

AMENDMENTS TO SENATE BILL NO. 530

Sponsor: SENATOR LANGERHOLC

Printer's No. 565

1 Amend Bill, page 1, lines 5 through 12, by striking out "in
2 duties and powers of boards of" in line 5 and all of lines 6
3 through 12 and inserting

4 in pupils and attendance, providing for students convicted or
5 adjudicated delinquent of sexual assault; and, in safe
6 schools, further providing for safe schools advocate in
7 school districts of the first class.

8 Amend Bill, page 1, lines 15 through 23; pages 2 through 5,
9 lines 1 through 30; page 6, lines 1 through 22; by striking out
10 all of said lines on said pages and inserting

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

14 Section 1318.1. Students Convicted or Adjudicated Delinquent
15 of Sexual Assault.--(a)(1) Notwithstanding section 510, if a
16 student enrolled in a public school entity is convicted or
17 adjudicated delinquent of committing a sexual assault upon
18 another student enrolled in the same public school entity, the
19 public school entity shall, pursuant to applicable laws and
20 regulations, take one of the following actions:

21 (i) Expel the convicted or adjudicated student.

22 (ii) Transfer the convicted or adjudicated student to an
23 alternative education program.

24 (iii) Reassign the convicted or adjudicated student to
25 another school or educational program within the public school
26 entity.

27 (2) A public school entity shall ensure that the convicted
28 or adjudicated student is not educated in the same school
29 building, transported on the same school vehicle or allowed to
30 participate in the same school-sponsored activities as the
31 victim.

32 (3) Paragraph (1) shall not require the public school entity
33 to take action if:

34 (i) The public school entity has already expelled,

1 transferred or reassigned the convicted or adjudicated
2 delinquent student for the same sexual assault.
3 (ii) The convicted or adjudicated student does not attend
4 the same school as the victim.
5 (b) The public school entity shall not be prohibited from
6 taking action under this section for convictions or
7 adjudications for sexual assaults that occur outside a school
8 setting if the assault was:
9 (1) against another student enrolled in the same public
10 school entity; and
11 (2) has the effect of:
12 (i) substantially interfering with the victim's education;
13 (ii) creating a threatening or hostile educational
14 environment; or
15 (iii) substantially disrupting the orderly operation of the
16 school.
17 (c) A student expelled, transferred or reassigned under this
18 section may return to the student's originally assigned school
19 only if:
20 (1) the victim ceases to be enrolled in the public school
21 entity from which the convicted or adjudicated delinquent
22 student was expelled, transferred or reassigned; or
23 (2) the conviction or delinquency adjudication on which the
24 expulsion, transfer or reassignment was based is reversed and no
25 appeal is pending.
26 (d) Nothing in this section shall be construed as limiting
27 the authority or duty of a public school entity to make an
28 alternative assignment or provide alternative educational
29 services during the period of expulsion.
30 (e) A student convicted of sexual assault shall notify the
31 school entity of the conviction no later than 72 hours after the
32 conviction.
33 (f) A public school entity receiving a student who transfers
34 from a public or nonpublic school during a period of expulsion
35 for an act or offense involving a sexual assault conviction or
36 adjudication of delinquency may assign that student to an
37 alternative assignment or provide alternative education
38 services, provided that the assignment may not exceed the period
39 of expulsion.
40 (g) Prior to admission to a public school entity, the
41 parent, guardian or other person having control or charge of a
42 student shall, upon registration, provide a sworn statement or
43 affirmation stating whether the pupil was previously or is
44 presently expelled under the provisions of this section. The
45 registration shall include the name of the school from which the
46 student was expelled with the dates of expulsion and shall be
47 maintained as part of the student's disciplinary record. Any
48 wilful false statement made under this subsection shall be
49 subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification
50 to authorities).
51 (h) Each public school entity shall develop or update its

1 written policies to ensure compliance with this section.

2 (i) A public school entity shall, in the case of students
3 with disabilities, take all steps necessary to comply with the
4 Individuals with Disabilities Education Act (Public Law 91-230,
5 20 U.S.C. § 1400 et seq.).

6 (j) As used in this section, the following words and phrases
7 shall have the meanings given to them in this subsection:

8 "Public school entity" means a school district, independent
9 school, area career and technical school, intermediate unit,
10 charter school, regional charter school or cyber charter school.

11 "School setting" means in the school, on school grounds, in
12 school vehicles, at a designated bus stop or at any activity
13 sponsored, supervised or sanctioned by the school.

14 "School-sponsored activities" means any assemblies, field
15 trips, class trips, graduation ceremonies, athletics,
16 extracurricular activities, clubs, groups, teams or any
17 activities sponsored, held or approved by the public school
18 entity.

19 "Sexual assault" shall include any of the offenses specified
20 under the following provisions of 18 Pa.C.S. (relating to crimes
21 and offenses):

22 Section 3121 (relating to rape).

23 Section 3122.1 (relating to statutory sexual assault).

24 Section 3123 (relating to involuntary deviate sexual
25 intercourse).

26 Section 3124.1 (relating to sexual assault).

27 Section 3125 (relating to aggravated indecent assault).

28 Section 3126 (relating to indecent assault).

29 Section 2. Section 1310-A(b)(2) of the act is amended to
30 read:

31 Section 1310-A. Safe Schools Advocate in School Districts of
32 the First Class.--* * *

33 (b) The safe schools advocate shall have the power and its
34 duties shall be:

35 * * *

36 (2) To monitor the school district's compliance with the
37 mandatory expulsion requirements of [section] sections 1317.2
38 and 1318.1.

39 * * *

40 Section 3. This act shall take effect in 60 days.