

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 56 Session of
2009INTRODUCED BY PICCOLA, BROWNE, RAFFERTY, TOMLINSON, ORIE, YAW
AND O'PAKE, JANUARY 20, 2009

REFERRED TO EDUCATION, JANUARY 20, 2009

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 (P.L.
11 30, No.14), known as the Public School Code of 1949, added June
12 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) of the act, added June 30, 1995
10 (P.L.220, No.26), is amended to read:

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

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

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

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

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

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

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

30 (6) To convene an advisory committee which shall include a

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

6 * * *

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

9 Section 1303-A. Reporting.--(a) The office shall conduct a
10 one-time survey of all school entities to determine the number
11 of incidents involving acts of violence on school property and
12 all cases involving possession of a weapon by any person on
13 school property which occurred within the last five (5) years.
14 The survey shall be based on the best available information
15 provided by school entities.

16 (b) [All school entities] Each chief school administrator
17 shall report all new incidents involving acts of violence,
18 possession of a weapon or possession, use or sale of controlled
19 substances as defined in the act of April 14, 1972 (P.L.233, No.
20 64), known as "The Controlled Substance, Drug, Device and
21 Cosmetic Act," or possession, use or sale of alcohol or tobacco
22 by any person on school property at least once a year, as
23 provided by the office, on a form to be developed and provided
24 by the office. The form shall include:

- 25 (1) Age or grade of student.
26 (2) Name and address of school.
27 (3) Circumstances surrounding the incident, including type
28 of weapon, controlled substance, alcohol or tobacco.
29 (4) Sanction imposed by the school.

30 (4.1) A list of criminal offenses which shall, at a minimum,

1 include:

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

4 Section 908 (relating to prohibited offensive weapons).

5 Section 912 (relating to possession of weapon on school
6 property).

7 Chapter 25 (relating to criminal homicide).

8 Section 2701 (relating to simple assault).

9 Section 2702 (relating to aggravated assault).

10 Section 2705 (relating to recklessly endangering another
11 person).

12 Section 2706 (relating to terroristic threats).

13 Section 2709 (relating to harassment).

14 Section 2709.1 (relating to stalking).

15 Section 2901 (relating to kidnapping).

16 Section 2902 (relating to unlawful restraint).

17 Section 3121 (relating to rape).

18 Section 3122.1 (relating to statutory sexual assault).

19 Section 3123 (relating to involuntary deviate sexual
20 intercourse).

21 Section 3124.1 (relating to sexual assault).

22 Section 3125 (relating to aggravated indecent assault).

23 Section 3126 (relating to indecent assault).

24 Section 3127 (relating to indecent exposure).

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

26 Section 3307 (relating to institutional vandalism).

27 Section 3502 (relating to burglary).

28 Section 3503 (relating to criminal trespass).

29 Section 5501 (relating to riot).

30 Section 5502 (relating to failure of disorderly persons to

1 disperse upon official order).

2 Section 5503 (relating to disorderly conduct).

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

4 Section 6305 (relating to sale of tobacco).

5 Section 6306.1 (relating to use of tobacco in schools
6 prohibited).

7 Section 6308 (relating to purchase, consumption, possession
8 or transportation of liquor or malt or brewed beverages).

9 (ii) An offense under "The Controlled Substance, Drug,
10 Device and Cosmetic Act."

11 (iii) Attempts, solicitation or conspiracy to commit any of
12 the offenses listed in subclauses (i) and (ii).

13 (iv) An offense for which registration is required under 42
14 Pa.C.S. § 9795.1 (relating to registration).

15 (5) Notification of law enforcement.

16 (6) Remedial programs involved.

17 (7) Parental involvement required.

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

19 If a person other than a student is involved, the report
20 shall state the relationship of the individual involved to the
21 school entity.

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

26 (1) No later than forty-five (45) days prior to the deadline
27 for submitting the report required under subsection (b), the
28 chief school administrator shall submit the report to the police
29 department with jurisdiction over the relevant school property.
30 The police department shall review the report and compare the

1 data regarding criminal offenses and notification of law
2 enforcement to determine its accuracy.

3 (2) No later than fifteen (15) days prior to the deadline
4 for submitting the report required under subsection (b), the
5 police department shall notify the chief school administrator,
6 in writing, whether the report accurately reflects police
7 incident data. Where the police department determines that the
8 report accurately reflects police incident data, the chief of
9 police shall sign the report. Where the police department
10 determines that the report does not accurately reflect police
11 incident data, the police department shall indicate any
12 discrepancies between the report and police incident data.

13 (3) Prior to submitting the report required under subsection
14 (b), the chief school administrator and the police department
15 shall attempt to resolve any discrepancies between the report
16 and police incident data. Where a discrepancy remains
17 unresolved, the police department shall notify the chief school
18 administrator and the office in writing.

19 (4) Where a police department fails to take action as
20 required under clause (2) or (3), the chief school administrator
21 shall submit the report required under subsection (b) and
22 indicate that the police department failed to take action as
23 required under clause (2) or (3).

24 (c) [All school entities shall develop a memorandum of
25 understanding with local law enforcement which sets forth
26 procedures to be followed when an incident involving an act of
27 violence or possession of a weapon by any person occurs on
28 school property. Law enforcement protocols shall be developed in
29 cooperation with local law enforcement and the Pennsylvania
30 State Police.] Each chief school administrator shall enter into

1 a memorandum of understanding with police departments having
2 jurisdiction over school property of the school entity. Such
3 memorandum of understanding shall require immediate notification
4 of the police department when an incident involving an act of
5 violence, possession of a weapon or an offense listed under
6 subsection (b) (4.1) occurs on school property. Each chief school
7 administrator shall submit a copy of the memorandum of
8 understanding to the office by June 30, 2009, and June 30 of
9 each year thereafter. The memorandum of understanding shall be
10 signed by the chief school administrator and principals of each
11 school building of the school entity. The memorandum of
12 understanding shall include:

13 (1) Protocol for school notification of the police
14 department regarding an incident involving an act of violence,
15 possession of a weapon or an offense listed under subsection (b)
16 (4.1) that occurs on school property.

17 (2) Emergency and nonemergency response by the police
18 department.

19 (3) The procedure for police department review of the report
20 required under subsection (b) prior to filing with the office.

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

24 (5) Additional matters pertaining to crime prevention agreed
25 to between the chief school administrator and the police
26 department.

27 (d) (1) Notwithstanding any provision of law to the
28 contrary, the Department of Education may initiate disciplinary
29 action before the Professional Standards and Practices
30 Commission pursuant to the act of December 12, 1973 (P.L.397,

1 No.141), known as the "Professional Educator Discipline Act,"
2 against a chief school administrator or principal of a school
3 entity who intentionally fails to submit the report as required
4 under subsection (b) or enter into the memorandum of
5 understanding, report an incident involving an act of violence,
6 possession of a weapon or an offense listed under subsection (b)
7 (4.1) that occurs on school property to a police department or
8 submit a copy of the memorandum of understanding to the office
9 as required under subsection (c) or who intentionally falsifies
10 a report submitted as required under this section.

11 (2) In addition to any other disciplinary actions set forth
12 in the "Professional Educator Discipline Act," a chief school
13 administrator or principal of a school entity who intentionally
14 fails to submit the report as required under subsection (b) or
15 enter into the memorandum of understanding, report an incident
16 involving an act of violence, possession of a weapon or an
17 offense cited under subsection (b)(4.1) that occurs on school
18 property to a police department or submit a copy of the
19 memorandum of understanding to the office as required under
20 subsection (c) or who intentionally falsifies a report submitted
21 as required under this section shall be subject to prosecution
22 for violation of 18 Pa.C.S. § 4904 (relating to unsworn
23 falsification to authorities), where appropriate, and to the
24 following civil penalties to be imposed by the Professional
25 Standards and Practices Commission for violations of this
26 article:

27 (i) for a first violation \$2,500;
28 (ii) for a second violation \$3,500; or
29 (iii) for a third or subsequent
30 violation \$5,000.

1 Any penalty imposed under this paragraph shall be paid to the
2 Department of Education and used for the support of the office.
3 Section 4. This act shall take effect in 60 days.