

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1208 Session of
2008

INTRODUCED BY W. KELLER, BOYD, CARROLL, CLYMER, COSTA, CURRY,
FRANKEL, GRUCELA, HENNESSEY, JOSEPHS, KOTIK, KULA, MANN,
McILVAINE SMITH, MURT, M. O'BRIEN, PAYTON, PETRONE, ROCK,
SAYLOR, SIPTROTH, SOLOBAY AND YOUNGBLOOD, SEPTEMBER 15, 2008

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 15, 2008

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," in safe schools, further providing
6 for safe schools advocate in school districts of the first
7 class.

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

10 Section 1. Section 1310-A(b)(1) and (3) and (c)(4) of the
11 act of March 10, 1949 (P.L.30, No.14), known as the Public
12 School Code of 1949, added November 22, 2000 (P.L.672, No.91),
13 are amended and subsection (b) is amended by adding paragraphs
14 to read:

15 Section 1310-A. Safe Schools Advocate in School Districts of
16 the First Class.--* * *

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

19 (1) To monitor the school district's compliance with this

1 article, including:

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

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

11 (iii) developing and presenting to the School Reform
12 Commission for adoption of a memorandum of understanding with
13 local law enforcement regarding incidents involving acts of
14 violence and possession of weapons and monitoring the school
15 district's compliance with the procedures set forth in the
16 memorandum of understanding with the appropriate police
17 department regarding incidents involving acts of violence and
18 possession of weapons; [and]

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

24 (v) developing and presenting to the School Reform
25 Commission for adoption a memorandum of understanding with the
26 office of district attorney and the juvenile court system. Such
27 memoranda of understanding shall create effective partnerships
28 to promote school safety in the school district and its schools
29 and to require the timely removal from the school district and
30 its schools those students who are in possession of a weapon or

1 who commit an act of violence or an infraction of the school
2 district disciplinary code or policy mandating expulsion; and
3 (vi) developing and presenting to the School Reform
4 Commission for adoption a corrective action plan as required by
5 law for each school identified as "persistently dangerous."

6 (1.1) As a State official, to approve the school district's
7 safety plan for each school in the district that includes, but
8 is not limited to, such elements as the implementation of the
9 district-wide violence-free school plan and discipline policy.

10 (1.2) To provide mandated training and communication within
11 the school district to ensure that employees of the school
12 district are familiar with, but not limited to, the discipline
13 policy, mandatory expulsion laws and policy, reporting
14 requirements under law and district policy, and all other
15 applicable laws and policies to insure the safety of all
16 students and staff in the school district.

17 (1.3) To provide training to staff regarding the rights of a
18 victim of violence as well as the effects of violence on a
19 student's right to receive an education as required by law in a
20 violence-free learning environment.

21 (1.4) To insure that each victim of school violence, where
22 the district has failed to comply with applicable laws and
23 policies, receives a safe and appropriate education as required
24 by law, by taking legal action against the school district until
25 the victim's rights to education are assured.

26 * * *

27 (3) To receive inquiries from school staff and parents or
28 guardians of students who are victims of acts of violence on
29 school property without any interference or obstruction from the
30 school district or any school district employee or designee.

1 * * *

2 (7.1) To seek a legal course of action to open consent
3 decrees which hinder the timely removal of students for
4 committing acts of violence, possession of weapons or violations
5 of mandated district expulsion policies. Adequate funding for
6 such legal actions shall be part of annual appropriations to the
7 Office of Safe Schools Advocate.

8 * * *

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

14 * * *

15 (4) in cases where the advocate has received a request by
16 the parent or guardian of the victim, to attend formal
17 disciplinary proceedings and to ensure that the parents or
18 guardian and victim have legal representation at such formal
19 disciplinary hearings;

20 * * *

21 Section 2. This act shall take effect in 60 days.