

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1077 Session of
2007

INTRODUCED BY BEYER, MANN, DALLY, SIPTROTH, CONKLIN, KENNEY,
MENSCH, M. O'BRIEN, J. TAYLOR, SAMUELSON, CIVERA AND
YOUNGBLOOD, APRIL 18, 2007

REFERRED TO COMMITTEE ON EDUCATION, APRIL 18, 2007

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for safe schools advocates
6 in certain school districts and for the Safe Schools Advocate
7 Grant Program; and making an appropriation.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding sections
12 to read:

13 Section 1314-A. Safe Schools Advocate in School Districts of
14 Other Classes.--(a) (1) The board of directors of a school
15 district may, by affirmative vote, establish a safe schools
16 advocate for the school district. The board of school directors
17 that establishes a safe schools advocate shall require the
18 advocate to establish and maintain an office within the school
19 district.

20 (2) The board of school directors that establishes a safe

schools advocate under this section shall notify the department in writing no later than thirty (30) days following the date that the board of school directors votes affirmatively to establish a safe schools advocate.

(b) The safe schools advocate shall have the power and its duties shall be:

(1) To monitor the school district's compliance with this article, including:

(i) the school district's reporting to the office of incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property;

(ii) obtaining copies of the school district's reports to the office and reviewing and analyzing them;

(iii) the school district's compliance with the procedures set forth in the memorandum of understanding with the appropriate police department regarding incidents involving acts of violence and possession of weapons; and

(iv) obtaining documentation, on a weekly basis during those times when school is in session, of all written or verbal contacts by school district personnel with the appropriate police department consistent with the requirements of the memorandum of understanding.

(2) To monitor the school district's compliance with the mandatory expulsion requirements of section 1317.2.

(3) To receive inquiries from school staff and parents or guardians of students who are victims of acts of violence on

1 school property.

2 (4) To establish a protocol, in consultation with the
3 Juvenile Court Judges' Commission, to assure timely receipt by
4 the school district of information regarding students who have
5 been adjudicated delinquent pursuant to 42 Pa.C.S. § 6341(b.1)
6 (relating to adjudication) and to monitor the school district's
7 use of that information to ensure that victims of acts of
8 violence by a student are protected.

9 (5) To establish a program to assure extensive and
10 continuing public awareness of information regarding the role of
11 the advocate on behalf of victims of acts of violence on school
12 property, which may include the mailing of information to the
13 parents or guardians of students in the school district or other
14 forms of communication.

15 (6) To review and analyze Federal and State statutes which
16 may be an impediment to school safety and the imposition of
17 discipline for the commission of acts of violence on school
18 property and to prepare, no later than one year from the
19 establishment of the safe schools advocate, and as necessary
20 from time to time thereafter, reports making recommendations for
21 changes to the statutes which would promote school safety and
22 facilitate effective and expedient disciplinary action. The
23 reports shall be submitted to the secretary.

24 (7) To review and analyze court decisions applicable to the
25 school district's disciplinary process and procedures, to make
26 recommendations to the school district regarding any negative
27 impact these decisions have upon the effective maintenance of
28 school safety and to make recommendations relating to the
29 existing provisions of consent decrees.

30 (8) To prepare an annual report regarding the activities of

1 the advocate during the prior fiscal year and any
2 recommendations for remedial legislation, regulations or school
3 district administrative reforms, which shall be submitted to the
4 school district superintendent, the secretary, the chairperson
5 of the Education Committee of the Senate and the chairperson of
6 the Education Committee of the House of Representatives by
7 August 15 of each year.

8 (9) To monitor infractions of the school district's code of
9 conduct to identify students whose conduct would constitute an
10 offense under 18 Pa.C.S. § 2701 (relating to simple assault).

11 (c) The safe schools advocate shall, on behalf of victims of
12 acts of violence on school property, victims of conduct that
13 would constitute an act of violence and victims of students who
14 have committed two or more infractions as set forth in
15 subsection (b)(9):

16 (1) provide assistance and advice, including information on
17 support services provided by victim assistance offices of the
18 appropriate district attorney and through local community-based
19 victim service agencies;

20 (2) provide information to the parent or guardian of the
21 student victim regarding the disciplinary process and any action
22 ultimately taken against the student accused of committing the
23 act of violence;

24 (3) in cases involving the possession or use of a weapon,
25 advise the parent or guardian of the victim whether the school
26 district properly exercised its duty under section 1317.2;

27 (4) in cases where the advocate has received a request by
28 the parent or guardian of the victim, to attend formal
29 disciplinary proceedings;

30 (5) with the consent of the parent or guardian of the

victim, present information in the disciplinary proceeding,
which may include oral or written presentations, including
testimony by the victim or the parent or guardian of the victim,
regarding the impact on the victim and the victim's family and
the appropriate disciplinary action and which may include direct
or cross-examination of witnesses;

(6) where the perpetrator of an act of violence is returning
to school after placement under a consent decree, adjudication
of delinquency or conviction of a criminal offense, assist the
parent or guardian of the victim in providing input to the
school district and the appropriate juvenile or criminal justice
authority to ensure the victim's safety on school property;

(7) in cases where the district has failed to report the act
of violence to the appropriate police department as required by
the memorandum of understanding, to report such act of violence
directly; and

(8) provide information and make recommendations to the
office of the district attorney regarding the impact of the act
of violence on the victim and the victim's family.

(d) Upon discovery of the commission of an act of violence
upon a student, the school district shall immediately notify the
victim's parent or guardian of the safe schools advocate. The
form of this notice shall be developed by the advocate and
provided to the school district. This form shall include the
address and telephone number of the advocate and a brief
description of the purposes and functions of the safe schools
advocate. The principal of each school within the school
district shall post a notice not less than 8 1/2 by 11 inches
entitled "Safe Schools Advocate" at a prominent location within
each school building, where such notices are usually posted. The

1 form of this notice shall also be developed by the advocate and
2 provided to the school district.

3 (e) Each school administrator in a school district shall
4 cooperate with the safe schools advocate to implement this
5 section and shall provide the advocate, upon request, with all
6 available information authorized by State law. In regard to
7 individual cases of acts of violence, only information permitted
8 to be shared under subsection (f) shall be disclosed.

9 (f) The advocate and all employes and agents of the safe
10 schools advocate shall be subject to and bound by section 444 of
11 the General Education Provisions Act (Public Law 90-247, 20
12 U.S.C. § 1232g) and 34 CFR Pt. 99 (relating to family
13 educational rights and privacy).

14 (g) This section shall not apply to the extent that it would
15 conflict with the requirements of the Individuals with
16 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400
17 et seq.) or other applicable Federal statute or regulation.

18 (h) As used in this section:

19 "Act of violence" shall mean the possession of a weapon on
20 school property or an offense, including the attempt,
21 solicitation or conspiracy to commit the offense, under any of
22 the following provisions of 18 Pa.C.S. (relating to crimes and
23 offenses):

24 (1) § 2501 (relating to criminal homicide).

25 (2) § 2702 (relating to aggravated assault).

26 (3) § 3121 (relating to rape).

27 (4) § 3122.1 (relating to statutory sexual assault).

28 (5) § 3123 (relating to involuntary deviate sexual
29 intercourse).

30 (6) § 3124.1 (relating to sexual assault).

1 (7) § 3125 (relating to aggravated indecent assault).

2 (8) § 3126 (relating to indecent assault).

3 (9) § 3301 (relating to arson and related offenses).

4 (10) § 3701 (relating to robbery).

5 (11) § 3702 (relating to robbery of motor vehicle).

6 "School district" shall mean a school district of the first
7 class A and a school district of the second class.

8 Section 1315-A. Safe Schools Advocate Grant Program.--(a)
9 The Department of Education shall administer a program, to be
10 known as the Safe Schools Advocate Grant Program, in order to
11 issue onetime grants to school districts that establish safe
12 schools advocates under section 1314-A.

13 (b) Grant funds shall be used only for start-up costs of
14 establishing safe schools advocates. No school district shall
15 receive a grant in excess of \$50,000.

16 (c) The Department of Education shall award grants under the
17 program from any funds appropriated expressly for that purpose
18 or that are otherwise made available to the department.

19 (d) The department shall adopt such procedures, rules and
20 forms as are necessary to implement this grant program.

21 Section 2. The sum of \$2,000,000 is hereby appropriated to
22 the Department of Education for the purpose of making grants
23 under the Safe Schools Advocate Grant Program for the fiscal
24 year beginning July 1, 2007.

25 Section 3. This act shall take effect in 60 days.