

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 540 Session of 2015

INTRODUCED BY KAMPF, THOMAS, CALTAGIRONE, BRIGGS, CORBIN, COHEN, ZIMMERMAN, SCHLOSSBERG, D. COSTA, READSHAW, BULLOCK, D. PARKER, KIRKLAND, ROSS, DIAMOND, HEFFLEY, BRADFORD, PHILLIPS-HILL AND WATSON, OCTOBER 14, 2015

AS AMENDED, HOUSE OF REPRESENTATIVES, OCTOBER 26, 2015

A RESOLUTION

1 Directing the Joint State Government Commission to conduct a  
2 comprehensive study of school discipline policies, laws and  
3 regulations, to establish an advisory committee and to make a  
4 report of its findings and recommendations.

5 WHEREAS, 22 Pa. Code § 12.3 authorizes each board of school  
6 directors to make reasonable and necessary rules governing the  
7 conduct of students in school and requires each board of school  
8 directors to adopt a code of student conduct that includes  
9 policies governing student discipline; and

10 WHEREAS, Section 1302.1-A of the Public School Code of 1949  
11 required the State Board of Education to promulgate regulations  
12 setting forth a model memorandum of understanding between school  
13 entities and local police departments and establishing protocols  
14 for notifying police when certain offenses occur on school  
15 property and for emergency and nonemergency response by the  
16 police, as well as procedures and protocols for the response to  
17 and handling of students with disabilities; and

18 WHEREAS, Section 1303-A of the Public School Code of 1949

1 requires the chief school administrator of each school entity,  
2 in consultation with an advisory committee, to enter into a  
3 memorandum of understanding with police departments having  
4 jurisdiction over school property which complies with the  
5 regulations promulgated by the State Board of Education under  
6 section 1302.1-A of the Public School Code of 1949; and

7 WHEREAS, Some school districts have adopted zero-tolerance  
8 policies which mandate specific disciplinary responses to  
9 certain student misconduct, regardless of the circumstances  
10 surrounding the misconduct or the severity of the incident; and

11 WHEREAS, It is important to ensure that the Commonwealth's  
12 school safety laws and regulations support a safe school  
13 environment while encouraging public schools to appropriately  
14 tailor disciplinary responses to the specific student misconduct  
15 or the severity of the incident; and

16 WHEREAS, It is important that the student discipline policies  
17 in effect in public schools throughout this Commonwealth, as  
18 well as related school safety laws and regulations, be  
19 thoroughly examined; therefore be it

20 RESOLVED, That the House of Representatives direct the Joint  
21 State Government Commission, in consultation with an advisory  
22 committee, to conduct a comprehensive study of school discipline  
23 policies, laws and regulations across this Commonwealth and  
24 nationwide; and be it further

25 RESOLVED, That the House of Representatives direct the Joint  
26 State Government Commission to establish an advisory committee  
27 consisting of a police chief, a juvenile public defender, a  
28 district attorney, a rural school superintendent, a suburban  
29 school superintendent, an urban school superintendent, a school  
30 board member, a CERTIFIED PUBLIC SCHOOL teacher, A PARENT OF A <--

1 STUDENT ENROLLED IN A PUBLIC SCHOOL, an individual representing  
2 the interests of juveniles and of students with disabilities, a  
3 representative of the Juvenile Court Judges' Commission, a  
4 representative of the Juvenile Justice and Delinquency  
5 Prevention Committee of the Pennsylvania Commission on Crime and  
6 Delinquency, a representative of the Pennsylvania Department of  
7 Education and a representative of the Pennsylvania State Board  
8 of Education; and be it further

9 RESOLVED, That the Joint State Government Commission and  
10 advisory committee hold public hearings as deemed necessary to  
11 conduct the comprehensive study required under this resolution;  
12 and be it further

13 RESOLVED, That the Joint State Government Commission and  
14 advisory committee, within ~~six~~ 12 months of the adoption of this <--  
15 resolution, issue to the Education Committee of the House of  
16 Representatives a report which includes, at a minimum, the  
17 following:

18 (1) a general description of the types of school  
19 discipline policies in place in public schools throughout  
20 this Commonwealth with specific attention to zero-tolerance  
21 policies, and analysis of the prevalence of each type of  
22 policy and its effects on students, including students with  
23 disabilities and students who are under 12 years of age;

24 (2) a general description of the types of memoranda of  
25 understanding between school entities and police departments  
26 in place throughout this Commonwealth, including a general  
27 description of the types of protocols for immediate and  
28 discretionary notification of police departments set forth in  
29 those memoranda of understanding, and an analysis of those  
30 types of memoranda of understanding which provide for

1 immediate notification of police departments with respect to  
2 offenses in addition to those requiring immediate  
3 notification under applicable law; and

4 (3) an analysis of laws and regulations related to  
5 student discipline in this Commonwealth and other states,  
6 including discussion of whether any states have in place laws  
7 or regulations addressing zero-tolerance policies;

8 (4) a study of alternative school discipline approaches  
9 at the elementary and secondary education levels, including  
10 diversion programs and possible alternatives to suspension,  
11 expulsion and referral to law enforcement; and

12 (5) recommendations for new legislation, regulations and  
13 policies related to school discipline.