

Subject: Volume III

This issue of the Policy News Network+ includes updates to policies and administrative regulations related to school safety and security, school calendar development based on provisions for instructional time, as well as the policy and administrative regulation addressing requests for public records under the Right-to-Know Law.

Registration information for our complimentary bi-monthly Web-Based Policy System Training Webinar is provided at the end of the PNN+ - our next training is scheduled for July 11.

The PNN+ is part of an annual subscription service providing information on current policy and administrative regulations and newly developed and revised PSBA policy and administrative regulation guides. The newsletter provides information about changes in federal and state laws and regulations; effects of court and arbitration decisions; and issues related to school governance, administration, student achievement and school liability. The policy and administrative regulation guides provided by PSBA are intended to serve as a basis for drafting policy and administrative regulations that meet the needs of your local school entity. Policy guides should be discussed, modified to meet your local needs and adopted by the board. Administrative regulation guides should be discussed with relevant administrators, modified to meet your local needs and approved by the Superintendent. Please notify PSBA of any newly adopted or revised policies; as part of the service, we review the language from a policy perspective, check and adjust policy format, including legal citations, and notify your school entity upon completion of this process. Administrative regulations vary in content and format based on individual school entity preferences and operations; therefore, PSBA will process administrative regulations with the same content and in the same format as received from your school entity.

The policy and administrative regulations guides provided by PSBA do not constitute the rendering of legal advice or services. The board and administration are responsible for the final review and approval of policies and administrative regulations, and for obtaining independent legal advice and review.

General policy/administrative regulation questions: policyprograms@psba.org

Policy maintenance services: polycymaintenance@psba.org

The policies and any attachments to policies contained in this PNN+ may include optional language, indicated by brackets { }, which require selection by the school entity based on local practices and procedures. Please review all policies and attachments carefully to identify and consider optional language. If such optional language has been edited to indicate inclusion or removal prior to submission to PSBA's Policy Maintenance Program, PSBA will be able to proceed with processing the policies and attachments in a timely manner and the school entity will avoid delays in activating the policies and/or attachments and subsequent posting on the local website.

School Safety and Security Updates

Act 33 of 2023, the most recent Omnibus School Code bill, amended several sections of the PA Public School Code, including sections related to school safety and security; it was approved by the General Assembly and signed into law in December. Act 33 prompted updates to terminology and School Code legal citations in many policy guides that address school safety and security and incident reporting responsibilities of schools. One of the major changes brought about by Act 33 was the removal of School Code language outlining the Office for Safe Schools in the PA Department of Education (PDE), and moving many of those assigned responsibilities to the School Safety and Security Committee, which operates under the Pennsylvania Commission on Crime and Delinquency (PCCD). PDE maintains responsibilities to collect, develop and disseminate resources, policies, strategies and other information to assist in the development of programs that impact school violence, and address positive behavior support and school-based diversion programs. PDE also retains responsibility for collecting the annual incident reports from school entities. Based on these changes, language and legal citations in the following policy guides that address incident reporting and school entity responsibilities under the school safety and security sections of the School Code were revised.

Policy 146.1. Trauma-Informed Approach -

This policy was updated with the new legal citations addressing school safety and security training

requirements for school employees. The language on reporting of school safety and security incidents was also updated based on the terminology changes from the School Code.

Policy 146.1 is an optional policy.

Policy 218. Student Discipline -

The language on incident reporting to law enforcement and PDE was updated to reflect the current School Code terminology. Legal citations to the new sections of the School Code were also added.

Policy 218 is a mandated policy.

Policy 218.1. Weapons -

The policy language on incident reporting to law enforcement and PDE was updated to reflect the current School Code provisions. Legal citations to the new sections of School Code were also added.

Policy 218.1 is a mandated policy.

Policy 218.2. Terroristic Threats -

The language addressing students with disabilities was moved into the Authority section of the policy, to align with other policies that include similar provisions. The language and legal citations pertaining to incident reporting to law enforcement and PDE were also updated to reflect the current School Code provisions.

Policy 218.2 is recommended for legal liability purposes.

Policy 805. Emergency Preparedness and Response -

The policy language addressing law enforcement agencies was updated to reflect the current School Code terminology. The language addressing instructional time was updated to reflect both instructional

days and hours, in accordance with the provisions of new School Code section 24 P.S. 1-133 under Act 56 of 2023, which is explained further under the section addressing Policy 803 revisions, below.

Policy 805 is recommended for legal liability purposes.

805 Attachment - Safe2Say Something Procedures - The Safe2Say procedures were updated to use the term "school" counselors, which is the term most commonly used by schools currently for these positions. The language and legal citations related to incident reporting to law enforcement and PDE were updated to reflect the current School Code provisions.

The Safe2Say Something procedures are mandated; school entities may choose whether to include them as an attachment to the policy or to maintain them as a separate document.

Policy 805.1. Relations With Law Enforcement Agencies -

The language and legal citations throughout this policy were updated to reflect the current School Code provisions addressing school safety and security incident reporting and coordination with law enforcement agencies. The section on Memorandum of Understanding was updated to reflect the changes to the School Code and more closely align with those provisions of the law. The process for coordination between the Superintendent and law enforcement agency in reviewing the incident data prior to submission to PDE was also revised to reflect the current School Code requirements.

Policy 805.1 is recommended for legal liability purposes.

805.1-AR-0. Incident Report - Immediate Notification - This administrative regulation was revised to reflect the current School Code terminology regarding immediate reporting of incidents to law enforcement as required by law and regulations.

805.1-AR-1. Incident Report - Discretionary Notification - This administrative regulation was revised to reflect the current School Code terminology regarding reporting of incidents to law enforcement, at the discretion of the district, as outlined in law and regulations. Language was added to the section on additional reporting requirements to reflect provisions for mandated reporting under

the Child Protective Services Law, in situations where multiple reporting requirements may overlap.

805.1.-AR-2. Record of Law Enforcement Officers in School - The listing was updated to include "witness(es) present, where applicable" as its own item, for situations where a witness may be involved, even if a student or staff member is not removed from a school building. Terminology on law enforcement agencies was updated to align with School Code and the policy. Language on contacting the solicitor, when necessary, to address questions or concerns regarding interactions with law enforcement officers was added as a recommendation.

Policy 805.2. School Security Personnel -

The definition of "third-party vendor" was updated to reflect that these entities are now approved only by the PA Commission on Crime and Delinquency, and no longer approved by PDE's former Office for Safe Schools. The language addressing the training requirements for the School Safety and Security Coordinator under Act 55 of 2022 was updated to reflect that such training may also now be counted toward professional education credit, where applicable. Terminology related to incident reporting to law enforcement and PDE was updated in accordance with current School Code provisions.

An additional provision was added under the section on School Police Officers, stating that the school entity must provide a copy of the court's order approving and appointing a school police officer to the state's School Safety and Security Committee within thirty (30) days of the appointment, in accordance with School Code. Language was also added, based on School Code revisions, stating that the annual report regarding school police officers must be submitted to PDE, PCCD and the School Safety and Security Committee.

Policy 805.2 is recommended for legal liability purposes.

Policy 806. Child Abuse -

The policy language on incident reporting to law enforcement was updated to reflect the current School Code provisions. Legal citations to the new sections of School Code were also added.

Policy 806 is a mandated policy.

Policy 904. Public Attendance at School Events -

The policy language on incident reporting to law enforcement and PDE was updated to reflect the current School Code provisions. Legal citations to the new sections of School Code were also added. Policy 904 was also updated to remove language that specifically listed "Juul" products as an example of tobacco and vaping products, to align with policies 222, 323 and 707, which were included in last month's PNN. The attachment to the policy was also revised to align with the terminology changes in the policy.

Policy 904 is recommended for legal liability purposes.

Policy 909. Municipal Government Relations -

The terminology and legal citations related to coordination with law enforcement agencies and the development of the memorandum of understanding were updated to reflect current School Code provisions.

Policy 909 is a recommended policy.

Policy 803. School Calendar

Act 56 of 2023 created a new section of the School Code, 24 P.S. 1-133, which addresses school instructional time and provides more flexibility for school entities to establish school calendars that provide a minimum of either 180 days of instruction to students or 450 hours of instruction for half-time pre-kindergarten and kindergarten students, 900 hours of instruction for full-time pre-kindergarten and kindergarten and elementary students (grades 1-6), and 990 hours of instruction for secondary students (grades 7-12). The policy guide was updated to provide options for the school board to direct what provisions the school calendar should normally include. The language was updated throughout the policy to reference both "instructional days" and "instructional hours." The sections addressing alteration of the school calendar in cases of emergency were also revised to reflect the current School Code provisions and address temporary provisions that may be established by the school board.

Additional guidance regarding instructional time and school calendars is available in the PA Department of Education's Basic Education Circular on Instructional Time.

Policy 803 is a recommended policy.

803-AR-0. School Calendar - This administrative regulation was revised significantly to reflect the new School Code provisions regarding instructional days/hours. A section on School Calendar Development was added, to assist school administrators in considering the various elements that impact school scheduling and the decisions related to changing instructional time and formats. New sections on Flexible Instructional Days (FIDs) and Act 80 Exceptions were included, based on current state guidance as impacted by Act 56 of 2023. The separate section on exceptions for graduating seniors was removed, and applicable language was integrated into other sections of the administrative regulation, based on the changes in instructional time requirements.

Policy 801. Public Records

PSBA revised Policy 801. Public Records to clarify the district's responsibilities regarding responding to requests for records under the Right-to-Know Law (RTKL).

Anonymous Requests -

Recently, the Office of Open Records (OOR) issued an Alert regarding FOIA Buddy and RTKL requests. The Alert pointed to several cases providing Final Determinations regarding requests received from anonymous requesters. Of particular note, the *Anonymous" v. Downingtown Area School District* case resulted in an appeal being denied because the record request was sent from an email address that provided no evidence that the requester was an identified "person that is a legal resident of the United States..." The OOR found that the requester is anonymous and does not meet the definition of a "requester" under the RTKL. In the policy, the definition of "requester" was revised to more closely align with the statutory definition, which defines a requester as a person that is a legal resident of the United States who requests access to a record. The term "requester" includes an

agency. School entities are not required to fulfill anonymous requests; an optional statement has been added to the policy to clearly articulate the school board's authority for the district to deny anonymous requests.

Use of Designated Request Forms -

The RTKL does not require the use of a specific form; however, all school entities are required to accept requests completed using the form issued by the OOR. In addition, the RTKL permits a school entity to locally develop their own request form. The RTKL requires the school entity to post the designated form(s) as follows:

At the school entity's administration office.

On the school entity's website.

A statement was added to the policy to clarify that if the school entity is requiring the use of designated form(s) for records requests, the school entity needs to communicate such by including a notification along with the posted form(s) stating that the school entity may choose to deny a request for failure to submit the proper form.

Notification to Third Parties -

The order of the two paragraphs in this section have been switched to clarify that the notification requirement to a third party where a requested record contains a trade secret or confidential proprietary information will happen *prior to* the school entity producing any such record.

Appeals Involving Third Parties -

Record requests that are denied or deemed denied may be appealed to the state's OOR within fifteen (15) days. If the appeal involves a requested record of a third party which affects the legal or security interest of an employee; contains or constitutes proprietary, confidential or trademarked records of a third party; or are held by a third party contractor or vendor, the school entity is required to notify such parties of the appeal within seven (7) business days and advise them of their ability to participate. The Open Records Officer is also required to provide proof of such notice to the OOR within seven (7)

business days of sending the third party notification. A new subsection was added to the policy to address appeals involving third parties.

Policy 801 is mandated to comply with the Right-to-Know Law.

801-AR-1. Disclosure/Production of Certain Records - This administrative regulation was updated to provide additional clarifications regarding:

The time frame for notification of an extension for responding to requested record(s) and what information needs to be included in the extension notification.

The requirements tied to a records request when the request involves a record received from a third party that contains trade secrets or confidential proprietary information.

Considerations regarding restrictions for requests containing access to copyrighted materials.

The conditions under which discretionary access may be provided to exempt records.

The process for an appeal to a denial or deemed denial of access to a requested record.

Web-Based Policy System Review Webinar

Are you new to working with policy or would you like a refresher on working in the policy system? Please join us for a complimentary webinar to review the policy system, learn how to access policy updates, edit policy documents in the system and customize your school entity's Web-based policy manual. This is a very technical webinar designed for users such as the school board secretary, administrative assistant, school administrators or policy committee chairperson who edit school policies and manage the revision and approval process.

*Please note, this webinar is not eligible for credit for the ASDL recognition program.

Webinars repeat the same content every other month to provide refresher training on the system or an overview for users who are new to working with the policy system. Sign up for a complimentary webinar by clicking the Registration link below for the date you would like to attend:

July 11, 2024 10:00 AM-11:30 AM

Registration: <https://events.teams.microsoft.com/event/bf2f60ab-c173-46b5-b735-04f8630ebf60@a59b699a-4f48-4607-9019-7011ff524900>

September 5, 2024 10:00 AM - 11:30 AM

Registration: <https://events.teams.microsoft.com/event/54725f26-972b-4d0e-9e3f-050b0fcb70aa@a59b699a-4f48-4607-9019-7011ff524900>

Cross References

146.1 Vol III 2024 - Trauma-Informed Approach

218 Vol III 2024 - Student Discipline

218.1 Vol III 2024 - Weapons

218.2 Vol III 2024 - Terroristic Threats

801 Vol III 2024 - Public Records

801-AR-1 Vol III 2024 - Disclosure/Production of Certain Records

803 Vol III 2024 - School Calendar

803-AR-0 Vol III 2024 - School Calendar

805 Vol III 2024 - Emergency Preparedness and Response

805.1 Vol III 2024 - Relations With Law Enforcement Agencies

805.1-AR-0 Vol III 2024 - Incident Report - Immediate Notification

805.1-AR-1 Vol III 2024 - Incident Report - Discretionary Notification

805.1-AR-2 Vol III 2024 - Record of Law Enforcement Officers in School

805.2 Vol III 2024 - School Security Personnel

806 Vol III 2024 - Child Abuse

904 Vol III 2024 - Public Attendance at School Events

909 Vol III 2024 - Municipal Government Relations