

2018 Pennsylvania Public School Code Revisions

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The end of June was an active time for the Pennsylvania General Assembly with respect to public education in the Commonwealth. It enacted various bills making changes to the Pennsylvania Public School Code and the Child Protective Services Law. Many of the new legislative requirements are time-sensitive and will require immediate action by public school entities -- many of them within a month.

Here is a summary of new, key deadlines that will require timely planning and implementation:

1. Act 54 of 2018 amended [Section 6332 of the Child Protective Services Law](#) to require that all public and non-public schools post an 11 x 17 inch (or larger) poster, that contains the statewide toll-free telephone number for reporting suspected child abuse and any toll-free number relating to school safety. The poster must be in a high-traffic, public area of the school that is readily accessible and widely used by students. The act requires that the Pennsylvania Department of Human Services, in consultation with the Department of Education, design and distribute the required poster. This new requirement takes effect in late August, essentially at the start of the new school year, 60 days after the government enacted the new rule on June 22.
2. Act 39 of 2018 adds a [new Section 742](#) to the school code that relates to lead testing of drinking water in schools. Beginning with the 2018-2019 school year and every year thereafter, schools may test for lead levels in the drinking water. If the test reveals lead levels exceeding the U.S. Environmental Protection Agency's national primary drinking water regulations, the school must implement a remediation plan to ensure student safety. Lead testing is not required by this new section of the code. However, schools electing to not test for lead in their drinking water must, instead, "discuss lead issues in the school facilities" at a public meeting.
3. Act 39 of 2018 also [amends Section 1517](#) of the school code that relates to fire and emergency evacuation drills. Under the new revisions, school entities must conduct a school security drill, in place of a fire drill, within the first 90 days of the 2018-19 school year. This requirement to conduct a security drill within the first 90 days of the school year continues for each subsequent school year. Additionally, Section 1517 now permits school entities to conduct a second school security drill per year in lieu of a required fire drill.
4. Act 44 of 2018 made substantial revisions to the school code related to student safety. The act establishes a new [Article XIII-B](#) to the code, entitled "School Safety and Security." The act also establishes a new School Safety and Security Committee within the Pennsylvania Commission on Crime and Delinquency. This committee includes various experts and representatives, including the secretary of education, attorney general and the commissioner of the Pennsylvania State Police. By September 30, this committee is required to establish

criteria for use by local education agencies to conduct school safety and security assessments. By October 31, the committee must also establish criteria and qualifications for education agencies to use in selecting a school employee to be registered as "a person with knowledge and experience in matters of school safety and security." The committee must also release a survey by October 31, for school entities to use to measure school safety and security preparedness. School entities must complete and return the survey developed by the committee by November 30, and must indicate whether it possesses any school safety and security assessments that were completed within the last three years. By January 31, 2019, the committee is required to review the survey responses and notify each school entity of the committee's findings.

5. Act 44 of 2018 also requires the chief school administrator of each school entity appoint an administrator as its "[School Safety and Security Coordinator](#)." This appointment must occur not later than August 31. The new provisions establish specific duties for the coordinator, including:

- Making an annual report on school safety and security to the school board during executive session.
- Overseeing all security and police personnel
- Reviewing all policies and procedures related to school security to ensure compliance with applicable legal requirements
- Coordinating training for students and staff
- Coordinating with outside organizations and governmental authorities

6. Act 44 of 2018 also establishes a new [Safe2Say program](#) within the authority of the Attorney General, an anonymous reporting system intended to allow students, teachers and the community a method to report behavior perceived to be threatening to an individual or a school entity. The program should be operational in January 2019. Once implemented, school entities will be required to develop procedures for assessing and responding to reports received from the program.

The recent changes to the Pennsylvania Public School Code included additional revisions as well. Our firm will provide additional updates, training and guidance on all of the new changes in the near future. For now, school entities should focus on these changes with impending deadlines to ensure compliance.

If you have questions about any of the items discussed above, please contact any of the attorneys in the [Barley Snyder Education Practice Group](#).