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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 358      Session of  
2007

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INTRODUCED BY GREENLEAF, BROWNE, MUSTO, RAFFERTY, KITCHEN,  
O'PAKE, ERICKSON, FERLO, TARTAGLIONE, STACK AND WOZNIAK,  
MARCH 12, 2007

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REFERRED TO EDUCATION, MARCH 12, 2007

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AN ACT

1 Providing for reforms in pilot school districts designed to  
2 reduce or eliminate school violence, for duties of the  
3 Secretary of Education and the Department of Education and  
4 for penalties.

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

11 CHAPTER 1

12 PRELIMINARY PROVISIONS

13 Section 101. Short title.

14 This act shall be known and may be cited as the Schools Are  
15 For Education Pilot Program Act.

16 Section 102. Declaration of policy.

17 The General Assembly finds and declares as follows:

18 (1) Learning cannot take place in an atmosphere of fear  
19 caused by threats, intimidation, violence or disruption.

20 (2) Students and school employees have the right to  
21 attend and to work at a school that is secure and peaceful,  
22 conducive to learning and free from disruption.

23 (3) Violence, threats of violence, disruption or  
24 intimidation should not be tolerated in the schools of this  
25 Commonwealth.

26 (4) There is a zero tolerance policy for violence,  
27 threats of violence or intimidation in the schools of this  
28 Commonwealth.

29 (5) In order to effectuate this policy, the General  
30 Assembly wishes to implement targeted, comprehensive and

1 intensive reforms in pilot programs established in certain  
2 school districts that experience high incidence rates of  
3 violence. These reforms should be monitored and assessed over  
4 a five-year period to determine their efficacy in reducing  
5 the incidence rates.

6 Section 103. Definitions.

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

10 "Department." The Department of Education of the  
11 Commonwealth.

12 "Participating school district." A school district that has  
13 been designated by the Secretary of Education to participate in  
14 the pilot program established by this act.

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

17 "Secretary." The Secretary of Education of the Commonwealth.

18 Section 104. Eligible school districts.

19 The department shall designate six public school districts  
20 eligible to participate in the pilot program described in this  
21 act. In designating eligible school districts, the department  
22 shall insure that they are representative of urban and rural  
23 areas and that they are diverse in terms of size and  
24 geographical location.

25 Section 105. Election to participate.

26 The board of school directors of any eligible school district  
27 designated under section 104 may participate in the pilot  
28 program through the adoption of a resolution by a majority vote  
29 of its directors. The resolution must be adopted on or before  
30 February 1, 2008, and must include a statement that the board

1 shall be committed to implementing all the reforms set forth in  
2 this act for at least the subsequent five school years,  
3 beginning with the school year 2008-2009.

4 Section 106. Subsidy for participating school districts.

5 The department shall pay annually, in addition to all other  
6 grants and subsidies for which the participating school  
7 districts are otherwise entitled under Federal and State law, an  
8 amount up to \$1,000 per each student enrolled in and attending  
9 the participating school district during each of the five school  
10 years, to the extent that the participating school district can  
11 document reasonable expenses less than or equal to the amount  
12 incurred in implementing the reforms described in this act.

13 CHAPTER 3

14 SCHOOL VIOLENCE REFORMS

15 Section 301. Implementation.

16 The reforms described in this chapter shall be implemented in  
17 each participating school district.

18 Section 302. Alternative education.

19 A participating school district shall establish and operate  
20 an alternative education program pursuant to the requirements  
21 set forth under the Public School Code except that the program  
22 shall also be available for elementary school students. A  
23 participating school district shall be eligible for alternative  
24 education program grants under section 1902-C of the Public  
25 School Code in addition to grants established under this act.

26 Section 303. Requirements governing adjudicated delinquents.

27 (a) General rule.--After becoming aware of information under  
28 42 Pa.C.S. § 6308 (relating to law enforcement records) or on  
29 receipt of information under 42 Pa.C.S. § 6341(b.1) (relating to  
30 adjudication) concerning a student, the building principal of a

1 participating school district shall provide the information to  
2 the superintendent and the superintendent shall determine:

3 (1) Whether the student has exhibited behavior that may  
4 be detrimental to the safety or welfare of other students or  
5 of other members of the school population.

6 (2) Whether educating the student in the regular school  
7 environment may disrupt learning in the school or create a  
8 dangerous or unsafe environment for students or for school  
9 employees.

10 (b) Placement in alternative education program.--

11 (1) If the superintendent of a participating school  
12 district determines that the student's presence may be  
13 disruptive or create a dangerous or unsafe environment, the  
14 superintendent shall place the student in an alternative  
15 education program pursuant to procedures set forth in section  
16 1902-C(2) of the Public School Code until such time as the  
17 school board concludes that the student's presence in the  
18 regular school environment will not be disruptive or create a  
19 dangerous or unsafe environment.

20 (2) A placement under this section shall not be deemed a  
21 disciplinary action pursuant to 42 Pa.C.S. § 6341(b.1)(4).

22 (c) Sharing of information.--The superintendent shall  
23 provide the information concerning the student to all school  
24 officials, including, but not limited to, school employees who  
25 have a legitimate educational interest in the records.

26 (d) Definition.--As used in this section, the term  
27 "legitimate educational interest" includes, but is not limited  
28 to, the interests of officials and school employees who have any  
29 responsibility for supervising the student.

30 Section 304. Reporting requirements for school employees.

1 (a) Notice and investigation.--

2 (1) In any instance where an employee of a participating  
3 school district has a reasonable suspicion that a student,  
4 group of students, visitor or group of visitors has committed  
5 or intends to commit a criminal act on school property,  
6 during a school-sponsored activity, on the way to or from  
7 school or to or from a school-sponsored activity, the  
8 employee shall immediately notify the employee's supervisor  
9 who shall immediately investigate the reported criminal  
10 activity.

11 (2) If after an investigation the supervisor determines  
12 that reasonable suspicion exists that the student, group of  
13 students, visitor or group of visitors has committed or  
14 intends to commit a criminal act, the supervisor shall  
15 immediately report the incident to the local law enforcement  
16 agency and to the superintendent.

17 (3) After receipt of the report, the superintendent  
18 shall immediately file a written report with the secretary  
19 and shall, without unreasonable delay, file the appropriate  
20 charge against the student, group of students, visitor or  
21 group of visitors suspected of having committed or intended  
22 to commit the criminal activity.

23 (b) Penalty.--Any public school employee in a participating  
24 school district who fails to comply with the requirements of  
25 this section commits a summary offense and, upon conviction,  
26 shall be sentenced to a fine of not more than \$250 for the first  
27 offense and a fine of not more than \$1,000 for a second or  
28 subsequent offense.

29 (c) Immunity.--Any public school employee of a participating  
30 school district who is required to make a report under this

1 section shall be immune from civil liability for filing the  
2 report.

3 (d) Expenses.--Whenever any public school employee of a  
4 participating school district shall be called to testify in a  
5 criminal proceeding based upon the employee's report filed under  
6 this section, the participating school district shall reimburse  
7 the employee for travel expenses and shall provide the employee  
8 with paid leave or with regular per diem rate if the employee is  
9 called to testify in a criminal proceeding after school hours or  
10 at a time when school is not in session.

11 Section 305. Discipline of student for drug and alcohol  
12 violations.

13 (a) Uniform enforcement.--Because there is a compelling  
14 public interest in ensuring that schools are safe and drug free  
15 for all students and for school employees, the boards of school  
16 directors of a participating school district shall uniformly  
17 enforce policies that protect all students and school employees.

18 (b) School board policies.--The boards of school directors  
19 of a participating school district shall modify their policies,  
20 practices and procedures to ensure a safe environment free of  
21 illegal drugs and alcohol. These modifications shall include the  
22 formulation of a discipline plan that identifies specific  
23 policies, practices and procedures dealing with students or with  
24 other persons who take illegal drugs or alcohol onto school  
25 property, while traveling to or going from school, a school-  
26 sponsored activity or on a public conveyance providing  
27 transportation to or from school or to or from a school-  
28 sponsored activity. The discipline plan shall also include  
29 uniform drug-free policies and uniform penalties for violation  
30 of the policies mandated by this section.

1 (c) Procedure.--The superintendent of a participating school  
2 district shall immediately file charges with the local law  
3 enforcement agency when any person violates policies concerning  
4 illegal drugs or alcohol adopted by the board of school  
5 directors. If the person is enrolled as a student in the  
6 participating public school, the board of school directors for  
7 the participating school district shall immediately suspend the  
8 student from attending regular classes and schedule a hearing to  
9 consider the student's suspension for at least the remainder of  
10 the academic year, placement in an alternative education program  
11 under this act or permanent expulsion.

12 (d) Admission to other schools.--

13 (1) If a person is suspended for violating the policies  
14 mandated in this section, pursuant to a hearing of the  
15 participating school directors, the person may not be  
16 admitted to any public school in this Commonwealth until the  
17 person has satisfied all requirements imposed by the board of  
18 school directors as a condition for readmission.

19 (2) To comply with the requirements of this subsection,  
20 school superintendents shall review the records of each  
21 student who transfers into the superintendent's school  
22 district to determine whether the student is being  
23 disciplined under the policies mandated by this act.

24 (e) Counseling.--Any person found by the board of school  
25 directors of a participating school district in violation of a  
26 drug policy shall participate in counseling performed by the  
27 school psychologist, school guidance counselor or a psychiatrist  
28 hired by the district until such time as the person who  
29 administers counseling submits a written report to the board  
30 certifying that the violator does not represent a threat to the



1 safety or security of self or of any student or school employee  
2 in the participating school district.

3 (f) Semiannual reporting.--A participating school district  
4 shall report all new incidents involving violations of policies  
5 concerning illegal drugs or alcohol at least twice a year to the  
6 secretary on a form developed and provided by the department.

7 The form shall include:

8 (1) The age or grade of the student.

9 (2) The name and address of the school.

10 (3) The circumstances surrounding the incident.

11 (4) Any sanction imposed by the school.

12 (5) Any notification to a law enforcement agency.

13 (6) Any remedial program involved.

14 (7) The parental involvement required.

15 (8) Any arrest, conviction or adjudication, if known.

16 Section 306. Property damage.

17 (a) Civil and criminal actions.--The board of school  
18 directors of a participating school district owning property  
19 shall maintain a civil action to recover compensatory damages of  
20 up to \$50,000, plus court costs, from the parent or legal  
21 guardian of a minor who willfully damages property belonging to  
22 the participating school district or who commits acts against  
23 the participating school district cognizable as an offense under  
24 18 Pa.C.S. § 3307 (relating to institutional vandalism). A  
25 finding of willful destruction of property or of commission of  
26 acts cognizable as a theft offense shall not be dependent upon a  
27 prior finding that the minor is a delinquent or dependent child  
28 or upon the minor's conviction of any criminal offense.

29 (b) Restitution and community service.--If a court renders  
30 judgment in favor of a participating school district under this

1 section, the court shall order full restitution unless the board  
2 and the parent or legal guardian agree that the minor and the  
3 parent or legal guardian should perform community service in  
4 lieu of full payment of the judgment. In such order, the court  
5 shall specify the amount to be paid by the minor and the parent  
6 or legal guardian, the type and number of hours of community  
7 service to be performed and any other conditions necessary to  
8 carry out the order.

9 Section 307. Zero tolerance policy.

10 The board of school directors of a participating school  
11 district shall adopt a zero tolerance policy with regard to  
12 violence, threats of violence, intimidation or disruption. The  
13 policy shall be prominently displayed in all school buildings,  
14 publicized to parents and the community and distributed to all  
15 students and parents. The board of school directors may adopt  
16 any reasonable lawful measure not included in this act to  
17 further supplement and enforce the policy. The board of school  
18 directors shall invite the exclusive employee representatives  
19 under the act of July 23, 1970 (P.L.563, No.195), known as the  
20 Public Employe Relations Act, to establish terms and conditions  
21 of employment that further enforce the policy and protect the  
22 health and safety of school employees.

23 Section 308. Conflict resolution training.

24 (a) Employees.--School employees in a participating school  
25 district shall receive annual training in conflict resolution  
26 from a trainer whom the board of directors of the participating  
27 school district deems qualified in the area of conflict  
28 resolution. The training shall include, but shall not be limited  
29 to, a review of the impact of media violence on children.

30 (b) Students.--The students in a participating school

1 district shall receive regular instruction in conflict  
2 resolution. Training shall include, but not be limited to, the  
3 development of critical thinking skills regarding the depiction  
4 of violence by the media. The training shall also incorporate  
5 instruction in humane education as required under section 1513  
6 of the Public School Code. Students who manifest difficulty in  
7 conflict resolution shall be referred for assistance to  
8 qualified and trained school guidance counselors.

## 9 CHAPTER 5

### 10 MISCELLANEOUS PROVISIONS

11 Section 501. Data collection and evaluation.

12 (a) Duty of participating school districts.--A participating  
13 school district shall provide, in addition to information  
14 required by law to be reported to the Office of Safe Schools of  
15 the department, such detailed information as the department  
16 shall require to assess whether violence, threats of violence,  
17 intimidation or disruption is or is not declining.

18 (b) Duty of department.--The department shall report the  
19 information on a quarterly basis and transmit the report to the  
20 President pro tempore of the Senate and the Speaker of the House  
21 of Representatives as soon as it is received.

22 Section 502. Expiration.

23 This act shall expire July 1, 2013.

24 Section 503. Effective date.

25 This act shall take effect immediately.