

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1055 Session of
2007

INTRODUCED BY MANN, BEYER, BRENNAN AND SAMUELSON, APRIL 18, 2007

REFERRED TO COMMITTEE ON EDUCATION, APRIL 18, 2007

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, in provisions
6 relating to safe schools, for definitions, for the Office for
7 Safe Schools and for reporting by school entities.

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, added
12 June 30, 1995 (P.L.220, No.26), is amended to read:

13 Section 1301-A. Definitions.--As used in this article,
14 "Chief school administrator" shall mean the superintendent of
15 a public school district, superintendent of an area vocational-
16 technical school, executive director of an intermediate unit or
17 chief executive officer of a charter school.

18 "Office" shall mean the Office for Safe Schools.

19 "School entity" shall mean any public school district,
20 intermediate unit [or], area vocational-technical school or

1 charter school.

2 "School property" shall mean any public school grounds, any
3 school-sponsored activity or any conveyance providing
4 transportation to a school entity or school-sponsored activity.

5 "Weapon" shall include, but not be limited to, any knife,
6 cutting instrument, cutting tool, nunchaku, firearm, shotgun,
7 rifle and any other tool, instrument or implement capable of
8 inflicting serious bodily injury.

9 Section 2. Section 1302-A(b) and (c) of the act, amended or
10 added June 30, 1995 (P.L.220, No.26) and June 26, 1999 (P.L.394,
11 No.36), are amended to read:

12 Section 1302-A. Office for Safe Schools.--* * *

13 (b) The office shall have the following powers and duties:

14 (1) To coordinate antiviolenence efforts between school,
15 professional, parental, governmental, law enforcement and
16 community organizations and associations.

17 (2) To collect, develop and disseminate information,
18 policies, strategies and other information to assist in the
19 development of programs to impact school violence.

20 (3) To provide direct training to school employes, parents,
21 law enforcement officials and communities on effective measures
22 to combat school violence.

23 (4) To advise school entities and nonpublic schools on the
24 development of policies to be used regarding possession of
25 weapons by any person, acts of violence and protocols for
26 coordination with and reporting to law enforcement officials and
27 the Department of Education.

28 (5) To develop forms to be used by school entities and
29 police departments for reporting incidents involving acts of
30 violence and possession of weapons on school property.

1 (6) To convene an advisory committee which shall include a
2 police chief, school superintendent, school principal, district
3 attorney, solicitor of a school district and an in-school
4 probation officer to develop the forms required under clause
5 (5). The advisory committee shall be convened no later than
6 sixty (60) days after the effective date of this clause.

7 (c) In addition to the powers and duties set forth under
8 subsection (a), the office is authorized to make targeted grants
9 to schools to fund programs which address school violence,
10 including, but not limited to, the following programs:

11 (1) Conflict resolution or dispute management.

12 (2) Peer helpers programs.

13 (3) Risk assessment, safety-related or violence prevention
14 curricula.

15 (4) Classroom management.

16 (5) Student codes of conduct.

17 (6) Training to undertake a districtwide assessment of risk
18 factors that increase the likelihood of problem behaviors among
19 students.

20 (7) Development and implementation of research-based
21 violence prevention programs that address risk factors to reduce
22 incidents of problem behaviors among students including, but not
23 limited to, bullying.

24 (8) Comprehensive, districtwide school safety and violence
25 prevention plans.

26 (9) Security planning, purchase of security-related
27 technology which may include metal detectors, protective
28 lighting, surveillance equipment, special emergency
29 communications equipment, electronic locksets, deadbolts and
30 theft control devices and training in the use of security-

1 related technology. Security planning and purchase of security-
2 related technology shall be based on safety needs identified by
3 the school entity's board of directors.

4 (10) Institution of student, staff and visitor
5 identification systems.

6 (11) Establishment or enhancement of school security
7 personnel, including school resource officers.

8 (12) Provision of specialized staff and student training
9 programs, including training for Student Assistance Program team
10 members in elementary, middle and high schools in the referral
11 of students at risk of violent behavior to appropriate
12 community-based services, including mental health services.

13 (13) Alternative education programs provided for in Article
14 XIX-C.

15 (14) Counseling services for students enrolled in
16 alternative education programs.

17 * * *

18 Section 3. Section 1303-A of the act, amended June 25, 1997
19 (P.L.297, No.30), is amended to read:

20 Section 1303-A. Reporting.--(a) The office shall conduct a
21 one-time survey of all school entities to determine the number
22 of incidents involving acts of violence on school property and
23 all cases involving possession of a weapon by any person on
24 school property which occurred within the last five (5) years.
25 The survey shall be based on the best available information
26 provided by school entities.

27 (b) [All school entities] Each chief school administrator
28 shall report all new incidents involving acts of violence,
29 possession of a weapon or possession, use or sale of controlled
30 substances as defined in the act of April 14, 1972 (P.L.233,

1 No.64), known as "The Controlled Substance, Drug, Device and
2 Cosmetic Act," or possession, use or sale of alcohol or tobacco
3 by any person on school property at least once a year, as
4 provided by the office, on a form to be developed and provided
5 by the office. The form shall include:

6 (1) Age or grade of student.

7 (2) Name and address of school.

8 (3) Circumstances surrounding the incident, including type
9 of weapon, controlled substance, alcohol or tobacco.

10 (4) Sanction imposed by the school.

11 (4.1) A list of criminal offenses which shall, at a minimum,
12 include:

13 (i) The following offenses under 18 Pa.C.S. (relating to
14 crimes and offenses):

15 Section 908 (relating to prohibited offensive weapons).

16 Section 912 (relating to possession of weapon on school
17 property).

18 Chapter 25 (relating to criminal homicide).

19 Section 2701 (relating to simple assault).

20 Section 2702 (relating to aggravated assault).

21 Section 2705 (relating to recklessly endangering another
22 person).

23 Section 2706 (relating to terroristic threats).

24 Section 2709 (relating to harassment).

25 Section 2709.1 (relating to stalking).

26 Section 2901 (relating to kidnapping).

27 Section 2902 (relating to unlawful restraint).

28 Section 3121 (relating to rape).

29 Section 3122.1 (relating to statutory sexual assault).

30 Section 3123 (relating to involuntary deviate sexual

1 intercourse).

2 Section 3124.1 (relating to sexual assault).

3 Section 3125 (relating to aggravated indecent assault).

4 Section 3126 (relating to indecent assault).

5 Section 3127 (relating to indecent exposure).

6 Section 3301 (relating to arson and related offenses).

7 Section 3307 (relating to institutional vandalism).

8 Section 3502 (relating to burglary).

9 Section 3503 (relating to criminal trespass).

10 Section 5501 (relating to riot).

11 Section 5502 (relating to failure of disorderly persons to

12 disperse upon official order).

13 Section 5503 (relating to disorderly conduct).

14 Section 6110.1 (relating to possession of firearm by minor).

15 Section 6305 (relating to sale of tobacco).

16 Section 6306.1 (relating to use of tobacco in schools

17 prohibited).

18 Section 6308 (relating to purchase, consumption, possession

19 or transportation of liquor or malt or brewed beverages).

20 (ii) An offense under "The Controlled Substance, Drug,

21 Device and Cosmetic Act."

22 (iii) Attempts, solicitation or conspiracy to commit any of

23 the offenses listed in subclauses (i) and (ii).

24 (iv) An offense for which registration is required under 42

25 Pa.C.S. § 9795.1 (relating to registration).

26 (5) Notification of law enforcement.

27 (6) Remedial programs involved.

28 (7) Parental involvement required.

29 (8) Arrests, convictions and adjudications, if known.

30 If a person other than a student is involved, the report shall

1 state the relationship of the individual involved to the school
2 entity.

3 (b.1) Prior to submitting the report required under
4 subsection (b), each chief school administrator and each police
5 department having jurisdiction over school property of the
6 school entity shall do all of the following:

7 (1) No later than forty-five (45) days prior to the deadline
8 for submitting the report required under subsection (b), the
9 chief school administrator shall submit the report to the police
10 department with jurisdiction over the relevant school property.
11 The police department shall review the report and compare the
12 data regarding criminal offenses and notification of law
13 enforcement to determine its accuracy.

14 (2) No later than fifteen (15) days prior to the deadline
15 for submitting the report required under subsection (b), the
16 police department shall notify the chief school administrator,
17 in writing, whether the report accurately reflects police
18 incident data. Where the police department determines that the
19 report accurately reflects police incident data, the chief of
20 police shall sign the report. Where the police department
21 determines that the report does not accurately reflect police
22 incident data, the police department shall indicate any
23 discrepancies between the report and police incident data.

24 (3) Prior to submitting the report required under subsection
25 (b), the chief school administrator and the police department
26 shall attempt to resolve any discrepancies between the report
27 and police incident data. Where a discrepancy remains
28 unresolved, the police department shall notify the chief school
29 administrator and the office in writing.

30 (4) Where a police department fails to take action as

1 required under clause (2) or (3), the chief school administrator
2 shall submit the report required under subsection (b) and
3 indicate that the police department failed to take action as
4 required under clause (2) or (3).

5 (c) [All school entities shall develop a memorandum of
6 understanding with local law enforcement which sets forth
7 procedures to be followed when an incident involving an act of
8 violence or possession of a weapon by any person occurs on
9 school property. Law enforcement protocols shall be developed in
10 cooperation with local law enforcement and the Pennsylvania
11 State Police.] Each chief school administrator shall enter into
12 a memorandum of understanding with police departments having
13 jurisdiction over school property of the school entity. Such
14 memorandum of understanding shall require immediate notification
15 of the police department when an incident involving an act of
16 violence, possession of a weapon or an offense listed under
17 subsection (b)(4.1) occurs on school property. Each chief school
18 administrator shall submit a copy of the memorandum of
19 understanding to the office by June 30, 2007, and June 30 of
20 each year thereafter. The memorandum of understanding shall be
21 signed by the chief school administrator and principals of each
22 school building of the school entity. The memorandum of
23 understanding shall include:

24 (1) Protocol for school notification of the police
25 department regarding an incident involving an act of violence,
26 possession of a weapon or an offense listed under subsection
27 (b)(4.1) that occurs on school property.

28 (2) Emergency and nonemergency response by the police
29 department.

30 (3) The procedure for police department review of the report

1 required under subsection (b) prior to filing with the office.

2 (4) A procedure for the resolution of school violence data
3 discrepancies prior to filing the report required under
4 subsection (b) with the office.

5 (5) Additional matters pertaining to crime prevention agreed
6 to between the chief school administrator and the police
7 department.

8 (d) (1) Notwithstanding any provision of law to the
9 contrary, the Department of Education may initiate disciplinary
10 action before the Professional Standards and Practices
11 Commission pursuant to the act of December 12, 1973 (P.L.397,
12 No.141), known as the "Professional Educator Discipline Act,"
13 against a chief school administrator or principal of a school
14 entity who intentionally fails to submit the report as required
15 under subsection (b) or enter into the memorandum of
16 understanding, report an incident involving an act of violence,
17 possession of a weapon or an offense listed under subsection
18 (b)(4.1) that occurs on school property to a police department
19 or submit a copy of the memorandum of understanding to the
20 office as required under subsection (c) or who intentionally
21 falsifies a report submitted as required under this section.

22 (2) In addition to any other disciplinary actions set forth
23 in the "Professional Educator Discipline Act," a chief school
24 administrator or principal of a school entity who intentionally
25 fails to submit the report as required under subsection (b) or
26 enter into the memorandum of understanding, report an incident
27 involving an act of violence, possession of a weapon or an
28 offense cited under subsection (b)(4.1) that occurs on school
29 property to a police department or submit a copy of the
30 memorandum of understanding to the office as required under

1 subsection (c) or who intentionally falsifies a report submitted
2 as required under this section shall be subject to prosecution
3 for violation of 18 Pa.C.S. § 4904 (relating to unsworn
4 falsification to authorities), where appropriate, and to the
5 following civil penalties to be imposed by the Professional
6 Standards and Practices Commission for violations of this
7 article:

8	<u>(i) for a first violation</u>	<u>\$2,500;</u>
9	<u>(ii) for a second violation</u>	<u>\$3,500; or</u>
10	<u>(iii) for a third or subsequent</u>	
11	<u>violation</u>	<u>\$5,000.</u>

12 Any penalty imposed under this paragraph shall be paid to the
13 Department of Education and used for the support of the office.

14 Section 4. This act shall take effect in 60 days.