



Pennsylvania School Boards Association

# legislative report

March 28, 2019

*The General Assembly was in session this week and is now adjourned until Monday, April 8.*

## **PSBA asks Senate, House for clarifications on Act 44 safety issues**



PSBA is seeking clarifications for school districts on various safety requirements under Act 44 of 2018. In a letter to key legislators and staff in the Senate and House of Representatives, PSBA noted that the association has been working with school districts to encourage compliance with Act 44, including assisting schools with developing policy and procedures to comply with the Safe2Say Something program, as well as with information on training and security assessments. The letter outlined the following areas

identified by PSBA members as concerns and suggestions that could assist schools in complying with the goals of the law:

- Clarification of whether school police or school security personnel can serve as the School Safety & Security Coordinator, and a suggestion to allow non-Act 93 employees to serve in this position;
- Clarification regarding the items listed in Act 44 regarding mandated training on school safety and security;
- Clarification on authorization of school police to obtain certification to carry a firearm;
- Clarification on contradicting information on whether security guards may carry firearms if authorized and trained, and a suggestion that districts be allowed to determine if school security guards can be armed with proper training.
- Suggestion that changes in law be made to allow school police to be considered municipal police for purposes of being able to meet mandated training requirements;

- Clarification on applicability of Act 44 if school police services are contracted out, and a suggestion that the law specifically allow for this type of increased flexibility;
- Clarification regarding the treatment of employment status, compensation and required benefits for independent contractors (school employees/local agency employees);

[Click here to read PSBA's letter.](#)

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### **Your day on the Hill: Join PSBA at the Capitol on April 29 for Advocacy Day**



Join us at the state Capitol in Harrisburg on Monday, April 29 to support public education! This is your time to meet with legislators to discuss critical issues affecting public education - we will be focusing on state budget increases for education, reform for cyber charter tuition payments, and needed funding and updates to the PlanCon program for school construction reimbursement. A news conference will be held at 1 p.m. in the main rotunda.

This year PSBA will be partnering with the Pennsylvania Association of Intermediate Units (PAIU) and Pennsylvania Association of School Administrators (PASA) to strengthen our impact. There is no cost to attend, and PSBA will assist in scheduling appointments with legislators once your registration is received. The day will begin with a continental breakfast and issue briefings prior to the legislator visits. Lunch coupons will be provided to be used in the Capitol cafeteria at your convenience.

[Click here to register.](#)

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#### **Latest News**

### **Signed by the governor**

- [Public employee pension forfeiture](#)

### **Passed by the House of Representatives**

- [Ban sales of vaping products to minors](#)

## Approved by the House State Government Committee

- [Right-to-Know Law financial information](#)

## Passed by the Senate

- [CPR instruction](#)

## Signed by the governor

### Public employee pension forfeiture

Gov. Wolf has signed into law [Senate Bill 113](#) (Sen. DiSanto, R-Dauphin), now **Act 1 of 2019**, which amends the Public Employee Pension Forfeiture Act to tighten the rules for forfeiture of pension benefits for public officials or public employees who plead guilty, no contest or are convicted of any job-related felony offense.

Pension forfeiture will occur when a public official or employee is found guilty of any state or federal criminal offense classified as a felony or is punishable by a term of imprisonment exceeding five years. Upon the finding of guilt of a public official or public employee, or upon the entry of a plea of guilty or nolo contendere, the Administrative Office of Pennsylvania Courts shall notify the appropriate benefits administrator of such finding, and until restitution is determined by the court, the benefits administrator shall not make payment of any refund of contributions applied for until the court notifies the benefits administrator that no restitution is due. The forfeiture shall not be stayed or affected by the pendency of an appeal.

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## Passed by the House of Representatives

### Ban sales of vaping products to minors

[House Bill 97](#) (Rep. Rapp, R-Warren) prohibits the sale of electronic cigarettes, e-cigars, JUULs and other related vaping products to minors. The bill amends the Crimes Code by adding nicotine products and "electronic nicotine delivery systems" (ENDS) to the sections that currently make it illegal to sell tobacco products to minors and, for students, to use tobacco products on school grounds. The penalties will be the same as the penalties that apply to the sale and use of tobacco products under current law. The bill now moves to the Senate for consideration. **PSBA supports House Bill 97. Look for PSBA's interview with Rep. Rapp on this issue in an upcoming Video Edition.**

On a related note, this week the **Senate Judiciary Committee** reviewed two vaping prohibition bills, approving one of them. The committee did not approve [Senate Bill 473](#) (Sen. Scavello, R- Monroe), which would increase Pennsylvania's minimum legal sales age for tobacco products from 18 to 21 years of age. The bill also prohibits the sale of alternative nicotine products and vapor products to anyone under 21, and prohibits the use of such products in school, or on school property or buses. The Judiciary Committee did report out [Senate Bill 396](#) (Sen. Baker, R-Luzerne), which amends the Crimes Code to prohibit the sale of alternative nicotine and vaping product sales to minors. The bill does so by expanding the definition of tobacco product to include any electronic device that delivers nicotine or another substance. During the committee meeting, legislators acknowledged the House passage of House Bill 97.

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## **Approved by the House State Government Committee**

### **Right-to-Know Law financial information**

[House Bill 860](#) (Rep. Miller, R - Lancaster) amends the Right-to-Know Law to exempt from public access information regarding an agency's financial institution, including account numbers, routing numbers, credit card numbers and PIN numbers. Such information may be redacted to protect the security of the agency's account information.

House Bill 860 also clarifies that that an individual's personal financial information, whether it be with a bank or any other financial institution, or their tax information that is required by the state or federal government, as well as their contributions to health care or other benefits, retirement plans, investment options and contributions to charitable organizations is confidential and not a public document. The bill also exempts access to the number, names and ages of an employee's children. However, the bill does not prevent the disclosure of employer costs or aggregated data of employee costs related to benefits, employee benefit options or employer costs associated with employee benefits.

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## **Passed by the Senate**

### **CPR instruction**

[Senate Bill 115](#) (Sen. Killion, R-Delaware) requires the Department of Education (PDE) to develop a model curriculum and guidelines for instruction in cardiopulmonary resuscitation instruction (CPR) for students in grades 9-12. The curriculum must include information regarding hands-on training and on the purpose of an automated external defibrillator. The instruction may be integrated into existing health courses.

A school may use the model curriculum or develop its own. A teacher,

instructor or community volunteer may provide the instruction and would not have to be a certified CPR trainer. The person would be subject to required background checks. An individual who in good faith provides CPR instruction would not be liable for any civil damages as a result of any act or omission relating to the instruction.

The bill now goes to the House for consideration.

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**Pennsylvania School Boards Association**

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