

Date: September 23, 2022

To: State Board of Private Licensed Schools

From: Nicole Campbell, Chief, Division of Law Enforcement Education and Trade Schools

RE: Higher Education Annual Institutional Reporting

Private Licensed Schools are required by numerous statutes and regulations to submit annual reports on several items to the Pennsylvania Department of Education.

This memo is prepared to offer clarity to State Board of Private Licensed Schools regarding Higher Education Annual Institutional Reporting in support of the 'Dear Colleague' letter sent by Tanya I. Garcia, Ph.D., Deputy Secretary and Commissioner, on September 13, 2022. The letter from Dr. Garcia provided information to schools regarding the recent amendment of [Article XX-G of the Public School Code](#). Through this memo we hope to clarify for schools their accountabilities regarding Higher Education Annual Institutional Reporting based upon qualifying factors.

It is important to note that Higher Education Annual Institutional Reporting is different than Annual Statistical Reporting.

Higher Education Annual Institutional Reporting

- Includes definition of consent, memorandums of understanding, educational programming, notifications, accommodations, protective measures, policies, reporting systems, etc. regarding sexual violence, sexual misconduct, harassment, dating violence, domestic violence, stalking, and other prohibited behaviors in accordance with Article XX-G and Article XX-J of the Public School Code
- Required to be submitted annually by March 1
- Facilitated by the Division of Higher Education Access and Equity ra-highereducation@pa.gov
- Submission: [PA Login Registration](#), [Higher Education Annual Institutional Reporting Assurance of Compliance](#)

Annual Statistical Report

- Includes gross tuition, taxes, employee and student demographics, enrollment, placement, etc. by program in accordance with 24 P.S. § 6504 (d) and § 6507 (a) (9)
- Required to be submitted annually by September 30
- Facilitated by the Division of Law Enforcement Education and Trade Schools
- Submission: Keystone Login, MyPDESuite

ALL State Board of Private Licensed Schools are accountable for the following:

- All schools are required to report, via self-attestation, that they are complying with the requirements of [Article XX-G of the Public School Code](#), **annually on or before March 1st**
- Compliance means your school has the following items actively in place*:
 - A. An education program for all students that includes **(to be in place by July 1, 2023)**:
 - A discussion of sexual violence, dating violence, domestic violence, and stalking education prevention and response (*previously, Article XX-G only required schools to establish a sexual violence awareness educational program*)
 - A discussion of consent, including an explanation that the victim is not at fault
 - A discussion of drug and alcohol-facilitated sexual violence
 - Information relating to risk education and personal protection
 - Information on where and how to get assistance, including the importance of medical treatment and evidence collection, and how to report sexual violence to campus authorities and local law enforcement
 - A discussion of the possibility of pregnancy and transmission of sexual diseases
 - Introduction of members of the educational community from campus police or security and local law enforcement; campus health center, women's center, and rape crisis center; and campus counseling service or any service responsible for psychological counseling and student affairs
 - A promise of discretion and dignity
 - A promise of confidentiality for victims of sexual assault to the extent allowable by law
 - Information regarding confidential resources and services available for victims of sexual violence, dating violence, domestic violence, and stalking
 - B. Initiate, or update, and maintain a memorandum of understanding (MOU) with at least one rape crisis center and one domestic violence program to **(to be in place by December 31, 2022)**:
 - Assist in developing the school's policies, programming, and training regarding sexual misconduct and other prohibited behaviors, such as sexual violence, dating violence, domestic violence, and stalking, involving students and employees
 - Provide an off-campus alternative for students and employees of the school to receive free and confidential services to address sexual harassment and sexual violence, dating violence, domestic violence and stalking, including crisis and longer-term counseling; support in navigating campus and community reporting options; and access to legal assistance, sexual violence protection and protection from intimidation orders, crime victims' compensation, a forensic rape exam conducted by a sexual assault nurse examiner, if available, and other services
 - Ensure that a student or employee of the school is notified of free and confidential sources of support, counseling, and advocacy services and how to access the services both on and off campus
 - Ensure cooperation and cross-training between the school and the rape crisis center or domestic violence center to ensure an understanding of the roles that each respectively should play in responding to reports and disclosures of sexual misconduct and other prohibited behavior, such as dating violence, domestic violence and stalking against students and employees of the school and the school's protocols for investigating and adjudicating such misconduct and for providing support and services to students and employees
 - Consult in the development or implementation of the education program
 - C. A concise notification of rights, accommodations, and protective measures available in writing and on the school's website to students and employees, including victims of dating violence, domestic violence, sexual violence, and stalking, regardless of where the incidences occurred, including information regarding **(to be in place by July 1, 2023)**:
 - Existing counseling, mental health, health care, victim advocacy, legal assistance, and other services available for victims, both within the school and in the community

- Available options and assistance regarding how to report to the school, report to law enforcement, obtain protections from abuse and sexual violence protection orders, file for crime victims' compensation and assistance program and request protective measures or changes to academic, living, transportation, working situations or other educational activities
- D. Make accommodations or provide protective measures, as necessary and reasonably available, at the victim's request, regardless of whether the victim chooses to report the crime to campus police or local law enforcement and regardless of where an incidence occurred **(to be in place by July 1, 2023)**
- E. A definition of consent as part of the school's code of conduct or sexual misconduct or harassment policy **(to be in place at the start of the 22-23 school year)**
- F. Conduct at least one follow-up program for the students in the education program **(to be in place by July 1, 2023)**

** This information is provided as a general overview/summary only, it does not contain all details and necessary information. Please reference the specific article to ensure your school's compliance.*

PDE, in consultation with the Pennsylvania Coalition Against Dating Violence and the Pennsylvania Coalition Against Domestic Violence, are expected to post model education programs and other resources to the PDE website at www.education.pa.gov to assist with implementation.

State Board of Private Licensed Schools offering specialized associate degrees (AST/ASB) are additionally accountable for the following:

- All schools offering specialized associate degrees are required to report, via self-attestation, that they are complying with the requirements of [Article XX-J of the Public School Code](#), **annually on or before March 1st**
- Compliance means your school has the following items actively in place*:
 - A. A clear, understandable written policy on sexual harassment and sexual violence that informs victims of their rights under Federal and State law, including the crime victims bill of rights
 - B. The sexual harassment and sexual violence policy shall include a provision that a witness or victim of an incident of sexual harassment or sexual violence who reports the incident in good faith will not be sanctioned by the school for admitting in the report to a violation of the school's student conduct policy on the personal use of drugs or alcohol
 - C. Establish and maintain an anonymous online reporting system to receive complaints of sexual harassment and sexual violence from students and employees
 - D. Provide students and employees making reports with the following: information regarding who will receive and have access to the reports filed, how information gathered through the online reporting system will be used and contact information for on-campus and off-campus organizations serving victims of sexual harassment and sexual violence
 - E. Prominently post with the anonymous online system the policy regarding reports and investigations of sexual harassment and sexual violence and encourage individuals to review the policy for more information about procedures and resources
 - F. Limit access to the data collected, created, or maintained under subsection (a) to only the data subject

** This information is provided as a general overview/summary only, it does not contain all details and necessary information. Please reference the specific article to ensure your school's compliance.*

More information, including a model campus policy for sexual violence prevention, is available on the PDE [Act 16 of 2019](#) webpage.

Submit the required assurances:

[Higher Education Annual Institutional Reporting Assurance of Compliance](#)

The Higher Education Annual Institutional Reporting website is independent and is not ingrained with the Pennsylvania Department of Education's websites or reporting applications. The assurances form will NOT be found in MyPDESuite.

Schools are to utilize their PA Login information to access the report. A Keystone Login will NOT work. For information regarding establishing a PA Login, please visit [PA Login Registration](#).

Once a PA Login username is established, please email the established username and associated e-mail address to the Division of Higher Education, Access, and Equity (ra-highereducation@pa.gov) to request access. Please DO NOT send your password.

Only one person per school may have access to the Higher Education Annual Institutional Reporting website. It is up to the school to determine who this should be. Internal communication at the school will be necessary to determine this responsibility prior to establishing access to the website.

It's On Us Grant Opportunity

ALL private licensed schools may apply to offset the costs of implementing the requirements Article XX-G.

- with 10,000 or fewer students may request up to \$40,000
- with more than 10,000 students may apply for up to \$60,000
- Private licensed schools that do not offer specialized associate degrees may request up to \$10,000
- [It's On Us PA](#)

For any questions regarding the It's On Us grant, please send an email to David Stewart at ra-editsonuspa@pa.gov.

Article XX-G of the Public School Code

- **ALL** Private Licensed Schools awarding diplomas and/or certificates, including schools awarding AST/ASB degrees
- May apply for the It's On Us grant

Article XX-J of the Public School Code

- Private Licensed Schools awarding AST/ASB degrees
- May apply for the It's On Us grant

Links and Contact Information

Higher Education Annual Institutional Reporting

- [Assurance of Compliance](#)
- [PA Login Registration](#)
- Division of Higher Education, Access, and Equity at ra-highereducation@pa.gov

Article XX-G of the Public School Code

- [Article XX-G](#)
- Division of Higher Education, Access, and Equity at ra-highereducation@pa.gov

Article XX-J of the Public School Code

- [Article XX-J](#)
- [Act 16 of 2019](#)
- Division of Higher Education, Access, and Equity at ra-highereducation@pa.gov

It's On Us Grant

- [It's On Us PA](#)
- Division of Higher Education, Access, and Equity at ra-editsonuspa@pa.gov.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

September 13, 2022

Dear Colleague,

On July 8, 2022, Governor Tom Wolf signed Act 55 of 2022 (Act 55) into law, amending [Article XX-G of the Public School Code](#)¹. As we approach the beginning of a new academic year, I would like to take this opportunity to share with you these new state requirements and resources for maintaining a safe, respectful, and inclusive educational environment for each and every learner at your postsecondary institution.

Effective the 2022-23 school year, all institutions of higher education (institutions) and postsecondary private licensed schools (schools) must adopt a definition of consent as part of their code of conduct or sexual misconduct or harassment policy.

By December 31, 2022, each institution and school must enter into (or update at the next renewal) and maintain a memorandum of understanding with at least one rape crisis center and one domestic violence program to:

1. Assist in developing the policies, programming and training regarding sexual misconduct and other prohibited behavior, such as sexual violence, dating violence, domestic violence and stalking, involving students and employees;
2. Provide an off-campus alternative for students and employees to receive free and confidential services to address sexual harassment and sexual violence, dating violence, domestic violence and stalking, including:
 - Crisis and longer-term counseling;
 - Support in navigating campus and community reporting options; and
 - Access to legal assistance, sexual violence protection and protection from intimidation orders, crime victims' compensation, a forensic rape exam conducted by a sexual assault nurse examiner, if available, and other services;
3. Ensure that a student or employee is notified of free and confidential sources of support, counseling and advocacy services and how to access the services both on and off campus;
4. Ensure cooperation and cross-training between the institution or school and the rape crisis center or domestic violence center to ensure an understanding of the roles that each respectively should play in responding to reports and disclosures of sexual misconduct and other prohibited behavior, such as dating violence, domestic violence and stalking against students and employees and the institution's or school's protocols for investigating and adjudicating such misconduct and for providing support and services to students and employees; and
5. Consult in the development or implementation of an education program under section 2003-G.

By July 1, 2023, institutions and schools must take the following actions, in accordance with section 2003-G and 2007-G:

- Establish and implement an educational program, in consultation with at least one local rape crisis center and one domestic violence program, that includes sexual violence, dating violence, domestic violence, and stalking education prevention and response;

¹ <https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/1949/0/0014..HTM>

- Conduct at least one follow-up program for students in the education program;
- Provide a concise notification of rights, accommodations and protective measures in writing and on the institution's/school's public website to all students and employees, including victims of dating violence, domestic violence, sexual violence and stalking, regardless of where the incidences occurred; and
- Make accommodations or provide protective measures, as necessary and reasonably available, at the victim's request, regardless of whether the victim chooses to report the crime to campus police or local law enforcement and regardless of where an incidence occurred.
- Report to PDE on the implementation of the education program under section 2003-G and the implementation of the memorandum of understanding under section 2007-G through an annual attestation of compliance.

Previously, Article XX-G only required institutions and schools to establish a sexual violence awareness educational program for students and provide assurance of compliance to the Pennsylvania Department of Education (PDE).

PDE, in consultation with the Pennsylvania Coalition Against Dating Violence and the Pennsylvania Coalition Against Domestic Violence, will post model education programs and other resources to the PDE website at www.education.pa.gov in the coming weeks to assist with implementing the new provisions. We will notify you when the information is available.

In the meantime, I encourage you to review Article XX-G carefully and inventory steps that your institution or school has already taken that meet these requirements and where additional action will be needed.

Sexual Violence Policy and Anonymous Online Reporting System

As a reminder, Article XX-J (also known as Act 16 of 2019) requires postsecondary institutions in Pennsylvania that award an associate degree or higher to adopt a clear policy on sexual harassment and sexual violence, along with the establishment of an anonymous online reporting system. These requirements have not changed. More information, including a model campus policy for sexual violence prevention, is available on the PDE [Act 16 of 2019](https://www.education.pa.gov/Postsecondary-Adult/Pages/Act-16-of-2019.aspx)² webpage.

It's On Us PA Grant Program

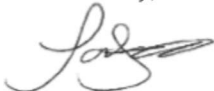
The Governor's 2022-2023 It's On Us PA Grant Program application will be released in September. This year \$1.25 million in grant funding is available to institutions and schools.

Eligible institutions and schools with 10,000 or fewer students may request up to \$40,000; those with more than 10,000 students may apply for up to \$60,000. Private licensed schools that do not offer specialized associate degrees may request up to \$10,000 to offset the costs of implementing the requirements Article XX-G.

PDE will notify all institutions and schools when the grant application and guidelines are available.

Thank you for your continued commitment to ensure all learners receive education in the safest of environments. Please email David Stewart at ra-highereducation@pa.gov with any questions regarding the content of this letter.

Sincerely,



Tanya I. Garcia, Ph.D.
Deputy Secretary and Commissioner

² <https://www.education.pa.gov/Postsecondary-Adult/Pages/Act-16-of-2019.aspx>