

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2232 Session of
2003

INTRODUCED BY GABIG, CREIGHTON, CAPPELLI, CORRIGAN, THOMAS,
GEIST, YOUNGBLOOD, KELLER, SCHRODER AND BROWNE,
DECEMBER 8, 2003

REFERRED TO COMMITTEE ON EDUCATION, DECEMBER 8, 2003

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 the reporting
6 of student conduct; and requiring the adoption of a code of
7 student conduct.

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

10 Section 1. Section 1301-A of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, is
12 amended by adding a definition to read:

13 Section 1301-A. Definitions.--As used in this article,
14 "Code of student conduct." shall mean a comprehensive
15 written listing of principles established by a school entity
16 which apply to all students enrolled in the school entity
17 whether they be on school property, at any school-sponsored
18 activity, or on any public conveyance providing transportation
19 to a school or school-sponsored activity. At a minimum, the
20 comprehensive written listing shall include:

1 (1) A summary of acceptable standards of student behavior.

2 (2) Unacceptable student behavior.

3 (3) Specific penalties for students who engage in
4 unacceptable behavior.

5 * * *

6 Section 2. Section 1303-A(c) of the act, amended June 25,
7 1997 (P.L.297, No.30) is amended to read:

8 Section 1303-A. Reporting.--* * *

9 (c) All school entities shall develop a memorandum of
10 understanding with local law enforcement which sets forth
11 procedures to be followed when an incident [involving] occurs on
12 school property, at any school-sponsored activity, or on any
13 public conveyance providing transportation to a school or
14 school-sponsored activity which involves an act of violence or
15 possession of a weapon [by any person occurs on school
16 property.] including, but not limited to:

17 (1) Possession of a weapon other than a firearm on school
18 property.

19 (2) Possession of an offensive weapon.

20 (3) Possession of an instrument of crime.

21 (4) Possession of a firearm, shotgun or rifle on school
22 property.

23 (5) Aggravated assault.

24 (6) Terroristic threats.

25 (7) Harassment.

26 (8) Stalking.

27 (9) Criminal homicide.

28 (10) Rape.

29 (11) Arson.

30 (12) Kidnapping.

1 (13) Robbery.

2 Law enforcement protocols shall be developed in cooperation with
3 local law enforcement and the Pennsylvania State Police.

4 Section 3. The act is amended by adding a section to read:

5 Section 1314-A. Code of Student Conduct.--(a) Each school
6 entity shall establish a written code of student conduct in
7 compliance with the requirements of this section. The code of
8 student conduct shall be reviewed annually by the school
9 entity's board of directors and by the school entity's school
10 safety committee.

11 (b) Each school entity shall annually distribute a copy of
12 the code of student conduct to each of the school entity's
13 teachers and administrators and to every student enrolled in the
14 school entity and to every parent, guardian or other person
15 having control or charge of a student.

16 (c) The code of student conduct shall contain a list of
17 infractions that the school entity considers to be unacceptable
18 student behaviors and shall set forth specific penalties for
19 students who behave in such fashion. The code of student conduct
20 shall contain at least three levels of infractions and
21 penalties.

22 (1) Level I infractions shall include unacceptable student
23 behaviors as defined by the school entity. Such unacceptable
24 student behaviors may include, but are not limited to:

25 (i) Leaving school without permission.

26 (ii) Tardiness.

27 (iii) Disruptive behavior.

28 (iv) Dress code violations.

29 Penalties for Level I infractions shall include disciplinary
30 measures as set forth by the school entity and shall also

include immediate notification of the student's parent, guardian or person in parental relation to a student who has committed a Level I infraction of the school entity's code of student conduct.

(2) Level II infractions shall include unacceptable student behaviors as specified by the school entity. Such unacceptable student behaviors may include, but are not limited to:

(i) Harassment.

(ii) Assault or fighting.

(iii) Theft of school property.

(iv) Defacing school property.

(v) Forgery.

(vi) Cheating.

(vii) Tobacco use.

Penalties for Level II infractions shall include disciplinary measures as defined by the school entity and shall also include a meeting with the parent, guardian or person in parental relation to a student who has committed a Level II infraction of the school entity's code of student conduct.

(3) Level III infractions shall include unacceptable student behaviors as specified by the school entity. Level III infractions shall include the following:

(i) Possession of a weapon other than a firearm on school property.

(ii) Possession of an offensive weapon.

(iii) Possession of an instrument of crime.

(iv) Possession of a firearm, shotgun or rifle on school property.

(v) Aggravated assault.

(vi) Terroristic threats.

1 (vii) Harassment.

2 (viii) Stalking.

3 (ix) Criminal homicide.

4 (x) Rape.

5 (xi) Arson.

6 (xii) Kidnapping.

7 (xiii) Robbery.

8 Penalties for Level III infractions shall include disciplinary
9 actions as defined by the school entity, an immediate meeting
10 with the parent, guardian or person in parental relation to a
11 student who has committed a Level III infraction of the school
12 entity's code of student conduct and immediate notification of
13 local law enforcement consistent with the procedures set forth
14 in the school entity's memorandum of understanding with local
15 law enforcement.

16 (d) Employees of a school entity shall be immune from civil
17 liability for any action taken in good faith with regard to any
18 student provided that such action is taken for the safety and
19 supervision of the student or for the safety and supervision of
20 others and provided that such action taken is not inconsistent
21 with or is in enforcement of the provision of the school
22 entity's code of student conduct.

23 Section 4. This act shall take effect immediately.