

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2615 Session of
1978

INTRODUCED BY PYLES, JUNE 26, 1978

REFERRED TO COMMITTEE ON EDUCATION, JUNE 26, 1978

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," further providing for school
6 discipline.

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

9 Section 1. Section 1318, act of March 10, 1949 (P.L.30,
10 No.14), known as the "Public School Code of 1949," is repealed.

11 Section 2. Article XIII of the act is amended by adding a
12 subdivision to read:

13 ARTICLE XIII

14 PUPILS AND ATTENDANCE

15 * * *

16 (h) Discipline

17 Section 1396. Student Discipline.--(a) As used in this
18 section:

19 "Corporal punishment" means the moderate use of physical
20 force or physical contact by a teacher or principal as may be

1 necessary to maintain discipline or to enforce school rule.
2 However, the term corporal punishment shall not include the use
3 of such reasonable force by a teacher or principal as may be
4 necessary to protect themselves or other students from
5 disruptive students.

6 "Expulsion" means the removal of the right and obligation,
7 regardless of compulsory attendance provisions, of a student to
8 attend a public school for a period of time and under conditions
9 set by the school board not to exceed the remainder of the term
10 or school year and one additional year of attendance.

11 "Suspension" means the temporary removal of a student from
12 his regular school program for a period not to exceed thirty
13 (30) school days.

14 (b) The board of school directors shall:

15 (1) Adopt rules and regulations for the control, discipline,
16 suspension and expulsion of pupils and decide all cases
17 recommended for expulsion: Provided, however, That the board
18 shall not have the authority to prohibit the use of corporal
19 punishment as provided in this act.

20 (2) Make available to all teachers, school personnel,
21 students, and parents or guardians, not later than the beginning
22 of the 1979-1980 school year, a code of student conduct
23 developed in consultation with teachers, school personnel,
24 students, and parents or guardians. The code shall be based on
25 the rules governing student conduct and discipline adopted by
26 the school board and may be made available at the school level
27 in the student handbook or similar publication. The code shall
28 include, but not be limited to: specific grounds for
29 disciplinary action; procedures to be followed for acts
30 requiring discipline, including corporal punishment; and an

explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy and participation in school programs and activities.

(c) The superintendent of a school district may propose rules and regulations for the proper control, discipline, suspension, and expulsion of pupils, review and modify recommendations for suspension and expulsion of pupils, and transmit to the school board for action recommendations for expulsion of pupils. When the superintendent makes a recommendation for expulsion to the school board, he shall include with his recommendations an evaluation of the pupil by the school psychologist, and he shall give written notice to the pupil and his parent or guardian of the recommendation setting forth the charges against the pupil and advising the pupil and his parent or guardian of his right to due process. When school board action on a recommendation for the expulsion of a pupil is pending, the superintendent may extend the suspension assigned by the principal beyond ten (10) school days if such suspension period expires before the next regular or special meeting of the school board. Upon expulsion of a pupil, the superintendent shall notify the local police department of the expulsion.

(d) The principal of a school may:

(1) Subject to law and to the rules of the district school board, the principal or his designated representative in charge of the school shall develop policies by which he may delegate to any teacher or other member of the instructional staff, or to any bus driver transporting students of the school, such responsibility for the control and direction of students as he

1 may consider desirable.

2 (2) Suspend a student only in accordance with the rules of
3 the district school board, not to exceed ten (10) school days;
4 and each suspension shall be reported in writing within twenty-
5 four (24) hours, with the reasons therefor, to the student's
6 parent or guardian and to the superintendent. A good faith
7 effort shall be made by the principal to employ parental
8 assistance or other alternative measures prior to suspension,
9 except in the case of emergency or disruptive conditions which
10 require immediate suspension. The principal or his designated
11 representative may suspend any student transported to or from
12 school at the public expense from the privilege of riding on a
13 school bus, giving notice in writing to the student's parent or
14 guardian and to the superintendent within twenty-four (24)
15 hours. School personnel shall not be held legally responsible
16 for suspensions of students made in good faith.

17 (3) Recommend to the superintendent the expulsion of any
18 student who has committed a serious breach of conduct including,
19 but not limited to, wilful disobedience, open defiance of
20 authority of a member of his staff, violence against persons or
21 property, or any other act which substantially disrupts the
22 orderly conduct of the school. Any recommendation of expulsion
23 shall include a detailed report by the principal or his
24 designated representative, setting forth specifics of the
25 charge, on the alternative measures taken prior to the
26 recommendation of expulsion, if any, and extenuating and
27 mitigating circumstances.

28 (e) A teacher may: Subject to law and to the rules of the
29 district school board, each teacher or other member of the staff
30 of any school shall have such authority for the control and

discipline of students as may be assigned to him by the principal or his designated representative and shall keep good order in the classroom and in other places in which he is assigned to be in charge of students. If a teacher feels that corporal punishment is necessary, at least the following procedures shall be followed:

(i) The use of corporal punishment shall be established by policy of the board of school directors but approval is not necessary for each specific instance in which it is used;

(ii) A teacher or principal may administer corporal punishment only in the presence of another adult who is informed beforehand, and in the student's presence, of the reason for the punishment;

(iii) A teacher or principal who has administered punishment shall, upon request, provide the pupil's parent or guardian with a written explanation of the reason for the punishment and the name of the other teacher or principal who was present.

(f) Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or his designated representative, or a bus driver, shall not be civilly or criminally liable for any action carried out in conformity with the district school board rules regarding the control, discipline, suspension, and expulsion of students.

(g) The school boards of the several districts are authorized to provide legal services for officers and employees of said boards who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities provided that in any case where the officer or employee pleads guilty or nolo contendere or is found

1 guilty to any such action, the officer or employe shall
2 reimburse the board for any legal services which the board may
3 have supplied pursuant to this section.

4 Section 1397. Vandalism.--The board of school directors
5 shall, to the fullest extent possible under the law, prosecute
6 those students or other perpetrators who steal, damage, or cause
7 destruction in any way, by a wilful act, to a school building,
8 equipment, or property, by filing suit in the court of proper
9 jurisdiction to recover the cost of restitution as provided in
10 section 777 of this act, the act of July 27, 1967 (P.L.186,
11 No.58), referred to as the Parental Liability Act, Title 42
12 (Judiciary and Judicial Procedure) insofar as it relates to
13 juveniles, or other statutes as may be appropriate.

14 Section 3. This act shall take effect immediately.