

EXCERPTS FROM SCHOOL CODE

CPR INSTRUCTION

Section 1205.4. CPR Instruction.--(a) School entities shall be required to offer a cardiopulmonary resuscitation training (CPR) class on school premises at least once every three years. The course shall be offered as an option to all employees of the school entity.

(b) Completion of training, including testing of skills and knowledge, shall be documented by the signature and title of a representative of the training entity and shall include the date training was completed. Documentation shall be retained in the facility in that employe's file. Training shall be conducted by:

- (1) the American Red Cross;
 - (2) the American Heart Association;
 - (3) an individual certified to conduct CPR training by the American Red Cross, American Heart Association or other certifying agency approved by the Department of Health; or
 - (4) other certifying agency approved by the Department of Health.
- (c) School districts may include this training in the continuing education plan submitted by the district to the Department of Education under section 1205.1.
- (d) For purposes of this section, a school entity shall be defined as a local school district, intermediate unit or area vocational-technical school.
- (1205.4 added Nov. 22, 2000, P.L.672, No.91)

CPR TRAINING – SCHOOL NURSE

(b) A school nurse who is not CPR-certified by a Department of Health-approved certifying agency by July 1, 2014, shall complete CPR training within one (1) year. A person hired for a position as a school nurse after July 1, 2014, shall be CPR-certified or complete CPR certification through a Department of Health-approved certifying agency within one (1) year of the hire date. A school nurse shall complete CPR recertification within the time frame established by the approved certifying agency.

(1410 amended July 2, 2014, P.L.985, No.107)

CHILD ABUSE RECOGNITION AND REPORTING TRAINING

Section 1205.6. Child Abuse Recognition and Reporting Training.--(a) School entities and independent contractors of school entities shall provide their employes who have direct contact with children with mandatory training on child abuse recognition and reporting. The following apply:

- (1) Training shall address, but shall not be limited to, the following topics:
 - (i) Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct in this Commonwealth.
 - (ii) Provisions of the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," including mandatory reporting requirements.
 - (iii) The school entity's policies related to reporting of suspected abuse and sexual misconduct.
 - (iv) Maintenance of professional and appropriate relationships with students.
- (2) School entities and independent contractors may provide training through the Internet or other distance communications systems.
- (3) Employes shall complete a minimum of three (3) hours of training every five (5) years.
- (4) Employes required to undergo continuing professional education under section 1205.2 shall receive credit toward their continuing professional education requirements if the training program has been approved by the Department of Education in consultation with the Department of Public Welfare.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Abuse." Conduct that falls under the purview and reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child protective services) and is directed toward or against a child or student, regardless of the age of the child or student.

"Direct contact with children." The possibility of care, supervision, guidance or control of children or routine interaction with children.

"School entity." A public school, charter school, cyber charter school, private school, nonpublic school, intermediate unit or area vocational-technical school.

"Sexual misconduct." Any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student. Such acts include, but are not limited to:

- (1) Sexual or romantic invitation.
- (2) Dating or soliciting dates.
- (3) Engaging in sexualized or romantic dialog.

- (4) Making sexually suggestive comments.
 - (5) Self-disclosure or physical exposure of a sexual, romantic or erotic nature.
 - (6) Any sexual, indecent, romantic or erotic contact with the child or student.
- (1205.6 added July 5, 2012, P.L.1084, No.126)

SCHOOL ACCESS TO EMERGENCY EPINEPHRINE

Section 1414.2. School Access to Emergency Epinephrine.--(a) Subject to subsection (g), a school entity or nonpublic school may authorize a trained school employe to:

- (1) provide an epinephrine auto-injector that meets the prescription on file for either the individual student or the school entity or nonpublic school to a student who is authorized to self-administer an epinephrine auto-injector;
- (2) administer to a student an epinephrine auto-injector that meets the prescription on file for either the individual student or the school entity or nonpublic school; and
- (3) administer an epinephrine auto-injector that meets the prescription on file for the school entity or nonpublic school to a student that the employe in good faith believes to be having an anaphylactic reaction.

(b) Notwithstanding section 11 of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," a physician or certified registered nurse practitioner may prescribe epinephrine auto-injectors in the name of the school entity or nonpublic school to be maintained for use pursuant to subsection (a).

(c) A school entity or nonpublic school may maintain at a school in a safe, secure location a supply of epinephrine auto-injectors.

(d) A school entity or nonpublic school that authorizes the provision of epinephrine auto-injectors under this section shall designate one or more individuals at each school who shall be responsible for the storage and use of the epinephrine auto-injectors.

(e) Individuals who are responsible for the storage and use of epinephrine auto-injectors must successfully complete a training program that shall be developed and implemented by the Department of Health within ninety (90) days of the effective date of this section.

(f) (1) An epinephrine auto-injector from the school entity's or nonpublic school's supply of epinephrine auto-injectors that meets the prescription on file for the school entity or nonpublic school may be provided to and utilized by a student authorized to self-administer or may be administered by a trained school employe authorized to administer an epinephrine auto-injector to a student pursuant to subsection (a).

(2) When a student does not have an epinephrine auto-injector or a prescription for an epinephrine auto-injector on file, a trained school employe may utilize the school entity's or nonpublic school's supply of epinephrine auto-injectors to respond to anaphylactic reaction under a standing protocol from a physician or certified registered nurse practitioner and as provided in this section.

(f.1) In the event a student is believed to be having an anaphylactic reaction, the school nurse or an individual in the school who is responsible for the storage and use of epinephrine auto-injectors shall contact 911 as soon as possible.

(g) At the request of a parent or legal guardian, a student shall be exempt from subsections (a), (f) and (h). The principal of the school in which the student is enrolled shall notify all parents or legal guardians of their ability to exempt their children from subsections (a), (f) and (h) by returning a signed opt-out form.

(h) The provisions of 42 Pa.C.S. §§ 8332 (relating to emergency response provider and bystander good Samaritan civil immunity) and 8337.1 (relating to civil immunity of school officers or employees relating to emergency care, first aid and rescue) shall apply to a person who administers an epinephrine auto-injector pursuant to this section.

(i) Administration of an epinephrine auto-injector under this section shall comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code Ch. 15 (relating to protected handicapped students).

(j) As used in this section, "school entity" means a school district, intermediate unit, charter school, cyber charter school, regional charter school or area vocational-technical school.

(1414.2 added Oct. 31, 2014, P.L.2965, No.195)

EDUCATION OF SCHOOL EMPLOYES IN DIABETES CARE AND MANAGEMENT

Section 1414.3. Education of School Employes in Diabetes Care and Management.--(a) Within one hundred twenty (120) days of the effective date of this section, the Department of Health, in coordination with the Department of Education, shall establish educational modules and guidelines for the instruction of school employes in diabetes care and treatment and make the modules and guidelines available on its publicly accessible Internet website. The educational modules shall include instruction in a school entity's obligations under 22 Pa. Code § 12.41 (relating to student services) and its responsibilities to comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794), 22 Pa. Code Chs. 14 (relating to special education services and programs) and 15 (relating to protected handicapped students) and the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.). At a minimum, the educational modules shall include review of the responsibilities and instruction in:

- (1) An overview of all types of diabetes.
- (2) Means of monitoring blood glucose.
- (3) The symptoms and treatment for blood glucose levels outside of target ranges as well as symptoms and treatment for

hypoglycemia, hyperglycemia and other potential emergencies.

(4) Techniques on administering glucagon and insulin.

(b) The school nurse, in consultation with the chief school administrator or a designee, may identify at least one school employe who is not the school nurse and who does not need to be a licensed health care practitioner in each school building attended by a student with diabetes. If the school building attended by a student with diabetes does not have a full-time school nurse, the chief school administrator may, but is not required to, consult with the school nurse assigned to that school building to identify at least one school employe in the school building. An identified employe shall complete the annual educational modules outlined in subsection (a) or annual education offered by a licensed health care practitioner with expertise in the care and treatment of diabetes that includes substantially the same information as outlined in subsection (a). An employe responsible for a child with diabetes in the absence of the school nurse shall have the right to decline the responsibility and related directives.

(c) A school employe who is not a licensed health care practitioner and who has successfully completed the education modules under subsection (a) or annual education offered by a licensed health care practitioner with expertise in the care and treatment of diabetes that includes substantially the same information as outlined in subsection (a) may be designated in a student's service agreement or IEP to administer diabetes medications, use monitoring equipment and provide other diabetes care. A school entity may require the designated employe who has not declined the assignment to complete the annual educational modules or annual education from a licensed health care practitioner, or both, in the administration of diabetes medications, use of monitoring equipment and provision of other diabetes care. Education provided to school employes shall be coordinated by the chief school administrator or a designee. School entities may include the education in the professional education plan submitted by the school entity to the Department of Education under section 1205.1.

(d) Notwithstanding any other statute or regulation restricting the functions that may be performed by persons other than licensed health care practitioners, school employes who have completed the education requirements under this section may perform diabetes care and treatment for students. School employes who are not licensed health care practitioners shall only be authorized to administer diabetes medications via injection or infusion following annual education by a licensed health care practitioner with expertise in the care and treatment of diabetes and following the school entity's receipt of written authorization from both the student's health care practitioner and parent or guardian that an educated school employe, who is not a licensed health care practitioner, may administer specified medications.

(e) For purposes of this section, "school entity" means a school district, intermediate unit, area vocational-technical school, charter school or cyber charter school.

(1414.3 added July 13, 2016, P.L.716, No.86)

Section 1414.4. Diabetes Care in Schools.--(a) A parent or guardian of a student with diabetes who desires that the student receive diabetes-related care and treatment in a school setting shall provide the school entity with written authorization for the care and instructions from the student's health care practitioner, consistent with the school entity's policies regarding the provision of school health services. The required authorizations may be submitted as part of a diabetes medical management plan.

(b) All diabetes-related care provided to students shall be consistent with the school health program established by the governing body of the school entity and any accommodations outlined in a student's service agreement.

(c) A student's service agreement may require a school entity to provide the driver of a school bus or school vehicle, who provides transportation to a student with diabetes, with an information sheet that:

(1) Identifies the student with diabetes.

(2) Identifies potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies.

(3) Provides the telephone number of a contact person in case of an emergency involving the student with diabetes.

(d) For purposes of this section:

"School bus" means a school bus as defined in 75 Pa.C.S. § 102 (relating to definitions).

"School entity" means a school district, intermediate unit, area vocational-technical school, charter school or cyber charter school.

"School vehicle" means a school vehicle as defined in 75 Pa.C.S. § 102.

(1414.4 added July 13, 2016, P.L.716, No.86)

Section 1414.5. Possession and Use of Diabetes Medication and Monitoring Equipment.--(a) A school entity shall require the parent or guardian of a student with diabetes who requests that the student possess and self-administer diabetes medication and operate monitoring equipment in a school setting to provide the following:

(1) A written statement from the student's health care practitioner that provides the name of the drug, the dose, the times when the medication is to be taken or the monitoring equipment to be used, the specified time period for which the medication or monitoring equipment is authorized to be used and the diagnosis or reason the medicine or monitoring equipment is needed. The student's health care practitioner shall indicate the potential of any serious reaction to the medication that may occur, as well as any necessary emergency response. The student's health care practitioner shall state whether the student is competent to self-administer the medication or monitoring equipment and whether the student is able to practice proper safety precautions for the handling and disposal of the medication and monitoring equipment.

(2) A written request from the parent or guardian that the school entity comply with the instructions of the student's health care practitioner. The parent's request shall include a statement relieving the school entity or any school employe of any

responsibility for the prescribed medication or monitoring equipment and acknowledging that the school entity bears no responsibility for ensuring that the medication is taken by the student and the monitoring equipment is used.

(3) A written acknowledgment by the school nurse that the student has demonstrated that the student is capable of self-administration of the medication and use of the monitoring equipment.

(4) A written acknowledgment by the student that the student has received instruction from the student's health care practitioner on proper safety precautions for the handling and disposal of the medications and monitoring equipment. The written acknowledgment shall also contain a provision stating that the student will not allow other students to have access to the medication and monitoring equipment and that the student understands appropriate safeguards.

(b) A school entity may revoke or restrict a student's privileges to possess and self-administer diabetes medication and operate monitoring equipment due to noncompliance with school rules and provisions of a student's service agreement, IEP or due to demonstrated unwillingness or inability of the student to safeguard the medication and monitoring equipment from access by other students.

(c) A school entity that prohibits a student from possessing and self-administering diabetes medication and operating monitoring equipment under subsection (b) shall ensure that the diabetes medication or monitoring equipment is appropriately stored in a readily accessible place in the school building attended by the student. The school entity shall notify the school nurse and other identified school employees regarding the location of the diabetes medication and monitoring equipment and means to access them.

(d) For purposes of this section, the following terms shall have the following meanings:

"School entity" means a school district, intermediate unit, area vocational-technical school, charter school or cyber charter school.

"Diabetes medication" means glucagon and insulin.

(1414.5 added July 13, 2016, P.L.716, No.86)

Section 1414.6. Liability.--Nothing in section 1414.3, 1414.4 or 1414.5 shall be construed to create, establish or expand any civil liability on the part of any school entity or school employe.

(1414.6 added July 13, 2016, P.L.716, No.86)

Section 1414.7. Coordinating, Supervising or Educating Not Considered Delegation.--(a) Notwithstanding any other law to the contrary, coordinating or supervising the provision of diabetes care by school employees authorized in sections 1414.3 and 1414.4 and providing education in accordance with section 1414.3 shall not be construed as a delegation by a licensed health care practitioner.

(b) A licensed health care practitioner who, acting in compliance with sections 1414.3 and 1414.4, coordinates or supervises care for a student or provides education to a school employe shall not be subject to any criminal or civil liability or any professional disciplinary action for the same.

(c) Notwithstanding any other provision of law, a school employe who is designated to provide diabetes medications to a student shall not be considered to be engaging in health-related activities which are reserved exclusively for licensed professionals.

(1414.7 added July 13, 2016, P.L.716, No.86)

Section 1414.8. Diabetes Care in Nonpublic Schools.--(a) A nonpublic school may comply with the education of school employees and provision of diabetes-related care to a student with diabetes required under sections 1414.3, 1414.4 and 1414.5. A written education plan that outlines the aids and related services required to meet the academic needs of the student with diabetes may take the place of a service agreement for a student with diabetes attending a nonpublic school unless a service agreement is otherwise required under law or regulation.

(b) Nothing in section 1414.3, 1414.4, 1414.5, 1414.6 or this section shall be construed to do any of the following:

(1) Create, establish or expand any obligations on the part of any nonpublic school to comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794).

(2) Create, establish, result in or expand any contractual obligations on the part of any nonpublic school.

(c) No nonpublic school employe or nonpublic school shall be liable for civil damages as a result of the activities authorized by sections 1414.3, 1414.4 and 1414.5, except that an employe may be liable for willful misconduct.

(1414.8 added July 13, 2016, P.L.716, No.86)

AUTOMATIC EXTERNAL DEFIBRILLATORS (AED)

Section 1423. Automatic External Defibrillators.--(a) The department shall establish an automatic external defibrillator program to assist school entities and nonpublic schools in making automatic external defibrillators available in school buildings.

(b) On a biennial basis, the department, in consultation with the Department of General Services and the Department of Health, shall issue an invitation to bid for the cost of automatic external defibrillators and other equipment and supplies necessary for the proper operation of the device. The department shall accept the bid of the lowest responsible bidder and permit any school entity or nonpublic school to purchase the devices at the contract bid price. The department may purchase automatic external defibrillators from any funds appropriated pursuant to subsection (k) for distribution to school entities and nonpublic schools.

(c) To be eligible to obtain or purchase automatic external defibrillators under the program a school entity or nonpublic school must:

- (1) Assure that two (2) or more persons assigned to the location where the automatic external defibrillator will be primarily housed are trained as required in subsection (d).
- (2) Ensure that the device will be secured in a safe and readily accessible location and agree to properly maintain and test the device according to the manufacturer's operational guidelines.
- (3) Submit a valid prescription for the device from a licensed medical practitioner in this Commonwealth.
- (4) Agree to provide the training required by subsection (d).
- (d) School personnel who are expected to use the automatic external defibrillator shall complete training in cardiopulmonary resuscitation and in the use of an automatic external defibrillator provided by the American Heart Association, the American Red Cross or through an equivalent course of instruction approved by the Department of Health.
- (e) A school entity may include the training required by subsection (d) in its continuing professional education plan submitted to the department under section 1205.1.
- (f) The provisions of 42 Pa.C.S. § 8331.2 (relating to good Samaritan civil immunity for use of automated external defibrillator) shall apply to school employees who render care with an automatic external defibrillator.
- (g) From funds appropriated for this purpose, the department may assist school entities and nonpublic schools that are not equipped with automatic external defibrillators by providing a discount from the contract bid price obtained under subsection (b) or by providing automatic external defibrillators obtained under subsection (b).
- (g.1) The purchase of an automatic external defibrillator shall be considered an allowable use of Pennsylvania Accountability Grants under section 2599.2(b).
- (g.2) The purchase of automatic external defibrillators shall be considered an innovative educational program under Article XVII-F of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."
- (h) (Reserved).
- (i) Not later than June 30, 2014, and each year thereafter, each school entity shall make a report to the department detailing the number, condition, age and placement of automatic external defibrillators in each school building. After the initial report is made, a school entity may report this information as part of the annual report required by the Commonwealth under section 2505.1 to receive State reimbursement for health services.
- (i.1) A nonpublic school that participates in the automatic external defibrillator program under subsection (b) or (g) shall be subject to the reporting required under subsection (i).
- (i.2) The department shall annually publish a report on its publicly accessible Internet website no later than December 31, 2014, and each year thereafter. The report shall contain the following information:
- (1) The total number of automatic external defibrillators by school entity and nonpublic school.
- (2) The number of school buildings by school entity and nonpublic school that are equipped with automatic external defibrillators.
- (3) The number of school buildings by school entity and nonpublic school that are not equipped with automatic external defibrillators.
- (j) The department may adopt guidelines as necessary to administer this section.
- (k) The General Assembly may appropriate funds to carry out the provisions of this section.
- (l) As used in this section--
- "Automatic external defibrillator" means a portable device that uses electric shock to restore a stable heart rhythm to an individual in cardiac arrest.
- "Department" means the Department of Education of the Commonwealth.
- "Nonpublic school" means a nonprofit school, other than a public school within this Commonwealth, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the applicable requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).
- "School building" means a building owned by or under the control of a school entity or nonpublic school where classes are taught or extracurricular activities are conducted on a regular basis.
- "School entity" means an area vocational-technical school, a charter school, a cyber charter school, an intermediate unit or a school district.
- "Secretary" means the Secretary of Education of the Commonwealth.
- (1423 amended Apr. 18, 2014, P.L.427, No.35)

CARDIOPULMONARY RESUSCITATION (CPR)

- Section 1424. Cardiopulmonary Resuscitation.--(a) A school entity shall have at each school, or in the case of a cyber charter school at each location, under its jurisdiction, except in extenuating circumstances, one person certified in the use of cardiopulmonary resuscitation during regular school hours when school is in session and students are present.
- (b) The provisions of 42 Pa.C.S. §§ 8332 (relating to nonmedical good Samaritan civil immunity) and 8337.1 (relating to civil immunity of school officers or employees relating to emergency care, first aid and rescue) shall apply to a person who renders cardiopulmonary resuscitation.
- (c) As used in this section, "school entity" means an area vocational-technical school, a charter school, a cyber charter school, an intermediate unit, a nonpublic school or a school district.
- (1424 added June 30, 2012, P.L.684, No.82)

FIRE AND EMERGENCY EVACUATION DRILLS

Section 1517. Fire and Emergency Evacuation Drills.--(a) In all public schools where fire-escapes, appliances for the extinguishment of fires, or proper and sufficient exits in case of fire or panic, either or all, are required by law to be maintained, fire drills shall be periodically conducted, not less than one a month, by the teacher or teachers in charge, under rules and regulations to be promulgated by the district superintendent under whose supervision such schools are. In such fire drills the pupils and teachers shall be instructed in, and made thoroughly familiar with, the use of the fire-escapes, appliances and exits. The drill shall include the actual use thereof, and the complete removal of the pupils and teachers, in an expeditious and orderly manner, by means of fire-escapes and exits, from the building to a place of safety on the ground outside.

(b) District superintendents are hereby required to see that the provisions of this section are faithfully carried out in the schools over which they have charge.

(c) Any person who violates or fails to comply with the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or to undergo imprisonment in the county jail for not less than (10) days or more than sixty (60) days, or both.

(d) All schools using or contracting for school buses for the transportation of school children shall conduct on school grounds two emergency evacuation drills on buses during each school year, the first to be conducted during the first week of the first school term and the second during the month of March, and at such other times as the chief school administrator may require. Each such drill shall include the practice and instruction concerning the location, use and operation of emergency exit doors and fire extinguishers and the proper evacuation of buses in the event of fires or accidents.

Bus operators shall be provided with proper training and instructions to enable them to carry out the provisions of this subsection and may be required to attend classes and drills in connection therewith.

On or before the tenth day of April of each year, each district superintendent shall certify to the Department of Public Instruction that the emergency evacuation drills herein required have been held.

(1517 amended Jan. 14, 1970, 1969 P.L.468, No.192)

DATING VIOLENCE EDUCATION

Section 1553. Dating Violence Education.--(a) The department, through its Office for Safe Schools, and in consultation with the State Board of Education, shall:

(1) Develop, within six (6) months of the effective date of this section, a model dating violence policy to assist school districts in developing policies for dating violence reporting and response.

(2) Consult with at least one (1) domestic violence center and at least one (1) rape crisis center in developing the model dating violence policy.

(b) (1) Each school district may establish a specific policy to address incidents of dating violence involving students at school.

(2) The policy may include, but need not be limited to: a statement that dating violence will not be tolerated; violence reporting procedures; discipline procedures for students that commit violence at school; and contact information for and resources available through domestic violence programs and rape crisis programs.

(3) A school district that establishes the policy shall:

(i) Publish the policy in any school district policy or handbook that specifies the comprehensive rules, procedures and standards of conduct for students at school.

(ii) Make the policy available on its publicly available Internet website.

(iii) Provide parents and guardians with a copy of the policy.

(4) The State Board of Education shall conduct a study of the benefits and detriments of mandatory dating violence education and shall submit a report of its recommendations to the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives within three (3) years of the effective date of this section.

(c) (1) A school district may provide dating violence training to guidance counselors, nurses and mental health staff at the high school level. Upon the recommendation of the district superintendent, other staff may be included or may attend the training on a voluntary basis. The school district may also provide dating violence training to parents.

(2) The dating violence training may include, but need not be limited to: basic principles of dating violence; warning signs of dating violence; the school district's dating violence policy; appropriate responses to incidents of dating violence at school; and services and resources available through domestic violence programs and rape crisis programs.

(d) (1) A school district may incorporate dating violence education that is age appropriate into the annual health curriculum framework for students in grades nine (9) through twelve (12). In developing such a policy, the school district shall consult with at least one (1) domestic violence program or rape crisis program that serves the region where the school district is located.

(2) Dating violence education may include, but need not be limited to: defining dating violence and recognizing dating

violence warning signs; characteristics of healthy relationships; information regarding peer support and the role friends and peers have in addressing dating violence; and contact information for and the services and resources available through domestic violence centers and rape crisis centers, including detailed information concerning safety planning, availability and enforcement of protection from abuse orders and the availability of other services and assistance for students and their families.

(3) The department, through its Office for Safe Schools, in consultation with at least one (1) domestic violence center and at least one (1) rape crisis center, shall provide school districts with grade-appropriate educational materials regarding dating violence and healthy relationships for the purpose of assisting school districts in preparing an instructional program on dating violence. The department may use educational materials that are already publicly available for this purpose.

(4) A parent or legal guardian of a student who is under eighteen (18) years of age, within a reasonable period of time after the request is made, shall be permitted to examine the dating violence education program instructional materials at the school in which the student is enrolled.

(5) At the request of a parent or guardian, a student shall be excused from all or parts of the dating violence education program. The principal shall notify all parents or guardians of their ability to withdraw their children from instruction in the program by returning a signed opt-out form.

(e) Nothing in this section shall be construed as preventing a person from seeking judicial relief from dating violence under any other law or as establishing or modifying any civil liability.

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"At school." The term shall have the meaning given to school property as defined in section 1301-A.

"Dating partner." A person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long term.

"Dating violence." Behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.

"Department." The Department of Education of the Commonwealth.

"Domestic violence center." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Domestic violence program." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Rape crisis center." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Rape crisis program." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(1553 added Nov. 17, 2010, P.L.996, No.104)

Compiler's Note: See section 23 of Act 104 of 2010, which added section 1553, in the appendix to this act for special provisions relating to legislative findings and declarations.

Compiler's Note: Section 24 of Act 104 of 2010, which added section 1553, provided that any regulations that are inconsistent with Act 104 are hereby abrogated to the extent of the inconsistency.