
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 134 Session of
2003

INTRODUCED BY ORIE, COSTA, RAFFERTY, TARTAGLIONE, RHOADES,
KITCHEN, O'PAKE AND KASUNIC, FEBRUARY 3, 2003

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AN ACT

1 Requiring all school districts to develop a comprehensive school
2 violence prevention plan.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the School
7 Violence Prevention Act.

8 Section 2. Legislative intent.

9 It is the intent of the General Assembly that:

10 (1) All Pennsylvania school districts develop a
11 comprehensive and coordinated school violence prevention plan
12 relevant to the specific needs of the district and drawing on
13 existing State and community resources with the goal to
14 create a safe school environment while assuring that
15 appropriate procedures are in place to deal with crisis
16 situations which might occur.

17 (2) The school violence prevention plan is to be

1 developed by a broad-based violence prevention task force
2 based on an assessment of the current needs and resources of
3 the district in the areas of violence prevention and
4 intervention, including an analysis of the types and
5 frequency of crimes and incidents of violence currently
6 occurring on school property or at school-sponsored
7 activities and a review of available community-based
8 resources to address family and youth-related issues.

9 (3) The school violence prevention plan should include
10 appropriate strategies and programs to address both school
11 safety and violence prevention.

12 Section 3. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

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

18 "Local law enforcement agencies." Local police departments,
19 regional Pennsylvania State Police field installations or
20 headquarters, county sheriffs' offices and school district
21 police or security departments.

22 "Plan." The school violence prevention plan developed and
23 adopted by a school district pursuant to this act.

24 "Public School Code of 1949." The act of March 10, 1949
25 (P.L.30, No.14), known as the Public School Code of 1949.

26 "School board." The local board of school directors of a
27 school district.

28 "Task force." The locally constituted violence prevention
29 task force formed pursuant to this act.

30 Section 4. Violence prevention plan.

1 (a) Plan required.--Within six months of the effective date
2 of this act, every school district shall develop and submit to
3 the department a violence prevention plan. The plan shall be
4 submitted to the department only after it is recommended by the
5 violence prevention task force created pursuant to section 6 and
6 approved by the school board.

7 (b) Public inspection.--The violence prevention plan shall
8 be made available for public inspection in the school district
9 offices for at least 30 days prior to its approval by the school
10 board.

11 (c) Duration.--The violence prevention plan shall remain in
12 effect until it is superseded by an approved revision.

13 (d) Revisions.--Any revisions to the original plan submitted
14 to the department shall be approved by the school board with the
15 advice of its task force and the revised plan submitted to the
16 department.

17 (e) Failure to comply.--A school district which fails to
18 comply with this section shall be ineligible for reimbursement
19 under Article XXV of the Public School Code of 1949, until it
20 establishes compliance.

21 Section 5. Preliminary assessments.

22 (a) Needs assessment.--Before beginning development of its
23 plan, the task force shall undertake a needs assessment to
24 determine specific issues and concerns within the district and
25 its surrounding community. This should include documentation of
26 current problems such as truancy, fighting, vandalism, weapons-
27 related offenses and drug-related and alcohol-related incidents
28 already occurring within the school environment as well as an
29 evaluation of the district's physical environment in order to
30 identify locations which may be particularly isolated or

1 violence prone.

2 (b) Review of existing programs.--Concurrent with the needs
3 assessment the task force shall also compile a list of school-
4 based and community-based programs for young people already
5 available to deal with violence prevention, intervention and
6 rehabilitation.

7 Section 6. Violence prevention task force.

8 (a) Membership.--The plan provided for in section 4 shall be
9 prepared for submission to the school board by a violence
10 prevention task force whose membership shall at a minimum
11 include: district administrators, teachers, guidance counselors,
12 school nurses and school directors; parents; students; local law
13 enforcement agencies and, as deemed appropriate, Federal and
14 State law enforcement agencies; community and business leaders;
15 probation and court representatives; social service and health
16 care providers; and other youth-serving professionals.

17 (b) Public hearing.--The task force shall hold at least one
18 public hearing prior to preparing its plan for submission to the
19 school board for approval.

20 Section 7. Content of school violence prevention plan.

21 The plan developed by the task force and submitted to the
22 department shall include the following components:

23 (1) A brief description of the process used to develop
24 the plan, including the members of the task force, the date
25 of public hearings held and the date and official vote by
26 which the local board adopted the plan.

27 (2) Procedures for assuring compliance with existing
28 laws related to school safety including:

29 (i) Article XIII-A of the Public School Code of
30 1949.

(ii) Section 1317.1 of the Public School Code of 1949.

(iii) Section 1317.2 of the Public School Code of 1949.

(iv) Sections 1 through 4 of the act of July 12, 1972 (P.L.765, No.181) entitled, "An act relating to drugs and alcohol and their abuse, providing for projects and programs and grants to educational agencies, other public or private agencies, institutions or organizations."

(v) 18 Pa.C.S. Ch. 61 (relating to firearms and other dangerous articles).

(vi) 23 Pa.C.S. Ch. 63 Subch. B (relating to provisions and responsibilities for reporting suspected child abuse) governing reporting of child abuse.

(vii) 23 Pa.C.S. Ch. 63 Subch. C.2 (relating to background checks for employment in schools).

(3) A code of student conduct.

(i) The code of conduct shall conform to the State Board of Education regulations found in 22 Pa. Code 12.3 (relating to school rules).

(ii) The code shall clearly explain school rules and punishments for infractions.

(iii) The code shall include conformity with the zero-tolerance provisions regarding weapons found in section 1317.2 of the Public School Code of 1949 and any other zero-tolerance offenses as established by the school board.

(iv) The code shall include any establishment of a uniform schoolwide dress code pursuant to section 1317.3

1 of the Public School Code of 1949.

2 (v) At the beginning of each school year students
3 shall be furnished with a copy of the current code of
4 student conduct adopted by the school board. Copies shall
5 also be made available to administrators, parents and
6 teachers within the district.

7 (4) Establishment of policies to insure consistent crime
8 reporting by school officials to law enforcement to include
9 development of memoranda of understanding in compliance with
10 section 1303-A of the Public School Code of 1949.

11 (5) A comprehensive school crisis plan which outlines
12 policies and procedures for dealing with potential crisis
13 situations which, depending on a local assessment of those
14 situations most likely to occur in the district, may include
15 facilities problems such as electrical outages; fires;
16 protests, strikes or other unrest; natural disasters;
17 transportation delays, problems or accidents; individual
18 child accidents; medical problems involving multiple
19 students, such as a meningitis outbreak; individual medical
20 crises, including alcohol and drugs; individual mental health
21 crises, including trauma and suicide; intentional acts
22 against persons, including assaults, rape, assaults with
23 weapons, assaults with chemicals, bomb threats or bullying;
24 hostage situations; abductions, kidnappings or missing
25 persons; and events outside school that may affect the school
26 community, such as a major crime or accident such as an
27 airline crash. A comprehensive crisis plan should include the
28 following elements:

29 (i) Prevention guidelines which outline policies to
30 prevent incidents. These may include curricular offerings

1 or special age-appropriate programs to develop students'
2 interpersonal skills such as peer mediation, mentoring,
3 peer intervention and conflict resolution; staff
4 training; techniques and procedures for identification
5 and reporting by staff and students of potential violent
6 or criminal acts; disciplinary and counseling procedures
7 for drug-related and alcohol-related incidents; and
8 implementation of specific safety procedures to be put in
9 place within the district, such as mandatory visitor
10 identification.

11 (ii) Early interventions which delineate activities
12 and guidelines to inform people of how to assess a
13 potential problem and what to do about it. These may
14 include staff training in assessment tools for predicting
15 violent juvenile behavior, bomb threat procedures and
16 crisis training drills so students and staff know what to
17 do if an emergency occurs.

18 (iii) Crisis intervention guidelines which include
19 directions on how to get help, specific steps to be taken
20 and steps to avoid. These should be developed in concert
21 with existing memoranda of understanding developed with
22 law enforcement pursuant to section 1303-A(c) of the
23 Public School Code of 1949. Specific issues that should
24 be addressed in the guidelines include lines of
25 responsibility, reporting procedures, communications
26 protocols, special equipment and materials needs, etc.

27 (iv) Support guidelines which identify needs and
28 available resources in terms of support for staff,
29 students, families and others after a crisis situation
30 occurs. This may include referral to counseling,

1 rehabilitation or other intervention programs available
2 in the local community.

3 (v) Debriefing and evaluation which outlines
4 procedures for all responders to meet following an
5 incident in order to evaluate how the various components
6 of the plan operated in actual application.

7 (vi) Revisions and upgrading of plan which are based
8 on evaluation and other input from responders, victims,
9 staff and others involved in the incident.

10 (6) Procedures for the duty of the board of directors of
11 every school district to require that school officials order
12 a change in placement for students with disabilities to an
13 appropriate interim alternative educational setting whenever
14 such students carry a weapon to school or to a school
15 function under the jurisdiction of the State or local
16 educational agency. The change in placement must be for the
17 same amount of time that a child with a disability would be
18 subject to discipline but shall not be for more than 45 days.
19 If, at the conclusion of the period authorized by this
20 section, school officials and parents are unable to agree on
21 the student's subsequent placement, it shall be the duty of
22 the board of school directors to seek an appropriate change
23 through expedited procedures specified in Federal and State
24 law. It shall be the duty of the board of directors of every
25 school district to promptly seek parental consent for
26 implementing an appropriate change in educational placement
27 of an exceptional pupil, including, but not limited to,
28 placement in an alternative education program, when the board
29 has determined that the violent action of the pupil has
30 placed the pupil or other persons in danger of or in

1 reasonable apprehension of serious personal injury, and that
2 the pupil's actions are attributable to the pupil's
3 disability. If the parents of the pupil fail to approve the
4 change in placement, it shall be the duty of the board of
5 school directors to take action to implement the change
6 pursuant to the procedures prescribed in Federal and State
7 law. As used in this paragraph, the term "promptly" shall
8 mean as soon as is practicable but in no event later than 30
9 days from the date of the violent incident referenced in
10 subparagraph (i), (ii) or (iii). As used in this paragraph,
11 the term "violent action" shall include, but not be limited
12 to:

13 (i) Improperly using or possessing a weapon on
14 school property or during a school-sponsored activity or
15 while in any conveyance providing public transportation
16 to or from a public school or to or from a public school-
17 sponsored activity. The term "weapon" as used in this
18 subparagraph shall include, but not be limited to, any
19 knife, cutting instrument, cutting tool, nunchaku,
20 firearm, shotgun, rifle and any other tool, instrument or
21 implement capable of inflicting serious bodily harm. The
22 term "weapon" as used in this subparagraph shall also
23 include look-alikes if a reasonable person would believe
24 that the look-alike is a weapon.

25 (ii) Making terroristic threats wherein the pupil
26 threatens to commit violence with the intent to terrorize
27 another person or to cause the evacuation of school
28 property or other building, place of assembly, or
29 conveyance, or otherwise to cause serious inconvenience
30 to another person, or in reckless disregard of the risk

1 of causing such terror or inconvenience.

2 (iii) Assaulting another person while on school
3 property, or during a school sponsored activity, or in
4 any conveyance providing public transportation to or from
5 a public school or to or from a public school-sponsored
6 activity or because of his or her employment relationship
7 to the school. The term "assault" as used in this
8 subparagraph shall include simple assault and aggravated
9 assault and shall have the meaning ascribed to such terms
10 under 18 Pa.C.S. (relating to crimes and offenses).

11 (7) Any other programs, curricular offerings or
12 procedures that the task force deems necessary to the safe
13 and orderly operation of the district.

14 Section 8. State resources.

15 (a) General rule.--In developing its plan, a district may
16 utilize the existing resources of the Center for Safe Schools
17 established by the department pursuant to the Public School Code
18 of 1949. In particular, districts may reference the Toolkit for
19 School Safety Planning developed by the Center for Safe Schools.

20 (b) Dissemination of model plans.--The department, through
21 its Office for Safe Schools, shall develop and make available to
22 school districts model violence prevention plans drawn from
23 programs already offered in this State and nationally. These
24 model plans shall include any pertinent supporting materials and
25 information indicating why the model was selected and where it
26 was previously used. These models may be used by individual
27 districts and their task forces to develop their local plans.
28 The department shall make every effort to assure that multiple
29 model plans are available which reflect rural, suburban and
30 urban perspectives.

1 Section 9. Regional planning.

2 (a) Cooperation.--In order to provide for maximum
3 coordination of efforts and to avoid duplication, one or more
4 districts may join to form a consortium for the purposes of
5 developing their violence prevention plan and may form a single
6 joint task force to assist them in this regard.

7 (b) Intermediate unit utilization.--Districts may utilize
8 the services of their intermediate units to facilitate such
9 regional planning.

10 (c) Submission of individual plan required.--The provisions
11 of this section notwithstanding, each district which is a member
12 of such a consortium shall submit its own plan, adopted by its
13 school board to the department.

14 Section 10. Preexisting plans.

15 (a) General rule.--Any school district which has already
16 developed a school violence prevention plan adopted by its local
17 board of school directors and that contains the components
18 required in section 7 may not be required to develop a new plan
19 but may submit the preexisting plan to the department in
20 compliance with section 4.

21 (b) Revisions.--Any revisions to a preexisting plan shall be
22 subject to the requirements of section 4.

23 Section 11. Effective date.

24 This act shall take effect immediately.