

New Year, New Rules: 2019 Pennsylvania Public School Code Revisions (Part 2)

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(Editor note: This is Part 2 of a two-part alert on the multitude of changes to the Pennsylvania Public School Code for the 2019-2020 school year. Part 1 dealt specifically with the changes brought about by Act 16. You can [read it here](#).)

The list of changes to the Public School Code brought about by Act 16 for the 2019-2020 school year is just the start.

Pennsylvania budget season brought about a host of other changes to the code, all approved by Gov. Tom Wolf in late June and early July. Some of these changes have immediate implications that school districts - and in some cases, even private schools - need to be acutely aware of.

With teachers already preparing their classrooms, now is the perfect time to take a few minutes for a deeper dive to better understand important changes that are sure to impact your schools in the coming year.

Gov. Wolf has approved these bills which now are official acts:

1. [Senate Bill 700](#) (Act 70 of 2019) amends the school code by establishing Article XXVI-J. The article relates to the construction and renovation of buildings by school entities. The act improves and simplifies the state approval process for construction, addition and renovation projects. The article applies to projects seeking approval and reimbursement after the effective date, which was immediately upon signing.
2. [Senate Bill 440](#) (Act 64 of 2019) amends the school code by adding Section 1506, which pertains to Flexible Instruction Days. FIDs are days that fulfill one of the minimum required days of instruction, where a school building is unable to open for a variety of listed reasons, but still provides instruction to students. The section directs the Pennsylvania Department of Education to issue guidance and establish a standard application form for schools wishing to implement FIDs. Further, schools are to apply with the department before September 1 for the first two years of the new program, after that the deadline moves up to June 1. Applications remain valid for three years. Schools may utilize up to five FIDs per school year. The act takes effect in 60 days. You may have [seen this in the news lately](#), with the media interpreting the bill as an alternative to snow days.
3. [House Bill 1514](#) (Act 34 of 2019) amends Title 3 of the Pennsylvania Consolidated Statutes, establishing the Farm-to-School Program. The program's purpose is to educate children from Prekindergarten through fifth grade and their families about the importance of choosing healthy, locally produced foods and increase awareness of Pennsylvania agriculture. The act establishes grants in order to fund the program, and any school district may submit an application to join the program. Grants are not to exceed \$15,000 annually, per

school. The act takes effect 60 days after signing.

4. [Senate Bill 621](#) (Act 67 of 2019) amends the school code concerning school security and safety personnel. Article XIII-C of the school code was amended to cover "school security" as a broader topic. Specifically, Act 67 requires a judge to grant a school police officer the authority to carry a firearm if the school requests it and the school police officer satisfies the requirements set forth in the act. The act also now requires a school police officer to complete the Municipal Police Officers' Education and Training Commission's basic training, or be a graduate of the Pennsylvania State Police Academy and have been previously employed as a state trooper. The act also amends the school code to allow nonpublic schools to provide a school security guard or a school resource officer. The act additionally requires each school entity to submit an annual report to the Pennsylvania Department of Education and the Pennsylvania Commission on Crime and Delinquency if it employs or contracts for a school police officer.

5. [Senate Bill 144](#) (Act 18 of 2019) [addresses trauma-informed education](#). Additionally, Act 18 adds a potential topic of training on the identification or recognition of student behavior that may indicate a threat to the safety of the student, other students, school employees, school facilities, the community or others. Act 18 also makes a few changes to the School Safety and Security Fund, changing the allocation date of grants to March 1 from October 31. The state raised the minimum grant allocations as well, from \$25,000 for all schools to:

- \$45,000 for a school district with an average daily membership greater than 3,900
- \$40,000 for an average daily membership between 2,100 and 3,900
- \$35,000 for the range 1,200 to 2,100
- \$30,000 for less than 1,200

Act 18 also amended Act 44 of 2018 by adding Article XIII-E dealing with threat assessment. The article requires each school entity to establish at least one team for the assessment of and intervention with students whose behavior may indicate a threat to the school, its students, employees or community. School administrators must appoint members of the teams and a team leader, as well as provide training opportunities and inform students, employees, and parents of the existence and purpose of the team. The administrator must also annually develop and present to the school entity's board a report outlining the school's approach to threat assessment. The act gives a list of requirements for team member composition such as including an individual with expertise in counseling. This article took effect immediately upon signing.

If you have questions about any of the items discussed above or would like to discuss available training programs, please contact any of the attorneys in the [Education Practice Group](#).