%)</th> <th>FULL-TIME (> 80%)</th> </tr> </thead> <tbody> <tr> <td>Learning Support</td> <td>50</td> <td>20</td> <td>12</td> </tr> <tr> <td>Life Skills Support</td> <td>20</td> <td>20</td> <td>12 (K-6) 15 (7-12)</td> </tr> <tr> <td>Emotional Support</td> <td>50</td> <td>20</td> <td>12</td> </tr> <tr> <td>Deaf & Hearing Impaired Support</td> <td>50</td> <td>15</td> <td>8</td> </tr> <tr> <td>Blind & Visually Impaired Support</td> <td>50</td> <td>15</td> <td>12</td> </tr> <tr> <td>Speech & Language Support</td> <td>65</td> <td></td> <td>8</td> </tr> <tr> <td>Physical Support</td> <td>50</td> <td>15</td> <td>12</td> </tr> <tr> <td>Autistic Support</td> <td>12</td> <td>8</td> <td>8</td> </tr> <tr> <td>Multiple Disabilities Support</td> <td>12</td> <td>8</td> <td>8</td> </tr> </tbody> </table> <p>Classes or programs with students from more than one district shall follow the caseload of the district where the program is located.</p> | TITLE | ITINERANT (< 20%) | SUPPLEMENTAL (20% < > 80%) | FULL-TIME (> 80%) | Learning Support | 50 | 20 | 12 | Life Skills Support | 20 | 20 | 12 (K-6) 15 (7-12) | Emotional Support | 50 | 20 | 12 | Deaf & Hearing Impaired Support | 50 | 15 | 8 | Blind & Visually Impaired Support | 50 | 15 | 12 | Speech & Language Support | 65 | | 8 | Physical Support | 50 | 15 | 12 | Autistic Support | 12 | 8 | 8 | Multiple Disabilities Support | 12 | 8 | 8 |
| TITLE | ITINERANT (< 20%) | SUPPLEMENTAL (20% < > 80%) | FULL-TIME (> 80%) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Learning Support | 50 | 20 | 12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Life Skills Support | 20 | 20 | 12 (K-6) 15 (7-12) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Emotional Support | 50 | 20 | 12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Deaf & Hearing Impaired Support | 50 | 15 | 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Blind & Visually Impaired Support | 50 | 15 | 12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Speech & Language Support | 65 | | 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Physical Support | 50 | 15 | 12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Autistic Support | 12 | 8 | 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Multiple Disabilities Support | 12 | 8 | 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

CHAPTER 14 - GENERAL PROVISIONS

| Section | Title | Action | Timing | Details |
|---------|-----------------|------------------|--------------|---|
| 108 | Parental Access | Shall Be Granted | As Necessary | Parents must be permitted to have reasonable access to their child's classrooms, within the parameters of school district policy. |

CHAPTER 14 - CHILD FIND, SCREENING, AND EVALUATION

| Section | Title | Action | Timing | Details |
|---------|-------------|-----------------------|-------------------------|---|
| 121 | Child Find | Shall Adopt | Ongoing | School districts must adopt and use a public outreach awareness system to locate and identify children thought to be eligible for special education within the district. |
| | | Shall Publicize | Ongoing | Districts also must conduct awareness activities to inform the public of early intervention and special education services offered. This information should be published in the district handbook and on the public website and must include information regarding signs of developmental delays and other risk factors that could indicate disabilities. |
| | | Shall Provide Notice | Annually | Districts must provide an annual public notification of child identification services, including procedures in maintaining confidentiality. This should be published or announced in newspapers, electronic, and other media. |
| 122 | Screening | Shall Establish | Ongoing | School districts must establish a screening plan to identify and provide initial screening to students, provide peer support for teachers and other staff members, and identify students who may need special education services. |
| | | Shall Include | At Reasonable Intervals | The screening process must include hearing and vision screening as well as screening at reasonable intervals. Screening for early intervention does not preclude a parent from requesting an evaluation at any time, including prior to or during early intervention activities. |
| 123 | Evaluations | Shall Include | During Evaluations | When evaluating a child for autism, emotional disturbance, intellectual disabilities, multiple disabilities, other health impairments, specific learning disabilities, or traumatic brain injury, the evaluation team must include a school psychologist. |
| | | Shall Provide | Within 60 Calendar Days | The initial evaluation must be provided to parents within 60 calendar days of receiving parental consent for evaluation. Days between the end of the spring term and the start of the fall term shall be excluded from this count. |
| | | Shall Be Made | When Seeking Evaluation | Parental requests for evaluation must be in writing and school districts must have a Permission to Evaluate Form readily available. |
| | | Shall Be Disseminated | At Least 10 Days Prior | Copies of the evaluation report must be disseminated to parents at least 10 school days prior to the meeting of the IEP team. |

CHAPTER 14 - CHILD FIND, SCREENING, AND EVALUATION

| Section | Title | Action | Timing | Details |
|---------|---|-----------------------------------|---|---|
| 124 | Reevaluation | Shall Reevaluate Child | Every 2 Years | Students with disabilities who are identified as intellectual shall be reevaluated at least once every two years. The rules and timeline for reevaluation of students are similar to initial evaluation. |
| 125 | Criteria For Determining Specific Learning Disabilities | Shall Develop Shall Follow | Prior to Completion During Each Evaluation | <p>Each school district must develop procedures for the determination of specific learning disabilities. This must be included in the district's special education plan.</p> <p>To determine that a student has a specific learning disability, the school district must:</p> <ul style="list-style-type: none"> • Address whether the child meets state-approved grade-level standards in one of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, and mathematics problem solving. • Use either a process based on the child's response to scientific, research-based intervention or a process that examines whether the child exhibits a pattern of strengths and weaknesses, relative to intellectual ability. • Have determined that its findings are the result of visual, hearing, or orthopedic disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency. • Ensure that under-achievement in a child is not due to lack of appropriate instruction. |

CHAPTER 14 - INDIVIDUALIZED EDUCATION PROGRAM (IEP)

| | | | | |
|-----|--|--------------------------------------|---|---|
| 131 | Individualized Education Program (IEP) | Shall Include Shall Implement | Ongoing Within 10 Days of Completion | <p>The IEP of each student must include:</p> <ul style="list-style-type: none"> • A description of the types of services and support that the student shall receive. • Supplementary aids and services. • A description of the personnel needed for support. • The location where the student attends school (and whether this is the school the student would attend if the student did not have an IEP). • For students ages 14 and older, a transition plan that includes appropriate, measurable postsecondary goals related to training, education, employment, and (when appropriate) independent living skills. <p>The IEP of each student must be implemented no later than 10 school days after completion.</p> |
|-----|--|--------------------------------------|---|---|

CHAPTER 14 - INDIVIDUALIZED EDUCATION PROGRAM (IEP)

| Section | Title | Action | Timing | Details |
|---------|----------------------------|---------------------|---------------------|--|
| 132 | Extended School Year (ESY) | Shall Be Considered | At Each IEP Meeting | <p>At each IEP meeting, the school shall determine whether the child is eligible for ESY and the services required for ESY.</p> <p>The IEP team shall consider the following when making a determination about ESY:</p> <ul style="list-style-type: none"> • Whether the student reverts to a lower level of functioning (regression) as a result of interruption of education. • Whether the student has the capacity to recover the skills lost. • Whether regression will make it unlikely that he or she will maintain the skills and behaviors relevant to the IEP goals. • The extent to which the student has mastered and consolidated an important skill. • The extent to which a skill or behavior is crucial to the student's needs. • The extent to which interruptions in programming result in a withdrawal from the learning process. • The severity of the student's disability. <p>The need for ESY will not be based on a desire or need for day care or respite care services, summer recreation programming, or any other services that may or may not provide educational benefit.</p> |
| | | Shall Expedite | As Needed | <p>Students with severe disabilities, including autism, pervasive development disorder, serious emotional disturbance, severe intellectual disabilities, degenerative impairments with mental involvement, and severe multiple disabilities require an expedited ESY determination, as outlined here:</p> <ul style="list-style-type: none"> • The school shall notify parents of the upcoming review to encourage their involvement. • The IEP review meeting must occur no later than February 28. • The notice of Recommended Educational Placement must be issued to parents no later than March 31. • If a student transfers into the district after either of the dates above, the ESY determination must be made at the student's IEP meeting. |
| 133 | Positive Behavior Support | Shall Be Used | At All Times | <p>Positive, rather than negative, measures must form the basis of behavior support programs, ensuring all students are free from demeaning treatment, the use of aversive techniques, and the unreasonable use of restraints. Behavior support programs must utilize research-based practices that enhance the opportunity for learning.</p> <p>When an intervention is needed to address problem behavior, the types of intervention chosen for a particular student or eligible young child shall be the least intrusive necessary. The use of restraints is considered a measure of last resort, only to be used after other less restrictive measures, including de-escalation techniques.</p> |
| | Aversive Techniques | Shall Not Be Used | At Any Time | <p>The following aversive techniques are considered inappropriate and may not be used: corporal punishment; punishment for the manifestation of a student's disability; locked rooms, locked boxes, or other structures or spaces from which the student cannot readily exit; noxious substances; deprivation of basic human rights (such as withholding meals, water, or fresh air); suspensions constituting a pattern; treatment of a demeaning nature; or electric shock.</p> |

CHAPTER 14 - EDUCATIONAL PLACEMENT

| Section | Title | Action | Timing | Details |
|---------|------------------------|-------------------------|---------|--|
| 144 | Facilities | Shall Meet All Criteria | Ongoing | <p>Students with disabilities must be provided with an appropriate classroom space that is close to the appropriate ebb and flow of usual school activities but where noise will not interfere with instruction. The space must be at least 28 square feet per student.</p> <p>A class should not be moved unless it is to improve the delivery of education services (without reducing the interaction with students without disabilities).</p> |
| 146 | Age Range Restrictions | Shall Be in Place | Ongoing | <p>The maximum age range of students in specialized settings shall be three years in elementary school and four years in secondary school. A student may not be placed in a class that exceeds these limits unless it is specified in the student's IEP.</p> |

CHAPTER 14 - EARLY INTERVENTION

| | | | | |
|-----|-------------------------------|--|--|---|
| 152 | Early Intervention Child Find | <p>Shall Adopt</p> <p>Shall Be Published</p> | <p>Ongoing</p> <p>Annually</p> | <p>Agencies must adopt and use a system to locate and identify young children thought to be eligible who reside within the agency's boundaries.</p> <p>Each agency must conduct awareness activities to inform the public, including an annual public notification published in newspapers and/or other media with circulation adequate to notify parents throughout the area of service.</p> |
| 153 | Evaluations | <p>Shall Be in Place</p> <p>Shall Complete and Present</p> <p>Shall Reevaluate</p> | <p>Ongoing</p> <p>Within 60 Calendar Days</p> <p>Every 2 Years</p> | <p>Evaluations are to be conducted for children thought to be eligible for early intervention and who are referred for evaluation. The evaluations should be sufficient in scope and depth to investigate information relevant to the child's suspected disability, including:</p> <ul style="list-style-type: none"> • Physical development • Cognitive and sensory development • Learning problems • Learning strengths and educational need • Communication development • Social and emotional development • Self-help skills • Health considerations • An assessment of the family's perceived strengths and needs which will enhance the child's development. <p>Initial evaluation or reevaluation shall be completed and a copy of the evaluation report presented to parents no later than 60 calendar days after the agency receives written parental consent.</p> <p>Reevaluations must occur at least every two years.</p> <p>Each eligible child must be evaluated by a Multidisciplinary Team (MDT) to make a determination of continued eligibility and to develop an evaluation report.</p> |

| Section | Title | Action | Timing | Details |
|---------|--|--|--|--|
| 154 | Individualized Education Program (IEP) | <p>Shall Complete</p> <p>Shall Implement</p> <p>Shall Review</p> | <p>As Needed</p> <p>Within 14 Days</p> <p>Annually</p> | <p>The early intervention agency must complete an IEP for eligible children based on the evaluation results.</p> <p>The IEP team must include at least one special education teacher and an agency representative familiar with appropriate activities for preschool children. The agency representative must be qualified to provide or supervise the provision of specially designed instruction.</p> <p>The IEP must include, with parental consent, a section on family services to assist the family in supporting the child's development.</p> <p>For children who are within one year of transition to a program for school age students, the IEP must contain goals and objectives for the transition.</p> <p>The IEP shall be implemented as soon as possible, but no later than 14 calendar days after completion.</p> <p>The IEP must be reviewed by the IEP team at least annually.</p> <p>If a child with an IEP moves into a new early intervention agency, the current IEP shall be implemented – to the best of the agency's ability – until a new IEP is developed.</p> |
| 155 | Range of Services | Shall Recommend | As Needed | <p>The early intervention agency must recommend services be provided in the least restrictive environment with the appropriate, necessary supplementary aids and services.</p> <p>The duration of early intervention services must accommodate the individual needs in accordance with the Mutually Agreed upon Written Agreement (MAWA). The IEP team will determine whether a child should be provided services during a break.</p> <p>Early intervention personnel shall have the following caseloads:</p> <ul style="list-style-type: none"> • Early intervention itinerant teachers who provide services in a typical preschool, community program, or child's home shall have a caseload range of 20 to 40 children based on duration and frequency of service. • Early intervention classroom teachers may have up to six (6) young children in their classroom. Teachers may have additional children up to a maximum of 11 if an additional teacher or paraprofessional is assigned to the classroom. • Speech therapists who provide services in classrooms, typical preschools, community programs, or the child's home shall have 25 to 50 children based on the duration and frequency of service. |
| 156 | System of Quality Assurance | Shall Provide | At All Times | <p>Programs for early intervention agencies are subject to the program standards and evaluations set forth by the PA Department of Education.</p> |

CHAPTER 14 - EARLY INTERVENTION

| Section | Title | Action | Timing | Details |
|---------|-----------------|--------------------|-----------------------------------|---|
| 157 | Exit Criteria | Shall Be Exited | When the Following Criteria Apply | A child shall be exited from the early intervention program based on one or more of the following criteria: the child has reached the age of beginners and is no longer eligible for early intervention; the child has functioned within the range of normal development for four months with an IEP; or the parent or guardian withdrew the child for other reasons. |
| 158 | Data Collection | Shall Be Collected | As Prescribed | The PA Department of Education requires early intervention agencies to maintain accurate information concerning eligible young children and the types of services received. That information is to be reported in aggregate. The Secretary of the PA Department of Education will prescribe the format, content, data items, and time for submission. |

CHAPTER 14 - PROCEDURAL SAFEGUARDS

| Section | Title | Action | Timing | Details |
|---------|-----------------------|--------------------|--------------|--|
| 162 | Procedural Safeguards | Shall Be Sent | Annually | School districts must follow all requirements of 34 CFR 300.504 (relating to procedural safeguards) set forth by the U.S. Department of Education. Additionally, the state requires that related notices be issued by certified mail. |
| | Due Process Hearings | Shall Be Conducted | Upon Request | <p>If a parent disagrees with the school district's evaluation, placement, or provision of free, appropriate public education, the parent is entitled to an impartial due process hearing, upon request. A school district may also request a hearing if the parent fails to respond to a proposed evaluation or reevaluation, or if the parent rejects the district's proposed evaluation, placement, or provision of free appropriate public education.</p> <p>The hearing must be held in the school district at a place and time reasonably convenient for the parents and child involved. It shall be an oral, personal hearing that is closed to the public except by request of the parent.</p> <p>The hearing officer will make a ruling based on evidence presented, as well as discussion and conclusions of law. Parents may be represented by legal counsel and have access to educational records of the child. This decision may be appealed to the court.</p> |

Chapter 15 addresses a school district’s responsibility to comply with the requirements of Section 504 and its implementing regulations at 34 CFR Part 104 (relating to nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance) and implements the statutory and regulatory requirements of Section 504.

Section 504 and its accompanying regulations protect otherwise qualified handicapped students who have physical, mental, or health impairments from discrimination because of those impairments. The law and its regulations require public educational agencies to ensure that these students have equal opportunity to participate in the school program and extracurricular activities to the maximum extent appropriate to the ability of the protected handicapped student in question. School districts are required to provide these students with the aids, services, and accommodations that are designed to meet the educational needs of protected handicapped students as adequately as the needs of non-handicapped students are met. For purposes of the chapter, students protected by Section 504 are defined and identified as protected handicapped students.

Section 504’s broader definition of disability provides a child find obligation for evaluation when there is reason to suspect a mental or physical impairment that substantially limits a major life activity, even if there is no reasonably suspected need for special education.

Section Contents

| | |
|---|----|
| General Provisions | 57 |
| Annual Notice | 57 |
| School District-Initiated Evaluation and Provision of Services | 57 |
| Parent Initiated Evaluation and Provision of Services | 58 |
| Service Agreement | 59 |
| Procedural Safeguards | 60 |
| Confidentiality | 60 |
| Discrimination Claims | 60 |

CHAPTER 15 - PROTECTED HANDICAPPED STUDENTS

| *Section | Title | Action | Timing | Details |
|----------------------------------|--|---------------|--------------------------------------|---|
| 15.3 | General Provisions | Shall Provide | As Needed | A school district must provide each enrolled handicapped student, at no cost to the student or family, with aids, services, or accommodations needed to afford the student equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities without discrimination. |
| 15.4 | Annual Notice | Shall Be Sent | On or Before the First Day of School | On or before the first day of each school year, school districts must inform parents of enrolled students that the district does not discriminate against protected handicapped students and the district’s responsibilities under Chapter 15. The notice may be included in a document reasonably expected to reach the parents of enrolled students, including a school calendar or brochure. |
| 15.5 (Continued on next page) | School District Initiated Evaluation and Provision of Services | Shall Notify | As Needed | A school is required to attempt to identify students who may be eligible for Section 504 services and protections. A school district shall send a written notice to the student’s parents if a school district believes the student meets one of the following conditions: <ul style="list-style-type: none"> • Should be identified as a protected handicapped student. • Should no longer be identified as a protected handicapped student. • Requires a change in current service agreement. |

CHAPTER 15 - PROTECTED HANDICAPPED STUDENTS

| Section | Title | Action | Timing | Details |
|--|---|-------------------------------------|------------------|--|
| <p>15.5 (Continued)</p> | <p>School District Initiated Evaluation and Provision of Services</p> | <p>Shall Notify</p> | <p>As Needed</p> | <p>The notice shall be in the parents' native language and include the following:</p> <ul style="list-style-type: none"> • That the school district believes the student is – or is no longer – a protected handicapped student. • The basis for the school district's belief. • The proposed change or modification to the service agreement. • The parents' right to inspect and review all relevant student records. • The parents' right to meet with the appropriate school officials about the subject. • The specific related aids, services, or accommodations the school district is proposing. • The requirement that the parents agree to the student's identification as a protected handicapped student. • The requirement that the parents execute a service agreement with the school district before the district can provide proposed aids, services, or accommodations. • The school district will modify or terminate the student's current service agreement without the parents' written consent, pending completion of the procedures in Chapter 15.8. • The procedural safeguards available to students. <p>School districts may ask for additional medical records from the parent in order to gather more information for its proposed recommendation.</p> <p>A school district-initiated request to evaluate a student must specifically identify the procedures and types of tests which it proposes to use to evaluate the student and inform parents that they have the right to give or withhold their written consent on these evaluations.</p> |
| <p>15.6 (Continued on next page)</p> | <p>Parent Initiated Evaluation and Provision of Services</p> | <p>Shall Submit Written Request</p> | <p>As Needed</p> | <p>Parents have the right to request that their child be evaluated and provided services if they believe their child should be identified as a protected handicapped student, should no longer be identified as a protected handicapped student, or if a change is required to the student's current service agreement.</p> <p>This request must be made in writing and should include all relevant medical records. The written request should include:</p> <ul style="list-style-type: none"> • Specific reasons that the parents believe the student is or is no longer a protected handicapped student. • The specific related aids, services, or accommodations the parents believe the student needs. • The specific modifications the parents would like the school district to make in the student's current service agreement, if the parents are requesting a modification. |

| Section | Title | Action | Timing | Details |
|-----------------------------|--|-----------------------------------|----------------------------------|---|
| <p>15.6 (Continued)</p> | <p>Parent Initiated Evaluation and Provision of Services</p> | <p>Shall Evaluate and Respond</p> | <p>Within 25 School Days</p> | <p>Within 25 school days of receiving the request, a school district must evaluate the information and provide a written response in the parents' native language. The response should include:</p> <ul style="list-style-type: none"> • Whether the request – or portion(s) of the request – are being granted or denied. • The parents' right to meet with the appropriate school officials to discuss the subject. • The procedural safeguards available to students and their parents under Chapter 15.8. • That parents using the procedural safeguards in this chapter may also file suit in federal court under Section 504. <p>If upon evaluation a school district determines it needs additional information, the district will ask the parents to provide additional medical records and grant the district permission to evaluate the student.</p> |
| <p>15.7</p> | <p>Service Agreement</p> | <p>Shall Be Executed</p> | <p>Upon Agreeing to Services</p> | <p>Once parents and the school district agree to the related aids, services, or accommodations that should be or should no longer be provided, the district and parents shall enter into or modify a service agreement.</p> <p>The service agreement must be a written document that is fully executed by a representative of the school district and by one or both parents.</p> <p>The agreement must include:</p> <ul style="list-style-type: none"> • All specific related aids, services, and accommodations the student shall receive. • The dates the services will begin. • The dates they will be discontinued. • The procedures to be followed in the event of a medical emergency (when applicable). <p>If the parents or school district cannot agree on the services to be provided, either party may utilize the procedural safeguards. The school district must notify the parents in writing of their rights in this regard.</p> <p>In implementing the services agreement, the school district must address relevant factors, including educational resources, physical plant, and personnel capacities.</p> |

CHAPTER 15 - PROTECTED HANDICAPPED STUDENTS

| Section | Title | Action | Timing | Details |
|---------|-----------------------|---------------|----------------------------------|---|
| 15.8 | Procedural Safeguards | Shall File | As Needed | Parents may file a written request with the PA Department of Education if they feel the school district is not fulfilling the student's service agreement or the school district has failed to comply with the procedures of this chapter. |
| | | Shall Respond | Within 60 Calendar Days | The PA Department of Education will investigate and respond to requests within 60 calendar days of the initial request. Parents may file a written request with the school district for an informal conference with regard to identification or evaluation of a student. |
| | | Shall Convene | Within 10 School Days of Receipt | Within 10 school days of the receipt of the request, the school district shall convene an informal conference where every effort shall be made to reach an amicable agreement. If matters are not resolved, either the parents or the school district may request a formal hearing to be heard in front of an impartial hearing officer, as outlined in Chapter 14.64. Appeals may be filed to the due process hearing. During this time, the administrative order shall be stayed, pending completion of the judicial proceedings. |
| 15.9 | Confidentiality | Shall Protect | At All Times | The school district must protect the confidentiality of personally identifiable information regarding the student. |
| | | Shall Obtain | As Needed | The district must get parental consent before releasing personally identifiable information to unauthorized persons. |
| | | Shall Permit | As Needed | Parents and representatives of the parents shall be granted access to relevant educational records of the student. |
| 15.10 | Discrimination Claims | Shall Protect | At All Times | An eligible or non-eligible student under Chapter 14 may use the procedures for requesting assistance under 15.8 to raise claims regarding denial of access, equal treatment, or discrimination based on handicap. A student filing a claim need not exhaust procedures in this chapter prior to initiating a court action under Section 504. |

Chapter 16 addresses the requirements to serve students who demonstrate outstanding intellectual and creative ability.

A gifted student is defined as a student who is exceptional under section 1371 of the School Code (24 P. S. § 13-1371) because the student meets the definition of “mentally gifted” in this section, and needs specially designed instruction beyond that required in Chapter 4 (relating to academic standards and assessment). The term applies only to students who are of “school age” as defined under § 11.12 (relating to school age).

Section Contents

| | |
|--|----|
| General Provisions | 61 |
| Screening and Evaluation Process | 62 |
| Gifted Individualized Education Plan (GIEP)..... | 65 |
| Educational Placement..... | 66 |
| Procedural Safeguards | 67 |

CHAPTER 16 - GENERAL PROVISIONS

| *Section | Title | Action | Timing | Details |
|----------|------------------------|---|--|--|
| 16.3 | Experimental Programs | Shall Submit | Annually | <p>School districts have the opportunity to operate an experimental program for gifted students. To do this, districts must submit an annual application that includes:</p> <ul style="list-style-type: none"> • Provisions for the inclusion of parents, administrators, and professionals in the design and ongoing review of the process. • Provisions for annually evaluating the program. • A definition of the need that exists which necessitates the program. • Data to support the existence of this need. • A description of the program, including specific goals and objectives, personnel and their functions, and timelines for development, implementation, and evaluation. <p>Annual applications are no longer needed after the program has been approved three consecutive years and resulted in improved achievement.</p> <p>Programs may be terminated by the PA Secretary of Education for failing to meet objectives or noncompliance with state law.</p> |
| 16.4 | Gifted Education Plans | <p>Shall Develop</p> <p>Shall Publicize</p> <p>Shall Submit</p> | <p>Every 6 Years</p> <p>28 Days Prior</p> <p>As Required</p> | <p>Each school district must develop and implement a gifted education plan every six years.</p> <p>The plan must address the process for identifying children who are gifted, and the gifted special education programs offered.</p> <p>The plan must be made available for public inspection and comment for a minimum of 28 days prior to the plan’s approval.</p> <p>School districts are required to provide, as the PA Department of Education requires, reports of students, personnel, and program elements, including relevant costs.</p> |

CHAPTER 16 - GENERAL PROVISIONS

| Section | Title | Action | Timing | Details |
|---------|---------------------|-----------------------------|---------------------|--|
| 16.5 | Personnel | Shall Ensure Qualifications | Prior to Employment | Professional personnel must be certified individuals responsible for identifying gifted students and providing gifted education. Paraprofessionals shall work under the direction of professional personnel. Duties and training are determined by the employing agency. |
| | | Shall Provide | Annually | School districts must provide in-service training for gifted and regular teachers, principals, administrators, and support staff responsible for gifted education. |
| 16.6 | General Supervision | Shall Be Subject to Review | Ongoing | The PA Department of Education will conduct on-site monitoring of programs on a cyclical basis to ensure school district implementation of Chapter 16 requirements. |
| 16.7 | Special Education | Shall Be Considered | As Needed | <p>If a student is determined to be both gifted and eligible for special education, the procedures in Chapter 14 take precedence, and their needs for gifted education shall be fully addressed by Chapter 14 procedures.</p> <p>For students determined to be both gifted and eligible for special education, it is not necessary for a district to conduct separate screenings and evaluations, and a single IEP shall be developed for the student.</p> |

CHAPTER 16 - SCREENING AND EVALUATION PROCESS

| | | | | |
|-----------------------------------|---------|------------------------|----------|--|
| 16.21 (Continued on next page) | General | Shall Adopt and Inform | Annually | <p>School districts must adopt and use a system for locating and identifying gifted students.</p> <p>This should include awareness activities to inform the public of gifted education services and programs, and the manner by which parents may request these.</p> <p>Awareness activities must be conducted annually and include advertising in newspapers and other media, inclusion in the student handbook, and posting on the district website.</p> |
|-----------------------------------|---------|------------------------|----------|--|

CHAPTER 16 - SCREENING AND EVALUATION PROCESS

| *Section | Title | Action | Timing | Details |
|-----------------------------------|-------------------------------------|--|---|--|
| 16.21 (Continued) | General | Shall Establish | Ongoing | <p>School districts must establish procedures to determine whether a student is mentally gifted – that is, they have an IQ of 130 or higher and/or fit into additional criteria, including:</p> <ul style="list-style-type: none"> • A year or more above grade achievement level for the student's age group in one or more subjects. • An observed or measured rate of acquisition/retention of new content or skills. • Demonstrated achievement in one or more academic areas. • Early and measured use of high-level thinking skills, academic creativity, leadership skills, intense academic interest areas, communications skills, foreign language aptitude, or technology expertise. • Documented evidence that intervening factors (such as English as a Second Language), gender or racial bias, socio-economic or cultural deprivation are masking gifted abilities. |
| 16.22 (Continued on next page) | Gifted Multidisciplinary Evaluation | <p>Shall Provide Notice Shall Refer</p> <p>Shall Provide</p> | <p>Prior to Evaluation When Conditions Apply</p> <p>Within 10 Calendar Days</p> | <p>School districts must provide notice and receive consent before performing an initial evaluation.</p> <p>Referrals are to be made when a teacher or parent suspects the child is gifted and not receiving appropriate education, and when one or more of the following apply:</p> <ul style="list-style-type: none"> • A request has been made by a student's parent(s). • The student is performing at a level that exceeds that of other students in a regular classroom. • A hearing officer or judicial decision orders an evaluation. <p>Parents may request an evaluation at any time but are limited to one request per school term. The request must be in a writing. School districts must make the permission form readily available. If a request is made orally to an employee or administrator, that individual must provide a copy of the permission to evaluate form within 10 calendar days of the request.</p> <p>Evaluations must be performed by Gifted Multidisciplinary Teams (GMDTs). The team is to be comprised of the student's parents, a certified school psychologist, persons familiar with the student's academic performance, one or more of the student's current teachers, persons trained in appropriate evaluation techniques, and (when possible) persons familiar with the student's cultural background.</p> <p>Evaluations must investigate a student's academic functioning, learning strengths, and educational needs. The evaluation must include information from the parents or others who interact with the student on a regular basis.</p> |

CHAPTER 16 - SCREENING AND EVALUATION PROCESS

| Section | Title | Action | Timing | Details |
|----------------------|---------------------------------------|---------------|-------------------------|--|
| 16.22 (Continued) | Gifted Multidisciplinary Evaluation | Shall Conduct | As Needed | <p>In order to protect the process, no single test may be used to make a determination of giftedness. Intelligence tests may not be used as the only measure of aptitude for students of limited English proficiency or with a racial-, linguistic-, or ethnic-minority background.</p> <p>Evaluations must meet the following criteria:</p> <ul style="list-style-type: none"> • Be free from racial, cultural, or disability biases. • Accurately reflect the student's aptitude. • Be professionally validated. • Be administered by certified school psychologists. • Assess specific areas of educational need and ability, not merely IQ. <p>The GMDT must prepare a written report that brings together the information and findings from the evaluations. The report must include a recommendation as to whether the child is gifted and in need of services (and the basis for those findings) and recommendations for the student's programming. Names and positions of members of the GMDT must also be included.</p> <p>The initial evaluation must be completed, and a copy of the evaluation report presented to the parents no later than 60 calendar days after receiving the consent form. (Calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term may not be counted.)</p> |
| 16.23 | Gifted Multidisciplinary Reevaluation | Shall Conduct | As Needed | <p>Gifted students must be reevaluated before a change in educational placement is recommended for the student.</p> <p>Additionally, gifted students may be reevaluated at any time by recommendation of the Gifted Individualized Education Plan (GIEP) team.</p> <p>Reevaluations must include a review of the GIEP, a determination of successes of the plan, and recommendations for revision.</p> <p>The timeline for reevaluation is the same as the initial evaluation.</p> |
| | | Shall Present | Within 60 Calendar Days | |
| | | Shall Present | Within 60 Days | |

CHAPTER 16 - GIFTED INDIVIDUALIZED EDUCATION PLAN (GIEP)

| *Section | Title | Action | Timing | Details |
|-----------------------------------|---------|-----------------|-----------|---|
| 16.31 (Continued on next page) | General | Shall Establish | As Needed | <p>A Gifted Individualized Education Plan (GIEP) must be created for the student and based upon his or her evaluation report.</p> <p>Revisions may be made based on review of the plan as outlined in 16.23.</p> |
| | General | Shall Include | As Needed | <p>Each GIEP team must include the following:</p> <ul style="list-style-type: none"> • One or both of the student’s parents. • The student, if parent(s) chooses to have the student participate. • A qualified, authorized representative of the school district to serve as chair of the GIEP team. • One or more of the student’s current teachers. • Other individuals at the discretion of the parents or district. • A teacher of the gifted. |
| | | Shall Establish | Ongoing | <p>The school district is responsible to establish and implement procedures to ensure the parents of gifted students are offered the opportunity to be present at each GIEP team meeting.</p> <p>Procedures must include any one or combination of the following: documented phone calls, letters, and certified letters with return receipts.</p> <p>The following should be included in the invitation for it to be considered a “reasonable effort” for parental participation:</p> <ul style="list-style-type: none"> • Purpose and location of the meeting. • The names of persons expected to attend. • Procedural rights available to protect the student and parent in clear language. • That a determination will be made at the meeting as to whether the student is gifted or not. • That if the student is determined to be gifted, a GIEP will be developed. • Notifying the parent and other persons of the meeting at least 10 days prior. |
| | | Shall Include | As Needed | <p>The GIEP of each student must contain the following:</p> <ul style="list-style-type: none"> • A statement of the student’s present levels of education performance. • A statement of annual goals and short-term learning outcomes. • A statement of the specially designed instruction and support services to be provided. For a student identified as having a disability, this would include accommodations and modifications. • Timeline for initiation, anticipated frequency, location, and anticipated duration of gifted education. • Objective criteria, assessment procedures, and timelines for determining on an annual basis whether the goals and learning outcomes are being achieved. • The names and positions of the GIEP team participants and meeting date. |

CHAPTER 16 - GIFTED INDIVIDUALIZED EDUCATION PLAN (GIEP)

| *Section | Title | Action | Timing | Details |
|----------------------|---------|-------------------|--------------------------|---|
| 16.31 (Continued) | General | Shall Be Provided | As Needed | A copy of the GIEP must be provided to parents along with a notice of parental rights regarding procedural safeguards. |
| | | Shall Notify | As Needed | The school district must notify teachers who work with a gifted student of their responsibilities under the GIEP. |
| | | Shall Develop | Within 30 Days | The GIEP must be developed no later than 30 days after the issuance of the GMDT's written report. |
| | | Shall Implement | Within 10 Days | The GIEP must be implemented no later than 10 days after it is signed or at the start of the following school year if completed less than 30 days before the last day of scheduled classes. |
| | | Shall Convene | Annually Upon Request | GIEP teams must convene annually at a minimum. A GIEP team meeting may also be convened at the request of a GIEP team member, parent, the student, or the school district. |

CHAPTER 16 - EDUCATIONAL PLACEMENT

| | | | | |
|-------|---------|--------------------------|-----------|---|
| 16.41 | General | Shall Decide | As Needed | <p>The GIEP team is responsible for making decisions about the educational placement of a gifted student. The placement must:</p> <ul style="list-style-type: none"> • Enable the student to receive specially designed instruction based on individual need. • Ensure the student will benefit from the rate, level, and manner of instruction. • Provide opportunities for the student to participate in acceleration or enrichment (or both) above those provided as part of general education. |
| | | Shall Adopt | Ongoing | Districts must adopt board policies related to caseloads and class sizes for gifted students to ensure sufficient staff for the services required in each student's GIEP. |
| | | Shall Not Exceed | Ongoing | As of July 1, 2010, the total number of students on a gifted teacher's caseload cannot exceed 65. Additionally, the number of students in a gifted teacher's class roster cannot exceed 20. These limits may be waived by the PA Secretary of Education in extenuating circumstances. |
| | | Shall Not Base Decisions | Ongoing | <p>Gifted placement may not be based on any of the following:</p> <ul style="list-style-type: none"> • Lack of availability of placement alternatives. • Lack of availability or efforts to make services available. • Lack of qualified staff. • Lack of space or facilities. • Administrative convenience. |

| *Section | Title | Action | Timing | Details |
|----------|---------|---------------|-----------------|--|
| 16.61 | Notice | Shall Provide | 10 Days Prior | <p>A school district must provide written notice to parents at least 10 days prior to conducting a gifted evaluation or reevaluation; initiating a change in identification, evaluation, or educational placement of a student; or proposing or refusing changes to a student's GIEP.</p> <p>A change may not be made to a student's status or GIEP if a judicial proceeding is pending, unless agreed by all parties.</p> <p>Notices must be written in language understandable to the general public. If necessary, the content shall be communicated orally in the native language of the parent(s).</p> <p>Notices must include:</p> <ul style="list-style-type: none"> • A description of the proposed action. • Reasoning for the proposed action. • Description of options considered. • Description of the evaluation or test that is the basis for the action. • Description of other factors used in the determination. • Full explanation of procedural safeguards. <p>The notice shall inform the parents of the following:</p> <ul style="list-style-type: none"> • Addresses and phone numbers of various organizations which are available to assist in connection with the hearing. • Timelines involved in conducting an evaluation, developing a GIEP, and initiating a hearing. • That an outside evaluation submitted by a parent will be considered. • Information related to impartial due process hearings. |
| 16.62 | Consent | Shall Obtain | As Needed | <p>School districts must have documented, written parental consent prior to conducting an evaluation, placing a student in a gifted program, or disclosing identifiable information related to the student to unauthorized persons.</p> |
| | | Shall Present | Upon Completion | <p>After completion of the GIEP, a copy must be presented to the parent(s) along with a notice of recommended assignment, signed by the district superintendent, and a notice of parental right to an impartial due process hearing. The notice must be presented in person at the conclusion of the GIEP conference or by certified mail with five calendar days after completion of the conference. Notices must be written in language understandable to the general public. If necessary, the content shall be communicated orally in the native language of the parent(s).</p> |
| | | Shall Respond | Within 10 Days | <p>Parents have 10 calendar days to respond to the notice of recommended assignment sent by mail or five days to respond to a notice presented in person at the conclusion of the GIEP Conference.</p> |
| | | Shall Wait | At Least 5 Days | <p>If parents receive the notice in person and approve within five calendar days, the school district must wait at least five calendar days before implementing to give parents a five-day period to revoke their approval.</p> |

CHAPTER 16 - PROCEDURAL SAFEGUARDS

| *Section | Title | Action | Timing | Details |
|----------|-------------------------------|----------------|-------------------------|--|
| 16.63 | Impartial Due Process Hearing | Shall Be Held | As Needed | <p>Parents have the right to request a due process hearing if they disagree with the identification, evaluation, educational placement, or provision of gifted education for their child. Unless agreed upon by both parties, the student will remain in his or her current education placement pending the outcome of the hearing.</p> <p>A district may request a hearing to proceed with an evaluation or reevaluation if a parent fails to respond to the request or if the parent rejects a proposed placement (other than the initial placement). If the parent fails to respond or refuses to consent to initial provision of gifted services, neither due process nor mediation may be used.</p> <p>The hearing must be held in the local school district and at a place reasonably convenient to the parents. It may be held during the evening at the parent's request. These options must be included on the form provided for requesting a hearing.</p> <p>The hearing must be an oral, personal hearing and be open to the public unless the parents request a closed hearing at least five days prior. If open, the decision issued – and only the decision – shall be available to the public. If closed, the decision shall be treated as part of the student's record and not available to the public.</p> <p>The decision of the hearing officer must be evidence-based. The officer will have the authority to order additional evidence.</p> |
| | | Shall Provide | Upon Request | <p>A written transcript of the hearing must be provided to parents, upon request, at no cost.</p> <p>Parents may be represented by a legal counsel, and the parents or their representative must be given access to the student's educational records.</p> <p>The decision of the hearing officer may be appealed to the court.</p> <p>A hearing officer may not be an employee or agent of the school district where the parents or student resides or agency responsible for the education or care of the student.</p> |
| | | Shall Be Held | Within 30 Calendar Days | <p>Hearings must be held within 30 calendar days of the initial request and a decision shall be made within 45 days of the initial request.</p> |
| | | Shall Maintain | Ongoing | <p>School districts must keep a list of persons who serve as hearing officers, including the qualifications of each officer. Parents must be informed of the availability of this list and copies provided upon request.</p> |
| | | Shall Be Used | As Needed | <p>Mediation may be used to settle a dispute regarding a student's gifted education. If used, a written agreement must be prepared and placed in the child's record and included in the GIEP. Additionally, each party shall receive an executed copy of the agreement.</p> <p>The mediator must meet with both parties in a joint session and individually in private sessions.</p> <p>Mediation conferences are confidential and shall not be recorded.</p> <p>The mediator may not be called as a witness in future proceedings.</p> <p>A GIEP team must be convened within 10 school days following the mediation agreement.</p> <p>Mediation may not be used to deny or delay a party's right to a due process hearing.</p> |

Act 1 of 2006 (Special Session)

TAXPAYER RELIEF ACT

Act 1 of 2006 (Special Session), also known as the Taxpayer Relief Act, established what is known as the Act 1 Index. The index determines the maximum percentage increase a school district can raise taxes without a voter referendum. The Act was amended by

Act 25 of 2011, which gives power to the PA Department of Education (PDE) to grant exceptions for school districts. These exceptions allow school districts, under certain conditions, to raise taxes above the district's index without a voter referendum.

SPECIAL SESSION ACT 1 OF 2006

| *Section | Title | Action | Timing | Details |
|--|--|---------------------------|---|--|
| 333 Special Session Act 1 Of 2006 Act 25 of 2011 | Public Referendum Requirements for Increasing Certain Taxes | Shall Seek Voter Approval | As Needed | Act 1 of 2006 (Special Session) requires that school districts receive voter approval or a special exemption from the Pennsylvania Department of Education (PDE) for tax increases greater than the "Act 1 Index." PDE shall set the index annually based on statewide wage growth and employee compensation increases nationwide. |
| | | Shall Determine | Annually | For FY 2021-2022, the base index is 3.0%. For FY 2022-2023, the base index will be 3.4%. For school districts with a market value/personal income aid ratio (MV/PI AR) greater than .4000, the value of their index is adjusted upward. PDE posts an adjusted index listing on education.pa.gov that outlines the index for all 500 school districts in the Commonwealth. |
| | | Shall Submit | No Later Than 85 Days Prior to Election | All school districts seeking to increase taxes must submit information to PDE no later than 85 days prior to the date of the election immediately prior to the beginning of the fiscal year (the primary election, for school districts operating on a July to June fiscal calendar). Within 10 days of receipt, PDE will inform the district whether the proposed tax is less than, equal to, or above the district's index. |
| | | May Apply | If Applicable | If the proposed tax is less than or equal to the district's index, no further action is needed. If the proposed tax is greater than the district's index, the school district may apply for an exception through the PDE. If the exception is granted, this increase does not need to go to a referendum. Exceptions may be given if the increase is needed to cover: <ul style="list-style-type: none"> The local share of existing debt or a portion of the local share of new debt. Increases in pension costs attributable to increases in the required employer contribution rate exceeding the index. (Increase in pension costs attributable to an increase in salaries does not qualify for an exception.) |
| | | Shall Submit | In Accordance with Policy | Districts needing voter approval on a proposed tax increase must submit ballot questions to county Board of Elections pursuant to Board policy to be included on the ballot. |
| | | Shall State | With the Ballot | The ballot question must ask if voters approve raising taxes by a specified percentage above the district's index plus the amount of the exception (if any). |
| | | Shall Provide | With the Referendum | A non-technical interpretive statement must also be included. This statement must explain why the district is seeking the increase and what may happen if denied. The statement shall be written in conjunction with the county Board of Elections. |
| | | Shall Not Use | At Any Time | No public funds may be used to seek to persuade voters. A school district that is granted an exception may still seek a referendum to raise the tax an additional amount, above that which was granted by the exception. |

At A Glance

STATE MANDATES FOR PUBLIC SCHOOL DISTRICTS

Comprehensive Disaster Response and Emergency Preparedness Plans are not only required but must be reviewed and distributed annually.

School Safety Personnel, including the school safety and security coordinator, school police officers, school resource officers, and school security guards face mounting extensive requirements, with additional duties being added around threat assessment teams within the 2021-2022 school year.

School District Websites should include a repository of all policies and procedures.

Charter School mandates include providing per-child funding and transportation for charter school students. For cyber charters, school districts must also provide facility access and upon request, assistance in delivering services to students with disabilities.

Beginning with the 2022-2023 school year, **New Graduation Requirements** will take effect. These include a satisfactory composite score on the **Keystone Exams** or an approved alternative method of assessment as outlined in Section 121 of the Pennsylvania Public School Code.

A **Civic Knowledge Assessment** must be administered once between seventh and twelfth grades beginning with the 2020-2021 school year. A proficient score on this assessment is not a requirement for graduation.

The mandates for **Special Education Services and Programs** (Chapter 14), **Protected Handicapped Students** (Chapter 15), and **Special Education for Gifted Students** (Chapter 16) are in place to comply with federal standards.

There are strict mandates for **Caseloads** and **Training Requirements** related to special education professionals, including those working with gifted students.

Mandated Reporting to the PA Department of Education includes both annual reports and filings on a multi-year basis. See “Mandated Reporting” below for more details.

MANDATED REPORTING TO PDE

| | |
|------------------------------------|---------------|
| Safe Schools Incident Reports | Annual |
| School Police Officers | Annual |
| Bus Evacuation Drill Certification | Annual |
| Annual Financial Reports (AFR) | Annual |
| State Report Cards | Annual |
| Graduation & Drop-Out Rates | Annual |
| AED Placement | Annual |
| Special Education Reports | Annual |
| Early Intervention Reports | Annual |
| Anti-Bullying Policy | Every 3 Years |

The above list represents major mandated reports and is not an all-encompassing list.

Health and Wellness is an area that continues to expand with recent legislation adding mandates around diabetes care in schools, the use of epinephrine auto-injectors, and sun protection for students.

Professional Development for educators is mandated by the Pennsylvania Public School Code, but in many cases does not define the total hours required (see “Mandated Training Hours for Educators” below).

MANDATED TRAINING HOURS FOR EDUCATORS

| | |
|---|------------------|
| Trauma-Informed Approaches | 1 Hour |
| School Safety & Security | 3 Hours/5 Years |
| Child Abuse Recognition & Reporting | 3 Hours/5 Years |
| Child Exploitation Awareness ¹ | 4 Hours/5 Years |
| Youth Suicide Awareness | 4 Hours/5 Years |
| AED Training ² | Undefined |
| Alcohol, Drugs, Tobacco, & Controlled Substances ³ | Undefined |
| CPR Training ⁴ | Undefined |
| Holocaust, Genocide, & Human Rights ⁵ | Undefined |
| Preventing Exposure to Allergens ⁶ | Undefined |
| Preventing Opioid Abuse ⁷ | Undefined |
| School Security Drill Training ⁸ | Undefined |
| Diabetes Care ⁹ | Undefined |
| Epinephrine Auto-Injectors ¹⁰ | Undefined |
| TOTAL | 15 Hours/5 Years |

¹ Child Exploitation Awareness is not a required training, but for those that do offer it, there is a minimum of four hours every five years.

² AED training is required only for staff expected to use AEDs. This training should also include CPR.

³ Training in alcohol, drug, tobacco, and controlled substance awareness must be included as part of in-service training, but the amount of hours is not specified.

⁴ Educators are not explicitly required to have CPR training but schools are mandated to provide a CPR training session once every three years.

⁵ For schools offering coursework on the Holocaust, genocide, and human rights, these topics must be included in in-service training.

⁶ The Department has made available “necessary training in preventing exposure to allergens” but does not define it further.

⁷ Opioid abuse training is required as part of in-service for instructors expected to teach on the subject. Hour requirements are not specified.

⁸ School administrators are expected to train all school employees in procedures used for school security drills.

⁹ Diabetes care training is mandated for individuals who are designated by a school nurse to provide such care.

¹⁰ Training for the use of epinephrine auto-injectors is mandated for those individuals designated by a school nurse to provide such care. School bus drivers and crossing guards may also receive this training.

The federal government has two primary levers to shape education policy: (1) money, in the form of federal education funding; and (2) ensuring fairness, generally through mandates that focus on ensuring equity in education.

1 FINANCIALS

The **Elementary and Secondary Education Act (ESEA)** is the largest and most comprehensive federal law that authorizes federal spending on K-12 public education. In order to receive this money, states must continue to meet certain requirements. If a state does not meet these requirements, federal funding may be withheld. Each state's legislature determines how the state will fulfill the requirements set by federal policy. This state law, with some direction from federal law, places requirements on the state, local school districts, individual schools, and authorizers. The state education agency officially receives this money from the federal government, and as the funding recipient, has primary responsibility for verifying that the state is meeting these requirements.

Title 1 includes the most well-known requirements a state must meet to continue receiving the largest allocation of federal education dollars:

- Set challenging academic standards for core subjects.
- Assess students annually on their proficiency according to these standards (commonly through standardized tests).
- Let the public know how every school in the state is performing each year (commonly called the State Report Card requirement).
- Engage in activities to improve performance in low-performing schools.

There are other requirements tied to additional funding sources that address topics such as teacher and principal quality, education of English learners and other special student populations, and education in some geographic areas.

2 EQUITY

Federal policy also guides what states, districts, and individual schools must do to ensure they are serving all students fairly and appropriately. This is commonly done through mandates, which apply regardless of whether the school receives federal education funds. Many of these mandates, including the **Individuals with Disabilities Education Act (IDEA)** and the **McKinney-Vento Homeless Assistance Act**, focus on educational equity for all students and are rooted in the equal protection clauses of the Constitution. Federal mandates also address family privacy and the health and safety of school students and personnel.

STUDENTS WITH DISABILITIES

Federal laws mandate that school districts must meet the educational needs of all children and provide procedural safeguards for students with disabilities and their parents.

HOMELESS YOUTH

Federal laws require states and schools to follow specific rules to ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children.

REPORTING

School districts are required to report on homeless/unaccompanied youth as part of the McKinney-Vento Act.

Additional reporting is required around Title I staff and student participation; Title III nonpublic student count; Title III professional development activities survey; a Limited English proficiency survey; and per-student, per-building spending.

STUDENT RECORDS

Federal laws and regulations contain numerous requirements regarding confidentiality of student records.

ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) OF 1965

The Elementary and Secondary Education Act (ESEA) is the largest and most comprehensive federal law that authorizes federal spending on K-12 public education. It was passed in 1965 and must be reauthorized periodically. Here is a look at the law, and its reauthorizations, through the years.

The ESEA was passed in 1965, focusing on federal funding and content standards for public school districts.

The No Child Left Behind (NCLB) Act of 2001 reauthorized ESEA and added new requirements for measuring output, creating a stronger tie between federal funding and state testing results.

Race to the Top was initiated in 2009, placing a greater emphasis on measuring educator effectiveness through student test results.

The Every Student Succeeds Act (ESSA) is the latest reauthorization of ESEA. It returned some federal power to the states, including evaluation measures and teacher quality standards while also adding additional reporting requirements.

HEALTH AND SAFETY PLAN

The American Rescue Plan (ARP) Act requires each local education agency (LEA) that receives funding under the ARP Elementary and Secondary School Emergency Relief (ESSER) Fund to develop and make publicly available on the LEA's website a Safe Return to In-Person Instruction and Continuity of Services Plan (a "Health and Safety Plan").

Based on ARP requirements, 90 percent of ARP ESSR funds will be distributed to school districts and charter schools based on their relative share of Title 1-A funding in FY 2020-2021.

The Health and Safety Plan must address how it will maintain the health and safety of students, educators, and other staff, and which will serve as local guidelines for all instructional and non-instructional school activities during the period of the LEA's ARP ESSER grant.

The ARP requires LEAs to review their Health and Safety Plans at least every 6 months during the period of the LEA's ARP ESSER grant. LEAs must also review and update their plans whenever there are significant changes to the CDC recommendations for K-12 districts.

FEBRUARY 2022

STATE MANDATES

BERKS COUNTY SCHOOL DISTRICTS



**BERKS COUNTY
INTERMEDIATE UNIT**

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