

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 614 Session of 1999

INTRODUCED BY BROWNE, ADOLPH, ARGALL, CHADWICK, CLARK,  
L. I. COHEN, CORRIGAN, DALEY, DALLY, FAIRCHILD, FARGO,  
FICHTER, GEIST, HENNESSEY, HERMAN, KENNEY, LAUGHLIN, LEH,  
MARSICO, ORIE, RAYMOND, RUBLEY, RUFFING, SAINATO, SAYLOR,  
SCHULER, SEMMEL, SURRA, E. Z. TAYLOR, J. TAYLOR, WILLIAMS,  
WILT, ZUG, SERAFINI, SNYDER AND STEELMAN, FEBRUARY 22, 1999

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 22, 1999

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 defacing,  
6 injuring or destroying property used for school purposes, for  
7 authority of teachers and vice principals, for possession of  
8 weapons, for penalties for violation of compulsory attendance  
9 requirements, for safe schools and for reporting of certain  
10 incidents; and providing for notice of arrest, for violence  
11 prevention plans, for juvenile crime programs and for youth  
12 service centers.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 777 of the act of March 10, 1949 (P.L.30,  
16 No.14), known as the Public School Code of 1949, is amended by  
17 adding subsections to read:

18 Section 777. Defacing, Injuring or Destroying Property Used  
19 for School Purposes; Penalty.--\* \* \*

20 (c) (1) Where the damage to school property exceed one  
21 thousand dollars (\$1,000) from an incident of vandalism and if

1 the offender has willfully or recklessly damaged school district  
2 property or has willfully or recklessly committed acts against  
3 school district property cognizable as an offense under  
4 subsection (a), as it relates to a school or educational  
5 facility, then unless a legally binding settlement agreement has  
6 been entered into between the parties assuring that restitution  
7 will be made, the board of school directors of the school  
8 district owning the damaged property shall institute a civil  
9 action to recover compensatory damages not exceeding fifty  
10 thousand dollars (\$50,000) plus court costs and attorney fees  
11 from the offender or from the parents or a legal guardian of the  
12 offender if the offender is a minor. A finding of willful damage  
13 shall not be dependent upon:

14 (i) a prior finding that the offender, if a minor, is  
15 delinquent or is a dependent child; or  
16 (ii) the offender's conviction of any prior criminal  
17 offense.

18 (2) If a court renders a judgment under this subsection in  
19 favor of a board of school directors of a school district, the  
20 court shall order full restitution unless the board and the  
21 offender or the parent or legal guardian of the minor agree that  
22 the offender, or the minor and the parent or legal guardian,  
23 will perform community service in lieu of full payment of the  
24 judgment.

25 (3) If an agreement for community service is reached under  
26 paragraph (2), the court shall order the offender, and in the  
27 case of a minor offender may also order the parents or legal  
28 guardian of the minor offender, to make payment of money and to  
29 perform such community service as has been agreed to by the  
30 parties as equating to full restitution. In the order, the

1 court:

2 (i) shall specify the amount to be paid by the offender, or  
3 by the minor offender and the parents or legal guardian, and the  
4 number of hours of community service to be performed;

5 (ii) may designate a specific type of community service or  
6 delegate the service to an established community service  
7 program; and

8 (iii) may specify any court conditions necessary to carry  
9 out the order.

10 (4) Where the damages to school property are one thousand  
11 dollars (\$1,000) or less, the board of school directors of the  
12 school district owning the damaged property may institute a  
13 civil action to recover compensatory damages and the liability  
14 of a parent or legal guardian for the actions of a minor  
15 offender shall be premised upon the provisions of 23 Pa.C.S. Ch.  
16 55 (relating to liability for tortious acts of children).  
17 Notwithstanding the provisions of 23 Pa.C.S. § 5505(b) (relating  
18 to monetary limits of liability), for amounts in excess of one  
19 thousand dollars (\$1,000), the liability of a parent or legal  
20 guardian for the actions of a minor offender shall be premised  
21 upon a finding that the parent or legal guardian failed to  
22 exercise reasonable and diligent supervision of the minor, which  
23 would likely have prevented the occurrence of the damage.

24 (d) If a child is convicted for a violation of this section,  
25 the court, including a court not of record, shall send to the  
26 Department of Transportation a certified record of the  
27 conviction or other disposition on a form prescribed by the  
28 department.

29 Section 2. Section 1317 of the act, amended July 25, 1963  
30 (P.L.315, No.169), is amended to read:

1       Section 1317. Authority of Teachers[, ] and Vice Principals  
2   [and Principals over Pupils].--[Every teacher, vice principal  
3   and principal in the public schools shall have the right to  
4   exercise the same authority as to conduct and behavior over the  
5   pupils attending his school, during the time they are in  
6   attendance, including the time required in going to and from  
7   their homes, as the parents, guardians or persons in parental  
8   relation to such pupils may exercise over them.] (a) In all  
9   matters relating to the discipline in and conduct of the public  
10   schools, public school employes and school administrators shall  
11   be in the same relation to pupils as parents and guardians. This  
12   relationship shall extend to all activities connected with the  
13   public schools, including, but not limited to, any activity  
14   conducted during the school day or during the time a pupil is  
15   traveling to or from school or traveling to or from a school-  
16   sponsored activity or during any academic, athletic or  
17   extracurricular activity sponsored by the school district at any  
18   time.

19       (b) Public school employes and administrators shall be  
20   immune from civil liability for any action taken in good faith  
21   with regard to any pupil at any time for the safety and  
22   supervision of the pupil or for the safety and supervision of  
23   others, including, but not limited to, pupils, public school  
24   employes, visitors or the professional employe or administrator  
25   taking such action.

26       (c) Each public school entity shall provide all public  
27   school employes with guidelines and annual training on  
28   techniques for safely restraining pupils who are engaged in  
29   violent behavior.

30       Section 3. Sections 1333(b)(2) and (4) and 1338.1 of the

1 act, amended or added November 17, 1995 (1st Sp.Sess., P.L.1110,  
2 No.29), are amended to read:

3 Section 1333. Penalties for Violation of Compulsory  
4 Attendance Requirements.--\* \* \*

5 (b) \* \* \*

6 (2) For any child who has attained the age of thirteen (13)  
7 years who fails to pay the fine under clause (1) or to comply  
8 with the adjudication alternative program, the district justice  
9 may allege the child to be dependent under 42 Pa.C.S. §  
10 6303(a)(1) (relating to scope of chapter). Any such child who  
11 has twice previously been convicted or assigned to adjudication  
12 alternative programs under clause (1) and who is again  
13 habitually truant shall be alleged to be a dependent child by  
14 the school district pursuant to the filing of a petition under  
15 42 Pa.C.S. § 6334 (relating to petition). The failure by the  
16 child to pay a fine or comply with the adjudication alternative  
17 program shall not constitute a delinquent act under 42 Pa.C.S.  
18 Ch. 63 (relating to juvenile matters).

19 \* \* \*

20 (4) Any child who has not attained the age of thirteen (13)  
21 years who fails to comply with the compulsory attendance  
22 provisions of this act and is habitually truant shall be  
23 referred by the school district for services or possible  
24 disposition as a dependent child as defined under 42 Pa.C.S. §  
25 6302 (relating to definitions). Any such child who has twice  
26 previously been referred for services and who is again  
27 habitually truant shall be alleged to be a dependent child by  
28 the school district pursuant to the filing of a petition under  
29 42 Pa.C.S. § 6334. Any child who has attained the age of  
30 thirteen (13) years who fails to comply with the compulsory

1 attendance provisions of this act and is habitually truant may,  
2 in lieu of a prosecution under clause (1), be referred by the  
3 school district for services or possible disposition as a  
4 dependent child as defined under 42 Pa.C.S. § 6302.

5 \* \* \*

6 Section 1338.1. Suspension of Operating Privilege.--(a) The  
7 Department of Transportation shall suspend for 90 days the  
8 operating privilege of any child upon receiving a certified  
9 record that the child was convicted of violating section 777 or  
10 1333. If the department receives a second or subsequent  
11 conviction for a child's violation of section 777 or 1333, the  
12 department shall suspend the child's operating privilege for six  
13 months.

14 (b) Any child whose record is received by the department  
15 under section 777 or 1333(c) and who does not have a driver's  
16 license shall be ineligible to apply for a driver's license  
17 under 75 Pa.C.S. §§ 1505 (relating to learners' permits) and  
18 1507 (relating to application for driver's license or learner's  
19 permit by minor) for the time periods specified in subsection  
20 (a). If the child is under sixteen (16) years of age when  
21 convicted, suspension of operating privileges shall commence in  
22 accordance with 75 Pa.C.S. § 1541 (relating to period of  
23 revocation or suspension of operating privilege) for the time  
24 specified in subsection (a).

25 (c) An insurer may not increase premiums, impose any  
26 surcharge or rate penalty or make any driver record point  
27 assignment for automobile insurance, nor shall an insurer cancel  
28 or refuse to renew an automobile insurance policy on account of  
29 a suspension under this section.

30 Section 4. The act is amended by adding a section to read:

1     Section 1550. Juvenile Crime Program.--Beginning with the  
2     1999-2000 school year and each subsequent year thereafter, the  
3     Department of Education shall have the power and its duty shall  
4     be to:

5         (1) Develop and provide resource information to educators  
6         and public and private elementary and secondary schools and  
7         organizations on juvenile crime.

8         (2) Provide for distribution to school entities and public  
9         and private or nonpublic elementary and secondary schools in  
10        this Commonwealth materials on juvenile crime. Such materials  
11        shall include, but need not be limited to, the mechanics of the  
12        juvenile justice system and the nature of delinquency  
13        proceedings, the penalties for committing a crime that would be  
14        graded higher than a misdemeanor if committed by an adult and  
15        the consequences of committing a crime.

16        (3) The Secretary of Education shall prepare and submit an  
17        annual report to the Governor and the General Assembly outlining  
18        juvenile crime programs and achievements, highlighting new  
19        initiatives and recommending future programs.

20        (4) The Secretary of Education shall consult at least  
21        annually with the Commissioner of the Pennsylvania State Police,  
22        and other law enforcement personnel which the Secretary of  
23        Education deems necessary, in order to prepare the materials and  
24        assess the trends of juvenile crime in this Commonwealth.

25        Section 5. This act shall take effect in 60 days.