

A Look at Education-Related State Mandates and Other Regulations*

Every state has a public school system to provide free education to every child, and public schools are government-run schools regulated by federal, state, and local law. The official version of Pennsylvania's education regulations can be found by clicking on [PA Code, Title 22](#) in both web page (HTML) and Adobe PDF formats.

Each state has mandates that schools must follow. Unfortunately, state mandates continue to be approved and handed down to school districts for implementation with little regard for money, other resources, and how much time they take away from what educators are trained to do, which is to teach and educate children. In Pennsylvania, the growth in mandated expenses, particularly pension costs and charter school tuition payments over the last several years, have drastically outpaced the growth in all other areas of school spending. The costliest mandated expense public schools are currently facing is pension costs. As employer contribution rates have increased over the last several years, the percentage of school budgets being consumed by pension costs has grown at a commensurate rate, which drains resources away from classrooms. However, there are many other mandates that also have similar such consequences, albeit to a lesser scale.

In October 2014 school directors voting at the Pennsylvania School Boards Association (PSBA) Delegate Assembly selected four legislative priorities for the 2015-16 session of the PA General Assembly. One document produced from this initiative provides an in-depth discussion on the priority issue of mandate reform. That document, which contains education-related mandates in the Commonwealth, can be seen by clicking [here](#). Some mandates and/or changes in law and/or regulations, which were not included in the aforementioned PSBA document since they came after its being published, are listed below.

This list is not all-inclusive and should not be considered an official document. Please refer to the actual law, regulation, memo, or similar such information to ensure that you are reviewing the original document and are aware of any updates, etc.

School Security Personnel

[Act 67 of 2019](#), formerly [Senate Bill 621](#) makes numerous changes to the School Code concerning school security personnel, which includes school police officers, school resource officers (SROs) and school security guards. Defines school employees who can be lawfully armed.

Trauma-Informed Education/Threat Assessments/Grants, Etc.

[Act 18 of 2019](#), formerly [Senate Bill 144](#) makes various changes to [Act 44 of 2018](#) as well as sets new provisions.

Flexible instruction days -- [Act 64 of 2019](#), formerly [Senate Bill 440](#), allows schools to use Flexible Instructional Days (FIDs) in the instance of a cancellation to fulfill instructional requirements in English language arts, math, science and social studies. Interested schools would apply with the PA Department of Education (PDE); approved applications would be valid for three years, when the school would need to reapply. School districts may use up to five flexible instructional days per school year.

2019-20 State Budget

[Act 1A of 2019](#), the 2019-20, the state budget was completed before the June 30 deadline. The \$34 billion budget inserted into [House Bill 790](#) is a spending increase of \$596 million, or 1.8%, over the 2018-19 budget. Key appropriations for education include a \$160 million increase for the basic

education subsidy, \$60 million for school safety and security grants, \$50 million more for special education, and a \$10 million increase for career and technical education.

Omnibus School Code Amendments

[Act 16 of 2019](#), also known as the Omnibus School Code amendments under [House Bill 1615](#), makes the following part of the PA School Code:

- Redefines **compulsory school age** from ages eight (8) to 18 to be established as **ages six (6) to 18**.
- Reconstitutes the **Special Education Funding Commission** to review the funding formula for special education payments. The commission's work will be limited to reviewing payments to school districts. The group will convene by Aug. 15, 2019 and issue a report by Nov. 30, 2019.
- Provides that the test scores for students that are habitually truant 20% of the days during the school year shall not be included in the school accountability performance calculation. The **full academic year requirement for PA System of School Accountability for ESSA purposes** means that the student is enrolled on or before Oct. 1 through the last day of the testing window.
- Provides for **all references in statute or regulations to "area vocational technical school" to be replaced with "area career and technical school."**
- Provides **level funding for intermediate units to be funded at an amount equal to 5.5% of the special education funding appropriation.**
- Provides that if a student is not eligible for participation in the school food program and owes more than \$50 in a school year for meals, a school **may provide alternative meals** to the student until the student's unpaid balance for school meals is paid or a payment plan has been established. Such actions by schools who choose to provide an alternative meal **shall not** be considered as public identification or stigmatization of a student through "lunch shaming."
- Provides for the secondary **career and technical education subsidy** to be fully funded and not prorated by PDE. Full funding will provide an estimated \$66.5 million for career and technical education programs offered at school district and area career and technical centers, an increase of about \$7 million over the amount provided in fiscal year 2018-19.
- Allows school districts to submit an electronic copy of their budget to the PDE, and for PDE to post **school district budgets** on its website within thirty (30) days of receipt of such information.
- Establishes the Keystone Telepresence Education Grant program, which will give the state's 29 intermediate units access to a maximum of \$300,000 in funds to purchase telepresence equipment to support homebound students facing serious medical conditions.
- Extends the **PlanCon moratorium** prohibiting PDE from approving new school building construction or reconstruction applications for fiscal year 2019-20.
- Provides that a person that has served as a chief recovery officer or financial administrator is **eligible** for election or appointment as a superintendent or assistant superintendent.
- Provides for the designation of two (2) innovation schools to study and evaluate innovative approaches to serving the needs of economically disadvantaged students in the areas of workforce development, mentoring services, before-school and after-school programs, prevention measures and social wrap around services. Requires the designated schools to be in the bottom 5% of schools in the Commonwealth based on income, have a special education

population greater than 20%, have either partnered with behavioral health specialists or provided integrated health services and be located in a federally designated Promise Zone.

- Increases the amount of tax credits available for scholarship organizations under the **Education Improvement Tax Credit (EITC)** program by \$25 million, from \$160 million to \$185 million. Increases the maximum annual household income allowed for scholarship eligibility from \$85,000 to \$90,000. Adds a Qualified Subchapter S Trust to the definition of a “pass-through entity” and provides preference for tax credits submitted on July 1 for a two-year commitment by a business firm that was denied credits in the prior fiscal year.
- Provides for a new \$5 million tax credit to increase the award amount for opportunity scholarships received through the **Opportunity Scholarship Tax Credit Program (OSTC)** by students attending economically disadvantaged schools by up to \$1,000. It also increases the maximum scholarship amount for a student attending an economically disadvantaged school from \$8,500 to \$9,500 and a student with disabilities attending an economically disadvantaged school from \$15,000 to \$16,000.
- Includes provisions to distribute Basic Education Funding (BEF) to school districts, which includes \$5.55 billion in base payments and about \$700 million to be distributed through the formula. The amount to be distributed provides for an increase of \$160 million over 2018-19. **Provides the disbursement of funds to make payments for the state’s share of school employees’ Social Security and Medicare contributions from the BEF appropriation.** Provisions are included to identify shortfalls in payments prior to the end of fiscal year and to distribute any excess funds through the basic education funding formula. The amount budgeted for Social Security and Medicare contributions in the 2019-20 state budget is \$487 million.
- Allows PDE to use **up to \$7 million in undistributed funds to assist school districts in financial distress** or identified for financial watch status.
- Provides for the distribution of **Ready-to-Learn Block Grants to each school entity in an amount not less than the amount received from the 2018-19 appropriation** for Ready-to-Learn Block Grants (\$268 million).
- Beginning in the 2019-20 school year, **PDE will provide assistance with fees for advanced placement (AP) and International Baccalaureate (IB) exams for to students in financial need.** A school entity offering the exam shall not accept any rebates from the College Board or IB program for students with financial need, and the rebate shall be credited toward the exam fee.
- Establishes a **tuition and fee waiver program for youth who are or were in foster care** who are Pennsylvania residents and eligible for the federal Chafee Education and Training Grant Program under the Federal Foster Care Independence Act of 1999, beginning with the fall 2020 semester.

Indicator 13 Requirements

On July, 5, 2019 Pat Hozella, Interim Director of the PA, Bureau of Special Education, Disseminated a Penn*Link memo to all LEAs titled *Indicator 13: What Local Educational Agencies (LEAs) Need to Know for Compliance Monitoring for Continuous Improvement (CMCI)*. The memo stated that in response to the accountability requirements under the Individuals with Disabilities Education Act (IDEA) of 2004, Part B State Performance Plans, the Pennsylvania Training and Technical Assistance Network (PaTTAN) will be providing a required training session for LEAs targeted (not all LEAs are involved each year) for CMCI for the 2019-2020 school year. The training will prepare LEAs for the requirements of compliance monitoring as it relates to secondary transition and to highlight effective practices in secondary transition. All targeted LEAs listed below, along with their transition support

team, should participate in the upcoming training webinar. Team members may include any educational staff that are involved in the administration and supervision of special education programs (e.g., special education directors, building principals, transition coordinators, etc.). The webinar will be held on Friday, September 13, 2019 from 9:00 AM – 11:00 AM. Registration is available on PaTTAN's website at www.pattan.net. For questions concerning the Indicator 13: Ensuring Success and Compliance training, please contact Hillary Mangis, Educational Consultant at the PaTTAN Pittsburgh Office, at 800.446.5607, ext. 6878 or hmangis@pattan.net.

Act 7 of 2019 – CPR Education

On June 12, 2019 Governor Wolf signed into law [Act 7 of 2019, formerly Senate Bill 115](#), which requires the Pennsylvania Department of Education (PDE) to create a curriculum for teaching CPR and includes lessons on the use of automatic external defibrillators (AEDs). The curriculum would teach “hands-only” CPR, which is a no-breath, compression-only method that the American Heart Association recommends for sudden cardiac arrest. The law also requires high school students to learn CPR prior to graduation. It is effective beginning in the 2019-20 school year.

Survey of Parents of Students with Disabilities

On June 4, 2019, PDE released a memo titled *Survey of Parents of Students with Disabilities*. PA's State Performance Plan requirements under the IDEA include collecting and reporting data on the involvement of families in special education programs. Specifically, states must report annually to the U.S. Department of Education's Office of Special Education Programs (OSEP) and the public on State Performance Plan Indicator 8, which is the “percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.” About 20% of PA's Local Educational Agencies (LEAs) are chosen to participate in this process each year.

2019-2020 Special Education Compliance Monitoring Training and Schedule

On June 4, 2019, PDE released a memo titled *2019-2020 Special Education Compliance Monitoring Training and Schedule*. LEAs appearing on the 2019-20 schedule for compliance monitoring were strongly encouraged to participate in one of the monitoring trainings held at the Pennsylvania Training and Technical Assistance Network (PaTTAN) offices. Those not appearing on the 2019-20 schedule will be required to be involved in the process in future years.

July 2019 Special Education Table 8A Submission

On June 5, 2019, PDE released a memo titled *July 2019 Special Education Table 8A Submission*. In July 2019, LEAs assigned to the 2019-20 reporting cohort were to submit their data for Special Education Table 8A, Report of Children with Disabilities Evaluated July 1, 2018 through June 30, 2019. A list of all LEAs required to submit Table 8A in July 2019 was also provided. If an LEA does not appear on the list, the LEA is not required to submit Table 8A data in July 2019. The Table 8A Template for the July 2019 submission was made available on the Special Education Data Reporting website at <http://penndata.hbg.psu.edu> under the Data Management tab in the 2018-2019 section, scroll down to Table 8A Template. Questions regarding completion and submission of Table 8A should be referred to the Intermediate Unit Data Manager. Other questions may be referred to Jodi Rissinger in the PDE Bureau of Special Education (BSE) at jrissinger@pa.gov or [717.783.6911](tel:717.783.6911).

Local Educational Agency Special Education Data Reports Online Preview

On Friday, April 26, 2019 PDE's Bureau of Special Education (BSE) released a Penn*Link communiqué titled *Local Educational Agency Special Education Data Reports Online Preview*. That document reminded readers that states are required to report LEA performance on the following State

Performance Plan school-age indicators for students with disabilities: Graduation Rates; Dropout Rates; Participation and Performance on Statewide Assessments; Suspension Rates; Educational Environments; School-Facilitated Parent Involvement; Disproportionate Representation by Race/Ethnicity Receiving Special Education; Disproportionate Representation by Race/Ethnicity in Specific Disability Categories; Timelines for Initial Evaluation; Individualized Education Program Secondary Transition Goals and Services; and Post-School Outcomes. To fulfill the State Performance Plan public reporting requirement for the 2017-18 school year, each LEA was given an online Special Education Data Report (SEDR) that shows local performance on the above indicators. In some instances, an LEA's report will not have data for every indicator (e.g., the data comes from cyclical monitoring and the LEA was not monitored in 2017-18 or the data set is too small to be reliable) and a reason code will be on the report. Prior to PDE publishing these reports publicly, LEAs were given an opportunity to preview the site and their reports. The preview period began April 29, 2019, and ended on May 3, 2019.

Sun Protection Measures

In October 2018, [Act 105 of 2018](#) was passed into law amending the PA School Code to include sun protection measures for students. Along with that legislation, [Section 1414.10 \(2\) of the PA School Code](#) allows for the use of a non-aerosol topical sunscreen product by students in school if three conditions are met, which are: 1) The product is approved by the Food and Drug Administration; 2) The parent/guardian must submit a form allowing the student to use the topical sunscreen; and 3) The student must submit a form stating that they are aware of the proper use and safety precautions of the product and will handle it appropriately. The school entity may rescind or restrict the use of the sunscreen if the student does not follow the school rules and/or the student is unwilling or unable to keep the non-aerosol sunscreen product guarded from other students' use. The school entity must provide written notice to the parent/guardian if it rescinds or restricts the use of the sunscreen. In April 2019, PDE provided two forms for school entity usage that can be adapted to meet a school entity's requirements.

[Parent-Guardian Sunscreen Form](#) (Word)

[Student Sunscreen Form](#) (Word)

Reporting the Outcomes of All Due Process Resolution Meetings

On March 19, 2019, PDE's Bureau of Early Intervention Services and Family Support released a PennLink communiqué to inform Local Educational Agencies (LEAs) of their requirements for reporting due process resolution meeting outcomes. Annually, the U.S. Department of Education, Office of Special Education Programs requires the PDE Bureau of Special Education (BSE) to report the outcomes of all due process resolution meetings, whether held or not held. LEAs must provide resolution meeting data for all due process complaints initiated by parents. LEA-initiated due process complaints do not require a resolution meeting. PDE meets this federal reporting obligation, in part, through the data collection work by the Office for Dispute Resolution (ODR). ODR collects the data on due process resolution meetings through the Resolution Meeting Data Form (RMDF). BSE addresses any compliance concerns with the data submitted. Currently, LEAs may complete the RMDF online or they may send a paper copy of the completed document to ODR. Effective March 25, 2019, all RMDFs must be submitted online to ODR. Paper copies will not be accepted.

Participation in State Assessments and Parental/Guardian Rights Afforded Under Chapter 4 and Accountability Under ESSA

On Friday, March 1, 2019 PDE released a Penn*Link titled *Participation in State Assessments and Parental/Guardian Rights Afforded Under Chapter 4 and Accountability Under ESSA*. In the message, LEAs were reminded that, as the PSSA and spring Keystone testing windows approach, they should be

mindful of requirements for participation in state assessments. According to Deputy Secretary Stem, the U.S. Department of Education (USDE) continues to require participation of all students; however, in recognition of special circumstances, USDE provides some flexibility for five percent non-participation. This five percent flexibility is important to Pennsylvania, as Chapter 4 regulations allow parents/guardians to have their children excused from testing due to a conflict with religious belief. Though Pennsylvania regulations permit this excusal, USDE does not recognize this as an allowable reason for non-participation and all students who do not participate due to the allowance in Chapter 4 will have a negative impact on an LEA's/school's participation rate, and potentially achievement rate as well. For more information, LEAs are invited to view the webinar: <https://youtu.be/kPIWKVDkqII>.

CATS Secondary Program Approval

In February of 2019, the [CATS Secondary Program Approval](#) was revised. The file is a series of individual pages containing data elements pertaining to various aspects of approved CTE programs. The Bureau recommends that approval for programs of study (POS) be sought for all programs for which a POS exists. For programs for which a POS has not been developed, Tech Prep approval should be sought. All approved programs must be delivered as POS or Tech Prep. All industry certifications must be entered for the teacher and students. The 2019-20 CATS Secondary Program Approval file was open in March 2019 for new secondary CTE program approval requests. The deadline for seeking new program approval was May 31, 2019. CATS was available for access at the login on [PDE's homepage](#). The newly updated [CATS Secondary Program Approval Instructions](#) were also available on the PDE website. Any secondary institution may submit a request for POS approval.

Act 158 of 2018 - Expanded Options for Students to Demonstrate Postsecondary Readiness

On February 22, 2019, PDE's Bureau of Curriculum, Assessment, and Instruction released two memos providing guidance with regard to [Act 158 of 2018](#) which, in conjunction with Act 6 of 2017, expands the options for students to demonstrate postsecondary readiness through five pathways that illustrate college, career, and community readiness. The statewide graduation requirement outlined in both Act 6 and Act 158 takes effect for the graduating class of 2022. As part of the implementation of these graduation pathways, PDE transitioned the Project Based Assessments (PBA) from web-based assessments to local resource documents, and PBAs submitted to the <http://pba.pdesas.org/> website prior to March 31, 2019 were evaluated by PDE. Projects completed after the March 31, 2019 deadline were not reviewed or scored by PDE. Projects should be evaluated at the local level, at the LEA's discretion. The PBA website was taken off-line on June 30, 2019. As required, PDE released a [Guidance FAQ document](#) to provide an overview of changes to the statewide graduation requirement as a result of Act 158. More information about the new statewide graduation requirement is available on the [PDE website](#). Questions may be directed to RA-EDGRADREQUIREMENT@pa.gov.

Dental Hygiene Services Program Authorization Plan

The PA Department of Health (PDH) announced that the Dental Hygiene Services Program Authorization Plan were to be submitted by school districts between April 1 to April 30, 2019 for the upcoming school year. School districts were reminded that completing the authorization plan did not automatically submit it. School districts were also reminded that they are still required to employ or contract with a dentist when they have a dental hygiene program and that the written plan must be approved when created, amended, and/or at least every three (3) years. Any school district that did not submit the Dental Hygiene Authorization Plan by April 30, 2019 was automatically classified as a "Mandated Dental Program" and unable to convert to a hygiene program after April 30th with no exceptions permitted due to the dynamics of the SHARRS program.

Chronic Conditions Count

From March 15-30, 2019, the state-mandated Chronic Conditions Count was taken throughout the Commonwealth. Data collected was saved and then reported on the school district's annual SHARRS report when it opened on May 15th. The SHARRS instruction manual Chapter 13 provides further guidance on collecting this data at:

<https://www.health.pa.gov/topics/Documents/School%20Health/SHARRS%20User%20Instruction%20Manual%202016.pdf>

National Deaf-Blind Child Count

Annually, the U.S. Department of Education, Office of Special Education Programs (OSEP), requires the Pennsylvania Deaf-Blind Project to conduct the National Deaf-Blind Child Count, formerly called the National Deaf-Blind Census. The Deaf-Blind Child Count records the number of infants, toddlers, preschoolers, and students who have dual sensory impairments or who are at risk of developing dual sensory impairments, and who are enrolled in early intervention or special education as of the December 1, 2017 Individuals with Disabilities Education Act (IDEA) child count. The count was conducted beginning February 1, 2019. Each Local Educational Agencies (LEA) was to verify and submit their information no later than February 28, 2019. The Deaf-Blind Child Count website is: https://www.leaderservices.com/_DBCensus.

Safe2Say Something

On January 14, 2019, PA schools implemented a new anonymous tip line. Safe2Say Something is an anonymous tip line that is available 24/7/365 in all Pennsylvania schools for students in grades six through 12. Anyone can use the tip line to submit an anonymous tip regarding persons who may be a threat to themselves and/or others. To submit a tip, people can call the hotline at 1-844-SAF2SAY (1-844-723-2729) or on their own phone through the Safe2Say app.

Act 55 of 2017 - Opioid Misuse Prevention

PAPSA Executive Director Dr. Doug Arnold spoke with Carol M Kuntz, Director of the PA Office for Safe Schools about how schools can address the instructional requirements for Act 55 of 2017. Ms. Kuntz encouraged LEAs to check out PDE's Opioid Misuse Prevention Act 55 of 2017 webpage at <https://www.education.pa.gov/Schools/safeschools/laws/Pages/Act55.aspx>. Ms. Kuntz also encouraged LEAs to check out two curricula that cover Act 55 instructional requirements for grades K through 12. They are Operation Prevention, <https://www.operationprevention.com/> and The HOPE Curriculum, <https://starttalking.ohio.gov/Schools/The-HOPE-Curriculum>. Both curricula have been vetted by Pennsylvania school administrators and health teachers, and meet the health curriculum standards. They are free for schools to use. Ms. Kuntz also wants everyone to know that the Office for Safe Schools is there to help schools throughout the Act 55 of 2017 process and can be reached at [717.783.6469](tel:717.783.6469) or via email at carkuntz@pa.gov.

CSPG 61 – Special Education PK-8 and 7-12

On January 3, 2019, the Division of Certification Services, Bureau of School Leadership and Teacher Quality, informed all LEAs of Certification Staffing Policies and Guidelines (CSPG) updates that are now in effect in the Commonwealth. A particular update pertinent to pupil services is CSPG 61 – Special Education PK-8 and 7-12 – which added the restriction for Special Education 7-12 to teach 6th grade. All CSPG information is found on the [PDE Website](#).

Revised Special Education Forms

The PDE Bureau of Special Education released a Penn*Link email on December 18, 2018 titled *Revised Special Education Forms* informing LEAs that certain special education forms on the

Pennsylvania Training and Technical Assistance Network (PaTTAN) website have been revised. The revisions to the special education forms are a result of a change in terminology replacing mental retardation with intellectual disability in both 22 PA Code Chapter 14 and 22 PA Code Chapter 711. The revisions to the special education forms also bring the PA School Code into alignment with federal regulations and the Individuals with Disabilities Education Act of 2004. The revised special education forms are effective immediately and include non-annotated forms such as *Procedural Safeguards Notice*; *Procedural Safeguards Letter*; *Evaluation Report*; *Reevaluation Report*; and *Individualized Education Program (IEP)*. Annotated forms are *Agreement to Waive Reevaluation*; *Permission to Reevaluate — Reevaluation Request Form*; *Evaluation Report*; *Reevaluation Report*; and *Individualized Education Program (IEP)*. The revised special education forms can be found on the PaTTAN website at www.pattan.net. The “Special Education Forms” tab is located at the top of the home page for easy access to the revised forms. LEAs are advised to use the July 1, 2018 special education forms. Questions concerning this information should be forwarded to John Gombocz at [717.772.3745](tel:717.772.3745) or jgombocz@pa.gov.

Restraint Information System Collection (RISC)

In the fall of 2018, the PDE Bureau of Special Education (BSE) announced that the 2018-19 school year Restraint Information System Collection (RISC) was open for data entry. The system was enhanced to give LEAs greater opportunity to provide more detail about restraints, as well as analyze trends in reducing the use of physical restraints on students. The second quarter window ran from 10/1/18 to 12/31/18. The last day to report was 1/15/19. The zero window opened on 1/1/19. The zero window closed on 1/15/19. The Bureau of Special Education (BSE) will continue to require LEAs to report the restraints that have occurred in each quarter. This reporting process encourages LEAs to report their restraints in a more timely manner, and, in turn, will help LEAs monitor patterns of episodic behaviors and address them accordingly. Further, BSE’s “Guidelines for De-escalation and the Use of/and Reporting of Restraints in Education Entities” document is available for review. Questions regarding the RISC should be directed to either of the following special education advisers: Keith Focht at [717.783.6921](tel:717.783.6921) or kfocht@pa.gov /Pat Haglund at [814.662.2662](tel:814.662.2662) or phaglund@pa.gov.

Every Student Succeeds Act (ESSA) 1.0 Percent Participation Cap

PDE has announced that the Every Student Succeeds Act (ESSA) 1.0 Percent Participation Cap requirements for LEAs administering the Pennsylvania Alternate System of Assessment (PASA) for students with significant cognitive disabilities continued to be in effect for the 2018-19 school year.

Career Standards Benchmark

On November 29, 2018, PDE released a memo reminding school districts that Pennsylvania’s Career Standards Benchmark, a federal ESSA accountability indicator, began full implementation in the 2018-19 school year. Thus, at the conclusion of the school year, it is expected that students will have successfully demonstrated engagement in the PA Career Education and Work Standards by meeting the benchmark as follows:

- Grade 5 (6 pieces of evidence)
- Grade 8 (6 pieces of evidence, one piece of evidence must be the career plan)
- Grade 11 (8 pieces of evidence, portfolio showing implementation of the career plan)

Special Education Contingency Funds for Extraordinary Expenses

PDE began accepting applications for the Special Education Contingency Funds for Extraordinary Expenses on November 19, 2018. Interested LEAs had until January 4, 2019 to submit applications.

PCCD School Safety and Security Availability of Funds

On December 6, 2018, the Pennsylvania Commission on Crime and Delinquency's (PCCD) School Safety and Security Committee announced the availability of funds to implement projects to reduce and/or prevent violence for specific purposes. One aspect of Act 44 of 2018 includes up to \$7.5 million in funding for the following purposes: Increasing access to quality trauma-informed support services and behavioral health care by linking the community with local trauma support and behavioral health systems; Providing health services and intervention strategies by coordinating the services provided by eligible applicants and coordinated care organizations, public health entities, nonprofit youth service providers and community-based organizations; Providing mentoring and other intervention models to children and their families who have experienced trauma or are at risk of experiencing trauma, including those who are low-income, homeless, in foster care, involved in the criminal justice system, unemployed, experiencing a mental illness or substance abuse disorder or not enrolled in or at risk of dropping out of an educational institution; Fostering and promoting communication between the school entity, community and law enforcement; and Any other program or model designed to reduce community violence and approved by the committee.

Future Ready PA Index

On November 15, 2018, PDE unveiled the Future Ready PA Index, the new online measurement tool that replaces the School Performance Profile (SPP). The index measures schools in the areas of student academic performance of students; whether student progress is on track; and whether, upon graduation, students demonstrate a readiness for success in college or beginning a career. The Future Ready PA Index and Review can be viewed at <https://futurereadypa.org/>

Act 156 of 2018 - Sunshine Act

In October 2018, [Act 156 of 2018](#), formerly Senate Bill 1078, amended the Sunshine Act to allow public agencies, including school boards, to discuss security measures in executive sessions. The new law complemented Act 39 of 2018, which amended the PA School Code to allow public school entities, such as school boards, to go into executive session to discuss matters related to school safety.

Act 119 of 2018 - Military Student Support Act

In October 2018, [Act 119 of 2018](#), formerly House Bill 2052, was signed into law requiring public schools to provide access to support services if a student's parent/guardian, who is deployed for active duty, notifies the school of his/her deployment and requests additional supports or services for his/her child. Services include school guidance counselors; school psychologists; school social workers; home and school visitors; providing information regarding existing federal and state military support services; and any other service, agency, or resources necessary to assist the student and his/her parent/guardian. PDE and the PA Dept. of Military and Veterans Affairs are charged with providing information regarding the requirements and materials for schools to use to inform parents/guardians who may be deployed.

Act 95 of 2018 - Suspension of Vehicle Operation

In October 2018, [Act 95 of 2018](#) was passed, which requires the suspension of vehicle operation privileges of any person 21 years of age or younger for a conviction or adjudication of delinquency for terroristic threats made against any school property. The bill also removed federally-mandated driver's license suspensions for drug/controlled substance convictions, as well as state-imposed suspensions for the underage purchase, consumption, possession, or transportation of alcoholic beverages; the misrepresentation of one's age to secure alcoholic beverages by any person under the age of 21; purchasing or attempting to purchase tobacco by a minor; and carrying a false identification card by any person under the age of 21.

Act 80 of 2018 - Anti-Hazing Law

On October 19, 2018, [Act 80 of 2018](#), was signed into law expanding PA's anti-hazing law to include public and private secondary schools, as well as organizations affiliated with those schools. Those violating school hazing policies could face such disciplinary action as suspension, expulsion, diplomas or transcripts being withheld, and/or fines. Secondary schools are required to inform students of the school district's hazing policy, including rules, penalties, and enforcement.

Act 158 of 2018 - Keystone Exams

On October 24, 2018, [Act 158 of 2018](#) was signed into law, revising PA's one-size-fits-all mandate to pass three Keystone Exams to receive a diploma by instead establishing multiple pathways to demonstrate college and career readiness. New measures of success will be appropriately aligned to a student's career goals and reflect the expectations, coursework, grades, activities, and achievements earned. In addition to the keystones, alternative assessments and other factors will be able to be counted towards graduation. The changes under the new law are effective beginning with the Class of 2022, impacting those students who are currently in 9th grade.

Act 82 of 2018 - Educator Preparation and Certification

On October 24, 2018, [Act 82 of 2018](#) was signed into law. This legislation changes the grade spans and age levels for certification of special education instructional certificates in the Commonwealth. All special education certificates issued after December 31, 2021 will cover PK-12, or up to age 21, and no additional content or dual certification will be required. Teachers currently holding the special education certification for PK-8 and grades 7-12 will be able to expand the scope of their certificates under a yet-to-be determined PDE process. Teachers holding early childhood certification will be able to expand their certificate to include grades five and six by attaining the necessary scores on an assessment developed by PDE.

Act 89 of 2018: Kinship Caregiver Navigator Program

On October 23, 2018, two pieces of legislation were signed into law to help grandparents raising grandchildren in the Commonwealth. One piece, [Act 89 of 2018](#), established the Kinship Caregiver Navigator Program, which is an informational resource for grandparents in the form of a toll-free hotline and a website. Under the legislation, the website will provide information on support and services available, as well as a specially trained navigator who can provide guidance and support. The second piece of legislation, [Act 88 of 2018](#), grants temporary guardianship to grandparents when the child(ren)'s parents are unable to care for them primarily due to substance abuse issues. Temporary guardianship provides grandparents the right to make vital basic decisions for their grandchildren, including the ability to enroll the child in school and/or seek medical care for the child.

Act 16 of 2000 - Report the Number of Students with Disabilities

In September 2018, PDE's Bureau of Special Education notified LEAs that, according to Act 16 of 2000 (24 PS §13-1372(8)), school districts and charter schools must report the number of students with disabilities for which expenditures were between \$1 and \$25,628.39; between \$25,628.40 and \$51,256.79; between \$51,256.80 and \$76,885.19; and \$76,885.20 and over for the prior school year. This report will now be collected at the student level through PIMS using the Student Fact Template for Special Education Act 16 Funds. The template was collected during Collection #1 (October 1 through October 11, 2018). Data was to be based on expenditures incurred during the 2017-18 school year. Guidelines regarding the Act 16 reporting were found at the following link: [Act 16 Information](#). The Student Fact Template for Special Education Act 16 Funds was found in the PIMS manual at the following link: [PIMS Information](#). Please note that failure to complete the Student Fact Template for

Special Education Act 16 Funds report may have an adverse effect on an agency's special education funding. Questions regarding this reporting requirement may be emailed to ra-edseact16@pa.gov. A copy of this information was provided to each intermediate unit so they could assist school districts and charter schools with report preparation, as needed.

Restraint Information System Collection (RISC)

In September 2018, PDE's Bureau of Special Education (BSE) notified LEAs that the 2018-19 school year Restraint Information System Collection (RISC) was open for data entry. The system was enhanced to give LEAs greater opportunity to provide both more detail about restraints and to analyze trends in reducing the use of physical restraints on students. BSE continues to require LEAs to report the restraints that occurred in each quarter. This reporting process encourages LEAs to report their restraints in a more timely manner, which in turn, will help LEAs monitor patterns of episodic behaviors and address them accordingly. Questions regarding the RISC should be directed to either of the following Special Education Advisers: Keith Focht at [717.783.6921](tel:717.783.6921) or kfocht@pa.gov or Pat Haglund at [814.662.2662](tel:814.662.2662) or phaglund@pa.gov.

Act 71 of 2014, Training in Youth Suicide Awareness

On October 1, 2018, PDE's Office of Elementary and Secondary Education sent out a reminder to LEAs regarding [Act 71 of 2014](#), which requires school entities provide four (4) hours of training in youth suicide awareness and prevention every five (5) years for professional educators in school buildings servicing students in grades 6-12. Under this law, school entities must incorporate "protocols administering youth suicide prevention education to staff *and students*" into their suicide awareness and prevention policy. However, schools are not precluded from providing training and education to *all school personnel, including support staff* (e.g., secretarial staff, custodians, food service, etc.).

Response to Intervention (RTI) Methodologies

PDE notified LEAs that would like to apply for approval to use Response to Intervention (RTI) methodologies for the purpose of identification of students with a Specific Learning Disability (SLD) that they were required to submit their intent to apply for the 2019-20 school year by October 30, 2018 to their regional PA Training and Technical Assistance Network (PaTTAN) consultant.

Amendments to compulsory attendance and truancy laws through Act 39 of 2018

On August 24, 2018, PDE's Administrative/Fiscal Officer for the Office for Safe Schools released a memo via PennLink from Matthew Stem, Deputy Secretary for Elementary and Secondary Education, titled *Amendments to compulsory attendance and truancy laws through Act 39 of 2018*. The memo informed school entities that [Act 39 of 2018](#), which was signed into law on June 22, 2018, includes multiple amendments to the PA Public School Code (School Code) and several of those amendments are related to compulsory attendance and truancy laws. The definition of "educational entity" in Section 1326 of the School Code was also amended.

Change in Terminology: Mental Retardation Replaced with Intellectual Disability

On August 1, 2018, the PA Bureau of Special Education (BSE) sent notice to all LEAs of the change in terminology replacing the term mental retardation with intellectual disability located in 22 PA Code Chapter 14 titled Special Education Services and Programs. To align the Commonwealth's special education regulations in Chapter 14 to the Individuals with Disabilities Education Act regulatory revisions resulting from Rosa's Law, the PA State Board of Education through final-omitted rulemaking amended 22 PA Code §§ [14.123](#), [14.124](#), [14.125](#), [14.132](#), [14.143](#) and 14.162, by replacing the term mental retardation with the term intellectual disability. The change in terminology does not affect the meaning or the eligibility determination associated with the term.

Frequently Asked Questions: Statewide High School Graduation Requirement for Career and Technical Education Concentrators

On August 8, 2018, PDE's Bureau of Career and Technical Education sent a memo to all LEAs, Superintendents, IU Executive Directors, and Act 48/45 Providers which furnished information titled *Frequently Asked Questions: Statewide High School Graduation Requirement for Career and Technical Education Concentrators*. To obtain a copy of this information, please visit the PAPSA website at www.papsa-web.org and go to the heading "Resources" and its drop-down "Downloads".

Dental Hygiene Authorization Plan

On Tuesday, April 24, 2018, the Division of School Health at the PA Dept. of Health issued a Final Notice regarding the need for school entities to submit their Dental Hygiene Authorization Plan by April 30, 2018 if that school entity plans to implement a Dental Hygiene program for the 2018-19 school year. The Dental Hygiene Authorization Plan page closed for data entry on April 30, 2018. Dental hygiene authorization plans were not be able to be entered after that date and the school will automatically revert to the Mandated Dental Program. There were to be no exceptions. Any SHARRS user may "Submit" the plan. It does not have to be the Superintendent/CEO. If the page says "School Editing," then it has not been submitted and cannot be accessed or approved by the Division of School Health. The Division of School Health does not want to see schools lose this valuable program or reimbursement, so it was imperative that the required plans be submitted before April 30, 2018.

Medical Exemptions from State Assessments

According to guidance released from PDE for medical exemptions from state assessments, generally, if a student can receive instruction, then they are also able to participate in state assessments. However, the health and well-being of students should take priority in determining whether they can participate. Students may receive a medical exemption if they cannot participate in a state assessment during the testing window, including make-up dates, due to a significant medical event. Examples include, but are not limited to, a student who is 1) receiving short-term medical treatment due to a medical emergency; or 2) seriously ill or has a medical condition that prevents them from receiving instruction during the testing window. A medical emergency is defined as a circumstance in which a student cannot take or finish taking the assessment during the entire testing window, including make-up dates, because of a recent significant medical event just prior to or during the annual testing window. Examples of medical emergencies include, but are not limited to: serious injury; concussion; confinement to home or hospital with an acute condition, not a long-term home instruction or hospital instruction situation; the inability to interact with others without serious risk of infection or contamination; pregnancy with significant health complications or delivery just prior to or during the testing window; and a mental health crisis that prevents a student from receiving instruction. A note from a physician dated at least two weeks within the start of the testing window must be on file at the school. These records must be retained for three years. A serious illness or medical condition is defined as one in which the student is receiving active treatment for a life-threatening illness or medical condition and/or the associated recuperation. A note from a physician must be on file at the school and must be retained for three years. To account for a student with a medical exemption, as defined above, the "Medical Emergency" bubble on testing documents should be used. Note: An assessment of a student's medical condition must be made annually at the testing window for each content area.

House Bill 178 - Omnibus School Code Provisions

Effective November 6, 2017, and without the governor's signature, the omnibus School Code provisions under House Bill 178 became law. Key elements in the law include:

- School districts are allowed to suspend (furlough) professional employees for economic reasons, with such suspensions being based on annual performance evaluations and not seniority. In addition, a school board must suspend at least an equal percentage proportion of administrative staff. Also, the secretary of education may grant a waiver if it is determined that the school district’s operations are already sufficiently streamlined, or if the suspension would adversely affect school stability and student programs. Other stipulations are also included in the law.
- A delay in the implementation of the Keystone Exams as a graduation requirement as set forth in Act 1 of 2016 for one more year, holding off implementation until the 2019-20 school year.
- The barring of school lunch “shaming,” requiring schools to provide a meal to a student who requests one, regardless of whether the student has money to pay for the meal and/or owes money for school meals. However, a student’s parents/guardians have the discretion to direct to the school to withhold a meal. Further, once a student owes money for five or more school meals, schools must be required to make at least two attempts to reach the student’s parent(s)/guardian(s) to have them apply for participation in the free/reduced lunch program and may offer assistance in helping them apply. Schools must also direct all communications regarding money owed by a student to the student’s parent/guardian and not to the student, and such communication can be by letter addressed to the parent(s)/guardian(s) but delivered by the student. Schools are also prohibited from: (1) Publicly identifying or stigmatizing a student who cannot pay or who owes money for school meals; (2) Requiring a student who cannot pay to perform chores; and/or (3) Requiring a student to discard a school meal after it was served due to the student’s inability to pay or if there is money owed for earlier meals.
- The requirement that schools provide instruction to students in grades six through 12 in the prevention of opioid abuse, beginning in the 2018-19 school year. The PA Department of Health (PDH) and the PA Department of Education (PDE) must develop and make available to schools a model curriculum as well as in-service training programs for instructors who will be teaching courses where the mandated opioid instruction is integrated.
- Requirements for PDE and the PA Department of Agriculture to provide educational resources and programming regarding agricultural education to grades kindergarten through 12. The law also creates the Commission of Agricultural Education Excellence to assist in the development and implementation of agricultural education programming and to develop a model for statewide curriculum for agricultural education programs based on high priority occupations.
- School entities are allowed to conduct an annual school security drill in place of a monthly fire drill in each school building within 90 days of the start of each school year. The bill also outlines the steps and procedures for a school district to use when setting up the drill with law enforcement and to alert parents/guardians of the date, time, and address of the drill.

Vaccination Requirements

Beginning with the 2017-18 school year, PDH revised mandated vaccination requirements, which can be seen by clicking [here](#). The main changes to the vaccination law were:

- Reduced eight (8)-month provisional period to five (5) days
- Required acknowledgement of the pertussis component of DTaP
- Clarified four (4) doses of polio
- Added a dose of MCV for 12th grade entry
- Created a medical plan/certificate
- Identified reporting period Dec. 1-31

Vaccination requirement FAQs can be viewed by clicking [here](#).

Truancy Standards and Penalties

[Act 138 of 2016](#) also went into effect with the 2017-18 school year. It provided clearer guidelines for truancy standards and penalties.

Work Experience for High School Students with Disabilities Act

[Act 26 of 2016](#) is the Work Experience for High School Students with Disabilities Act, which was passed in May of 2016 and went into effect for the 2016-17 school year.

PDH Health Updates

PDH School Health Updates are available on the PAPSA website at www.papsa-web.org and can be found under the "Resources" drop-down by going to "[Downloads](#)."

PDE Policy Page

PDE's policy and funding page, which includes such things as the PA School Code and regulations, federal programs, Basic Education Circulars (BECs), and grants can be accessed at:

<https://www.education.pa.gov/Policy-Funding/Pages/default.aspx>

*** NOTE: This list is not all-inclusive and should not be considered an official document. Please refer to the actual law, regulation, memo, or similar such information to ensure that you are reviewing the original document and are aware of any updates, etc.**

7-8-19