

SENATE MAJORITY POLICY COMMITTEE

Senator David G. Argall (R-Schuylkill/Berks), Chairman

NOVEMBER 29, 2018

REPORT ON SCHOOL SAFETY

Examining ways to make our schools a safer place to learn, teach and work

Senate Majority Policy Committee
Report on School Safety

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Acknowledgements

Many thanks to our hosts: **Senators Bartolotta & Reschenthaler**/Peters Township Library, **Senator Brooks**/Hermitage School District, **Senator Folmer**/Cornwall-Lebanon School District, **Senator Yaw**/Pennsylvania College of Technology, **Senators Rafferty & McGarrigle**/Downingtown Area School District, **Senator Browne**/Southern Lehigh School District, **Senators Langerholc & Corman**/Philipsburg-Osceola Area School District, **Senators Aument & Martin**/Warwick School District, **Senator Tomlinson**/Bucks County Visitor Center, and **Senator Mensch**/Quakertown Community School District.



Thank you to **Senators Regan, Alloway, Gordner, Hutchinson** and **Dinniman** and **Representatives Corbin, DiGirolamo, Everett, Keefer, Fred Keller, Mehaffie, Ryan, Staats, Wentling** and **Wheeland** for your participation in our discussions.

Senators Regan and **Langerholc** have been the Senate Republican Caucus’s leaders on school safety solutions. **Senator Regan** requested these workshops to improve the safety of our students and teachers and provided a unique perspective in furthering our goals from his unique background as a United States Marshal.

Introduction

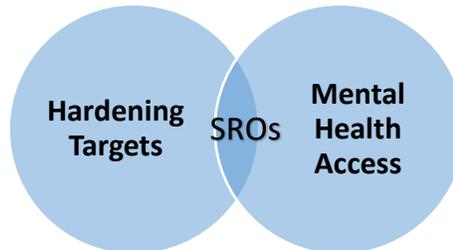
“It will never be the same” -- Brenna Mayberry, Student, Pottsgrove High School

In 2018, the Senate Majority Policy Committee held 10 public roundtable discussions across the state on school safety. The committee set out with two goals in mind: review recently enacted laws and solicit input and feedback for existing and new proposals to make schools safer in Pennsylvania.

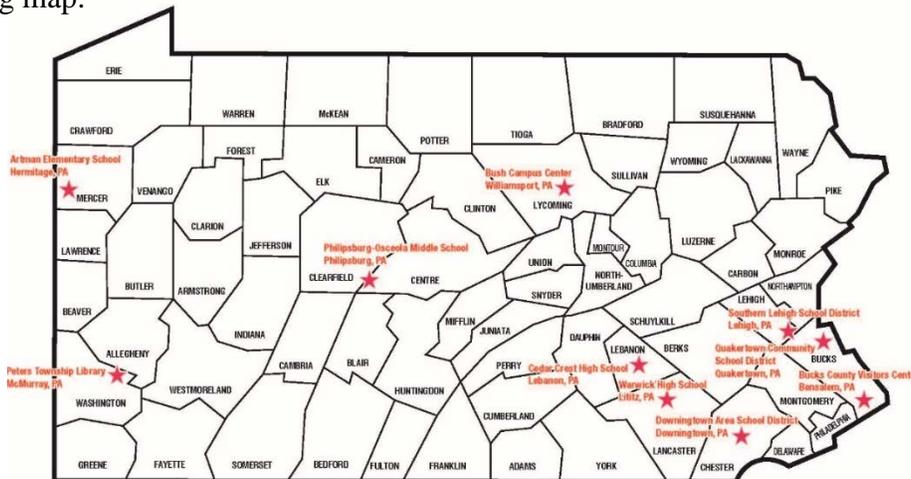
Each event was broken into three parts: discussion of recently passed laws, discussion of pending proposals in the General Assembly and new ideas for the legislature to consider.

The participants varied for each roundtable discussion based on local needs and issues. Several events featured students from the host school district. Their input highlighted their heightened awareness following the deadly shooting earlier this year at Stoneman Douglas High School in Lakeland, FL that claimed the lives of 17 students and staff.

When the roundtable discussion turned to new ideas from participants, the discussion went in one of two directions: a focus on mental health or hardening targets. The end result was an understanding of the importance and need of school resource officers (SROs), which school administrators, students and legislators agreed is the best deterrent against school violence and the most important investment schools can make to address school safety.



The locations for the Senate Majority Policy Committee roundtable discussions can be found in the following map:



- 8.6.18 Peters Township Library | 8.7.18 Artman E.S. | 8.8.18 Cedar Crest H.S.
- 8.16.18 Pennsylvania College of Technology | 9.11.18 Downingtown Area S.D.
- 9.12.18 Lehigh S.D. | 9.14.18 Philipsburg-Osceola M.S. | 9.17.18 Warwick H.S.
- 9.18.18 Bucks Co. Visitor Center | 9.21.18 Quakertown Community S.D.

2018's Biggest Success for School Safety: \$60 Million Investment

This year the General Assembly and Governor Wolf agreed to a record \$60 million investment in school safety initiatives as part of the Fiscal Year 2018-19 state budget. This funding is administered by the newly created School Safety and Security Committee under the Pennsylvania Commission on Crime and Delinquency (PCCD). **Senator Langerholc** serves as the Senate Republican Caucus's designee on the committee. Senator Langerholc's background as an assistant district attorney provides a critical perspective in considering the committee's mission. The School Safety and Security Committee (SSSC) was created by **Act 44 of 2018**.

The \$60 million funding is broken into two categories:

Part A provides each school district that submits a meritorious application with a \$25,000 grant. The 496 grant recipients were announced on October 31, 2018.

Part B is a competitive grant process open to all 500 public schools and intermediate units, area vocational-technical schools, charter schools and private residential rehabilitative institutions. No school entity shall receive more than 10 percent of the total available funding. This will likely be announced in March of 2019.



In their [announcement](#) of the initial round of funding (Part A) for school districts, the SSSC indicated, “Of these applications, 76% of school districts applied for funding related to security planning and the purchase of security-related technology. The next most popular activities/items requested included the purchase of visitor identification systems, the development and revision to school safety plans and all-hazards plans, and costs associated with training and compensation of school resource officers and school police officers.”

At the roundtable in Phillipsburg, **Senator Corman** stressed the need for this funding to be recurring in future budgets to provide school districts with certainty for future investments from the state.

The \$60 million investment in Fiscal Year 2018-19 for school safety is an increase of over \$50 million from the prior fiscal year (funding for school safety totaled \$8.53M for Fiscal Year 2017-18).

Senator Corman indicated that no one wants to reduce school safety funding, stating at the roundtable, “I feel very comfortable that money will be there for some time.”

Many administrators emphasized that for them to spend the state investment on effective tools and programs, they need to know that the funding will be recurring and not a one-time grant.

Other Enacted Legislation

Prior to the tragedy in Lakeland, Florida, Senators proposed several reforms and initiatives to address school safety concerns. Following the tragedy, the Senate, House and Governor approved several reforms, many of which were spearheaded by members of our caucus.

The following two acts incorporate several proposals as indicated below:

Act 39 of 2018

- **SB 35 (Hutchinson)** – Provides for mandatory school security drills.
- **SB 1078 (Regan/Tomlinson)** – Allows school entities to hold executive sessions to plan, review or discuss matters related to school safety.

Act 44 of 2018

- **SB 1136 (Brooks)** – Provides that a school located in a municipality with no municipal police department may enter into a cooperative police service agreement with a municipality providing part-time police coverage that is located in an adjacent municipality.
- **SB 1142 (Browne/Martin)** – Safe2Say Hotline for anonymous reporting of school safety threats.
- **SB 1211 (Regan)*** – Creates a School Safety & Security Committee at the Pennsylvania Commission on Crime and Delinquency to oversee required school assessments, customizable school safety plans, and safety and security training.
- **SB 1213 (Langerholc/McGarrigle)** – Increase the ability for school districts to hire professionals to focus on students’ mental health (social workers, school psychologists, or guidance counselors).
- **SB 1218 (Browne/McGarrigle)*** – Requires that school entities provide their employees with training on school safety and security (employees shall complete a minimum of three hours every five years).



*Parts of Senate Bill 1211 and Senate Bill 1218 were incorporated into the legislation ultimately signed into law as Act 44 of 2018.

Act 156 of 2018

- **SB 1078 (Tomlinson/Regan)** – Allows school districts and municipalities to discuss security matters in executive session.

Act 157 of 2018

- **SB 1092 (Mensch)** – Increases penalties for domestic violence offenses when committed in front of children. Several public roundtable participants indicated that children who experience violence at home are more likely to bring that behavior with them to school.

In addition to this session's major reforms, **Senator Mensch** championed **Act 48 of 2017**. Act 48 establishes Performance Based Budgeting in Pennsylvania, beginning in 2019. At a public roundtable discussion in Quakertown, **Senator Mensch** said performance based budgeting will look at how the state is spending its limited resources and how investments in school safety initiatives yield the best possible outcomes.



The Critical Need for Mental Health Services

A universal theme heard from school administrators at the roundtable meetings was the critical need for mental health services for students. In many areas of the Commonwealth there is a shortage of health care providers. Senate Bill 780, sponsored by Senator Vogel, would allow students to receive these services via telemedicine in schools and minimize their time outside of the classroom. This legislation was not enacted and will have to be re-introduced in the next legislative session. A related topic heard during several of the public roundtable discussions was concern that minors could refuse mental health treatment. **Act 147 of 2004** provides minors with rights to file a petition to the courts requesting either to withdraw or modify treatment services. Many roundtable participants believed minors reserved this right to refuse mental health treatment on their own accord, which is not entirely true.

The Departments of Health and Human Services issued a [joint bulletin](#) clarifying mental health treatment for minors. The departments clarified that minors can consent to outpatient mental health and treatment for themselves without parental consent, and a parent or guardian can also provide consent to outpatient treatment without the minor's consent. A minor cannot object to outpatient treatment requested by a parent or guardian. However, inpatient treatment is different, which is where the confusion arises.

A minor may object to inpatient treatment that the parent or guardian has approved, but requires a process including: the facility must provide a form (petition) for the minor to request withdrawal or a modification of treatment, the minor must remain at the facility, the facility must submit the petition to the court of common pleas and the court must appoint an attorney and schedule a hearing within 72 hours of filing of the petition.

Many participants were under the impression that minors could refuse treatment without any specified process.



Pending Legislation

The following proposals will need to be reintroduced in the 2019-20 legislative session:

- **SB 383 (White)** – Provides school boards with the option to allow certain school employees to carry firearms on school property after completing extensive training.
- **SB 743 (Greenleaf)** – Adds provisions to the Mental Health Procedures Act relating to a “duty to warn” and Kendra’s Law.
- **SB 780 (Vogel)** – Telemedicine which would assist school districts in obtaining healthcare services, particularly behavioral health services, for students.
- **SB 1065 (McGarrigle)** – Recurring revenue for school safety initiatives.
- **SB 1103 (Greenleaf)** – Requires schools to undergo annual safety assessment audits for purposes of the school’s safety plan.
- **SB 1165 (Martin)** – Securing and evaluating juveniles charged with making terroristic threats.
- **SB 1174 (Ward)** – Provides deterrent to students from making terroristic threats towards schools (license suspension).
- **SB 1175 (Ward)** – Aids investigations ensuring students who make terroristic threats are more fully evaluated (administrative subpoena).
- **SB 1181 (Reschenthaler)** – Requires that each student receives a depression screening along with their required physical exams in sixth and eleventh grade.
- **SB 1188 (Laughlin)** – Allows school boards to approve of and install lock boxes in certain classrooms and other safety zones that contain Tasers. The Tasers would only be accessible to certified employees. When a lockbox is opened, 911 dispatchers would be notified.



New Ideas & Recommendations



School Resource Officers

According to **Senator Regan**, the number one thing school districts can do to address school safety concerns is hire a school resource officer (SRO) for each building.

Senator Regan informed participants that the cost to the state to place a SRO in every school building would cost approximately \$350-\$400 million.

Training of SROs is both a challenge and opportunity. **Senator Regan** indicated at the roundtable at Cedar Crest High School that the President of the Harrisburg Area Community College is interested in starting a training and certification program for SROs.

Students participated in several of the roundtable discussions. At each roundtable discussion, senators asked students what their experiences have been with SROs. Every student who responded could name the SRO and spoke very highly of their personal experiences, as well as those of their peers, with the SRO.

At the roundtable discussion at Downingtown Area School District, participants noted that SROs are essentially the “eyes” and “ears” for other officials. They build trust with students to obtain valuable information and can notice differences in a specific student’s behavior or attitude. At Southern Lehigh School District, participants called SROs “informal guidance counselors.” Students participating at that roundtable also noted that the SRO in their school is “very highly regarded” by the student body.

IDEA: Adding police presence with little to no cost
At our roundtable with Cedar Crest High School, Cheryl Potteiger, Superintendent of the Annville-Cleona School District, provided a cost-effective way to bring a police presence to her district. The district entered into an agreement with the South Annville Township Police Department to allow the police to use a satellite office at their high school/middle school building. An officer, or officers, will utilize vacant office space or classroom space once a week with a physical presence at the school. The day of the week changes week-to-week. The only cost to the school district is the loss of a room and utility costs for that room when utilized.



However, school district administrators, especially in rural schools, noted that the cost can make it a challenge to hire SROs for any building. One participant at Cedar Crest High School's roundtable discussion indicated that 30 years ago, not every school had an athletic director. Now, nearly every school district has a full-time athletic director. The same priority should be given to SROs for every school district, the participant requested.



At the roundtable discussion at the Bucks County Visitor Center, Representative DiGirolamo indicated that the state could pay the \$350-\$400 million tab for school resource officers by raising the Personal Income Tax by 0.1 percent, bringing the rate to 3.17 percent. **Senator Tomlinson** suggested that perhaps the state pays part of the share and the local school districts pay for the remainder.

Funding

In addition to funding SROs, school districts indicated other priorities they would like to accomplish, like hardening targets, but do not have adequate resources to do so. Many school district administrators noted that the grant funding, while helpful, can be difficult to pay for legacy (new positions) costs if that's the direction the district wishes to go.

Several suggestions of how to pay for school safety programs across the state included:

- Representative Fred Keller suggested the prevailing wage threshold should be raised or eliminated altogether to pay for projects that increase the safety of Pennsylvania's children. Prevailing wage requires schools and other political subdivisions to pay the average hourly wage, benefits and overtime in a region for construction and renovation projects over \$25,000. According to the Pennsylvania School Boards Association (PSBA), prevailing wage is a "burdensome unfunded mandate that needlessly hurts local taxpayers and their school." PSBA supported legislative efforts to eliminate this mandate on schools, arguing more money would flow into the classroom. School officials estimate that the prevailing wage increases the cost of construction or improvement projects by over 25 percent, this additional money could be spent to improve the safety of school children.
- Create a new Act 1 of 2006 exemption to allow districts to raise school property taxes above the Act 1 index in order to pay for school safety programs. This was at the suggestion of Quakertown Community School District Superintendent William Harner, who said he does not want to say no to school safety due to funding constraints.

Funding for Nonpublic Schools

Arielle Frankston-Morris, Director of Teach PA Advocacy Network, who participated in the Quakertown roundtable discussion, advocated that the funding for nonpublic schools under the Office of Safe Schools (OSS) grow in the future. OSS provided \$459,000 to nonpublic schools for the 2018-19 fiscal year. The OSS grant may be used for personnel, such as school resource officers. OSS received an additional \$1.5 million this fiscal year, bringing its total appropriation for the grant program to \$10 million.

According to Teach PA’s research, New York provides nonpublic schools with \$15 million through a nonpublic school safety equipment program, which is a non-competitive grant funding program based on enrollment. New York also has a \$25 million statewide grant titled, “Securing Communities Against Hate Crimes,” which is a one-time grant program for nonpublic schools, as well as daycare centers and community centers. New York’s governor created the latter grant in response to the rise of anti-Semitism.



New York City also provides \$20.8 million in grant funding for purposes of reimbursing nonpublic schools for security personnel.

Their research also shows Maryland provides \$1 million for nonpublic schools, New Jersey provides \$75 per nonpublic pupil that can be used for either personnel and/or equipment, and Florida provides \$2 million for at-risk nonpublic schools for security equipment.

Frankston-Morris, who testified prior to the tragedy at the Tree of Life synagogue in Pittsburgh, indicated that the rise of anti-Semitism is a concern for many nonpublic schools. In materials she provided to the committee, she emphasized that there was a 57 percent increase in anti-Semitic incidents between 2016 and 2017 in the United States. Pennsylvania has seen a 43 percent increase over that span. In 2017, Pennsylvania reported 96 anti-Semitic incidents.

Training

At the roundtable event at Cedar Crest High School, a school security expert indicated New Jersey's Department of Education oversees School Preparedness and Emergency Planning. This program, among other things, serves as the state's school security drill program. According to the department's website, the goal of the program "is to protect the health, safety, and welfare of the school population by providing direct support to New Jersey's schools in establishing safe and secure school environments and increasing their capacity to respond in the event of crises."



Act 55 of 2017 requires school security drills to be conducted at least one time throughout the school year in lieu of a fire safety drill. However, this is done in conjunction with local law enforcement and emergency management agencies with no statewide guidelines on the matter. A streamlined approach like New Jersey's example may set standards across the state, while still allowing school districts to utilize their local first responders and experts.

At the roundtable discussion at Artman Elementary School, school officials from Mercer County indicated that the county's Emergency Management Agency coordinates and conducts school security drills with local districts.

Another suggestion was to consult with school bus drivers on school safety and security. Mike Berk, Executive Director of the Pennsylvania School Bus Association, participated in several roundtable discussions where he advocated on behalf of his members to play an active role in school safety training and drills given their vulnerability as potential targets.

A final suggestion was to provide for an in-service day for teachers and administrators to focus on school safety each school year. **Act 44 of 2018** incorporated the provisions of **Senate Bill 1218** which requires a minimum of three hours every five years for training related to school safety and security for school personnel.

Anti-bullying & systemic changes

Before the tragedy at Stoneman Douglas High School, TEAMology was already involved in dozens of school districts across Pennsylvania. TEAMology is a holistic approach to help children in K-12 address bullying and school violence, building relationships, understanding emotion, and career readiness. TEAMology was developed at Penn State University with the assistance and support of Ben Franklin Technology Partners, the Heinz Foundation and several other organizations.



TEAMology's Linsey Covert participated in the roundtable discussion at Downingtown Area School District, where she indicated that in school districts that have utilized TEAMology's platform, teachers have seen a 63 percent decrease in defiant student behavior.

Character: Be About It, based in Erie, is a similar program for students in grades 3-8. Like TEAMology, this program attempts to change child behavior inside and outside the classroom.

Both programs are implemented with an existing curriculum.

Another trend that was discussed at the roundtable discussion was the impact of social media bullying. A middle school principal at the Downingtown Area School District's roundtable on school safety indicated that the trend of digital technology is not going away and the challenge is how to teach children to be responsible with social media.



At the roundtable discussion at Cedar Crest High School, York County District Attorney Dave Sunday noted that there is more fear of social media backlash than being shot in a school. District Attorney Sunday admitted that law enforcement cannot keep up with what is being done online and that bullying over the internet continues to be a key issue. He concluded that the most powerful weapon a student can have is their cell phone.

Administrators at the roundtable discussions noted that social media review panels could be helpful in evaluating bullying and perceived threats placed over social media platforms. The challenge is staffing and resources to monitor the various sites and platforms.

Stuart Albaugh, Superintendent of Harmony Area School District, indicated at the Philipsburg-Osceola Middle School event that school guidance counselors should have conflict management training as part of their curriculum when obtaining their degree. He argued that many children do not have conflict management skills, but could be taught by a guidance counselor, or some other professional, in a group or one-on-one setting.

School Facilities

School buildings are under no requirement to be constructed with school safety as a priority. Many individuals participating at the roundtable discussions said that hardening and securing targets was a priority for many districts.

According to a Policy Development and Research Office report issued in September, Pennsylvania has not adopted any school construction or reconstruction safety requirements specifically designed to prevent school shootings. **Act 25 of 2016** established an advisory committee to review and make recommendations related to the Planning and Construction Workbook (PlanCon).

Senator Browne co-chaired the PlanCon Advisory Committee which issued a final report in 2018. The committee identified four key areas in the program where substantial revisions to the law were critical, including a grant program where school districts could apply for funding for emergencies and a dedicated set-aside for school safety projects that would amount to 5 percent of the annual appropriation for school construction reimbursements.

House Bill 2292 (Toepel) would amend the PlanCon program to require a single point of entry for anyone entering a school during school hours for any new school construction or renovation. An architect attending a roundtable discussion in Williamsport cautioned about being too restrictive on design and encouraged legislators to be flexible in any plan that deals with point(s) of entry and other related school safety and security issues.



South Williamsport's Police Chief suggested that signage be uniform at every school district in Pennsylvania that addresses flow patterns, emergency patterns and other relevant information in case of emergency. He indicated it is a low cost option, but very effective in maintaining order in case of the worst case scenario at a particular school.

The Pennsylvania State Police (PSP) also participated in the roundtable discussion in Williamsport with suggestions on how to strengthen the Risk and Vulnerability Assessment Team (RVAT) program. The RVAT program provides schools with extensive security and vulnerability assessments as well as recommendations on how to better secure school buildings at no cost to the school district. In addition to the many reforms outlined earlier in the report, **Act 44 of 2018** also requires PSP to establish three regional RVATs with no fewer than three State Troopers from existing funds to regularly conduct school safety and security assessments at no charge. PSP suggested that new RVAT training also include multi-hazard training in addition to active shooter drills and exercises. They also suggested including substitute teachers and volunteers into the training.

At the roundtable discussion at Warwick High School, concerns were raised about the cost of annual safety audits conducted by the Auditor General. School districts asked how to weigh the need for periodic reviews, while not tying up staff resources on one issue. Several superintendents in the room indicated that mandates are stacking up on schools while resources remain scarce.

Threats outside of school

An area for further study includes the safety and security of school events held outside of the normal school day, such as sporting events, concerts or other district hosted events.

Extracurricular clubs

Several school districts are proactively seeking the support and input of various groups in the community. For example, the Quakertown Community School District held its first Parent Committee meeting the night prior to the Senate Majority Policy Committee's roundtable discussion. According to the district's Superintendent William Harner, parents care most about getting a SRO in every building. The Parent Committee brainstorms on what parents want school



safety to look like and provides them with a forum to ask administrators what school safety plans will be in the future.

In addition to the Parent Committee, students are encouraged to participate in a First Responders Club. School districts should prioritize extracurricular clubs that could assist with school safety matters. Harner said this encourages students to become leaders for their peers.

Responsibility at home

Several roundtable participants said families need to be held responsible as well.

According to a Policy Development and Research Office report on the legal responsibility of parents of school shooters, they found both Sandy Hook and Columbine victims' families received sizeable monetary settlements for their losses.

Following the Sandy Hook massacre, families of the victims filed eight lawsuits against the mother of the shooter, who was killed by her son, but because she owned the guns used in the shooting, 16 plaintiffs received a total \$1.5 million to be shared in the settlement. Following the Columbine massacre, victims' families received \$2.5 million in a lawsuit lodged against families and friends who helped the shooters obtain weapons to carry out their crime.



Several states, including Hawaii, Maryland, New Jersey and Texas, impose criminal penalties when minors gain access to improperly stored firearms. California, Massachusetts, Minnesota, and Washington DC impose criminal penalties if the child may (or is likely to) gain access to a firearm. All of these states, including DC, do not require the minor to use the firearm in order for the owner of the firearm to be held criminally liable.

There is no such law in Pennsylvania.

Appendix: School Shootings through May 2018

The following list contains school shootings that occurred between January and May 2018:

January 20: North Carolina

A Winston-Salem University student was shot to death at a party on the campus of Wake Forest University.

January 22: Texas

A high school student was shot and wounded by a peer at a high school in Italy, Texas.

January 23: Kentucky

Marshall County High School shooting involving a 15-year-old student, who shot 16 people, which resulted in 2 fatalities.

January 31: Pennsylvania

A fight broke out in a parking lot at Lincoln High School in Philadelphia. The fight led to a shooting, which wounded one person.

February 1: California

A 12-year-old student at Sal Castro Middle School “unintentionally” discharged a firearm that struck a 15-year-old student in the head and another student in the wrist. Two other students were grazed by errant bullets.

February 5: Maryland

Two teens were charged in a shooting at Oxon Hill High where a high school student was shot in the parking lot.

February 9: Tennessee

A Pearl-Cohn High School student was shot five times in the parking lot.

February 14: Florida

A gunman shot and killed 17 individuals, including students, at Marjory Stoneman Douglas High School in Parkland.

February 24: Georgia

An individual was shot on the campus of Savannah State University and later died at the hospital. Both the shooter and victim were not students of the university.

February 27: Mississippi

A person was shot at the Mississippi Valley State University’s Charles Lackey Recreational Center.

February 27: Virginia

A Norfolk State University student was shot in a dorm room.

March 2: Michigan

Two individuals were killed in a shooting at Central Michigan University.

March 7: Mississippi

A Jackson State University student was injured in a shooting in a dormitory.

March 7: Alabama

A Huffman High School student was killed and another critically injured following an “accidental” shooting.

March 8: Alabama

An individual was shot in a campus apartment at the University of South Alabama.

March 13: California

A Seaside High School teacher accidentally discharged a gun during a public safety class. The stray shot injured a student.

March 20: Maryland

A Great Mills High School student shot two students before a school resource officer shot and killed the shooter.

April 9: New York

A middle school student was shot by another student with a BB gun at Gloversville Middle School.

April 12: Missouri

At the parking lot for Raytown South Middle School, a man was shot in the stomach during a track meet.

April 20: Florida

A 19-year-old former student shot a 17-year-old student in the ankle during a protest against gun violence at Forest High School.

May 11: California

A 14-year-old former student shot a 15-year-old student at Highland High with a semiautomatic rifle.

May 18: Texas

Ten individuals were killed at a school shooting at Santa Fe High School.

May 25: Indiana

A student of Noblesville West Middle School shot and injured a student and a teacher during a school shooting.

Source: [CNN](#)