

## AMENDMENTS TO HOUSE BILL NO. 1643

Sponsor: REPRESENTATIVE O'NEILL

Printer's No. 2669

1 Amend Title, page 1, line 5, by inserting after "for"  
2 rules and regulations and safety patrols, for  
3 Amend Title, page 1, line 6, by removing the period after  
4 "privileges" and inserting  
5 , for possession of weapons prohibited and for  
6 suspension and expulsion of pupils.  
7 Amend Bill, page 1, lines 9 through 12, by striking out all  
8 of said lines and inserting

9 Section 1. Section 510 of the act of March 10, 1949 (P.L.30,  
10 No.14), known as the Public School Code of 1949, amended June  
11 29, 1976 (P.L.450, No.110), is amended to read:

12 Section 510. Rules and Regulations; Safety Patrols.--(a)  
13 The board of school directors in any school district may adopt  
14 and enforce such reasonable rules and regulations as it may deem  
15 necessary and proper, regarding the management of its school  
16 affairs and the conduct and deportment of all superintendents,  
17 teachers, and other appointees or employes during the time they  
18 are engaged in their duties to the district, as well as  
19 regarding the conduct and deportment of all [pupils] students  
20 attending the public schools in the district, during such time  
21 as they are attending school or school-related activities, are  
22 present on school property or in buses or other vehicles  
23 provided by the district, or otherwise are under the supervision  
24 of the board of school directors and teachers, including the  
25 time necessarily spent in coming to and returning from  
26 school[.], and pertaining to activities of students regardless  
27 of time or place likely to cause or causing substantial  
28 disruption of or material interference with school activities or  
29 the orderly and safe administration of the schools.

30 (b) In the exercise of this authority the board of school  
31 directors is empowered to organize school safety patrols and,  
32 with the permission of the parents, to appoint [pupils] students  
33 as members thereof, for the purpose of influencing and  
34 encouraging the other [pupils] students to refrain from crossing  
35 public highways at points other than at regular crossings, and  
36 for the purpose of directing [pupils] students not to cross  
37 highways at times when the presence of traffic would render such

1 crossing unsafe. Nothing herein contained shall be construed to  
2 authorize or permit the use of any safety patrol member for the  
3 purpose of directing vehicular traffic, nor shall any safety  
4 patrol member be stationed in that portion of the highway  
5 intended for the use of vehicular traffic. No liability shall  
6 attach either to the school district, or any individual  
7 director, student, superintendent, teacher, or other school  
8 employe, by virtue of the organization, maintenance, or  
9 operation of a school safety patrol organized, maintained, and  
10 operated under authority of this section.

11 (c) All flags, belts, apparel and devices issued, supplied  
12 or furnished to persons acting in the capacity of special school  
13 police, or special police appointed to control and direct  
14 traffic at or near schools, in order to enhance the conspicuity  
15 of such persons, shall be made from retro-reflective and  
16 fluorescent materials visible both day and night at three  
17 hundred (300) feet to approaching motorists using lawful low  
18 beam headlights and shall conform to standards, specifications,  
19 or regulations issued by the State Board of Education. All belts  
20 supplied or furnished to [pupils] students active in the  
21 capacity of school safety patrol members shall be fluorescent.

22 Section 2. Section 1302(a) of the act, amended December 23,  
23 2003 (P.L.304, No.48), is amended and the section is amended by  
24 adding a subsection to read:

25 Amend Bill, page 3, line 10, by striking out all of said line  
26 and inserting

27 Section 3. Section 1317.2(e.1) of the act, amended June 25,  
28 1997 (P.L.297, No.30), is amended to read:

29 Section 1317.2. Possession of Weapons Prohibited.--\* \* \*

30 [(e.1) A school district receiving a student who transfers  
31 from a public or private school during a period of expulsion for  
32 an act or offense involving a weapon may assign that student to  
33 an alternative assignment or provide alternative education  
34 services, provided that the assignment may not exceed the period  
35 of expulsion.]

36 \* \* \*

37 Section 4. Section 1318 of the act, amended February 8, 1980  
38 (P.L.3, No.2), is amended to read:

39 Section 1318. Suspension and Expulsion of [Pupils.--]

40 Students.--(a) Every principal or teacher in charge of a public  
41 school may temporarily suspend any [pupil] student on account of  
42 disobedience or misconduct, and any principal or teacher  
43 suspending any [pupil] student shall promptly notify the  
44 district superintendent or secretary of the board of school  
45 directors. The board may, after a proper hearing, suspend such  
46 [child] student for such time as it may determine, or may  
47 permanently expel [him] the student. Such hearings, suspension,  
48 or expulsion may be delegated to a duly authorized committee of  
49 the board, or to a duly qualified hearing examiner, who need not  
50 be a member of the board, but whose adjudication must be  
51 approved by the board. The board and designated committees or  
52 hearing examiners acting pursuant to this section shall have the  
53 power to administer oaths to witnesses and the power to issue  
54 subpoenas as provided in section 1128.

55 (b) (1) A public school entity may suspend, expel or deny  
56 admission to a student suspended or expelled from another public

1 school entity or nonpublic school, until the period of  
2 suspension or expulsion has expired, if such suspension or  
3 expulsion was imposed due to misconduct of a nature that would  
4 subject students in the receiving entity to possible suspension  
5 or expulsion.

6 (2) Denial of admission to a transferring student based on  
7 suspension or expulsion from or misconduct in a prior school  
8 entity shall be treated as suspension or expulsion for purposes  
9 of this section. A student returning to the program of the  
10 school district of residence after withdrawing from or being  
11 expelled or suspended from an area vocational-technical school  
12 is a transferring student for purposes of this section.

13 (3) No hearing otherwise required under subsection (a) shall  
14 be necessary if suspension, expulsion or denial of admission  
15 under subsection (b)(1) is based upon an adjudication issued in  
16 accordance with this section by the board or joint operating  
17 committee of the prior entity of enrollment, as evidenced by a  
18 certified copy of such adjudication.

19 (4) A school entity may, after hearing in accordance with  
20 subsection (a), suspend, expel or deny admission to a  
21 transferring student who has committed misconduct while enrolled  
22 in another public or nonpublic school of a nature that would  
23 subject students in the receiving entity to possible suspension  
24 or expulsion, but who withdrew from the prior school entity  
25 before disciplinary proceedings based on the misconduct were  
26 initiated or completed.

27 (5) A receiving school entity may enroll a student  
28 transferring from another public or nonpublic school entity in  
29 its regular program on a provisional basis pending receipt of a  
30 certified copy of the student's disciplinary record and sworn  
31 statement as required under section 1304-A. If the disciplinary  
32 record or sworn statement reveals a history of misconduct while  
33 enrolled in the prior entity, in addition to other disposition  
34 authorized under this section and to the extent consistent with  
35 the disciplinary standards, policies and procedures of the  
36 receiving entity, the student may be reassigned to an  
37 alternative education program and may be deemed ineligible to  
38 participate in extracurricular activities.

39 (6) A receiving school entity may, consistent with its  
40 disciplinary standards, policies and procedures, impose other  
41 forms of discipline or disciplinary assignment or impose  
42 conditions of admission or continued enrollment based on a  
43 transferring student's expulsion or suspension from or  
44 misconduct while enrolled in a prior school entity, in lieu of  
45 or in combination with denial of admission, suspension or  
46 expulsion.

47 (c) The board of school directors may, in connection with  
48 any expulsion, suspension, denial of admission or disciplinary  
49 reassignment of a student, impose conditions for admission or  
50 readmission to or continuation in the school entity's regular or  
51 alternative education programs. Violation of or failure to meet  
52 such conditions may become the basis for denial of admission,  
53 readmission or subsequent disciplinary action, including  
54 exclusion from or reassignment within the school entity's  
55 regular or alternative education programs. The board may  
56 designate a person or persons to determine whether such  
57 conditions have been met or violated. The hearing requirements  
58 of subsection (a) are not applicable to a determination that a  
59 student is not eligible for readmission or to remain in

1 probationary continued enrollment because of violation of or  
2 failure to meet such conditions.

3 (d) Notwithstanding any other provision of this section, a  
4 hearing otherwise required under subsection (a) may be waived in  
5 a written agreement providing for the student's disciplinary  
6 exclusion from school programs for a specified period of time,  
7 entered into by the board of school directors and the student  
8 and in the case of a student under eighteen (18) years of age,  
9 also by the parent or guardian having primary custody of the  
10 student. Any such agreement shall be filed permanently in the  
11 student's disciplinary records and shall be treated in the same  
12 way as an adjudication of expulsion for purposes of subsections  
13 (b) and (c), this subsection and Article XIII-A. Consideration  
14 by the board of a proposed agreement in lieu of hearing shall  
15 not constitute grounds for disqualifying the board or members  
16 thereof from participating in a hearing or taking other action  
17 pursuant to this section in the event the agreement is not  
18 approved by the board. The agreements shall set forth:

19 (1) A summary of the reason for the exclusion.

20 (2) The effective date and expiration date of the period of  
21 exclusion.

22 (3) The date when the student may be considered for earlier  
23 readmission.

24 (4) A summary of the procedural rights the student would  
25 have been afforded at a hearing.

26 (5) Agreed conditions of readmission or of probationary  
27 continued enrollment, if any.

28 (6) Any other terms and conditions of the agreed  
29 disciplinary disposition.

30 (e) Nothing in this section shall be construed to alter the  
31 obligations of school entities pursuant to the Individuals with  
32 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400  
33 et seq.) and Federal regulations thereunder relating to the  
34 discipline of students with disabilities.

35 (f) Nothing in this section shall be construed to exempt an  
36 expelled student or the student's parents or legal guardians  
37 from compulsory education requirements or the penalties  
38 contained in sections 1333, 1338 and 1338.1 if they fail to  
39 provide the student with a sufficient alternate placement  
40 program.

41 Section 5. This act shall take effect as follows:

42 (1) The amendment of section 1302 of the act shall take  
43 effect in 60 days.

44 (2) The remainder of this act shall take effect  
45 immediately.