

Laws Pertinent to SAP

Laws Requiring/Mentioning SAP

- [Act 211 of 1990](#) requires school districts to establish and maintain a K-12 program to provide appropriate counseling and support services to students who experience problems related to the use of drugs, alcohol, and dangerous controlled substances. The Secretary of Education then named the Commonwealth Student Assistance Program (K-12) to fulfill the requirement to identify high risk students, intervene and refer them to appropriate community services. Act 211 of 1990 is covered in [BEC 24 P.S. §15-1547](#).
- [Chapter 12 of the PA School Code](#) was amended in 2005 to include planning and provision of Student Assistance Programs for all school entities.
- [Act 44 of 2018](#) and [Act 18 of 2019](#): SAP is mentioned in these school safety and security laws, encouraging schools to think about the alignment of SAP teams with other required school teams, such as threat assessment teams. Act 18 of 2019 encourages that the threat assessment team include an individual who serves on the SAP team. The school safety and security assessment required in Act 44 of 2018 includes a student assistance and behavioral health support assessment which should assess availability of student assistance programs.

Confidentiality

[Family Educational Rights and Privacy Act \(FERPA\)](#) is a federal law that protects the privacy of student education records. Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with [legitimate educational interest](#)
- Other schools to which a student is transferring
- Specified officials for audit or evaluation purposes
- Appropriate parties in connection with financial aid to a student
- Organizations conducting certain studies for or on behalf of the school
- Accrediting organizations
- To comply with a judicial order or lawfully issued subpoena
- Appropriate officials in cases of health and safety emergencies
- State and local authorities, within a juvenile justice system, pursuant to specific state law.

Parent/Guardian Consent

[Protection of Pupil Rights Amendment \(PPRA\)](#) requires schools and contractors to obtain written parental consent before minor students are required to participate in a survey, analysis, or evaluation that concerns one or more of the following eight protected areas:

1. Political affiliations or beliefs of the student or the student's parent
2. Mental or psychological problems of the student or the student's family
3. Sex behavior or attitudes
4. Illegal, anti-social, self-incriminating, or demeaning behavior
5. Critical appraisals of other individuals with whom respondents have close family relationships

6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers
7. Religious practices, affiliations, or beliefs of the student or student's parent
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

Behavioral Health

Act 65 of 2020 Consent to Mental Health Treatment for Minors

- Minors who are 14 years or older can consent to voluntary inpatient or outpatient mental health treatment for themselves, without consent from parent or legal guardian.
- A parent or legal guardian of a minor under the age of 18 can consent to inpatient or outpatient mental health treatment of their minor, without the minor's consent.
- A minor or parent/legal guardian can revoke their consent to inpatient or outpatient treatment at any time.
- If a minor provides consent, then later revokes it, the parent or legal guardian can provide consent for the treatment to continue, and vice versa.

Act 63 of 1972 Pennsylvania Drug and Alcohol Abuse Control Act: Youth of any age can consent to substance use disorder treatment. Section 12 of the Act states, "Notwithstanding any other provisions of law, a minor who suffers from the use of a controlled or harmful substance may give consent to furnishing of medical care or counseling related to diagnosis or treatment. The consent of the parents or legal guardian of the minor shall not be necessary to authorize medical care or counseling related to such diagnosis or treatment."

Act 33 of 2022 Confidentiality of Records: An amendment to the Pennsylvania Drug and Alcohol Abuse Control Act. A student's written consent is generally required for a substance use disorder treatment provider to share information about a student's treatment with others.

Other

Civil immunity of school officers or employees relating to drug or alcohol abuse: Any officer or employee of a school who, in the scope of official duty, reports drug or alcohol abuse involving a student to another officer or employee of the school, to a parent, legal guardian or spouse of the student or who refers a student for treatment or counseling or for disciplinary action by school authorities relating to drug or alcohol abuse shall not be liable to the student or the parents, legal guardian or spouse of the student for civil damages as a result of any negligent statements, acts or omissions undertaken in good faith for the purposes set forth in this section. This subsection shall also apply to school authorities who have been designated to handle disciplinary cases for negligent statements, acts or omissions undertaken in good faith in reporting a student for drug or alcohol abuse to a law enforcement officer in accordance with school policy or procedures and based upon a reasonable belief that a crime has been, is being or will be committed. This subsection does not apply to any statement, acts or omissions which are intentionally designed to harm or which are grossly negligent and result in harm to the student.