

Chapter II – Beginning the Planning Process

A. Legal Aspects

1. Various federal statutes and their corresponding regulations specifically address school safety and planning.
2. The following Pennsylvania states and regulations also directly address school safety and planning.
 - a. Emergency Management Services Code, 35 Pa. C.S. §§7101 *et seq.*, as amended.
 - 1) §7701 (d) - Public-funded universities, colleges, and elementary and secondary schools shall be made available to municipal, county and state officials for emergency planning and exercise purposes and actual service as mass-care facilities in the event of an emergency evacuation.
 - 2) §7701 (e) - School bus and transportation vehicles owned or leased by universities, colleges and school districts shall be made available to local, county and State officials for emergency planning and exercise purposes and actual service in the event of an emergency evacuation.
 - 3) §7701 (f) - Annually, schools and custodial child care facilities shall conduct at least one disaster response or emergency preparedness plan drill.
 - 4) §7701 (g) - Every school district and custodial child care facility, in cooperation with the local Emergency Management Agency and the Pennsylvania Emergency Management Agency, shall develop and implement a comprehensive disaster response and emergency preparedness plan consistent with the guidelines developed by the Pennsylvania Emergency Management Agency and other pertinent State requirements. The plan shall be reviewed annually and modified as necessary. A copy of the plan shall be provided to the county emergency management agency.
 - b. Public School Code of 1949, 24 P.S. §§ 1-101, *et seq.*, as amended.
 - 1) §1-111 – All applicants for school employment (and independent contractors) who have direct contact with students must obtain both state and federal criminal background checks.
 - 2) §7-778 (a) – (b.1) – If the school district employs a school police officer, report to the Pennsylvania Department of Education annually the number of officers employed, the municipalities comprising the school district, the date and type of training provided to each officer, which must meet statutory requirements. If a judge grants the school district’s request for a police officer to carry a firearm, ensure that the officer receives the mandatory firearms training.
 - 3) §13-1303-A (b) – Report at least annually all new incidents of violence, weapons possession, and possession, use, or sale of controlled substances, alcohol, or tobacco by any person on school property.
 - 4) §13-1303-A (c) – Develop a Memorandum of Understanding with local law enforcement regarding incidents of violence or weapons possession on school property. (2010 amendments require committees and other criteria.)

- 5) §13-1303.1-A – No later than January 1, 2009, each school entity shall adopt a policy or amend its existing policy relating to bullying and incorporate the policy into the school entity’s code of student conduct required under 22 Pa. Code §12.3 (c). The policy shall delineate disciplinary consequences for bullying and may provide for prevention, intervention and education programs. No school entity shall be required to establish a new policy under this section, if one currently exists and reasonably fulfills the requirements of this section. The policy shall identify the appropriate school staff person to receive reports of incidents of alleged bullying. **NOTE: Requires posting in classrooms and three-year review cycle.**
- 6) §§13-1304-A-13-1305-A – Prior to a student’s admission to any school entity, the school must obtain a statement from the student’s parent or guardian indicating whether the student has been suspended or expelled from any public or private school for specific offenses and request from the transferring school a certified copy of the student’s disciplinary record. The transferring school must transmit a certified copy of the student’s disciplinary record to the new school within ten days of receipt of the request.
- 7) §13-1306-A – Schools must make student disciplinary records available for inspection by the student, the parent or guardian, school officials, and state and local law enforcement officials, as provided by law.
- 8) §13-1307-A – Both public and nonpublic schools must maintain, on a district-wide and school-specific basis, updated records of all incidents of violence, weapons possession, or convictions or adjudications of delinquency for acts committed by students on school property and make a statistical summary of such records available to the public.
- 9) §§13-1310-A (d) and (e) – First class school districts must post a notice in each school building referencing the safe schools advocate. Upon discovering that a violent act has been committed upon a student, immediately notify the victim’s parents/guardian of the existence of the safe schools advocate. Cooperate with the safe schools advocate and provide him/her, upon request, all available information authorized by State law.
- 10) §§13-1317.2 (a), (c), and (f) – Develop a policy concerning expulsions for possession of a weapon on school property (or related locations). The policy must be consistent with State law. The policy must include referral to the criminal justice or juvenile delinquency system. Expulsions are mandatory if a student possessed a weapon or brought a weapon onto school property (or related locations). Administrators are permitted to recommend changes on a case-by-case basis. Report all incidents of weapon possessions and expulsions to local law enforcement.

A Sample School Safety Incident Collection Form is included in the Resource Section at the end of this chapter.

- 11) §15-1517 – Requires all public schools (school districts, charter schools, area vocational-technical schools and intermediate units) to conduct fire drills not less than once a month. In addition, schools using or contracting for school buses for the transportation of children are required to conduct, on school grounds, two emergency evacuation drills on buses during each school year. The first one is to be conducted during the first week of the first school term and the second during the month of March. On or before April 10 of each year, each chief school administrator shall certify to the Pennsylvania Department of Education that these required emergency evacuation drills have been conducted.
 - 12) §15-1547 – Provide annually to students of all grades an instructional program discouraging the use of tobacco, alcohol, and other drugs, and provide in-service training to educators who provide such instruction to students.
- c. State Board of Education Regulations, 22 Pa. Code, Parts I-XX, *et. seq.*, as amended. URL : <http://www.pacode.com/secure/data/022/022toc.html>
- 1) § 8.2 - Prospective employees/student teacher candidates/contractors and their employees, hereafter referred to collectively as applicant, are to submit with their employment application a State and Federal criminal history report or a copy of the completed form/request. Student teacher candidates are to submit the criminal history reports to the administrator of the educator preparation program prior to participation in any classroom teaching, internship, or clinical or field experience.
 - 2) Chapter 10: Addresses safe schools to include:
 - a. Purpose and Definitions
 - b. MOUs with law enforcement
 - c. Disabled Students
 - d. Pre-Incident communication and collaboration with responders and emergency management agencies
 - e. Notifications to parents
 - 3) §12.5 – Teachers and school authorities may use reasonable force to quell a disturbance, to obtain possession of weapons or other dangerous objects, for self-defense, and to protect persons and property. The use of corporal punishment is prohibited.
 - 4) §12.3 (c) - Each governing board shall adopt a code of student conduct that includes policies governing student discipline and a listing of students' rights and responsibilities as outlined in this code. This conduct code shall be published and distributed to students and parents or guardians. Copies of the code shall also be available in each school library.
 - 5) §12.6 – Define and publish the types of offenses that would lead to suspension or expulsion from school.
 - 6) §12.14 - The governing board of every school entity shall adopt reasonable policies and procedures regarding student searches. The School district/School shall notify students and their parents or guardians of the policies and procedures regarding student searches. Illegal or prohibited

materials seized during a student search may be used as evidence against the student in a school disciplinary proceeding. Prior to a locker search, students shall be notified and given an opportunity to be present. When 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, student lockers may be searched without prior warning.

- 7) §12.31 - The governing board of every school entity shall adopt a plan for the collection, maintenance and dissemination of student records. Copies of the adopted plan shall be maintained by the school entity and updated as required by changes in State or Federal law. Copies of the plan shall be submitted to the Pennsylvania Department of Education only upon request of the Secretary.
 - 8) §12.41 - Each school entity shall prepare a written plan for the implementation of a comprehensive and integrated K-12 program of the student services based on the needs of its students. The plan shall be prepared and revised in accordance with the time frames and procedures described in § 4.13(a), (b), (d), (e) and (f) (relating to strategic plans). Services offered by community agencies in public schools shall be coordinated by and under the general direction of the school entity. The plan must include policies and procedures for emergency care and administration of medication and treatment under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144) and guidelines issued by the Department of Health.
 - 9) §12.42 - School entities shall plan and provide for a student assistance program under section 1547(g) of the Public School Code of 1949 (24 P. S. § 15-1547(g)) regarding alcohol, chemical and tobacco abuse program.
 - 10) §14.35 – School districts/schools must follow the procedures outlined for disciplinary action against students who are eligible for special education.
 - 11) §14.143-Deals with positive behavior support. This section stresses the need for positive, rather than negative measures to form the basis of behavior support programs. Specifically this regulation prohibits the use of: noxious substances (which may include mace and OC (oleoreum capsicum a/k/a pepper spray) and electric shock (which appears to imply tasers and stun guns). This may be important to schools deciding to implement school security and police functions.
- d. Child Protective Services Law, 23 Pa. C.S.A., §§6301-6385, *et seq.*, as amended.
- 1) §6311 – School administrators, school teachers, and school nurses are required to report suspected child abuse.
 - 2) §6352 – Generally, school employees must report suspected abuse of students by school employees to the administrator. If the school employee accused of abuse of students is the administrator, school employees must report to local law enforcement and the district attorney.
 - 3) §§6355-6356 – All applicants for school employment must obtain a Child Abuse History Clearance from the Pennsylvania Department of Public Welfare. Schools must provide training on child abuse recognition and reporting to all employees and contractors.

- e. Department of Health Statutes and Regulations
 - 1) Administrative Code of 1929, 71 P.S. §532(b) – The Department has authority to enter, examine, and survey a building or place on a question affecting the security of life and health.
 - 2) Disease Prevention and Control Law, 35 P.S. §521.1 *et seq* – Local boards and departments of health shall be primarily responsible for the prevention and control of communicable and non-communicable disease, including disease control in public and private schools.
- f. Labor and Industry Regulations: 34 PA Code contains several chapters that pertain to school safety from a physical facilities perspective.
 - 1) Chapter 1 – General Provisions
 - 2) Chapter 50 – General Building Requirements
 - 3) Chapter 54 – Group B – Educational Requirements
 - 4) Part XIII-Worker and Community Right to Know
- g. Communicable and Non communicable Diseases, 28 Pa Code, Ch. 27, § 27.152. The Department or local health has the authority to enter a house, health care facility, building or other premises to investigate any case or outbreak of disease judged to be a potential threat to the public health.

Your school district/school's legal counsel should check to see that your school district/school is in compliance with current laws and standards regarding school safety and emergencies.

B. School District Safety Committee

The School District Safety Committee should reflect the diversity of the school district community and capitalize on the unique training and expertise offered by staff in the district offices. Additionally, the District Safety Committee should include representatives from organizations and agencies with crisis, prevention, emergency management and emergency services capabilities/responsibilities.

A Sample list of potential members for the School District Safety Committee is included in the Resource Section at the end of this chapter.

C. The School Building Safety Committee

A School Building Safety Committee should reflect the diversity of the school community and should capitalize on the unique training and expertise offered by staff in various positions in the school. Additionally, the School Building Safety Committee may include representatives from organizations and agencies with crisis, prevention, emergency management and emergency services capabilities/responsibilities.

A list of potential members for the School Building Safety Committee is included in the Resource Section at the end of this chapter.

Each school building should have a Safety Committee. However, smaller school districts may choose to combine their committees especially if staff is shared among the buildings.

D. Levels of Incidents

It is essential to understand and be prepared for a wide range of incidents from school-based incidents, such as an allergic reaction, to community-wide incidents, such as a tornado. The following chart illustrates different levels of incidents:

School Building Level Incidents
Incidents in which the scope is limited to school settings and school-based personnel. No outside assistance is needed. (e.g., Student who passed out (from lack of breakfast), but sustained no injury.)
School District Level Incidents
Incidents where support and involvement is required from school district personnel or members of the School District/School Incident Command Team. Incidents may include an unexpected death, suicide threats, water or power failure, intruder, etc. While these incidents may require help from non-school personnel, they do not reach the scope and gravity of community-level incidents needing community-wide support.
Community-Wide Level Incidents
Large-scale incidents during which coordination of services from school building, district and municipal community response agencies is warranted. Such incidents include tornado damage to buildings, flooding, fires or explosions, chemical spills requiring evacuation, death of multiple staff or students (as in a bus accident), hostage situation, etc.

The School District/School Building Safety Committee will identify hazards that affect its school district/school building and surrounding community in the Risk and Hazard Vulnerability Assessment referenced in the Prevention/Mitigation chapter. Identified hazards should be scrutinized and categorized as school building level, school district level, or community-wide level to assist with the identification of required resources and actions for prevention and mitigation.

E. Impact of Community-Wide Incidents

1. If a catastrophic incident impacts their area, school districts/schools should be prepared to rely on their own resources for a minimum of 72 hours. Depending on the scope of the damage and number of casualties, as well as structural damage, assistance from first responder organizations may be delayed. Fires, hazardous materials spills and releases, infrastructure damage, and search and rescue operations may quickly overwhelm normal emergency response efforts. In addition, assistance from the outside may not be able to reach the area.
2. It is important for school district/school personnel to develop a personal and/or family emergency plan because they may have responsibilities at the school district/school if an incident occurs or they may be unable to make it home.

There is a link for ReadyPA in the Resource Section at the end of this chapter. This website will provide additional information on making a personal and/or family emergency plan.

F. Planning Timeline

1. School districts/schools are encouraged to adopt an ambitious, yet realistic timeline for conducting prevention/mitigation, preparedness, response and recovery planning activities. A sample cyclic timeline is provided below:

First Year
<ul style="list-style-type: none">◆ Engage key players from district, school and community agencies.◆ Perform an All-Hazards Risk and Vulnerability Assessment.◆ Determine the indicated strategies and implement the prevention and mitigation recommendations.◆ Schedule and conduct training for District and School Building Safety Committee and Incident Command Teams.◆ Use this “All-Hazards” School Safety Planning Toolkit in conjunction with existing emergency management planning guides, to meet local school district needs.◆ Communicate the plan through a general orientation to emergency management and other key partners.
Subsequent Years
<ul style="list-style-type: none">◆ Schools modify Toolkit for individual school use.◆ School district/schools conduct drills, tabletop, and functional exercises to practice the plan.◆ School district and individual schools examine effectiveness of plans and modify as necessary.
<p>NOTE: 22 Pa. Code §10.24 requires the plan to be reviewed annually and modified as necessary. This should be accomplished and documented through meeting</p>

agenda, signs and minutes.

2. By viewing emergency management planning as a cycle, school districts/schools make a strong commitment to ongoing improvements in their planning efforts. Using this two-year approach will increase the likelihood that school districts/schools will keep their plan current, with up-to-date information and emergency techniques.

Safety Committee meetings should be built into the district's annual calendar, along with training dates for staff, and exercise dates. Without this inclusion, other commitments will quickly overcome the planning efforts.