

# STATE MANDATES

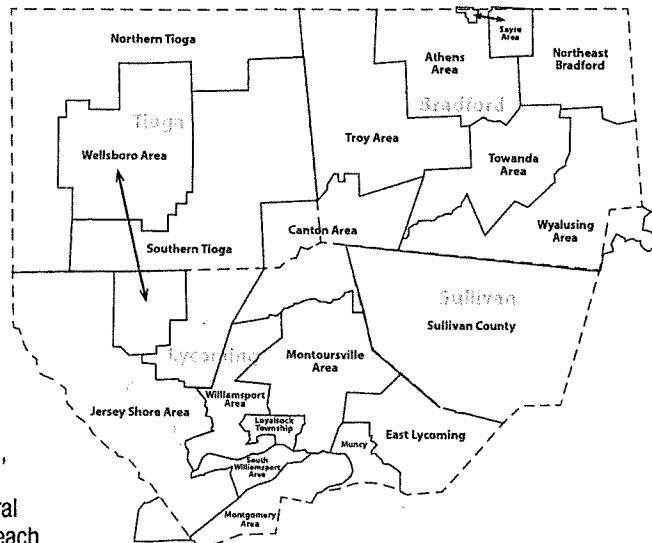
**BLaST** BRADFORD, LYCOMING, SULLIVAN AND TIOGA COUNTY SCHOOL DISTRICTS

**BLaST Intermediate Unit 17**, in partnership with its member public school districts, has prepared this summary of education mandates to serve as an informational tool for school officials and school board members, as well as a comprehensive overview for elected state and federal policy makers.

Pennsylvania school districts are required to comply with state mandates, which determine what school districts must do, how they must do it, and how much funding will be allocated for each mandate.

Mandates come from several sources. The federal government articulates some of those requirements; however, most mandates come from state laws, regulations, and other types of guidance from state governmental agencies.

Mandates are a necessary component of the public education system, and while school administrators are committed to complying with the requirements, we will continue to collaborate with our state and federal policymakers to discuss the relevancy of, and the funding to support each mandate, in order to provide a high-quality education for all students.



## EXECUTIVE SUMMARY

The following document serves to outline state mandates for Pennsylvania public school districts. Mandates for school districts come in two forms:

- Pieces of legislation passed by the General Assembly, most typically amending the Act of March 10, 1949, also known as the Pennsylvania Public School Code of 1949.
- Directives from the Pennsylvania Department of Education, reflected in the Pennsylvania Code.

This document is an active document and is updated as new legislation is passed and new directives are handed down. Please note the version number and date to see when it was last modified.

**Disclaimer:** The information in the State Mandates document is based on the PA School Code and has been reviewed by several education leaders; therefore, is complete and accurate to the best of our knowledge. The information provided in this document is designed to provide helpful information to school and elected officials.

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Section	Title	Action	Timing	Details
<p>218 Act 104 of 2010</p>	<p>Financial Reports</p>	<p>Shall Report  Shall Include</p>	<p>Annually Before October 31</p>	<p>School districts must submit an annual financial report to the Secretary of Education before October 31 annually.</p> <p>Required components include:</p> <ul style="list-style-type: none"> <li>• Entity-wide financial statements, including statement of activities and statement of net assets.</li> <li>• Reconciliation of the balance sheet (governmental funds to statement of net assets).</li> <li>• Reconciliation of the statement of revenues, expenditures, and changes in fund balances.</li> </ul>
<p>220 Act 153 of 2002 Act 94 of 2006</p>	<p>State Report Cards</p>	<p>Shall Be Submitted</p>	<p>Annually</p>	<p>The federal No Child Left Behind Act requires each state to publish an annual report card of student achievement and progress. In order to do so, the Pennsylvania Department of Education will collect information in the following areas:</p> <ul style="list-style-type: none"> <li>• Student achievement on State academic assessments, aggregated at each proficiency level and disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged.</li> <li>• The percentage of students not tested (disaggregated by the same categories).</li> <li>• Aggregate information on any other indicators used by the State to determine adequate yearly progress.</li> <li>• Graduation rates for secondary school students.</li> <li>• The professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers. This information should be presented in the aggregate and also disaggregated by high-poverty compared to low-poverty schools.</li> </ul> <p>In addition, the Public School Code requires schools to report the following information:</p> <ul style="list-style-type: none"> <li>• The number of students who were enrolled in the district less than two years before being administered the PSSA test.</li> <li>• The number of students classified as limited English proficient at the time of the PSSA assessment.</li> <li>• The number of students classified as having a disability who were given the PSSA test.</li> </ul>
<p>222 Act 104 of 2010</p>	<p>Drop-Out Data Collection</p>	<p>Shall Be Submitted*</p>	<p>Annually</p>	<p>The Public School Code requires school districts to report graduation and drop-out data to the Department of Education annually.</p> <p>In order to identify at-risk students, the data shall be disaggregated based on the following classifications: limited English proficiency, low income, special education, gifted education, race or ethnicity, gender, school entity, geographic area, highest grade level completed, and age prior to dropping out.</p>

POLICY & PROCEDURE

Section	Title	Action	Timing	Details
<p>510.2 Act 86 of 2016</p>	<p>Publication of Rules, Regulations, and Policies</p>	<p>Must Be Published</p>	<p>At All Times</p>	<p>School districts must have the following regulations and policies posted on the district website:</p> <ul style="list-style-type: none"> <li>• Relating to Students:                             <ul style="list-style-type: none"> <li>○ Admission of beginners</li> <li>○ Attendance, excusals, and truancy</li> <li>○ Withdrawal from school</li> <li>○ Student discipline</li> <li>○ Suspension and expulsion of students</li> <li>○ Searches</li> <li>○ Audio interception on school buses or school vehicles for disciplinary or security persons</li> <li>○ Retention, maintenance, and access to student records</li> <li>○ Use of personal electronic devices</li> <li>○ Dress and grooming</li> <li>○ Student complaint process</li> <li>○ Parental appeal of placement of twins or multiple birth siblings</li> <li>○ Participation by home school students in extracurricular activities</li> </ul> </li> <li>• Relating to Education Programs:                             <ul style="list-style-type: none"> <li>○ Curriculum review by parents and students</li> <li>○ Promotion and retention</li> <li>○ Graduation requirements</li> </ul> </li> <li>• Relating to Student Health:                             <ul style="list-style-type: none"> <li>○ Communicable diseases and immunization</li> <li>○ Health examinations and screening</li> <li>○ Student use of medications</li> <li>○ Wellness policy</li> </ul> </li> <li>• Relating to School Property:                             <ul style="list-style-type: none"> <li>○ Use of school property and facilities</li> <li>○ School visitation policies</li> <li>○ Integrated pest management plan</li> </ul> </li> <li>• Relating to Community:                             <ul style="list-style-type: none"> <li>○ Public participation in school board meetings</li> <li>○ Public attendance of school events</li> <li>○ Parental involvement policy for parents and guardians</li> <li>○ Public access to, and use of, school district buildings, facilities, and grounds</li> <li>○ Public complaint process</li> </ul> </li> </ul>
<p>771 Act of Mar. 10, 1949 Act 497 of 1951 Act 157 of 2002</p>	<p>Display of the Flag</p>	<p>Shall Display</p> <p>Shall Display</p> <p>Shall Provide</p>	<p>When School is in Session</p> <p>During the School Day</p> <p>Each School Day</p>	<p>The American Flag must be flown on or near each school building in clement weather, during school hours, and at other such times as the board may determine.</p> <p>A flag no less than three feet in length must be displayed in each school building on all days when school is in session, and an American Flag must be displayed in every classroom during the school day.</p> <p>Teachers must provide for the reciting of the Pledge of Allegiance or singing of the National Anthem at the beginning of each school day.</p> <ul style="list-style-type: none"> <li>• Students may decline to recite the Pledge or salute the flag based on religious conviction or personal belief.</li> <li>• The supervising officer of the school must provide written notice to parents or guardians of students who choose to abstain.</li> </ul>
<p>1305 Act 342 of 1955 Act 192 of 1969</p>	<p>Non-Resident Child Placed in Home of Resident</p>	<p>Shall Provide All Services</p>	<p>While Child is in District</p>	<p>A non-resident child placed in the home of a resident of any school district by order of court (or by agreement with an agency having care of neglected or dependent children) shall be entitled to all free school privileges according to resident children in the district.</p>

Section	Title	Action	Timing	Details
1306 Act of Mar. 10, 1949 Act 151 of 1955 Act 344 of 1956 Act 16 of 1993	Non-Resident Inmates of Children's Institutions	Shall Admit	While Child is in Institution	Any school district where a children's home – or other institution for care of children – is located, must permit children of such homes into the district.  School districts may admit with or without a charge for tuition, textbooks, and supplies, but transportation must be provided.
1306.2 Act 30 of 1997	Incarcerated Juveniles in Adult Facilities	Shall Provide Services	Until Age 21	A person under 21 years of age who is confined to a local adult correctional institution following a conviction shall be eligible for the same services as a student who has been expelled.  A person under 21 years of age who is confined to a local adult correctional institution following a charge of criminal activity shall be eligible for the same services as a student who has been placed in an alternative education program for disruptive students.
1526 Act 71 of 2014	Youth Suicide Awareness and Prevention	Shall Have a Policy and Make Available  Shall Include	At All Times	Schools must have a policy for youth suicide awareness and prevention, and said policy must be available to parents and posted on the school website.  The policy must include: <ul style="list-style-type: none"> <li>• A statement on youth suicide awareness and prevention</li> <li>• Protocols for educating students and staff on the subject</li> <li>• Methods of prevention and intervention</li> <li>• Reporting procedures</li> <li>• Recommended resources</li> </ul>
1725-A Act 22 of 1997	Charter School Funding	Shall Pay Per Student	As Needed	School districts must pay charter schools for each district resident student who chooses to attend a charter school.  The amount paid is based on a funding formula outlined by the Department of Education.  The funding formula differs between non-special education students and special education students.
1726-A Act 114 of 2006 Act 61 of 2008	Transportation for Charter School Students	Shall Provide For Each Student	As Needed	School districts are responsible for providing free transportation for students living in the district and attending a charter school located within the district or within 10 miles of the district.
1744 Act 88 of 2002	School District Responsibilities for Cyber Charter School Students	Shall Provide For Each Student	As Needed	The following must be provided to cyber charter schools to whom a district resident is enrolled: <ul style="list-style-type: none"> <li>• Students' records for all district residents who choose to attend the cyber charter school.</li> <li>• Reasonable access to its facilities for the administration of standardized tests.</li> <li>• Upon request, assistance to the cyber charter school in delivery of services to a student with disabilities.</li> </ul>

## SCHOOL SAFETY & SECURITY

Section	Title	Action	Timing	Details
CHAPTER 10*	All Hazards Planning	<p>Shall Have Prepared</p> <p>Shall Review</p> <p>Shall Distribute</p> <p>Shall Supply to Incident Command</p>	<p>At All Times</p> <p>Annually</p> <p>Annually</p> <p>Annually Before September 30</p>	<p>Each school district – in cooperation with the local emergency management agency and PEMA – must have a comprehensive disaster response and emergency preparedness plan.</p> <p>The plan must be reviewed annually.</p> <p>A copy of the plan must be distributed to every county in which the school district is a part, as well as each police department and fire department having jurisdiction over geography within the district.</p> <p>By September 30 of each year, school districts must gather information on school buildings, students, staff, and utilities, and have it available at the Incident Command Post.</p>
1303-A Act 26 of 1995 Act 104 of 2010	Safe Schools Reporting	Shall Report	Annually Before July 31	School districts are required to report, by July 31 of each year, all new incidents involving acts of violence; possession of a weapon; possession, sale, or use of a controlled substance; and possession, sale, or use of alcohol and tobacco by any person on school property.
1303.1-A Act 61 of 2008	Anti-Bullying	<p>Shall Have</p> <p>Shall Review with Students</p> <p>Shall Provide to PDE</p>	<p>At All Times</p> <p>Annually</p> <p>Annually</p>	<p>School districts must have a policy related to bullying.</p> <p>The policy must be part of the student code of conduct; the policy must be available on the website and in every classroom; it must also be posted in a prominent location in each building; and the policy must be reviewed with students annually.</p> <p>School districts must review the policy every three years and annually provide a copy to the Department of Education.</p>
1309-B Act 44 of 2018	School Safety and Security Coordinator	<p>Shall Appoint</p> <p>Shall Report</p> <p>Shall Coordinate</p>	<p>Ongoing</p> <p>Annually Before June 30</p> <p>Every Two Years and As Needed</p>	<p>Each school entity must have a school safety and security coordinator appointed by the chief administrator.</p> <p>The coordinator is responsible for overseeing all school security personnel (police officers, security guards, school resource officers) and for overseeing all policies and procedures related to security and safety.</p> <p>Specific duties include: reviewing the school's policies and procedures relative to school safety and security and coordinating training and resources for students and staff in matters relating to:</p> <ul style="list-style-type: none"> <li>• Situational awareness</li> <li>• Trauma-informed approaches</li> <li>• Behavioral health awareness</li> <li>• Suicide and bullying awareness</li> <li>• Substance abuse awareness</li> <li>• Emergency procedures and training drills</li> </ul> <p>The coordinator must make an annual report to the school board by June 30 of each year.</p> <p>The coordinator must coordinate a tour of all buildings for local police and first responders, at least once every two years and upon the opening of a new building or renovation of existing building.</p>

Section	Title	Action	Timing	Details
1310-B Act 18 of 2019	School Safety and Security Training	Shall Provide	Three Hours Every Five Years	<p>School districts must provide employees with mandatory training on school safety and security. Employees shall complete a minimum of three hours of training every five years.</p> <p>Training should address: situational awareness; trauma-informed education awareness; behavioral health awareness; suicide and bullying awareness; substance use awareness; and emergency training drills. Beginning with the 2021-2022 school year, training must also address threat assessment.</p>
1302-C Act 44 of 2018 Act 67 of 2019	School Police Officers	<p>Shall Be Appointed</p> <p>Shall Report</p> <p>Shall Complete</p> <p>Shall Attend</p> <p>Shall Display</p>	<p>Prior to Employment</p> <p>Annually</p> <p>Prior to Employment</p> <p>Annually</p> <p>When On Duty</p>	<p>In order for school districts to employ a School Police Officer, the officer must be appointed by a judge of the court of common pleas.</p> <p>School districts must report annually to the Office of Safe Schools the identity of School Police Officers, municipalities comprising the school district, and the date of training provided to each officer.</p> <p>In order to qualify for employment, a School Police Officer must have completed basic training or graduated from the State Police Academy, served as a trooper, and separated from employment in good standing. A School Police Officer must also have completed the basic School Resource Officer course offered by the National Association of School Resource Officers (NASRO).*</p> <p>A School Police Officer must also attend annual in-service training.</p> <p>A School Police Officer must wear a metallic shield or badge at all times when on duty.</p>
1313-C Act 67 of 2019	School Resource Officers	Shall Complete	To Qualify for Employment	In order to qualify for employment, School Resource Officers must complete the basic School Resource Officer course offered by NASRO.*
1314-C Act 44 of 2018 Act 67 of 2019	School Security Guards	<p>Shall Complete</p> <p>Shall Meet Requirements</p>	<p>To Qualify for Employment</p> <p>To Be Armed</p>	<p>In order to qualify for employment, School Security Guards must complete the basic School Resource Officer course offered by NASRO.*</p> <p>A School Security Guard may be armed if all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>• The School Security Guard is licensed under the Uniform Firearms Act.</li> <li>• The School Security Guard is certified under the Lethal Weapons Training Act.</li> </ul>
1303-D Act 44 of 2018	Safe2Say Something	Shall Develop	Ongoing	Each school entity must develop procedures for assessing and responding to reports received from the Safe2Say Something program.

\*NASRO training was mandated by Act 67 of 2019, which took effect August 31, 2019. Current personnel have six months from the time of the effective date to complete their training. Proposed legislation would extend this deadline.

# SCHOOL SAFETY & SECURITY

Section	Title	Action	Timing	Details
1302-E Act 18 of 2019	Threat Assessment Teams	Shall Establish          Shall Include	Before the 2021-2022 School Year	<p>Schools must establish at least one team for the assessment and intervention with students whose behavior indicates they are a potential threat to themselves or others.</p> <ul style="list-style-type: none"> <li>• Teams must receive training.</li> <li>• Teams must make resource materials available to students and staff.</li> <li>• Teams must educate employees on reporting processes.</li> <li>• Teams are responsible for notifying parents.</li> </ul> <p>The team shall include individuals with expertise in the following areas:</p> <ul style="list-style-type: none"> <li>• School health</li> <li>• Counseling, school psychology, or social work</li> <li>• Special education</li> <li>• School administration</li> </ul> <p>Additionally, the team must include the appointed School Safety and Security Coordinator and other qualified professionals, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• School security personnel</li> <li>• Law enforcement</li> <li>• Behavioral health professionals</li> <li>• The individual identified by the school to receive reports from the Safe2Say Something program</li> <li>• An individual who serves the student assistance program</li> <li>• Juvenile probation professionals</li> </ul>
1517 Act of Mar. 10, 1949	Fire Drills	Shall Be Conducted	Monthly	In each school building, fire drills are to be conducted at least once per month while school is in session.
1517 Act 55 of 2017 Act 39 of 2018	School Security Drills	Shall Be Conducted	Annually in First 90 Days	Each school building must conduct at least one school security drill per school year within the first 90 days of the school year. Schools may conduct two additional security drills per year in place of monthly fire drills.
1517 Act of Mar. 10, 1949	Bus Evacuation Drills	Shall Be Conducted       Shall Submit	Twice Annually    Annually Before April 10	<p>All schools that use or contract school buses for transportation of students shall conduct two emergency school bus evacuation drills during each school year. The first drill must be conducted during the first week of the school term and the second during the month of March.</p> <p>Schools are required to submit an annual certification related to the completion of each emergency school bus evacuation drill on or before April 10.</p>



Section	Title	Action	Timing	Details
CHAPTER 84* Act 5 of 2017	403(b) Plans	Shall Maintain	Annually	Schools are required to have a minimum of four financial institutions or pension management organizations for 403(b) and 457 plans.
111 Act 34 of 1985 Act 114 of 2006 Act 24 of 2011 Act 82 of 2012	Sexual Misconduct and Abuse Disclosure	Shall Obtain from Applicants	Before Hire	Schools are required to obtain employment history from all potential hires. This includes the applicant's current employer, previous schools, and all other employers where the applicant had direct contact with children.
		Shall Confirm	Before Hire	Schools must confirm with each employer whether the applicant was ever the subject of an investigation for sexual misconduct and abuse.
	Self Reporting	Shall Mandate Employees to Disclose	Immediately as Occurs	All school employees must provide a written report of any arrest or conviction relating to violent and/or sexual acts, as well as any offenses where the victim is a minor.
527 Act 191 of 1988 Act 211 of 1990	Drug Law Convictions	Shall Terminate	Immediately as Occurs	Any employee who is convicted of delivery of a controlled substance or possession with intent to deliver, shall be terminated from employment.
528 Act 39 of 2018	Third-Party Services	Shall Obtain	As Needed	For all third-party service contracts for non-instructional services, schools are required to obtain from vendors: financial projections, violation history, criminal records of employees, and traffic violations/chargeable accident records for employees.  "Non-instructional services" is defined as services provided by a school employee whose terms and conditions of employment are governed by a collective bargaining agreement negotiated by the school and the exclusive representative of the employee, excluding professional staff, substitutes, or temporary professionals. The definition of "third party" excludes individuals.
		Shall Conduct	30 Days Prior	Before entering into an agreement, the school must conduct an advertised public meeting – no later than 30 days prior – where the proposal shall be advertised.
		Shall Ensure Consideration is Given	As Needed	If a school employee is terminated because of a new third-party contract, the third-party is required to give consideration to the employee, including but not limited, to an interview.

# CURRICULUM

Section	Title	Action	Timing	Details
121 Act 158 of 2018	Keystone Exams	Shall Be Required	For Graduation	The use of the Keystone Exams as a graduation requirement (or as a benchmark for a project-based assessment) will begin with the 2020-2021 school year.
1511 Act of Mar. 10, 1949 Act 301 of 1968	Prescribed Courses	Shall Be Taught	In Elementary School	In every elementary school, the following subjects are to be taught: English (including spelling, reading, and writing); arithmetic; geography; history (of Pennsylvania and the United States); civics (including loyalty to the State and Nation); safety education (including the humane treatment of birds and animals); health and physical education; music; and art.
		Shall Provide	In 8th Grade	Each school district must provide an illustrated copy of the Flag Code to all students enrolled in eighth grade.
1511.1 Act 93 of 1984	Remedial Courses	Shall Be Taught	In All Grades	Approved programs in reading and mathematics must be established to serve students who fall below an acceptable level of performance.
1513 Act of Mar. 10, 1949 Act 114 of 2006	Physiology and Hygiene	Shall Be Taught	In a Student's Career	As part of health education, schools are required to provide specific instruction as to the effect of alcoholic drinks, stimulants, and narcotics on the human system; education on tuberculosis and its prevention; and nutrition and obesity.
1514 Act of Mar. 10, 1949	Humane Education	Shall Be Taught	Through 4th Grade	Humane education must be taught to all pupils through the fourth grade. This may not include any cruel experiments on living animals.
1518 Act of Mar. 10, 1949	Fire Dangers and Prevention	Shall Be Provided	In All Grades	Schools must provide instructional books about the dangers of fire and the prevention of fire waste. These books should be distributed to students and teachers of all grades.
1523 Act 88 of 1992	Right of Refusal (Animal Dissection)	Shall Be Acknowledged	In All Grades	Students and their parents have the right to decline to participate in any project involving harmful or destructive use of animals. Schools must notify all incoming pupils and their parents of this right. Those students who exercise this right should be given an alternative education project in its place.
1547 Act 55 of 2017	Alcohol, Chemical, and Tobacco Abuse Program	Shall Be Taught	In All Grades	Each public school student must receive instruction in alcohol, chemical, and tobacco abuse in every year in every grade from kindergarten through twelfth grade as part of health instruction. In sixth grade through twelfth grade, opioid abuse prevention must be taught.
1605 Act of Mar. 10, 1949 Act 650 of 1961	Courses of Study	Shall Be Taught	In Grades 7-12	Schools must offer at least four semesters (or equivalent study) in the history and government of the United States and the Commonwealth of Pennsylvania for students between seventh and twelfth grades.

Section	Title	Action	Timing	Details
1605.1 Act 35 of 2018	Civic Knowledge Assessment	Shall Administer	Once Between Grades 7-12	<p>Beginning with the 2020-2021 school year, each school district must administer a civics test to students at least once between seventh and twelfth grades.</p> <p>The test should be locally developed and include:</p> <ul style="list-style-type: none"> <li>• The nature, purpose, principles, and structure of the United States constitutional democracy.</li> <li>• The principles, operations, and documents of the United States government.</li> <li>• The rights and responsibilities of citizenship.</li> </ul> <p>This assessment is not a requirement for graduation, but a certificate of recognition shall be issued to students who achieve a perfect score.</p>

PROFESSIONAL DEVELOPMENT

Section	Title	Action	Timing	Details
328 Act 55 of 2017 Act 18 of 2019	School Director Training	Shall Complete	Upon Election	Newly elected or appointed school directors must complete a mandatory training program during their first year in office. Training topics will include instruction and academic programs, trauma-informed approaches (which shall comprise a minimum of one hour of instruction), personnel, fiscal management, operations, governance, ethics, and open meetings.
		Shall Complete	Upon Reelection	Reelected/Reappointed board members must complete an advanced training program with a minimum of three hours of instruction.
1205.6 Act 126 of 2012	Child Abuse Recognition and Reporting	Shall Provide	Three Hours Every Five Years	Schools must provide child abuse recognition and reporting training to all employees who have direct contact with children. Those employees must complete a minimum of three hours of training every five years.
1205.7 Act 18 of 2019	Trauma-Informed Approaches	Shall Provide	As Part of Professional Development	Schools must provide employees with training on trauma-informed approaches. A reasonable effort must be made to facilitate the training during paid working hours or in-service training.
1526 Act 71 of 2014	Youth Suicide Awareness	Shall Provide	Four Hours Every Five Years	Professional development plans must include youth suicide awareness and prevention training (four hours every five years) for educators of sixth through twelfth grades.

# HEALTH & WELLNESS

Section	Title	Action	Timing	Details
1402 Act 404 of 1957	Mandated Health Services	Shall Provide	At All Times	Schools are required to provide school nurse services for children at a maximum of 1,500 students per one nurse.
		Shall Keep Shall Report	At All Times As Needed	Comprehensive health records must be kept. All teachers must report to the school nurse/physician any unusual behavior, change in appearance, etc., that may indicate a health issue. <ul style="list-style-type: none"> <li>The school nurse/physician may advise a parent/guardian of the need for a special examination.</li> <li>If parent/guardian fails to report the results of an exam, the school nurse/physician shall arrange a special medical exam for the child.</li> </ul>
		Must Provide	At the Given Times	School physicians shall make a medical exam/appraisal of health for every child upon entering the school, while in sixth grade, and while in eleventh grade. <ul style="list-style-type: none"> <li>An exception will be given if the student has been given an exam within the preceding four months and the results are provided to the school.</li> <li>A physical must also be given prior to issuance of farm or domestic services permit.</li> </ul>
1403 Act of Mar. 10, 1949 Act 535 of 1963	Mandated Dental Services	Shall Be Provided	At Prescribed Times	Schools are required to provide either (1) dental examinations by a school dentist upon entry into the school, while in third grade, and while in seventh grade; or (2) an approved dental hygiene program. <ul style="list-style-type: none"> <li>Dental exam records from family dentists are acceptable if the visit was within the prior four months.</li> </ul>
1414.1 Act 187 of 2004 Act 24 of 2010	Possession and Use of Asthma Inhalers and Epinephrine Auto-Injectors	Shall Develop	Ongoing	Each school entity is required to develop a written policy to allow for students to self-administer asthma inhalers and epinephrine auto-injectors, and the prescribed medication they contain.
		Shall Publish	Ongoing	The policy must be distributed with the school code of conduct and published on the school's website. Under the policy, affected students must be able to demonstrate the capability of self-administration (and responsible behavior in its use), and to notify the school nurse immediately following each use of the inhaler or auto-injector.
		Shall Develop	Ongoing	It is the school entity's duty to develop a system that allows the student to demonstrate their ability to self-administer and prove they have permission to do so. Determination of a student's competency shall be based on age, cognitive function, maturity, and demonstration of responsible behavior. The school entity must also restrict the availability of the device(s) from other students.

Section	Title	Action	Timing	Details
1414.1 (Continued)	Possession and Use of Asthma Inhalers and Epinephrine Auto-Injectors	Shall Develop	Ongoing	The policy must specify the conditions for which a student's permission to use the device(s) may be revoked.
		Shall Provide	As Needed	If a student's privilege is revoked, the school entity is responsibility for ensuring safe storage of the devices in close proximity to the student.
		Shall Notify	As Needed	The school district must also notify the student's classroom teachers of the device's placement.
1414.2 Act 195 of 2014	School Access to Emergency Epinephrine	May Authorize	Ongoing	School districts may, but are not required to authorize a school employee to provide epinephrine auto-injectors, provided the following guidelines are met. The auto-injectors may be used for self-administration that meets a student's prescription on file; to administer to a student an epinephrine auto-injector that meets the prescription on file for either the individual student or the school entity; and to administer an epinephrine auto-injector that meets the prescription on file for the school entity to a student that the employee, in good faith, believes is having an anaphylactic reaction.
		Shall Designate	As Needed	A physician or certified registered nurse practitioner may prescribe epinephrine auto-injectors to school entities. Those devices must be kept in a safe, secure location.
		Shall Complete	As Needed	A school entity that authorizes the provision of epinephrine auto-injectors must designate one or more individuals at each school who shall be responsible for the storage and use of the devices.
		Shall Contact	As Needed	Those individuals designated as responsible must successfully complete a training program developed by the Department of Health.
		Shall Notify	As Needed	In the event that a student is believed to be having an anaphylactic reaction, the school nurse or responsible individual must contact 911 as soon as possible.
				Parents or guardians may request a student be exempt from receiving treatment with an epinephrine auto-injector and principals at each school where the student is enrolled must notify all parents or legal guardians of the right to exempt their children by returning a signed opt-out form.
1414.3 Act 86 of 2016	Education of School Employees in Diabetes Care	Shall Develop	Ongoing	Act 86 of 2016 is a voluntary option for school districts. However, any school opting in must abide by all of the requirements as directed. The act allows a school nurse to identify at least one additional employee to be responsible for a child with diabetes in the absence of a school nurse.
		Shall Complete	Annually	The identified employee must complete an annual educational module outlined by the Department of Education and Department of Health or an alternative educational offering from a licensed care practitioner with an expertise in the care and treatment of diabetes.

# HEALTH & WELLNESS

Section	Title	Action	Timing	Details
1414.3 (Continued)	Education of School Employees in Diabetes Care	Shall Have the Right	Ongoing	An employee responsible for a child with diabetes in the absence of the school nurse shall have the right to decline the responsibility and related directives.
		Shall Designate	As Needed	A school employee who meets the criteria outlined above may be designated in the student's service agreement or IEP to administer diabetes medications, use monitoring equipment, and provide other diabetes care.
		Shall Coordinate	Annually	Education provided to school employees must be coordinated by the chief school administrator and may be included in the professional education plan.
		Shall Receive	Prior to Administering	School entities must also receive written authorization from the student's health care practitioner and parent to allow an employee who is not a licensed health care practitioner to administer specified diabetes medications.
1414.4 Act 86 of 2016	Diabetes Care in Schools	Shall Receive	Prior to Administering Care	In order for a child to receive diabetes-related care and treatment in a school setting, a parent or guardian must provide the school entity with written authorization and instructions from the student's primary care physician.
1414.5 Act 86 of 2016	Possession and Use of Diabetes Medication and Monitoring Equipment	Shall Require	Prior to Authorizing	<p>In order for a student to possess and self-administer diabetes medication in a school setting, the school entity shall require a parent or guardian to provide the following:</p> <ul style="list-style-type: none"> <li>• A written statement from the student's physician providing the name of the drug, dose, timing of medication and/or monitoring, and diagnosis or reason for the diabetes care. Additionally, the physician must indicate potential harmful reactions to the medication that may occur and the emergency response to such a reaction. The physician must also state whether the student is competent to self-administer and practice safety precautions.</li> <li>• A written request from the parent or guardian asking the school entity to comply with the instructions from the physician. The request must also include a statement relieving the school entity or employee of any responsibility for the medication or equipment and acknowledge that the school entity or employee bears no responsibility for ensuring the student takes the medication or uses the monitoring equipment.</li> <li>• A written acknowledgment by the school nurse that the student has demonstrated to be capable of self-administering.</li> <li>• A written acknowledgment by the student that he or she has received instruction from a physician on proper safety precautions for the handling and disposal of medications and monitoring equipment. This must also include a statement that the student will not allow other students to have access to his medical supplies and that the student understands the appropriate safeguards.</li> </ul>

Section	Title	Action	Timing	Details
1414.5 (Continued)	Possession and Use of Diabetes Medication and Monitoring Equipment	Shall Have the Right	As Needed	School entities have the right to revoke or restrict a student's privileges because of noncompliance with school rules, provisions of the student's service agreement or IEP, or by demonstrating unwillingness or inability to safeguard his or her medical supplies from access by other students.
		Shall Ensure	As Needed	If a school entity restricts or revokes this right, it is the school entity's responsibility to ensure the medication or monitoring equipment is appropriately stored in a readily accessible place in the student's school building.
		Shall Notify	As Needed	The school nurse and other identified employees must be notified as to the location.
1414.9 Act 2 of 2017	Administration of Epinephrine Auto-Injectors by School Bus Drivers and School Crossing Guards	Shall Be Authorized	In the Event of an Emergency	School Bus Drivers and School Crossing Guards may administer epinephrine auto-injectors in case of emergencies if the following conditions are met: <ul style="list-style-type: none"> <li>• The School Bus Driver or School Crossing Guard administers the device in a manner that is consistent with the policies of the independent contractor that employs the personnel (if it is an independent contractor), the school entity that has contracted the personnel (if employed by an independent contractor), and the school entity that employs the personnel (if employed by a school entity).</li> <li>• The School Bus Driver has successfully completed the training program developed by the Department of Health.</li> </ul>
1414.10 Act 105 of 2018	Sun Protecting Measures for Students	Shall Allow	As Needed	School entities must allow for student use of sun-protective clothing and sunscreen. The outdoor use by a student of sun-protective clothing, including hats, must be permitted. (Schools may still restrict headwear with inappropriate graphics, color, or messages). A student may use a non-aerosol topical sunscreen without a physician's note or prescription if: <ul style="list-style-type: none"> <li>• The product is approved by the FDA for over-the-counter use.</li> <li>• A parent or guardian submits a form to the school attesting the school is not responsible for ensuring the product is applied and the student has demonstrated an ability to self-apply.</li> <li>• The student submits a form attesting that he or she knows the proper method of self-applying and knows the proper safety precautions for handling and disposal of the product.</li> </ul>
		Shall Revoke	As Needed	The school entity reserves the right to revoke or restrict possession, application, or use if the student fails to comply with school rules regarding the product or shows an unwillingness or inability to safeguard its use by other students.
		Shall Provide Notice	As Needed	If a school entity revokes or restricts this privilege, the school must provide written notice to the student's parent or guardian.

## HEALTH & WELLNESS

Section	Title	Action	Timing	Details
<p>1418</p> <p>Act of Mar. 10, 1949 Act 47 of 1971 Act 104 of 2010 Act 123 of 2010</p>	<p>Medical Exams for Staff</p>	<p>Are Required</p>	<p>Prior to Employment</p>	<p>All school employees are required to take a pre-employment medical examination, including a tuberculosis test.</p> <p>Student teachers and volunteers are also subject to tuberculosis tests.</p>
<p>1423</p> <p>Act 4 of 2001 Act 35 of 2014</p>	<p>Automatic External Defibrillators (AEDs)</p>	<p>Shall Abide</p> <p>Shall Complete</p> <p>Shall Report</p>	<p>When Applicable</p> <p>As Needed</p> <p>Annually Before June 30</p>	<p>Schools are not required to have AEDs in school buildings, but there are regulations for those that do.</p> <ul style="list-style-type: none"> <li>• Personnel expected to use the devices must complete training in CPR and AED use provided by the American Heart Association, the American Red Cross, or equivalent. <ul style="list-style-type: none"> <li>○ This training may be included in the school's professional education plan.</li> </ul> </li> <li>• Prior to June 30 of each year, a school must report to the Department of Education the number, condition, age, and placement of AEDs in its annual report to receive state reimbursement for health services (Section 2505.1).</li> </ul>
<p>1424</p> <p>Act 82 of 2012</p>	<p>CPR Training</p>	<p>Is Required at Each School</p>	<p>When School is in Session</p>	<p>Each school building must have at least one person certified in the use of CPR that is present during regular school hours when school is in session and students are present.</p>



# Title 22, Chapter 14

## SPECIAL EDUCATION SERVICES AND PROGRAMS

22.14

Section 1372 of the Public School Code of 1949 authorizes the Department of Education to set standards for special education. The Special Education regulations in Pennsylvania for school districts are found under the 22 PA Code, Chapter 14. Chapter 14 provides regulatory guidance to ensure compliance with the federal law, the Individuals with Disabilities Education Act of 2004, and its regulations.

The provisions of Chapter 14 ensure that all students with disabilities have available to them a free, appropriate public education that is designed to enable the students to participate fully and independently in the community, including preparation for employment or higher education. Chapter 14 also ensures that the rights of students with disabilities and parents of these students are protected.

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### CHAPTER 14 - GENERAL PROVISIONS

Section	Title	Action	Timing	Details
104	Special Education Plan	Shall Develop	Every Three Years	<p>School districts are required to develop and implement a special education plan that aligns with the strategic plan of the school district. The plan must be developed every three years along with the strategic plan. This plan must specify the special education programs that operate in the district, local intermediate units, area vocational technical schools, and other agencies.</p> <p>The plan must describe the following:</p> <ul style="list-style-type: none"> <li>• Early intervention services, if provided by the district</li> <li>• Procedures for identifying children with specific learning disabilities</li> <li>• Supplementary aids and services provided</li> <li>• Access to a full continuum of educational placements</li> <li>• Procedures for preventing over-identification or disproportionate representation by race and ethnicity (for those districts identified with significant disproportionately)</li> <li>• Procedures on behavior support services: training to staff, deescalation techniques, and appropriate responses to student behavior</li> <li>• Parent training activities</li> </ul> <p>Plans must also include procedures for the education of all students with disabilities who are residents of the district, including those receiving special education in approved private schools and non-residents placed in a home or institution within the district.</p> <p>School districts must maintain specific information concerning students with disabilities, including services provided, performance data, and discipline data. These items must be reported to the State as required by the Secretary.</p>

CHAPTER 14 - GENERAL PROVISIONS

Section	Title	Action	Timing	Details																																								
105	Paraprofessionals	Shall Meet Requirements	To Qualify for Employment	Instructional paraprofessionals are defined as school employees who work under the direction of a certified staff member to support and assist the education of students with disabilities. Support includes one-on-one or group review of material in special education classes, regular classrooms, or other instructional setting prescribed by the IEP. In order to qualify, paraprofessionals must have completed at least two years of postsecondary study, hold an associate degree or higher, and meet the standard of quality set forth by the State or local assessment. Paraprofessionals must complete 20 hours of annual staff development activities related to their assignment.																																								
105	Personal Care Assistants	Shall Meet Requirements	To Qualify for Employment	A personal care assistant provides one-to-one support and assistance to a student, including the use of medical equipment. A personal care assistant may provide support to more than one student, but not at the same time. Personal care assistants must complete 20 hours of annual staff development activities (this may include training required by the school-based access program).																																								
105	Educational Interpreters	Shall Meet Requirements	To Qualify for Employment	Educational interpreters provide students who are deaf or hard of hearing with interpreting or transliterating services in an educational setting. Interpreters must meet the same criteria as paraprofessionals, as well as achieve a score of 3.5 on the Educational Interpreter Performance Assessment (EIPA) for the appropriate grade level assigned; be qualified under the Sign Language Interpreter and Transliterater Registration Act; and complete a minimum of 20 hours of staff development annually.																																								
105	Teacher Caseload	Shall Not Exceed	At Any Time	<p>The following represents the maximum number of students allowed on a teacher's caseload:</p> <table border="1"> <thead> <tr> <th>TITLE</th> <th>ITINERANT ( &lt; 20% )</th> <th>SUPPLEMENTAL ( 20% &lt; &gt; 80% )</th> <th>FULL-TIME ( &gt; 80% )</th> </tr> </thead> <tbody> <tr> <td>Learning Support</td> <td>50</td> <td>20</td> <td>12</td> </tr> <tr> <td>Life Skills Support</td> <td>20</td> <td>20</td> <td>12 (K-6) 15 (7-12)</td> </tr> <tr> <td>Emotional Support</td> <td>50</td> <td>20</td> <td>12</td> </tr> <tr> <td>Deaf &amp; Hearing Impaired Support</td> <td>50</td> <td>15</td> <td>8</td> </tr> <tr> <td>Blind &amp; Visually Impaired Support</td> <td>50</td> <td>15</td> <td>12</td> </tr> <tr> <td>Speech &amp; Language Support</td> <td>65</td> <td></td> <td>8</td> </tr> <tr> <td>Physical Support</td> <td>50</td> <td>15</td> <td>12</td> </tr> <tr> <td>Autistic Support</td> <td>12</td> <td>8</td> <td>8</td> </tr> <tr> <td>Multiple Disabilities Support</td> <td>12</td> <td>8</td> <td>8</td> </tr> </tbody> </table> <p>Classes or programs with students from more than one district shall follow the caseload of the district where the program is located.</p>	TITLE	ITINERANT ( < 20% )	SUPPLEMENTAL ( 20% < > 80% )	FULL-TIME ( > 80% )	Learning Support	50	20	12	Life Skills Support	20	20	12 (K-6) 15 (7-12)	Emotional Support	50	20	12	Deaf & Hearing Impaired Support	50	15	8	Blind & Visually Impaired Support	50	15	12	Speech & Language Support	65		8	Physical Support	50	15	12	Autistic Support	12	8	8	Multiple Disabilities Support	12	8	8
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## CHAPTER 14 - GENERAL PROVISIONS

Section	Title	Action	Timing	Details
108	Parental Access	Shall Be Granted	As Necessary	Parents must be permitted to have reasonable access to their child's classrooms, within the parameters of school district policy.

## CHAPTER 14 - CHILD FIND, SCREENING, AND EVALUATION

Section	Title	Action	Timing	Details
121	Child Find	Shall Adopt	Ongoing	School districts must adopt and use a public outreach awareness system to locate and identify children thought to be eligible for special education within the district.
		Shall Publicize	Ongoing	Districts also must conduct awareness activities to inform the public of early intervention and special education services offered. This information should be published in the district handbook and on the public website and must include information regarding signs of developmental delays and other risk factors that could indicate disabilities.
		Shall Provide Notice	Annually	Annually, districts must provide an annual public notification of child identification services, including procedures in maintaining confidentiality. This should be published or announced in newspapers, electronic, and other media.
122	Screening	Shall Establish	Ongoing	School districts must establish a screening plan to identify and provide initial screening to students, provide peer support for teachers and other staff members, and identify students who may need special education services.
		Shall Include	At Reasonable Intervals	The screening process must include hearing and vision screening as well as screening at reasonable intervals. Screening or early intervention does not preclude a parent from requesting an evaluation at any time, including prior to or during early intervention activities.
123	Evaluations	Shall Include	During Evaluations	When evaluating a child for autism, emotional disturbance, mental retardation, multiple disabilities, other health impairments, specific learning disabilities, or traumatic brain injury, the evaluation team must include a school psychologist.
		Shall Provide	Within 60 Calendar Days	The initial evaluation must be provided to parents within 60 calendar days of receiving parental consent for evaluation. Days between the end of the spring term and the start of the fall term shall be excluded from this count.
		Shall Be Made Shall Be Disseminated	When Seeking Evaluation At Least 10 Days Prior	Parental requests for evaluation must be in writing and school districts must have a Permission to Evaluate Form readily available. Copies of the evaluation report must be disseminated to parents at least 10 school days prior to the meeting of the IEP team.

## CHAPTER 14 - CHILD FIND, SCREENING, AND EVALUATION

Section	Title	Action	Timing	Details
124	Re-Evaluation	Shall Reevaluate Child	Every Two Years	Students with disabilities who are identified as mentally retarded shall be reevaluated at least once every two years. The rules and timeline for reevaluation of students are similar to initial evaluation.
125	Criteria For Determining Specific Learning Disabilities	Shall Develop  Shall Follow	For Special Education Plan  During Each Evaluation	<p>Each school district must develop procedures for the determination of specific learning disabilities. This must be included in the district's special education plan.</p> <p>To determine that a student has a specific learning disability, the school district must:</p> <ul style="list-style-type: none"> <li>• Address whether the child meets State-approved grade-level standards in one of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, and mathematics problem solving.</li> <li>• Use either a process based on the child's response to scientific, research-based intervention or a process that examines whether the child exhibits a pattern of strengths and weaknesses, relative to intellectual ability.</li> <li>• Have determined that its findings are the result of visual, hearing, or orthopedic disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.</li> <li>• Ensure that under-achievement in a child is not due to lack of appropriate instruction.</li> </ul>

## CHAPTER 14 - INDIVIDUALIZED EDUCATION PROGRAM

Section	Title	Action	Timing	Details
131	Individualized Education Program (IEP)	Shall Include  Shall Implement	For Each Student  Within 10 Days of Completion	<p>The IEP of each student must include:</p> <ul style="list-style-type: none"> <li>• A description of the types of services and support that the student shall receive.</li> <li>• Supplementary aids and services.</li> <li>• A description of the personnel needed for support.</li> <li>• The location where the student attends school (and whether this is the school the student would attend if the student did not have an IEP).</li> <li>• For students ages 14 and older, a transition plan that includes appropriate, measurable postsecondary goals related to training, education, employment, and (when appropriate) independent living skills.</li> </ul> <p>The IEP of each student must be implemented no later than 10 school days after completion.</p>



## CHAPTER 14 - EDUCATIONAL PLACEMENT

Section	Title	Action	Timing	Details
144	Facilities	Shall Meet All Criteria	For Special Education Instruction	<p>Students with disabilities must be provided with an appropriate classroom space that is close to the appropriate ebb and flow of usual school activities but where noise will not interfere with instruction. The space must be at least 28 square feet per student.</p> <p>A class should not be moved unless it is to improve the delivery of education services (without reducing the interaction with students without disabilities).</p>
146	Age Range Restrictions	Shall Be in Place	In All Special Education Classrooms	The maximum age range of students in specialized settings shall be three years in elementary school and four years in secondary school. A student may not be placed in a class that exceeds these limits unless it is specified in the student's IEP.

## \*CHAPTER 14 - EARLY INTERVENTION

Section	Title	Action	Timing	Details
152	Early Intervention Child Find	<p>Shall Adopt</p> <p>Shall Be Published</p>	<p>Ongoing</p> <p>Annually</p>	<p>Agencies must adopt and use a system to locate and identify young children thought to be eligible who reside within the agency's boundaries.</p> <p>Each agency must conduct awareness activities to inform the public, including an annual public notification published in newspapers and/or other media with circulation adequate to notify parents throughout the area of service.</p>
153	Evaluations	<p>Shall Be in Place</p> <p>Shall Complete and Present</p> <p>Shall Reevaluate</p>	<p>In All Special Education Classrooms</p> <p>Within 60 Calendar Days</p> <p>Every 2 Years</p>	<p>Evaluations are to be conducted for children thought to be eligible for early intervention and who are referred for evaluation. The evaluations should be sufficient in scope and depth to investigate information relevant to the child's suspected disability, including:</p> <ul style="list-style-type: none"> <li>• Physical development</li> <li>• Cognitive and sensory development</li> <li>• Learning problems</li> <li>• Learning strengths and educational need</li> <li>• Communication development</li> <li>• Social and emotional development</li> <li>• Self-help skills</li> <li>• Health considerations</li> <li>• An assessment of the family's perceived strengths and needs which will enhance the child's development.</li> </ul> <p>Initial evaluation or reevaluation shall be completed and a copy of the evaluation report presented to parents no later than 60 calendar days after the agency receives written parental consent.</p> <p>Reevaluations must occur at least every two years.</p> <p>Each eligible child must be evaluated by a Multidisciplinary Team (MDT) to make a determination of continued eligibility and to develop an evaluation report.</p>

Section	Title	Action	Timing	Details
154	Individualized Education Program (IEP)	<p>Shall Complete</p> <p>Shall Implement</p> <p>Shall Review</p>	<p>As Needed</p> <p>Within 14 Days</p> <p>Annually</p>	<p>The early intervention agency must complete an IEP for eligible children based on the evaluation results.</p> <p>The IEP team must include at least one special education teacher and an agency representative familiar with appropriate activities for preschool children. The agency representative must be qualified to provide or supervise the provision of specially designed instruction.</p> <p>The IEP must include, with parental consent, a section on family services to assist the family in supporting the child's development.</p> <p>For children who are within one year of transition to a program for school age students, the IEP must contain goals and objectives for the transition.</p> <p>The IEP shall be implemented as soon as possible, but no later than 14 calendar days after completion.</p> <p>The IEP must be reviewed by the IEP team at least annually.</p> <p>If a child with an IEP moves into a new early intervention agency, the current IEP shall be implemented – to the best of the agency's ability – until a new IEP is developed.</p>
155	Range of Services	Shall Recommend	As Needed	<p>The early intervention agency must recommend services be provided in the least restrictive environment with the appropriate, necessary supplementary aids and services.</p> <p>The duration of early intervention services must accommodate the individual needs in accordance with the Mutually Agreed upon Written Agreement (MAWA). The IEP team will determine whether a child should be provided services during a break.</p> <p>Early intervention personnel shall have the following caseloads:</p> <ul style="list-style-type: none"> <li>• Early intervention itinerant teachers who provide services in a typical preschool, community program, or child's home shall have a caseload range of 20 to 40 children based on duration and frequency of service.</li> <li>• Early intervention classroom teachers may have up to six (6) young children in their classroom. Teachers may have additional children up to a maximum of 11 if an additional teacher or paraprofessional is assigned to the classroom.</li> <li>• Speech therapists who provide services in classrooms, typical preschools, community programs, or the child's home shall have 25 to 50 children based on the duration and frequency of service.</li> </ul>
156	System of Quality Assurance	Shall Be Subject	At All Times	<p>Programs for early intervention agencies are subject to the program standards and evaluations set forth by the Department of Education.</p>

## CHAPTER 14 - EARLY INTERVENTION

Section	Title	Action	Timing	Details
157	Exit Criteria	Shall Be Exited	When the Following Criteria Apply	A child shall be exited from the early intervention program based on one or more of the following criteria: the child has reached the age of beginners and is no longer eligible for early intervention; the child has functioned within the range of normal development for four months with an IEP; or the parent or guardian withdrew the child for other reasons.
158	Data Collection	Shall Be Collected	As Prescribed by the Secretary	The Department of Education requires early intervention agencies to maintain accurate information concerning eligible young children and the types of services received. That information is to be reported in aggregate. The Secretary will prescribe the format, content, data items, and time for submission.

## CHAPTER 14 - PROCEDURAL SAFEGUARDS

Section	Title	Action	Timing	Details
162	Procedural Safeguards	Shall Be Sent	Annually	School districts must follow all requirements of 34 CFR 300.504 (relating to procedural safeguards) set forth by the U.S. Department of Education. Additionally, the state requires that related notices be issued by certified mail.
	Due Process Hearings	Shall Be Conducted	Upon Request	<p>If a parent disagrees with the school district's evaluation, placement, or provision of free, appropriate public education, the parent is entitled to an impartial due process hearing, upon request. A school district may also request a hearing if the parent fails to respond to a proposed evaluation or reevaluation, or if the parent rejects the district's proposed evaluation, placement, or provision of free appropriate public education.</p> <p>The hearing must be held in the school district at a place and time reasonably convenient for the parents and child involved. It shall be an oral, personal hearing that is closed to the public except by request of the parent.</p> <p>The hearing officer will make a ruling based on evidence presented, as well as discussion and conclusions of law. Parents may be represented by legal counsel and have access to educational records of the child. This decision may be appealed to the court.</p>



# Title 22, Chapter 15

## PROTECTED HANDICAPPED STUDENTS

22.15

Chapter 15 addresses a school district's responsibility to comply with the requirements of Section 504 and its implementing regulations at 34 CFR Part 104 (relating to nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from federal financial assistance) and implements the statutory and regulatory requirements of Section 504. (b)

Section 504 and its accompanying regulations protect otherwise qualified handicapped students who have physical, mental, or health impairments from discrimination because of those impairments. The law and its regulations require public educational agencies to ensure that these students have equal opportunity to participate in the school program and extracurricular activities to the maximum extent appropriate to the ability of the protected handicapped student in question. School districts are required to provide these students with the aids, services, and accommodations that are designed to meet the educational needs of protected handicapped students as adequately as the needs of non-handicapped students are met. For purposes of the chapter, students protected by Section 504 are defined and identified as protected handicapped students.

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## CHAPTER 15 - PROTECTED HANDICAPPED STUDENTS

*Section	Title	Action	Timing	Details
15.3	General Provisions	Shall Provide	As Needed	A school district must provide each enrolled handicapped student, at no cost to the student or family, with aids, services, or accommodations needed to afford the student equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities without discrimination.
15.4	Annual Notice	Shall Be Sent	On or Before the First Day of School	On or before the first day of each school year, school districts must inform parents of enrolled students that the district does not discriminate against protected handicapped students and the district's responsibilities under chapter 15.  The notice may be included in a document reasonably expected to reach the parents of enrolled students, including a school calendar or brochure.
15.5	School District Initiated Evaluation and Provision of Services	Shall Notify	As Needed	A school district shall send a written notice to the student's parents if a school district believes the student meets one of the following conditions: <ul style="list-style-type: none"> <li>• Should be identified as a protected handicapped student.</li> <li>• Should no longer be identified as a protected handicapped student.</li> <li>• Requires a change in current service agreement.</li> </ul>

CHAPTER 15 - PROTECTED HANDICAPPED STUDENTS

Section	Title	Action	Timing	Details
15.5 (Continued)	School District Initiated Evaluation and Provision of Services	Shall Notify	As Needed	<p>The notice shall be in the parents' native language and include the following:</p> <ul style="list-style-type: none"> <li>• That the school district believes the student is – or is no longer – a protected handicapped student.</li> <li>• The basis for the school district's belief.</li> <li>• The proposed change or modification to the service agreement.</li> <li>• The parents' right to inspect and review all relevant student records.</li> <li>• The parents' right to meet with the appropriate school officials about the subject.</li> <li>• The specific related aids, services, or accommodations the school district is proposing.</li> <li>• The requirement that the parents agree to the student's identification as a protected handicapped student.</li> <li>• The requirement that the parents execute a service agreement with the school district before the district can provide proposed aids, services, or accommodations.</li> <li>• The school district will modify or terminate the student's current service agreement without the parents' written consent, pending completion of the procedures in Chapter 15.8.</li> <li>• The procedural safeguards available to students.</li> </ul> <p>School districts may ask for additional medical records from the parent in order to gather more information for its proposed recommendation.</p> <p>A school district-initiated request to evaluate a student must specifically identify the procedures and types of tests which it proposes to use to evaluate the student and inform parents that they have the right to give or withhold their written consent on these evaluations.</p>
15.6	Parent Initiated Evaluation and Provision of Services	Shall Submit Written Request	As Needed	<p>Parents have the right to request that their child be evaluated and provided services if they believe their child should be identified as a protected handicapped student, should no longer be identified as a protected handicapped student, or if a change is required to the student's current service agreement.</p> <p>This request must be made in writing and should include all relevant medical records. The written request should include:</p> <ul style="list-style-type: none"> <li>• Specific reasons that the parents believe the student is or is no longer a protected handicapped student.</li> <li>• The specific related aids, services, or accommodations the parents believe the student needs.</li> <li>• The specific modifications the parents would like the school district to make in the student's current service agreement, if the parents are requesting a modification.</li> </ul>

CHAPTER 15 - PROTECTED HANDICAPPED STUDENTS

Section	Title	Action	Timing	Details
15.6 (Continued)	Parent Initiated Evaluation and Provision of Services	Shall Evaluate and Respond	Within 25 School Days	<p>Within 25 school days of receiving the request, a school district must evaluate the information and provide a written response in the parents' native language. The response should include:</p> <ul style="list-style-type: none"> <li>• Whether the request – or portion(s) of the request – are being granted or denied.</li> <li>• The parents' right to meet with the appropriate school officials to discuss the subject.</li> <li>• The procedural safeguards available to students and their parents under Chapter 15.8.</li> <li>• That parents using the procedural safeguards in this chapter may also file suit in Federal court under Section 504.</li> </ul> <p>If upon evaluation a school district determines it needs additional information, the district will ask the parents to provide additional medical records and grant the district permission to evaluate the student.</p>
15.7	Services Agreement	Shall Be Executed	Upon Agreeing to Services	<p>Once parents and the school district agree to the related aids, services, or accommodations that should be or should no longer be provided, the district and parents shall enter into or modify a service agreement.</p> <p>The service agreement must be a written document that is executed by a representative of the school district and by one or both parents.</p> <p>The agreement must include:</p> <ul style="list-style-type: none"> <li>• All specific related aids, services, and accommodations the student shall receive.</li> <li>• The dates the services will begin.</li> <li>• The dates they will be discontinued.</li> <li>• The procedures to be followed in the event of a medical emergency (when applicable).</li> </ul> <p>If the parents or school district cannot agree on the services to be provided, either party may utilize the procedural safeguards. The school district must notify the parents in writing of their rights in this regard.</p> <p>In implementing the services agreement, the school district must address relevant factors, including educational resources, physical plant, and personnel capacities.</p>

CHAPTER 15 - PROTECTED HANDICAPPED STUDENTS

Section	Title	Action	Timing	Details
15.8	Procedural Safeguards	Shall File	As Needed	Parents may file a written request with the Department of Education if they feel the school district is not fulfilling the student's service agreement or the school district has failed to comply with the procedures of this chapter.
		Shall Respond	Within 60 Calendar Days	The Department of Education will investigate and respond to requests within 60 calendar days of the initial request.
		Shall Convene	Within 10 School Days of Receipt	Parents may file a written request with the school district for an informal conference with regard to identification or evaluation of a student.  Within 10 school days of the receipt of the request, the school district shall convene an informal conference where every effort shall be made to reach an amicable agreement.  If matters are not resolved, either the parents or the school district may request a formal hearing to be heard in front of an impartial hearing officer, as outlined in Chapter 14.64.  Appeals may be filed to the due process hearing. During this time, the administrative order shall be stayed, pending completion of the judicial proceedings.
15.9	Confidentiality	Shall Protect	At All Times	The school district must protect the confidentiality of personally identifiable information regarding the student.
		Shall Obtain	As Needed	The district must get parental consent before releasing personally identifiable information to unauthorized persons.
		Shall Permit	As Needed	Parents and representatives of the parents shall be granted access to relevant educational records of the student.
15.10	Discrimination Claims	Shall Protect	At All Times	An eligible or non-eligible student under Chapter 14 may use the procedures for requesting assistance under 15.8 to raise claims regarding denial of access, equal treatment, or discrimination based on handicap.  A student filing a claim need not exhaust procedures in this chapter prior to initiating a court action under Section 504.

# Title 22, Chapter 16

## SPECIAL EDUCATION FOR GIFTED STUDENTS

22.16

Chapter 16 addresses the requirements to serve students who demonstrate outstanding intellectual and creative ability.

A Gifted Student is defined as a student who is exceptional under section 1371 of the School Code (24 P. S. § 13-1371) because the student meets the definition of “mentally gifted” in this section, and needs specially designed instruction beyond that required in Chapter 4 (relating to academic standards and assessment). The term applies only to students who are of “school age” as defined under § 11.12 (relating to school age).

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### CHAPTER 16 - GENERAL PROVISIONS

*Section	Title	Action	Timing	Details
16.3	Experimental Programs	Shall Submit	Annually	<p>School districts have the opportunity to operate an experimental program for gifted students. To do this, districts must submit an annual application that includes:</p> <ul style="list-style-type: none"> <li>• Provisions for the inclusion of parents, administrators, and professionals in the design and ongoing review of the process.</li> <li>• Provisions for annually evaluating the program.</li> <li>• A definition of the need that exists which necessitates the program.</li> <li>• Data to support the existence of this need.</li> <li>• A description of the program, including specific goals and objectives, personnel and their functions, and timelines for development, implementation, and evaluation.</li> </ul> <p>Annual applications are no longer needed after the program has been approved three consecutive years and resulted in improved achievement.</p> <p>Programs may be terminated by the Secretary for failing to meet objectives or noncompliance with State Law.</p>
16.4	Gifted Education Plans	Shall Develop  Shall Publicize  Shall Submit	Every Six Years  28 Days Prior  As Required	<p>Each school district must develop and implement a gifted education plan every six years.</p> <p>The plan must be made available for public inspection and comment for a minimum of 28 days prior to the plan's approval.</p> <p>The plan must address the process for identifying children who are gifted, and the gifted special education programs offered.</p> <p>School districts are required to provide, as the Department of Education requires, reports of students, personnel, and program elements, including relevant costs.</p>

## CHAPTER 16 - GENERAL PROVISIONS

Section	Title	Action	Timing	Details
16.5	Personnel	Shall Ensure Qualifications	Prior to Employment	Professional personnel must be certified individuals responsible for identifying gifted students and providing gifted education.
		Shall Provide	Annually	Paraprofessionals shall work under the direction of professional personnel. Duties and training are determined by the employing agency. School districts must provide in-service training for gifted and regular teachers, principals, administrators, and support staff responsible for gifted education.
16.6	General Supervision	Shall Be Subject to Review	Ongoing	The Department of Education will conduct on-site monitoring of programs on a cyclical basis to ensure school district implementation of Chapter 16 requirements.
16.7	Special Education	Shall Be Considered	As Needed	If a student is determined to be both gifted and eligible for special education, the procedures in Chapter 14 take precedence, and their needs for gifted education shall be fully addressed by Chapter 14 procedures. For students determined to be both gifted and eligible for special education, it is not necessary for a district to conduct separate screenings and evaluations, and a single IEP shall be developed for the student.

## CHAPTER 16 - SCREENING AND EVALUATION PROCESS

Section	Title	Action	Timing	Details
16.21	General	Shall Adopt and Inform	Annually	School districts must adopt and use a system for locating and identifying gifted students. This should include awareness activities to inform the public of gifted education services and programs, and the manner by which parents may request these. Awareness activities must be conducted annually and include advertising in newspapers and other media, inclusion in the student handbook, and posting on the district website.

CHAPTER 16 - SCREENING AND EVALUATION PROCESS

*Section	Title	Action	Timing	Details
16.21 (Continued)	General	Shall Establish	Ongoing	<p>School districts must establish procedures to determine whether a student is mentally gifted – that is, they have an IQ of 130 or higher and fit into additional criteria, including:</p> <ul style="list-style-type: none"> <li>• A year or more above grade achievement level for the student's age group in one or more subjects.</li> <li>• An observed or measured rate of acquisition/retention of new content or skills.</li> <li>• Demonstrated achievement in one or more academic areas.</li> <li>• Early and measured use of high-level thinking skills, academic creativity, leadership skills, intense academic interest areas, communications skills, foreign language aptitude, or technology expertise.</li> <li>• Documented evidence that intervening factors (such as English as a Second Language), gender or racial bias, socio-economic or cultural deprivation are masking gifted abilities.</li> </ul>
16.23	Gifted Multidisciplinary Evaluation	<p>Shall Provide Notice Shall Refer</p> <p>Shall Provide</p>	<p>Prior to Evaluation When Conditions Apply</p> <p>Within 10 Calendar Days</p>	<p>School districts must provide notice and receive consent before performing an initial evaluation.</p> <p>Referrals are to be made when a teacher or parent suspects the child is gifted and not receiving appropriate education, and when one or more of the following apply:</p> <ul style="list-style-type: none"> <li>• A request has been made by a student's parent(s).</li> <li>• The student is performing at a level that exceeds that of other students in a regular classroom.</li> <li>• A hearing officer or judicial decision orders an evaluation.</li> </ul> <p>Parents may request an evaluation at any time but are limited to one request per school term. The request must be in a writing. School districts must make the permission form readily available. If a request is made orally to an employee or administrator, that individual must provide a copy of the permission to evaluate form within 10 calendar days of the request.</p> <p>Evaluations must be performed by Gifted Multidisciplinary Teams (GMDTs). The team is to be comprised of the student's parents, a certified school psychologist, persons familiar with the student's academic performance, one or more of the student's current teachers, persons trained in appropriate evaluation techniques, and (when possible) persons familiar with the student's cultural background.</p> <p>Evaluations must investigate a student's academic functioning, learning strengths, and educational needs. It must include information from the parents or others who interact with the student on a regular basis.</p>

## CHAPTER 16 - SCREENING AND EVALUATION PROCESS

Section	Title	Action	Timing	Details
16.22 (Continued)	Gifted Multidisciplinary Evaluation	Shall Conduct	As Needed	<p>In order to protect the process, no single test may be used to make a determination of giftedness. Intelligence tests may not be used as the only measure of aptitude for students of limited English proficiency or with a racial-, linguistic-, or ethnic-minority background.</p> <p>Evaluations must meet the following criteria:</p> <ul style="list-style-type: none"> <li>• Be free from racial, cultural, or disability biases</li> <li>• Accurately reflect the student's aptitude</li> <li>• Be professionally validated</li> <li>• Be administered by certified school psychologists</li> <li>• Assess specific areas of educational need and ability, not merely IQ.</li> </ul> <p>The GMDT must prepare a written report that brings together the information and findings from the evaluations. The report must include a recommendation as to whether the child is gifted and in need of services (and the basis for those findings) and recommendations for the student's programming. Names and positions of members of the GMDT must also be included.</p>
		Shall Present	Within 60 Calendar Days	<p>The initial evaluation must be completed, and a copy of the evaluation report presented to the parents no later than 60 calendar days after receiving the consent form. (Calendar days from the day after the last day of the spring school term up to and including the day before the first day of the subsequent fall school term may not be counted).</p>
16.23	Gifted Multidisciplinary Reevaluation	Shall Conduct	As Needed	<p>Gifted students must be reevaluated before a change in educational placement is recommended for the student.</p> <p>Additionally, gifted students may be reevaluated at any time by recommendation of the Gifted Individualized Education Plan (GIEP) team.</p> <p>Reevaluations must include a review of the GIEP, a determination of successes of the plan, and recommendations for revision.</p>
		Shall Present	Within 60 Days	<p>The timeline for reevaluation is the same as the initial evaluation.</p>

## CHAPTER 16 - GIEPs

Section	Title	Action	Timing	Details
16.31	General	Shall Establish	As Needed	<p>A Gifted Individualized Education Plan (GIEP) must be created for the student and based upon his or her evaluation report.</p> <p>Revisions may be made based on review of the plan as outlined in 16.23.</p>



*Section	Title	Action	Timing	Details
<p>16.31 (Continued)</p>	<p>General</p>	<p>Shall Include</p>	<p>As Needed</p>	<p>Each GIEP team must include the following:</p> <ul style="list-style-type: none"> <li>• One or both of the student's parents.</li> <li>• The student, if parent(s) chooses to have the student participate.</li> <li>• A qualified, authorized representative of the school district to serve as chair of the GIEP team.</li> <li>• One or more of the student's current teachers.</li> <li>• Other individuals at the discretion of the parents or district.</li> <li>• A teacher of the gifted.</li> </ul>
		<p>Shall Establish</p>	<p>Ongoing</p>	<p>The school district is responsible to establish and implement procedures to ensure the parents of gifted students are offered the opportunity to be present at each GIEP team meeting.</p> <p>Procedures must include any one or combination of the following: documented phone calls, letters, and certified letters with return receipts.</p> <p>The following should be included in the invitation for it to be considered a "reasonable effort" for parental participation:</p> <ul style="list-style-type: none"> <li>• Purpose and location of the meeting.</li> <li>• The names of persons expected to attend.</li> <li>• Procedural rights available to protect the student and parent in clear language.</li> <li>• That a determination will be made at the meeting as to whether the student is gifted or not.</li> <li>• That if the student is determined to be gifted, a GIEP will be developed.</li> <li>• Notifying the parent and other persons of the meeting at least 10 days prior.</li> </ul>
		<p>Shall Include</p>	<p>As Needed</p>	<p>The GIEP of each student must contain the following:</p> <ul style="list-style-type: none"> <li>• A statement of the student's present levels of education performance.</li> <li>• A statement of annual goals and short-term learning outcomes.</li> <li>• A statement of the specially designed instruction and support services to be provided. For a student identified as having a disability, this would include accommodations and modifications.</li> <li>• Timeline for initiation, anticipated frequency, location, and anticipated duration of gifted education.</li> <li>• Objective criteria, assessment procedures, and timelines for determining on an annual basis whether the goals and learning outcomes are being achieved.</li> <li>• The names and positions of the GIEP team participants and meeting date.</li> </ul>

CHAPTER 16 - GIEPs

*Section	Title	Action	Timing	Details
16.31 (Continued)	General	Shall Be Provided	As Needed	A copy of the GIEP must be provided to parents along with a notice of parental rights regarding procedural safeguards.
		Shall Notify	As Needed	The school district must notify teachers who work with a gifted student of their responsibilities under the GIEP.
		Shall Develop	Within 30 Days	The GIEP must be developed no later than 30 days after the issuance of the GMDT's written report.
		Shall Implement	Within 10 Days	The GIEP must be implemented no later than 10 days after it is signed or at the start of the following school year if completed less than 30 days before the last day of scheduled classes.
		Shall Convene Shall Convene	Annually Upon Request	GIEP teams must convene annually at a minimum. A GIEP team meeting may also be convened at the request of a GIEP team member, parent, the student, or the school district

CHAPTER 16 - EDUCATIONAL PLACEMENT

*Section	Title	Action	Timing	Details
16.41	General	Shall Decide	As Needed	The GIEP team is responsible for making decisions about the educational placement of a gifted student. The placement must: <ul style="list-style-type: none"> <li>• Enable the student to receive specially designed instruction based on individual need.</li> <li>• Ensure the student will benefit from the rate, level, and manner of instruction.</li> <li>• Provide opportunities for the student to participate in acceleration or enrichment (or both) above those provided as part of general education.</li> </ul>
		Shall Adopt	Ongoing	Districts must adopt board policies related to caseloads and class sizes for gifted students to ensure sufficient staff for the services required in each student's GIEP.
		Shall Not Exceed	At Any Time	As of July 1, 2010, the total number of students on a gifted teacher's caseload cannot exceed 65.
		Shall Not Exceed	At Any Time.	Additionally, the number of students in a gifted teacher's class roster cannot exceed 20. These limits may be waived by the Secretary of Education in extenuating circumstances.
		Shall Not Base Decisions	At Any Time	Gifted placement may not be based on any of the following: <ul style="list-style-type: none"> <li>• Lack of availability of placement alternatives.</li> <li>• Lack of availability or efforts to make services available.</li> <li>• Lack of qualified staff.</li> <li>• Lack of space or facilities.</li> <li>• Administrative convenience.</li> </ul>

CHAPTER 16 - PROCEDURAL SAFEGUARDS

*Section	Title	Action	Timing	Details
16.61	Notice	Shall Provide	10 Days Prior	<p>A school district must provide written notice to parents at least 10 days prior to conducting a gifted evaluation or reevaluation; initiating a change in identification, evaluation, or educational placement of a student; or proposing or refusing changes to a student's GIEP.</p> <p>A change may not be made to a student's status or GIEP if a judicial proceeding is pending, unless agreed by all parties.</p> <p>Notices must be written in language understandable to the general public. If necessary, the content shall be communicated orally in the native language of the parent(s).</p> <p>Notices must include:</p> <ul style="list-style-type: none"> <li>• A description of the proposed action.</li> <li>• Reasoning for the proposed action.</li> <li>• Description of options considered.</li> <li>• Description of the evaluation or test that is the basis for the action.</li> <li>• Description of other factors used in the determination.</li> <li>• Full explanation of procedural safeguards.</li> </ul> <p>The notice must all inform of the parents of:</p> <ul style="list-style-type: none"> <li>• Addresses and phone numbers of various organizations which are available to assist in connection with the hearing.</li> <li>• Timelines involved in conducting an evaluation, developing a GIEP, and initiating a hearing.</li> <li>• That an outside evaluation submitted by a parent will be considered.</li> <li>• Information related to impartial due process hearings.</li> </ul>
16.62	Consent	Shall Obtain	As Needed	<p>School districts must have documented, written parental consent prior to conducting an evaluation, placing a student in a gifted program, or disclosing identifiable information related to the student to unauthorized persons.</p>
		Shall Present	Upon Completion	<p>After completion of the GIEP, a copy must be presented to the parent(s) along with a notice of recommended assignment, signed by the district superintendent, and a notice of parental right to an impartial due process hearing. The notice must be presented in person at the conclusion of the GIEP conference or by certified mail with five calendar days after completion of the conference. Notices must be written in language understandable to the general public. If necessary, the content shall be communicated orally in the native language of the parent(s).</p>
		Shall Respond	Within 10 Days	<p>Parents have 10 calendar days to respond to the notice of recommended assignment sent by mail or five days to respond to a notice presented in person at the conclusion of the GIEP Conference.</p>
		Shall Wait	At Least Five Days	<p>If parents receive the notice in person and approve within five calendar days, the school district must wait at least five calendar days before implementing to give parents a five-day period to revoke their approval.</p>

CHAPTER 16 - PROCEDURAL SAFEGUARDS

*Section	Title	Action	Timing	Details
16.63	Impartial Due Process Hearing	Shall Be Held	As Needed	<p>Parents have the right to request a due process hearing if they disagree with the identification, evaluation, educational placement, or provision of gifted education for their child. Unless agreed upon by both parties, the student will remain in his or her current education placement pending the outcome of the hearing.</p> <p>A district may request a hearing to proceed with an evaluation or reevaluation if a parent fails to respond to the request or if the parent rejects a proposed placement (other than the initial placement). If the parent fails to respond or refuses to consent to initial provision of gifted services, neither due process nor mediation may be used.</p> <p>The hearing must be held in the local school district and a place reasonably convenient to the parents. It may be held during the evening at the parent's request. These options must be included on the form provided for requesting a hearing.</p> <p>The hearing must be an oral, personal hearing and be open to the public unless the parents request a closed hearing at least five days prior. If open, the decision issued – and only the decision – shall be available to the public. If closed, the decision shall be treated as part of the student's record and not available to the public.</p> <p>The decision of the hearing officer must be evidence-based. The officer will have the authority to order additional evidence.</p>
		Shall Provide	Upon Request	<p>A written transcript of the hearing must be provided to parents, upon request, at no cost.</p> <p>Parents may be represented by a legal counsel, and the parents or their representative must be given access to the student's educational records.</p> <p>The decision of the hearing officer may be appealed to the court.</p>
		Shall Be Held	Within 30 Calendar Days	<p>A hearing officer may not be an employee or agent of the school district where the parents or student resides or agency responsible for the education or care of the student.</p> <p>Hearings must be held within 30 calendar days of the initial request and a decision shall be made within 45 days of the initial request.</p>
		Shall Maintain	Ongoing	<p>School districts must keep a list of persons who serve as hearing officers, including the qualifications of each officer. Parents must be informed of the availability of this list and copies provided upon request.</p>
16.63	Impartial Due Process Hearing	Shall Be Used	As Needed	<p>Mediation may be used to settle a dispute regarding a student's gifted education. If used, a written agreement must be prepared and placed in the child's record and included in the GIEP. Additionally, each party shall receive an executed copy of the agreement.</p> <p>The mediator must meet with both parties in a joint session and individually in private sessions.</p> <p>Mediation conferences are confidential and shall not be recorded.</p> <p>The mediator may not be called as a witness in future proceedings.</p> <p>A GIEP team must be convened within 10 school days following the mediation agreement.</p> <p>Mediation may not be used to deny or delay a party's right to a due process hearing.</p>

# Act 1 of 2006 (Special Session)

## TAXPAYER RELIEF ACT

Act 1 of 2006 (Special Session), also known as the Taxpayer Relief Act, established what is known as the Act 1 Index. The index determines the maximum percentage increase a school district can raise taxes without a voter referendum. The Act was amended by

Act 25 of 2011, which gives power to the Department of Education to grant exceptions for school districts. These exceptions allow school districts, under certain conditions, to raise taxes above the district's index without a voter referendum.

### SPECIAL SESSION ACT 1 OF 2006

*Section	Title	Action	Timing	Details
333 Special Session Act 1 of 2006 Act 25 of 2011	Public Referendum Requirements for Increasing Certain Taxes	Shall Seek Voter Approval	As Needed	Act 1 of 2006 (Special Session) requires that school districts receive voter approval or a special exemption from the Pennsylvania Department of Education (PDE) for tax increases greater than the "Act 1 Index." PDE shall set the index annually based on statewide wage growth and employee compensation increases nationwide.
		Shall Determine	Annually	For FY 2020-21, the base index is 2.6%. For school districts with a market value/personal income aid ratio (MV/PI AR) greater than .4000, the value of their index is adjusted upward. PDE posts an adjusted index listing on education.pa.gov that outlines the index for all 500 school districts in the Commonwealth.
		Shall Submit	No Later Than 85 Days Prior	All school districts seeking to increase taxes must submit information to the department no later than 85 days prior to the date of the election immediately prior to the beginning of the fiscal year (the primary election, for school districts operating on a July to June fiscal calendar). Within 10 days of receipt, PDE will inform the district whether the proposed tax is less than, equal to, or above the district's index.
		May Apply	If Applicable	If the proposed tax is less than or equal to the district's index, no further action is needed.  If the proposed tax is greater than the district's index, the school district may apply for an exception through the Department of Education. If the exception is granted, this increase does not need to go to a referendum.  Exceptions may be given if the increase is needed to cover: <ul style="list-style-type: none"> <li>• The local share of existing debt or a portion of the local share of new debt.</li> <li>• Increases in pension costs attributable to increases in the required employer contribution rate exceed the district's index (increase in pension costs attributable to an increase in salaries does not qualify for an exception).</li> <li>• Increases in the local share of special education costs exceed the district's index.</li> </ul>
		Shall Submit	In Accordance with Policy	Districts needing voter approval on a proposed tax increase must submit ballot questions to county Board of Elections pursuant to Board policy to be included on the ballot.
		Shall State	On the Ballot	The ballot question must ask if voters approve raising taxes by a specified percentage above the district's index plus the amount of the exception (if any).
		Shall Provide	With the Referendum	A non-technical interpretive statement must also be included. This statement must explain why the district is seeking the increase and what may happen if denied. The statement shall be written in conjunction with the county Board of Elections.
		Shall Not Use	At Any Time	No public funds may be used to seek to persuade voters.  A school district that is granted an exception may still seek a referendum to raise the tax an additional amount, above that which was granted by the exception.

# At A Glance

## STATE MANDATES FOR PUBLIC SCHOOL DISTRICTS

**Comprehensive Disaster Response and Emergency Preparedness Plans** are not only required but must be reviewed and distributed annually.

**School Safety Personnel**, including the School Safety and Security Coordinator, School Police Officers, School Resource Officers, and School Security Guards face mounting extensive requirements, with additional duties being added around Threat Assessment Teams with the 2021-2022 school year.

**School District Websites** should include a repository of all policies and procedures.

**Charter School** mandates include providing per-child funding and transportation for charter school students. For cyber charters, school districts must also provide facility access and upon request, assistance in delivering services to students with disabilities.

**Keystone Exams** will be used as graduation requirement beginning with the 2020-2021 school year.

A **Civic Knowledge Assessment** must be administered once between seventh and twelfth grades beginning with the 2020-2021 school year. A proficient score on this assessment is not a requirement for graduation.

The mandates for **Special Education Services and Programs** (Chapter 14), **Protected Handicapped Students** (Chapter 15), and **Special Education for Gifted Students** (Chapter 16) are in-place to comply with federal standards.

There are strict mandates for **Caseloads** and **Training Requirements** related to Special Education professionals, including those working with gifted students.

**Mandated Reporting** to the Department of Education includes both annual reports and filings on a multi-year basis. See "Mandated Reporting" below for more details.

### MANDATED REPORTING TO PDE

Safe Schools Incident Reports	1 Year
School Police Officers	1 Year
Bus Evacuation Drill Certification	1 Year
Financial Reports	1 Year
State Report Cards	1 Year
Graduation and Drop-Out Rates	1 Year
AED Placement	1 Year
Special Education Reports	1 Year
Early Intervention Reports	1 Year
Anti-Bullying Policy	3 Years

**Health and Wellness** is an area that continues to expand with recent legislation adding mandates around diabetes care in schools, the use of epinephrine auto-injectors, and sun protection for students.

**Professional Development** for educators is mandated by the Public School Code, but in many cases does not define the total hours required (see "Mandated Training Hours for Educators" below).

### MANDATED TRAINING HOURS FOR EDUCATORS

Trauma-Informed Approaches	1 Hour
School Safety & Security	3 Hours/5 Years
Child Abuse Recognition & Reporting	3 Hours/5 Years
Child Exploitation Awareness*	4 Hours/5 Years
Youth Suicide Awareness	4 Hours/5 Years
AED Training**	Undefined
Alcohol, Drugs, Tobacco, and Controlled Substances***	Undefined
CPR Training****	Undefined
Holocaust, Genocide, and Human Rights*****	Undefined
Preventing Exposure to Allergens*	Undefined
Preventing Opioid Abuse**	Undefined
School Security Drill Training***	Undefined
Diabetes Care****	Undefined
Epinephrine Auto-Injectors*****	Undefined
<b>TOTAL</b>	<b>15 Hours/5 Years</b>

\*Child Exploitation Awareness is not a required training, but for those that do offer it, there is a minimum of four hours every five years.

\*\*AED training is required only for staff expected to use AEDs. This training should also include CPR.

\*\*\*Training in alcohol, drug, tobacco, and controlled substance awareness must be included as part of in-service training, but the amount of hours is not specified.

\*\*\*\*Educators are not explicitly required to have CPR training but schools are mandated to provide a CPR training session once every three years.

\*\*\*\*\*For schools offering coursework on the Holocaust, genocide, and human rights, these topics must be included in in-service training.

\*The department has made available "necessary training in preventing exposure to allergens" but does not define it further.

\*\*Opioid abuse training is required as part of in-service for instructors expected to teach on the subject. Hour requirements are not specified.

\*\*\*School administrators are expected to train all school employees in procedures used for school security drills.

\*\*\*\*Diabetes care training is mandated for individuals who are designated by a school nurse to provide such care.

\*\*\*\*\*Training for the use of epinephrine auto-injectors is mandated for those individuals designated by a school nurse to provide such care. School Bus Drivers and Crossing Guards may also receive this training.

The federal government has two primary levers to shape education policy: (1) money, in the form of federal education funding; and (2) ensuring fairness, generally through mandates that focus on ensuring equity in education.

## FINANCIALS

The **Elementary and Secondary Education Act (ESEA)** is the largest and most comprehensive federal law that authorizes federal spending on K-12 public education. In order to receive this money, states must continue to meet certain requirements. If a state does not meet these requirements, federal funding may be withheld. Each state's legislature determines how the state will fulfill the requirements set by federal policy. This state law, with some direction from federal law, will place requirements on the state, local school districts, individual schools, and authorizers. The state education agency officially receives this money from the federal government, and as the funding recipient, has primary responsibility for verifying that the state is meeting these requirements.

**Title 1** includes the most well-known requirements a state must meet to continue receiving the largest allocation of federal education dollars:

- Set challenging academic standards for core subjects
- Assess students annually on their proficiency according to these standards (commonly through standardized tests).
- Let the public know how every school in the state is performing each year (commonly called the State Report Card requirement).
- Engage in activities to improve performance in low-performing schools.

There are other requirements tied to additional funding sources, as well, that address topics like teacher and principal quality, education of English learners and other special student populations, and education in some geographic areas.

## EQUITY

Federal policy also guides what states, districts, and individual schools must do to ensure they are serving each and every student fairly and appropriately. This is commonly done through mandates, which apply regardless of whether the school receives federal education funds. Many of these mandates, including the **Individuals with Disabilities Education Act (IDEA)** and the **McKinney-Vento Homeless Assistance Act**, focus on educational equity for all students and are rooted in the equal protection clauses of the Constitution. Federal mandates also address family privacy and the health and safety of school students and personnel.

## STUDENTS WITH DISABILITIES

Federal laws mandate that school districts must meet the educational needs of all children and provide procedural safeguards for students with disabilities and their parents.

## HOMELESS YOUTH

Federal laws require states and schools to follow specific rules to ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children.

## REPORTING

School districts are required to report on homeless/unaccompanied youth as part of the McKinney-Vento Act.

Additional reporting is required around Title I staff and student participation; Title III nonpublic student count; Title III professional development activities survey; a Limited English proficiency survey; and per-student, per-building spending.

## STUDENT RECORDS

Federal laws and regulations contain numerous requirements regarding confidentiality of student records.

## ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) OF 1965

The Elementary and Secondary Education Act (ESEA) is the largest and most comprehensive federal law that authorizes federal spending on K-12 public education. It was passed in 1965 and must be reauthorized periodically. Here is a look at the law, and its reauthorizations, through the years.

The **ESEA** was passed in 1965, focusing on federal funding and content standards for public school districts.

The **No Child Left Behind (NCLB) Act of 2001** reauthorized ESEA and added new requirements for measuring output, creating a stronger tie between federal funding and state testing results.

**Race to the Top** was initiated in 2009, placing a greater emphasis on measuring educator effectiveness through student test results.

The **Every Student Succeeds Act (ESSA)** is the latest reauthorization of ESEA. It returned some federal power back to states, including evaluation measures and teacher quality standards while also adding additional reporting requirements.

DECEMBER 10, 2019

**STATE MANDATES**  
PUBLIC SCHOOL DISTRICTS



BLaST INTERMEDIATE UNIT 17

**Dr. Christina Steinbacher-Reed**  
Executive Director  
570-323-8561  
creed@iu17.org