

AMENDMENTS TO HOUSE BILL NO. 27

Sponsor: SENATOR REGAN

Printer's No. 1987

1 Amend Bill, page 1, line 7, by striking out "and," and
2 inserting
3 in intermediate units, further providing for school safety and
4 security enhancements;
5 Amend Bill, page 1, line 10, by striking out the period after
6 "monitors" and inserting
7 ; in safe schools, further providing for definitions and for
8 Office for Safe Schools, repealing provisions relating to
9 regulations and to reporting, further providing for policy
10 relating to bullying and for maintenance of records,
11 repealing provisions relating to safe schools advocate in
12 school districts of the first class, to standing, to
13 enforcement and to construction of article and other laws; in
14 school safety and security, further providing for definitions
15 and for School Safety and Security Committee, providing for
16 duties of committee, further providing for School Safety and
17 Security Grant Program, providing for Targeted School Safety
18 Grants for Nonpublic Schools Program, for standardized
19 protocols and for county safe schools' collaborative, further
20 providing for school safety and security coordinator training
21 and providing for reporting and memorandum of understanding,
22 for safe schools advocate in school districts of the first
23 class and for enforcement; in school security, further
24 providing for definitions, for school police officers, for
25 annual report and for school security guards; and making an
26 editorial change.

27 Amend Bill, page 2, by inserting between lines 14 and 15
28 Section 2. The definition of "school safety and security
29 enhancements" in section 923.3-A(b) and subsection (c) of the
30 act are amended to read:
31 Section 923.3-A. School Safety and Security Enhancements.-*
32 * *
33 (b) Definitions. As used in this section:
34 * * *
35 "School safety and security enhancements" means programs

1 which are designed to address school safety and security and
2 listed in section [1302-A(c)] 1306.1-B(j), which are secular and
3 nonideological in nature.

4 (c) Program of School Safety and Security Enhancements. A
5 program of school security enhancements shall be provided by an
6 intermediate unit in which a nonpublic school is located, in
7 accordance with standards developed by the [Secretary of
8 Education in consultation with the Office of Safe Schools and
9 the Pennsylvania Commission on Crime and Delinquency.] School
10 Safety and Security Committee established under section 1302-B
11 in consultation with the Department of Education. Through the
12 program, an intermediate unit shall make application for school
13 safety and security enhancements upon the request of a nonpublic
14 school or combination of nonpublic schools located within the
15 intermediate unit. School safety and security enhancements for
16 which grants are received shall be provided for or contracted
17 for directly by the intermediate unit or loaned by the
18 intermediate unit to the nonpublic school.

19 * * *

20 Amend Bill, page 2, line 15, by striking out "2" and
21 inserting

22 3

23 Amend Bill, page 3, line 19, by striking out "3" and
24 inserting

25 4

26 Amend Bill, page 5, line 5, by striking out "4" and inserting
27 5

28 Amend Bill, page 7, line 4, by striking out "5" and inserting
29 6

30 Amend Bill, page 9, line 2, by striking out all of said line
31 and inserting

32 Section 7. Article XIII-A heading and sections 1301-A and
33 1302-A of the act are amended to read:

34 ARTICLE XIII-A.

35 [SAFE SCHOOLS] Student Supports.

36 Section 1301-A. Definitions.--As used in this article,

37 "Chief school administrator" shall mean the superintendent of
38 a public school district, superintendent of an area career and
39 technical school, executive director of an intermediate unit or
40 chief executive officer of a charter school.

41 ["Office" shall mean the Office for Safe Schools within the
42 Department of Education.]

1 "School entity" shall mean any public school district,
2 intermediate unit, area career and technical school or charter
3 school.

4 "School-based diversion programs" shall mean programs [that,
5 in partnership with other stakeholders, divert youth out of the
6 juvenile justice system.] and interventions designed to redirect
7 youth who commit minor offenses in school from exclusionary
8 disciplinary practices or formal processing in the juvenile
9 justice system, while still holding the student accountable for
10 the student's actions. These programs include, but are not
11 limited to, youth aid panels [in which a panel of community
12 members decide an appropriate resolution to hold the student
13 accountable for the student's actions by, among other options,
14 requiring the student to complete educational activities,
15 community service, restitution and any other related program or
16 service.], positive youth development programming, teen/youth
17 courts, restorative justice interventions, truancy prevention
18 and intervention programs, mentoring programs and intervention
19 programs and educational practices to assist students with
20 persistent disruptive and serious problem behaviors.

21 "School property" shall mean any public school grounds, any
22 school-sponsored activity or any conveyance providing
23 transportation to a school entity or school-sponsored activity.

24 "School-wide positive behavior support" means a school-wide,
25 evidence-based [and data-driven approach to improving school
26 behavior that seeks to reduce unnecessary student disciplinary
27 actions and promote a climate of greater productivity, safety
28 and learning] tiered framework for supporting students'
29 behavioral, academic, social, emotional and mental health.

30 ["Student with a disability" shall mean a student who meets
31 the definition of "child with a disability" under the
32 Individuals with Disabilities Education Act (Public Law 91-230,
33 20 U.S.C. § 1400 et seq.) or who meets the definition of a
34 "handicapped person" under section 504 of the Rehabilitation Act
35 of 1973 (Public Law 93-112, 29 U.S.C. § 794) and its
36 implementing regulations (34 C.F.R. § 104.3(j)). The term
37 includes a student for whom an evaluation is pending under
38 either the Individuals with Disabilities Education Act or
39 Rehabilitation Act.]

40 "Weapon" shall include, but not be limited to, any knife,
41 cutting instrument, cutting tool, nunchaku, firearm, shotgun,
42 rifle and any other tool, instrument or implement capable of
43 inflicting serious bodily injury.

44 Section 1302-A. [Office for Safe Schools] Student
45 Supports.--(a) [There is hereby established in the Department
46 of Education an Office for Safe Schools.] (Reserved).

47 (b) The [office] Department of Education shall have the
48 power and duty to implement the following:

49 (1) [To coordinate antiviolence efforts between school,
50 professional, parental, governmental, law enforcement and
51 community organizations and associations.

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

4 (2.1) To direct all school entities to submit annual school
5 violence statistics and reports to the office no later than July
6 31 of each year.

7 (3)] To collect, develop and disseminate information,
8 policies, strategies and other information to assist in the
9 development of programs that support students, reduce
10 unnecessary student disciplinary actions and promote an
11 environment of greater productivity, safety and learning,
12 including, but not limited to:

13 (i) School-wide positive behavior support that includes
14 primary or universal, secondary and tertiary supports and
15 interventions in school entities.

16 (ii) School-based diversion programs.

17 (iii) Classroom management.

18 (iv) Student discipline.

19 (v) Student codes of conduct.

20 (vi) Training to assess risk factors that increase the
21 likelihood of problem behaviors among students.

22 (vii) Conflict resolution and dispute management.

23 (viii) Staff training programs in the use of positive
24 behavior supports, de-escalation techniques, appropriate
25 responses to student behavior that may require immediate
26 intervention and trauma-informed treatment for mental health
27 providers in schools.

28 (ix) Research-based violence prevention programs that
29 address risk factors to reduce incidents of problem behaviors
30 among students, including, but not limited to, mental health
31 early intervention, self-care, bullying and suicide awareness
32 and prevention.

33 (x) Risk assessment, safety-related, violence prevention
34 curricula, including dating violence curricula, restorative
35 justice strategies, mental health early intervention, self-care
36 and suicide awareness and prevention curricula.

37 (xi) Evidence-based screenings for adverse childhood
38 experiences that are proven to be determinants of physical,
39 social and behavioral health and provide trauma-informed
40 counseling services as necessary to students based upon the
41 screening results.

42 (xii) Trauma-informed approaches that increase student and
43 school employee access to quality trauma support services and
44 behavioral health care.

45 (2) To provide direct training to school employes, parents,
46 law enforcement officials and communities on effective measures
47 to [prevent and combat school violence.

48 (4)] maintain and improve learning environments for students
49 and staff.

50 (3) To [advise] assist in collaboration and coordination
51 with the School Safety and Security Committee established under

1 section 1302-B school entities and nonpublic schools on the
2 development of policies to be used regarding possession of
3 weapons by any person, acts of violence and protocols for
4 coordination with and reporting to law enforcement officials and
5 the Department of Education.

6 [(4.1)] (4) To verify the existence of corrective action
7 plans to reduce incidents of violence as required in the [No
8 Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat.
9 1425).] Every Student Succeeds Act (Public Law 114-95, 129 Stat.
10 1802).

11 (5) To develop in collaboration and coordination with the
12 School Safety and Security Committee established under section
13 1302-B forms to be used by school entities and police
14 departments for reporting incidents involving acts of violence
15 and possession of weapons on school property. The forms shall be
16 reviewed on a biennial basis and revised when necessary.

17 [(6) To verify that each school entity has a biennially
18 updated and reexecuted memorandum of understanding with local
19 law enforcement and has filed such memorandum with the office on
20 a biennial basis.

21 (7) To publish and post on the Department of Education's
22 Internet website a School Safety Annual Report no later than
23 November 1 of each calendar year outlining all incidents
24 required to be reported under section 1303-A and any school
25 district that failed to submit a report under section 1303-A.

26 (8) To establish criteria, in consultation with the
27 Pennsylvania State Police, for certifying approved vendors to
28 provide school police officers to nonpublic schools for the
29 purposes of awarding grants under subsection (c.1)(3).

30 (9) To publish and post on the Department of Education's
31 publicly accessible Internet website a listing of all approved
32 vendors under paragraph (8).]

33 (b.1) The [office] Department of Education shall process and
34 tabulate the data on an annual basis to assist school
35 administrators, the School Safety and Security Committee
36 established under section 1302-B and law enforcement officials
37 in their duties under this article.

38 [(c) In addition to the powers and duties set forth under
39 subsection (b), the office is authorized to make targeted grants
40 to school entities, and to intermediate units on behalf of
41 nonpublic schools, to fund programs which address school
42 violence, including:

43 (1) Conflict resolution or dispute management, including
44 restorative justice strategies.

45 (1.1) School-wide positive behavior support that includes
46 primary or universal, secondary and tertiary supports and
47 interventions in school entities.

48 (1.2) School-based diversion programs.

49 (2) Peer helpers programs.

50 (3) Risk assessment, safety-related, violence prevention
51 curricula, including, but not limited to, dating violence

1 curricula and restorative justice strategies.
2 (4) Classroom management.
3 (5) Student codes of conduct.
4 (6) Training to undertake a districtwide assessment of risk
5 factors that increase the likelihood of problem behaviors among
6 students.
7 (7) Development and implementation of research-based
8 violence prevention programs that address risk factors to reduce
9 incidents of problem behaviors among students including, but not
10 limited to, bullying.
11 (8) Comprehensive, districtwide school safety, violence
12 prevention, emergency preparedness and all-hazards plans,
13 including revisions or updates to such plans and conducting
14 emergency preparedness drills and related activities with local
15 emergency responders.
16 (9) Security planning, purchase of security-related
17 technology which may include metal detectors, protective
18 lighting, surveillance equipment, special emergency
19 communications equipment, electronic locksets, deadbolts and
20 theft control devices and training in the use of security-
21 related technology. Security planning and purchase of security-
22 related technology shall be based on safety needs identified by
23 the school entity's board of directors.
24 (10) Institution of student, staff and visitor
25 identification systems, including criminal background check
26 software.
27 (12) Provision of specialized staff and student training
28 programs, including training for Student Assistance Program team
29 members in elementary, middle and high schools in the referral
30 of students at risk of violent behavior to appropriate
31 community-based services, including mental health services.
32 (13) Alternative education programs provided for in Article
33 XIX-C.
34 (14) Counseling services for students enrolled in
35 alternative education programs.
36 (15) An Internet web-based system for the management of
37 student discipline, including misconduct and criminal offenses.
38 (16) Staff training programs in the use of positive behavior
39 supports, de-escalation techniques and appropriate responses to
40 student behavior that may require immediate intervention.
41 (17) The implementation of Article XIII-E.
42 (c.1) (1) In addition to the powers and duties set forth
43 under subsections (b) and (c), the office is authorized to make
44 targeted grants to school entities, municipalities, local law
45 enforcement agencies and approved vendors to fund programs which
46 address school violence by establishing or enhancing school
47 security, including costs associated with the training and
48 compensation of school resource officers and school police
49 officers. Municipalities or local law enforcement agencies that
50 receive grants under this subsection shall, with the prior
51 consent of the governing board of the school entity or nonpublic

1 school, assign school resource officers to carry out their
2 official duties on the premises of the school entity or
3 nonpublic school.

4 (2) Municipalities or local law enforcement agencies may not
5 receive grant funds under this subsection for any purpose other
6 than for costs associated with school resource officers and are
7 not eligible for other grants provided to school entities under
8 this section. In assigning school resource officers pursuant to
9 this subsection, municipalities shall take into consideration
10 the proportion of students enrolled in each school entity or
11 nonpublic school.

12 (3) Nonpublic schools are authorized to apply to the office
13 for grant funding under paragraph (1) to be used for the costs
14 associated with obtaining the services of a school police
15 officer from a list of approved vendors certified by the office.
16 Grant awards for this purpose shall be awarded and paid directly
17 to the approved vendor with which the nonpublic school contracts
18 for services. Nonpublic schools may not apply for grant funding
19 under this section for any purpose other than obtaining the
20 services of a school police officer under this paragraph.

21 (d) The office shall have the following duties as to
22 targeted grants:

23 (1) Targeted grants shall be allocated through a competitive
24 grant review process established by the office. School entities
25 must satisfy the requirements of this section and section 1303-A
26 to be eligible for grants. The application for a targeted grant
27 shall include:

28 (i) the purpose for which the targeted grant shall be
29 utilized;

30 (ii) information indicating need for the targeted grant,
31 including, but not limited to, school violence statistics;

32 (iii) an estimated budget;

33 (iv) methods for measuring outcomes; and

34 (v) any other criteria as the office may require.

35 (2) The office shall:

36 (i) Give priority in grant funding under subsection (c) to a
37 school entity designated as a persistently dangerous school as
38 defined in 22 Pa. Code § 403.2 (relating to definitions).

39 (ii) Give priority in grant funding under subsection (c) to
40 school entities with the greatest need to establish safety and
41 order.

42 (iii) To the greatest extent possible, ensure that grant
43 funding is geographically dispersed to school entities and
44 municipalities throughout this Commonwealth.

45 (iv) For school entities, municipalities, local law
46 enforcement agencies and nonpublic schools that apply for
47 funding for the training and compensation of school resource
48 officers and school police officers under subsection (c.1), give
49 priority to school entities, municipalities, local law
50 enforcement agencies and nonpublic schools that utilize school
51 resource officers or school police officers who have completed

1 additional training recommended by the Department of Education
2 relating to interaction with all children and adolescents within
3 a school setting.

4 (v) For school entities or nonpublic schools that apply for
5 funding for school police officers under subsection (c.1), give
6 priority to school entities and nonpublic schools that utilize
7 school police officers who satisfy all of the following:

8 (A) Are retired Federal agents or retired State, municipal
9 or military police officers.

10 (B) Are independent contractors of the school entity or
11 nonpublic school.

12 (C) Are compensated on an hourly basis and receive no other
13 compensation or fringe benefits from the school entity or
14 nonpublic school.

15 (D) Have completed such annual training as shall be required
16 by the Municipal Police Officers' Education and Training
17 Commission pursuant to 53 Pa.C.S. Ch. 21 Subch. D (relating to
18 municipal police education and training).

19 (E) Are in satisfaction of the requirements of section 111.

20 (F) In the case of a school entity, have been indemnified by
21 the school entity pursuant to 42 Pa.C.S. § 8548 (relating to
22 indemnity).

23 (G) Are utilized by a school entity or nonpublic school that
24 has not employed a school police officer within the three years
25 immediately preceding the effective date of this clause.
26 Nothing in this clause shall be construed to impact on grant
27 decisions for school entities, municipalities or local law
28 enforcement agencies that apply for funding for hiring of school
29 resource officers pursuant to subsection (c.1).

30 (3) The office shall provide all targeted grant agreements
31 to the Department of Education's comptroller for review and
32 approval prior to awarding the grant. The school entity,
33 municipality, local law enforcement agency or approved vendor
34 shall provide the office with full and complete access to all
35 records relating to the performance of the grant, and shall
36 submit, at such time and in such form as may be prescribed,
37 truthful and accurate information that the office may require.
38 The office shall conduct a thorough annual evaluation of each
39 program for which a grant under this section is made. The office
40 shall seek repayment of funds if it determines that funds were
41 not utilized for the original stated purpose.

42 (e) For any fiscal year prior to 2019-2020, the sum
43 appropriated annually to the Department of Education for the
44 purpose of making targeted grants under this section shall be
45 allocated as follows:

46 (1) Twenty-five percent of the sum shall be allocated for
47 grants under subsection (c).

48 (2) Seventy-five percent of the sum shall be allocated for
49 grants under subsection (c.1).

50 (e.1) Any grant funding allocated under subsection (c.1)
51 above the amount allocated in fiscal year 2017-2018 may be

1 prioritized for nonpublic schools.

2 (e.2) Beginning in fiscal year 2019-2020, grants awarded
3 under subsection (c.1) shall not exceed the amount awarded in
4 fiscal year 2018-2019 under that subsection and no less than
5 \$3,200,000 shall be awarded to intermediate units on behalf of
6 nonpublic schools under subsection (c).

7 (f) As used in this section, "school entity" shall have the
8 same meaning given to it under section 222(c).]

9 Section 8. Sections 1302.1-A and 1303-A of the act are
10 repealed:

11 [Section 1302.1-A. Regulations.--(a) Within one year of the
12 effective date of this section, the State Board of Education
13 shall promulgate final-omitted regulations pursuant to the act
14 of June 25, 1982 (P.L.633, No.181), known as the "Regulatory
15 Review Act," necessary to implement this article. The
16 regulations shall include the following:

17 (1) A model memorandum of understanding between school
18 entities and local police departments. The model memorandum of
19 understanding shall be reviewed on a biennial basis and revised
20 where necessary. The State Board of Education may revise the
21 model memorandum of understanding by publishing a notice in the
22 Pennsylvania Bulletin that contains the complete revised model
23 memorandum of understanding. The revised model memorandum of
24 understanding shall be incorporated into the Pennsylvania Code
25 in place of the existing model memorandum of understanding.

26 (2) Protocol for the notification of the police department
27 when an offense listed under section 1303-A(b)(4.1) occurs on
28 school property, which shall include a requirement that the
29 local police department be notified immediately when such an
30 offense occurs.

31 (3) Protocol for the notification of the police department
32 at the discretion of the chief school administrator regarding an
33 offense listed under section 1303-A(b)(4.2) or any other offense
34 that occurs on school property.

35 (4) Protocol for emergency and nonemergency response by the
36 police department, which shall include a requirement that the
37 school district shall supply the police department with a copy
38 of the comprehensive disaster response and emergency
39 preparedness plan as required by 35 Pa.C.S. § 7701(g) (relating
40 to duties concerning disaster prevention).

41 (5) Procedures and protocols for the response and handling
42 of students with a disability, including procedures related to
43 student behavior as required by 22 Pa. Code §§ 14.104 (relating
44 to special education plans) and 14.133 (relating to positive
45 behavior support).

46 (b) (1) In promulgating the regulations required under
47 subsection (a), the State Board of Education shall convene and
48 consult with a Statewide advisory committee which shall include
49 a police chief, juvenile public defender, school superintendent,
50 school principal, district attorney, solicitor of a school
51 district, special education supervisor, special education

1 advocate and in-school probation officer and one designee from
2 the Department of Education, the Pennsylvania Commission on
3 Crime and Delinquency, the Municipal Police Officers' Education
4 and Training Commission, the Juvenile Court Judges' Commission
5 and the Pennsylvania State Police.

6 (2) Members of the committee shall be selected to be
7 representative of the rural, suburban and urban school entities
8 of this Commonwealth.

9 (3) The advisory committee shall be convened no later than
10 sixty (60) days after the effective date of this section and
11 shall meet regularly to fulfill the requirements of this
12 section.

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

20 (b) Each chief school administrator shall report to the
21 office by July 31 of each year all new incidents involving acts
22 of violence, possession of a weapon or possession, use or sale
23 of controlled substances as defined in the act of April 14, 1972
24 (P.L.233, No.64), known as "The Controlled Substance, Drug,
25 Device and Cosmetic Act," or possession, use or sale of alcohol
26 or tobacco by any person on school property. The incidents to be
27 reported to the office shall include all incidents involving
28 conduct that constitutes a criminal offense listed under
29 paragraphs (4.1) and (4.2). Reports on a form to be developed
30 and provided by the office shall include:

31 (1) Age or grade of student.

32 (2) Name and address of school.

33 (3) Circumstances surrounding the incident, including, but
34 not limited to, type of weapon, controlled substance, alcohol or
35 tobacco, the date, time and location of the incident, if a
36 person other than a student is involved in the incident and any
37 relationship to the school entity.

38 (3.1) Race of student.

39 (3.2) Whether the student has an Individualized Education
40 Plan under the Individuals with Disabilities Education Act
41 (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the
42 type of disability.

43 (4) Sanction imposed by the school.

44 (4.1) A list of criminal offenses which shall, at a minimum,
45 include:

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

48 Section 908 (relating to prohibited offensive weapons).

49 Section 912 (relating to possession of weapon on school
50 property).

51 Chapter 25 (relating to criminal homicide).

1 Section 2702 (relating to aggravated assault).
2 Section 2709.1 (relating to stalking).
3 Section 2901 (relating to kidnapping).
4 Section 2902 (relating to unlawful restraint).
5 Section 3121 (relating to rape).
6 Section 3122.1 (relating to statutory sexual assault).
7 Section 3123 (relating to involuntary deviate sexual
8 intercourse).
9 Section 3124.1 (relating to sexual assault).
10 Section 3124.2 (relating to institutional sexual assault).
11 Section 3125 (relating to aggravated indecent assault).
12 Section 3126 (relating to indecent assault).
13 Section 3301 (relating to arson and related offenses).
14 Section 3307 (relating to institutional vandalism) when the
15 penalty is a felony of the third degree.
16 Section 3502 (relating to burglary).
17 Section 3503(a) and (b)(1)(v) (relating to criminal
18 trespass).
19 Section 5501 (relating to riot).
20 Section 6110.1 (relating to possession of firearm by minor).
21 (ii) The possession, use or sale of a controlled substance
22 or drug paraphernalia as defined in "The Controlled Substance,
23 Drug, Device and Cosmetic Act."
24 (iii) Attempts, solicitation or conspiracy to commit any of
25 the offenses listed in subclauses (i) and (ii).
26 (iv) An offense for which registration is required under 42
27 Pa.C.S. § 9795.1 (relating to registration).
28 (4.2) The following offenses under 18 Pa.C.S., and any
29 attempt, solicitation or conspiracy to commit any of these
30 offenses:
31 Section 2701 (relating to simple assault).
32 Section 2705 (relating to recklessly endangering another
33 person).
34 Section 2706 (relating to terroristic threats).
35 Section 2709 (relating to harassment).
36 Section 3127 (relating to indecent exposure).
37 Section 3307 (relating to institutional vandalism) when the
38 penalty is a misdemeanor of the second degree.
39 Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2)
40 (relating to criminal trespass).
41 Chapter 39 (relating to theft and related offenses).
42 Section 5502 (relating to failure of disorderly persons to
43 disperse upon official order).
44 Section 5503 (relating to disorderly conduct).
45 Section 6305 (relating to sale of tobacco).
46 Section 6306.1 (relating to use of tobacco in schools
47 prohibited).
48 Section 6308 (relating to purchase, consumption, possession
49 or transportation of liquor or malt or brewed beverages).
50 (5) Notification of law enforcement.
51 (6) Remedial programs involved.

1 (7) Parental involvement required.
2 (8) Arrests, convictions and adjudications, if known.
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 thirty (30) days prior to the deadline for
8 submitting the report to the office required under subsection
9 (b), the chief school administrator shall submit the report to
10 the police department with jurisdiction over the relevant school
11 property. The police department shall review the report and
12 compare the data regarding criminal offenses and notification of
13 law enforcement to determine whether the report accurately
14 reflects police incident data.
15 (2) No later than fifteen (15) days prior to the deadline
16 for the chief school administrator to submit the report required
17 under subsection (b), the police department shall notify the
18 chief school administrator, in writing, whether the report
19 accurately reflects police incident data. Where the police
20 department determines that the report accurately reflects police
21 incident data, the chief of police shall sign the report. Where
22 the police department determines that the report does not
23 accurately reflect police incident data, the police department
24 shall indicate any discrepancies between the report and police
25 incident data.
26 (3) Prior to submitting the report required under subsection
27 (b), the chief school administrator and the police department
28 shall attempt to resolve discrepancies between the report and
29 police incident data. Where a discrepancy remains unresolved,
30 the police department shall notify the chief school
31 administrator and the office in writing.
32 (4) Where a police department fails to take action as
33 required under paragraph (2) or (3), the chief school
34 administrator shall submit the report required under subsection
35 (b) and indicate that the police department failed to take
36 action as required under paragraph (2) or (3).
37 (c) Each chief school administrator shall form an advisory
38 committee composed of relevant school staff, including, but not
39 limited to, principals, security personnel, school resource
40 officers, guidance counselors and special education
41 administrators, to assist in the development of a memorandum of
42 understanding pursuant to this section. In consultation with the
43 advisory committee, each chief school administrator shall enter
44 into a memorandum of understanding with police departments
45 having jurisdiction over school property of the school entity.
46 Each chief school administrator shall submit a copy of the
47 memorandum of understanding to the office by June 30, 2011, and
48 biennially update and re-execute a memorandum of understanding
49 with local law enforcement and file such memorandum with the
50 office on a biennial basis. The memorandum of understanding
51 shall be signed by the chief school administrator, the chief of

1 police of the police department with jurisdiction over the
2 relevant school property and principals of each school building
3 of the school entity. The memorandum of understanding shall
4 comply with the regulations promulgated by the State Board of
5 Education under section 1302.1-A and shall also include:

6 (1) The procedure for police department review of the annual
7 report required under subsection (b) prior to the chief school
8 administrator filing the report required under subsection (b)
9 with the office.

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

13 (3) Additional matters pertaining to crime prevention agreed
14 to between the chief school administrator and the police
15 department.

16 (d) Pursuant to section 615 of the Individuals with
17 Disabilities Education Act (Public Law 91-230, 20 U.S.C. §
18 1415(k)(6)), nothing in section 1302.1-A or this section shall
19 be construed to prohibit a school entity from reporting a crime
20 committed by a child with a disability to appropriate
21 authorities or to prevent State law enforcement and judicial
22 authorities from exercising their responsibilities with regard
23 to the application of Federal and State law to crimes committed
24 by a child with a disability.

25 (e) (1) Notwithstanding any provision of law to the
26 contrary, the Department of Education may initiate disciplinary
27 action before the Professional Standards and Practices
28 Commission pursuant to the act of December 12, 1973 (P.L.397,
29 No.141), known as the "Professional Educator Discipline Act,"
30 against a chief school administrator or principal of a school
31 entity who intentionally fails to submit the report as required
32 under subsection (b) or enter into the memorandum of
33 understanding with the police department with jurisdiction over
34 the relevant school property, report an incident involving an
35 act of violence, possession of a weapon or an offense listed
36 under subsection (b)(4.1) that occurs on school property to a
37 police department or submit a copy of the memorandum of
38 understanding to the office as required under subsection (c) or
39 who intentionally falsifies a report submitted as required under
40 this section.

41 (2) In addition to any other disciplinary actions set forth
42 in the "Professional Educator Discipline Act," a chief school
43 administrator or principal of a school entity who intentionally
44 fails to submit the report as required under subsection (b) or
45 enter into the memorandum of understanding with the police
46 department with jurisdiction over the relevant school property,
47 report an incident involving an act of violence, possession of a
48 weapon or an offense cited under subsection (b)(4.1) that occurs
49 on school property to a police department or submit a copy of
50 the memorandum of understanding to the office as required under
51 subsection (c) or who intentionally falsifies a report submitted

1 as required under this section shall be subject to prosecution
2 for violation of 18 Pa.C.S. § 4904 (relating to unsworn
3 falsification to authorities). The following civil penalties may
4 be imposed by the Professional Standards and Practices
5 Commission for violations of this article:

- 6 (i) for a first violation, \$2,500;
- 7 (ii) for a second violation, \$3,500; or
- 8 (iii) for a third or subsequent violation, \$5,000.

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

11 Section 9. Sections 1303.1-A(c) and (d) and 1307-A of the
12 act are amended to read:

13 Section 1303.1-A. Policy Relating to Bullying.--* * *

14 (c) Each school entity shall review its policy every three
15 (3) years and annually provide the [office] Department of
16 Education with a copy of its policy relating to bullying,
17 including information related to the development and
18 implementation of any bullying prevention, intervention and
19 education programs. The information required under this
20 subsection shall be attached to or made part of the annual
21 report required under section [1303-A(b)] 1319-B(b).

22 (d) In its policy relating to bullying adopted or maintained
23 under subsection (a), a school entity shall not be prohibited
24 from defining bullying in such a way as to encompass acts that
25 occur outside a school setting if those acts meet the
26 requirements contained in subsection (e)(1), (3) and (4). If a
27 school entity reports acts of bullying to the [office]
28 Department of Education in accordance with section [1303-A(b)]
29 1319-B(b), it shall report all incidents that qualify as
30 bullying under the entity's adopted definition of that term.

31 * * *

32 Section 1307-A. Maintenance of Records.--All school entities
33 and private schools within this Commonwealth shall maintain
34 updated records of all incidents of violence, incidents
35 involving possession of a weapon and convictions or
36 adjudications of delinquency for acts committed on school
37 property by students enrolled therein on both a district-wide
38 and school-by-school basis. Records maintained under this
39 section shall be contained in a format developed by the
40 Pennsylvania State Police in cooperation with the [office within
41 ninety (90) days of the effective date of this section]
42 Department of Education. A statistical summary of these records
43 shall be made accessible to the public for examination by the
44 public during regular business hours.

45 Section 10. Sections 1310-A, 1311-A, 1312-A and 1313-A of
46 the act are repealed.

47 [Section 1310-A. Safe Schools Advocate in School Districts
48 of the First Class.--(a) The Executive Director of the
49 Pennsylvania Commission on Crime and Delinquency shall
50 establish, within the commission, a safe schools advocate for
51 each school district of the first class. The advocate shall not

1 be subject to the act of August 5, 1941 (P.L.752, No.286), known
2 as the "Civil Service Act." The advocate shall establish and
3 maintain an office within the school district.

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

6 (1) To monitor the school district's compliance with this
7 article, including:

8 (i) the school district's reporting to the office of
9 incidents involving acts of violence, possession of a weapon or
10 possession, use or sale of controlled substances as defined in
11 the act of April 14, 1972 (P.L.233, No.64), known as "The
12 Controlled Substance, Drug, Device and Cosmetic Act," or
13 possession, use or sale of alcohol or tobacco by any person on
14 school property;

15 (ii) obtaining copies of the school district's reports to
16 the office and reviewing and analyzing them;

17 (iii) the school district's compliance with the procedures
18 set forth in the memorandum of understanding with the
19 appropriate police department regarding incidents involving acts
20 of violence and possession of weapons; and

21 (iv) obtaining documentation, on a weekly basis during those
22 times when school is in session, of all written or verbal
23 contacts by school district personnel with the appropriate
24 police department consistent with the requirements of the
25 memorandum of understanding.

26 (2) To monitor the school district's compliance with the
27 mandatory expulsion requirements of sections 1317.2 and 1318.1.

28 (3) To receive inquiries from school staff and parents or
29 guardians of students who are victims of acts of violence on
30 school property.

31 (4) To establish a protocol, in consultation with the
32 Juvenile Court Judges' Commission, to assure timely receipt by
33 the school district of information regarding students who have
34 been adjudicated delinquent pursuant to 42 Pa.C.S. § 6341(b.1)
35 (relating to adjudication) and to monitor the school district's
36 use of that information to ensure that victims of acts of
37 violence by a student are protected.

38 (5) To establish a program to assure extensive and
39 continuing public awareness of information regarding the role of
40 the advocate on behalf of victims of acts of violence on school
41 property, which may include the mailing of information to the
42 parents or guardians of students in the school district or other
43 forms of communication.

44 (6) To review and analyze Federal and State statutes which
45 may be an impediment to school safety and the imposition of
46 discipline for the commission of acts of violence on school
47 property and to prepare, by April 30, 2001, and as necessary
48 from time to time thereafter, reports making recommendations for
49 changes to the statutes which would promote school safety and
50 facilitate effective and expedient disciplinary action. The
51 reports shall be submitted to the secretary and the Executive

1 Director of the Pennsylvania Commission on Crime and
2 Delinquency.

3 (7) To review and analyze court decisions applicable to the
4 school district's disciplinary process and procedures, to make
5 recommendations to the school district regarding any negative
6 impact these decisions have upon the effective maintenance of
7 school safety and to make recommendations relating to the
8 existing provisions of consent decrees.

9 (8) To prepare an annual report regarding the activities of
10 the advocate during the prior fiscal year and any
11 recommendations for remedial legislation, regulations or school
12 district administrative reforms, which shall be submitted to the
13 school district superintendent, the secretary, the Executive
14 Director of the Pennsylvania Commission on Crime and
15 Delinquency, the chairperson of the Education Committee of the
16 Senate and the chairperson of the Education Committee of the
17 House of Representatives by August 15 of each year.

18 (9) To monitor infractions of the school district's code of
19 conduct to identify students whose conduct would constitute an
20 offense under 18 Pa.C.S. § 2701 (relating to simple assault).

21 (c) The safe schools advocate shall, on behalf of victims of
22 acts of violence on school property, victims of conduct that
23 would constitute an act of violence and victims of students who
24 have committed two or more infractions as set forth in
25 subsection (b) (9):

26 (1) provide assistance and advice, including information on
27 support services provided by victim assistance offices of the
28 appropriate district attorney and through local community-based
29 victim service agencies;

30 (2) provide information to the parent or guardian of the
31 student victim regarding the disciplinary process and any action
32 ultimately taken against the student accused of committing the
33 act of violence;

34 (3) in cases involving the possession or use of a weapon,
35 advise the parent or guardian of the victim whether the school
36 district properly exercised its duty under section 1317.2;

37 (4) in cases where the advocate has received a request by
38 the parent or guardian of the victim, to attend formal
39 disciplinary proceedings;

40 (5) with the consent of the parent or guardian of the
41 victim, present information in the disciplinary proceeding,
42 which may include oral or written presentations, including
43 testimony by the victim or the parent or guardian of the victim,
44 regarding the impact on the victim and the victim's family and
45 the appropriate disciplinary action and which may include direct
46 or cross-examination of witnesses;

47 (6) where the perpetrator of an act of violence is returning
48 to school after placement under a consent decree, adjudication
49 of delinquency or conviction of a criminal offense, assist the
50 parent or guardian of the victim in providing input to the
51 school district and the appropriate juvenile or criminal justice

1 authority to ensure the victim's safety on school property;
2 (7) in cases where the district has failed to report the act
3 of violence to the appropriate police department as required by
4 the memorandum of understanding, to report such act of violence
5 directly; and

6 (8) provide information and make recommendations to the
7 office of the district attorney regarding the impact of the act
8 of violence on the victim and the victim's family.

9 (d) Upon discovery of the commission of an act of violence
10 upon a student, the school district of the first class shall
11 immediately notify the victim's parent or guardian of the safe
12 schools advocate. The form of this notice shall be developed by
13 the advocate and provided to the school district. This form
14 shall include the address and telephone number of the advocate
15 and a brief description of the purposes and functions of the
16 safe schools advocate. The principal of each school within the
17 school district shall post a notice not less than 8 1/2 by 11
18 inches entitled "Safe Schools Advocate" at a prominent location
19 within each school building, where such notices are usually
20 posted. The form of this notice shall also be developed by the
21 advocate and provided to the school district.

22 (e) It shall be the duty of each school administrator in a
23 school district of the first class to cooperate with the safe
24 schools advocate to implement this section and to provide the
25 advocate, upon request, with all available information
26 authorized by State law. In regard to individual cases of acts
27 of violence, only information permitted to be shared under
28 subsection (f) shall be disclosed.

29 (f) The advocate and all employees and agents of the safe
30 schools advocate shall be subject to and bound by section 444 of
31 the General Education Provisions Act (Public Law 90-247, 20
32 U.S.C. § 1232g) and 34 CFR Pt. 99 (relating to family
33 educational rights and privacy).

34 (g) This section shall not apply to the extent that it would
35 conflict with the requirements of the Individuals with
36 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400
37 et seq.) or other applicable Federal statute or regulation.

38 (h) As used in this section:

39 "Act of violence" shall mean the possession of a weapon on
40 school property or an offense, including the attempt,
41 solicitation or conspiracy to commit the offense, under any of
42 the following provisions of 18 Pa.C.S. (relating to crimes and
43 offenses):

44 (1) Section 2501 (relating to criminal homicide).

45 (2) Section 2702 (relating to aggravated assault).

46 (3) Section 3121 (relating to rape).

47 (4) Section 3122.1 (relating to statutory sexual assault).

48 (5) Section 3123 (relating to involuntary deviate sexual
49 intercourse).

50 (6) Section 3124.1 (relating to sexual assault).

51 (7) Section 3125 (relating to aggravated indecent assault).

1 (8) Section 3126 (relating to indecent assault).
2 (9) Section 3301 (relating to arson and related offenses).
3 (10) Section 3701 (relating to robbery).
4 (11) Section 3702 (relating to robbery of motor vehicle).
5 "School district" shall mean school district of the first
6 class.

7 (i) At least eighty per centum (80%) of all appropriations
8 for the Office of Safe Schools Advocate in fiscal year 2006-2007
9 shall be expended by June 30, 2007, and the remaining balance of
10 the appropriation shall be committed or encumbered by June 30,
11 2007.

12 Section 1311-A. Standing.--(a) If a student in a school
13 district of the first class is a victim of an act of violence
14 involving a weapon on school property and the student who
15 possessed the weapon was not expelled under section 1317.2, the
16 parent or guardian of the victim shall have standing to
17 institute a legal proceeding to obtain expulsion of the student.

18 (b) The Office of General Counsel shall have standing to
19 bring an action on behalf of a victim or the parent or guardian
20 of a victim of an act of violence in a school in a school
21 district of the first class to modify, clarify or eliminate a
22 consent decree that is related to discipline in the district if,
23 in consultation with the advocate, the Office of General Counsel
24 believes that the action is in the best interests of the
25 students of the school district.

26 (c) (1) The Executive Director of the Pennsylvania
27 Commission on Crime and Delinquency in consultation with the
28 General Counsel may designate a portion of the funds provided
29 for the safe schools advocate:

30 (i) For contracts for legal services to assist low-income
31 parents or guardians of victims to obtain legal services for
32 proceedings under subsection (a).

33 (ii) To challenge a consent decree under subsection (b) or
34 to bring an action under sections 1310-A(c)(5) and 1312-A(a).

35 (2) The designation of attorneys to receive funds under this
36 subsection shall be within the discretion of the Office of
37 General Counsel after consultation with the safe schools
38 advocate.

39 (3) Designated funds which are not expended under this
40 subsection shall lapse to the General Fund.

41 (d) Legal proceedings under this section shall be conducted
42 by an attorney designated by the Office of General Counsel in
43 consultation with the safe schools advocate. The attorney must
44 be a member of the bar in good standing.

45 (f) As used in this section, "low-income parent or guardian"
46 shall mean a parent whose family income is no greater than two
47 hundred fifty per centum (250%) of the Federal poverty level.

48 Section 1312-A. Enforcement.--(a) (1) If the school
49 district of the first class fails to comply with requirements to
50 provide information to the safe schools advocate under section
51 1310-A, the advocate shall provide documentation of the failure

1 to the Secretary of Education and the Pennsylvania Commission on
2 Crime and Delinquency.

3 (2) If the secretary determines that there is
4 noncompliance, the secretary shall notify the advocate and the
5 Office of General Counsel. The Office of General Counsel, in
6 consultation with the safe schools advocate, shall designate an
7 attorney to bring an action in a court of competent jurisdiction
8 to enforce section 1310-A.

9 (3) If the secretary determines that the school district of
10 the first class has complied with the requirements to provide
11 information to the safe schools advocate under section 1310-A,
12 the secretary shall convene a public hearing at which the safe
13 schools advocate shall be permitted to testify regarding the
14 alleged noncompliance.

15 (b) Legal proceedings under subsection (a) shall be
16 conducted by an attorney designated by the Office of General
17 Counsel in consultation with the safe schools advocate. The
18 attorney must be a member of the bar in good standing.

19 Section 1313-A. Construction of Article and Other Laws.--
20 Nothing in this article or any other provision of law shall be
21 construed as granting a right of status for or participation by
22 the safe schools advocate in a grievance or arbitration
23 proceeding arising out of a collective bargaining agreement.]

24 Section 11. Section 1301-B of the act is amended by adding
25 definitions to read:

26 Section 1301-B. Definitions.

27 The following words and phrases when used in this article
28 shall have the meaning given to them in this section unless the
29 context clearly indicates otherwise:

30 "Chief school administrator." The superintendent of a public
31 school district, superintendent of an area career and technical
32 school, executive director of an intermediate unit or chief
33 executive officer of a charter school.

34 * * *

35 "Department." The Department of Education of the
36 Commonwealth.

37 * * *

38 "School property." As defined in section 1301-A.

39 * * *

40 "Student with a disability." A student who meets the
41 definition of "child with a disability" under 20 U.S.C. Ch. 33
42 (relating to education of individuals with disabilities) or who
43 meets the definition of a "handicapped person" under 29 U.S.C. §
44 794 (relating to nondiscrimination under Federal grants and
45 programs) and its implementing regulations (34 CFR 104.3(j)).
46 The term includes a student for whom an evaluation is pending
47 under either 20 U.S.C. Ch. 33 or 29 U.S.C. Ch. 16 (relating to
48 vocational rehabilitation and other rehabilitative services).

49 "Weapon." The term shall include, but not be limited to, a
50 knife, cutting instrument, cutting tool, nunchaku, firearm,
51 shotgun, rifle and other tool, instrument or implement capable

1 of inflicting serious bodily injury.

2 Section 12. Section 1302-B(e) of the act, amended July 8,
3 2022 (P.L.620, No.55), is amended, subsection (b)(12) is amended
4 by adding a subparagraph and the section is amended by adding a
5 subsection to read:

6 Section 1302-B. School Safety and Security Committee.

7 * * *

8 (b) Composition.--The committee shall consist of a
9 chairperson and the following members:

10 * * *

11 (12) The following members appointed by the Governor:

12 * * *

13 (xi) The Homeland Security Director of the Office of
14 Homeland Security under 4 Pa. Code Ch. 6 Subch. LL
15 (relating to Office of Homeland Security), who shall be a
16 nonvoting member.

17 * * *

18 (e) Term.--Members appointed under subsection (b)(5), (6),
19 (7), (8), (11) and (12) shall serve for a four-year term and may
20 be appointed for no more than one additional consecutive term.
21 The terms of those members who serve by virtue of the public
22 office they hold shall be concurrent with their service in the
23 office from which they derive their membership.

24 * * *

25 (j) Executive committee.--

26 (1) The committee shall establish an executive committee
27 which shall meet, at a minimum, every two months to identify
28 and review current and emerging school safety issues,
29 including, but not limited to:

30 (i) data on issues and incidents reported through
31 the Safe2Say Program;

32 (ii) information arising from county safe schools'
33 collaboratives under section 1310.1-B;

34 (iii) identification, prevention and mitigation of
35 potential threats of targeted violence in educational
36 settings;

37 (iv) utilization of best practices among school
38 entities related to threat assessment, bystander
39 intervention and reporting, crisis intervention and
40 emergency preparedness and response; and

41 (v) other incidents and issues impacting school
42 safety in this Commonwealth.

43 (2) The executive committee shall provide guidance and
44 recommendations for consideration by the committee.

45 (3) The executive committee shall include, at a minimum,
46 the chair of the committee and the members appointed under
47 subsection (b)(2), (3), (4), (5), (6), (7) and (8).

48 (4) Meetings of the executive committee shall not be
49 subject to the requirements of 65 Pa.C.S. Ch. 7 (relating to
50 open meetings).

51 (5) The member appointed under subsection (b)(2) shall

1 serve as chair of the executive committee.

2 (6) The executive committee may add other members of the
3 committee as necessary.

4 Section 13. The act is amended by adding a section to read:
5 Section 1302.1-B. Duties of committee.

6 The committee shall advance practices to improve the safety
7 and security of school entities within this Commonwealth,
8 including developing policies and providing resources, training,
9 guidance and assistance to schools and their partners. In
10 addition to other duties given to the committee under this
11 article, the committee shall have the following powers and
12 duties:

13 (1) To establish, periodically review and, if necessary,
14 update baseline criteria for physical security and behavioral
15 health in coordination with the department for school
16 entities in this Commonwealth.

17 (2) To coordinate antiviolence and school safety efforts
18 between school, professional, parental, governmental, law
19 enforcement and community organizations and associations.

20 (3) To collect, develop and disseminate information,
21 policies, strategies and other information to assist in the
22 development of programs to impact school and community
23 violence and other school-safety-related issues.

24 (4) To provide training to school employees, school
25 safety and security coordinators and communities on effective
26 measures to prevent and combat school and community violence
27 as well as school safety and security training under section
28 1310-B and coordinator training under section 1316-B.

29 (5) In collaboration and coordination with the
30 department, to assist school entities and nonpublic schools
31 on the development of policies to enhance safety and
32 security, including policies addressing possession of
33 weapons, acts of violence, protocols for coordination with
34 law enforcement officials and reporting under section 1319-B.

35 (6) In collaboration and coordination with the
36 department, to verify that each school entity has complied
37 with reporting and memorandum of understanding requirements
38 under section 1319-B.

39 (7) In collaboration and coordination with the
40 department, to publish and post on the commission's publicly
41 accessible Internet website a school safety annual report no
42 later than November 1 of each calendar year outlining all
43 incidents required to be reported under section 1319-B and
44 school entities that failed to submit a report under section
45 1319-B.

46 (8) In collaboration and consultation with the
47 Pennsylvania State Police, to establish criteria for
48 certifying approved vendors to provide school police officers
49 to nonpublic schools for the purpose of awarding grants under
50 section 1306.1-B(k).

51 (9) To publish and post on the commission's publicly

1 accessible Internet website a listing of approved vendors
2 under paragraph (8).

3 (10) In consultation with the department, to develop,
4 review and promulgate regulations under section 1306.2-B(b).

5 (11) To request data related to school safety and
6 security collected by the department to fulfill the duties of
7 the committee. The department shall provide requested data no
8 later than 10 days after the request is made.

9 Section 14. Section 1306-B(j)(4) and (12), (k) and (l) of
10 the act, amended July 8, 2022 (P.L.620, No.55), are amended,
11 subsection (h) is amended by adding paragraphs and the section
12 is amended by adding a subsection to read:

13 Section 1306-B. School Safety and Security Grant Program.

14 * * *

15 (h) School Safety and Security Fund.--

16 * * *

17 (10) For fiscal year 2023-2024, the committee shall
18 commit funds relating to school safety and security and
19 school mental health to school entities that receive a grant
20 award under this section no later than March 31, 2024.

21 (11) For fiscal year 2024-2025 and each fiscal year
22 thereafter, the committee shall commit funds relating to
23 school safety and security and school mental health to school
24 entities that receive a grant award under this section no
25 later than December 31 of each calendar year in which funds
26 are available.

27 * * *

28 (j) Specific purposes.--The committee shall provide grants
29 to school entities for programs that address school mental
30 health and safety and security, including:

31 * * *

32 (4) School-based diversion programs[.] as defined in
33 section 1301-A, including costs associated with the hiring of
34 qualified professional staff members to provide assistance
35 and services related to the programs.

36 * * *

37 (12) Security planning and purchase of security-related
38 technology, which may include metal detectors, protective
39 lighting, specialty trained canines, surveillance equipment,
40 special emergency communications equipment, automated
41 external defibrillators, electronic locksets, deadbolts,
42 trauma kits and theft control devices and training in the use
43 of security-related technology. [Security planning and
44 purchase of security-related technology shall be based on
45 safety needs identified by the school entity's board of
46 school directors.]

47 * * *

48 (k) Coordination of grant distribution.--The [department]
49 committee shall coordinate the distribution of grants under
50 [Article XIII-A with the committee] section 1306.1-B to ensure
51 the most effective use of resources.

1 (1) Audits.--

2 (1) The commission may randomly audit and monitor grant
3 recipients to ensure the appropriate use of grant funds and
4 compliance with [the provisions of] subsection (d).

5 (2) The Auditor General [shall] may not perform audits
6 related to school safety and security assessments, survey
7 instruments and grant applications.

8 (m) Procurement procedures.--An applicant shall be required
9 to comply with all applicable State and local procurement
10 requirements, policies and procedures when expending grant
11 funds.

12 Section 15. The act is amended by adding sections to read:
13 Section 1306.1-B. Targeted School Safety Grants for Nonpublic
14 Schools and School Entities Program.

15 (a) Reestablishment.--The Targeted School Safety Grants for
16 Nonpublic Schools and School Entities Program is reestablished
17 in the committee to make nonpublic schools and school entities
18 within this Commonwealth safer places.

19 (b) Continuation.--The targeted grants issued in fiscal year
20 2022-2023 and in any previous fiscal year to school entities and
21 to intermediate units on behalf of nonpublic schools through the
22 department under Article XIII-A shall continue to be
23 administered by the department. Targeted grants for fiscal year
24 2023-2024 and each year thereafter shall be awarded and
25 administered by the committee.

26 (c) Functions generally.--The committee shall perform all
27 functions related to the direct approval, disbursement and
28 administration of grants under the program.

29 (d) Diversity.--The committee shall ensure that grant
30 funding under the program is geographically dispersed throughout
31 this Commonwealth.

32 (e) Supplement and not supplant.--

33 (1) Grant money allocated through the program shall be
34 used to supplement and not supplant existing nonpublic school
35 entity spending on school safety and security.

36 (2) Nothing in this section shall be construed to
37 preclude a nonpublic school entity from making an application
38 in a subsequent year for the same purpose and amount awarded
39 in a prior year.

40 (f) Whole or partial awards.--The committee, in its
41 discretion, may award, in whole or in part, a request made by a
42 nonpublic school entity in its grant application based upon the
43 merit of a specific item requested.

44 (g) Sustainability planning.--Sustainability planning is not
45 a necessary component of an application under this section.

46 (h) Confidentiality.--Information submitted by a nonpublic
47 school entity as part of the grant application, the disclosure
48 of which would be reasonably likely to result in a substantial
49 and demonstrable risk of physical harm or the personal security
50 of students or staff, shall remain confidential and shall not be
51 accessible for inspection and duplication under the act of

1 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
2 The committee may release aggregate data at its discretion.

3 (i) (Reserved).

4 (j) Uses.--Targeted grants to school entities and to
5 intermediate units on behalf of nonpublic schools shall be used
6 to fund programs that address school violence and school mental
7 health. Eligible uses of the funds shall include any use under
8 section 1306-B(j) and to fund programs that address school
9 violence by establishing or enhancing school security, including
10 costs associated with the training and compensation of school
11 security personnel.

12 (k) Other grant recipients.--

13 (1) The committee may award targeted grants to
14 municipalities, law enforcement agencies and approved vendors
15 to fund programs that address school violence by establishing
16 or enhancing school security, including costs associated with
17 the training and compensation of school security personnel.

18 (2) A municipality or law enforcement agency that
19 receives grants under this subsection shall, with the prior
20 consent of the governing board of the school entity or
21 nonpublic school, assign school resource officers to carry
22 out their official duties on the premises of the school
23 entity or nonpublic school. A municipality or law enforcement
24 agency may not receive grant money under this subsection for
25 any purpose other than for costs associated with school
26 resource officers and are not eligible for other grants
27 provided to school entities under this section. In assigning
28 school resource officers under this subsection, a
29 municipality shall take into consideration the proportion of
30 students enrolled in each school entity or nonpublic school.

31 (3) A nonpublic school may apply to the committee for
32 grant funding under paragraph (1) to be used for the costs
33 associated with obtaining the services of school security
34 personnel from a list of approved vendors certified by the
35 committee. A grant award for this purpose shall be awarded
36 and paid directly to the approved vendor with which the
37 nonpublic school contracts for services. A nonpublic school
38 may not apply for grant funding under this subsection for any
39 purpose other than obtaining the services of school security
40 personnel under this paragraph.

41 (l) Other duties.--The committee shall have the following
42 duties as to targeted grants:

43 (1) Targeted grants shall be allocated through a
44 competitive grant review process established by the
45 committee. A school entity must satisfy the requirements of
46 this section. The application for a targeted grant shall
47 include:

48 (i) the purpose for which the targeted grant will be
49 utilized;

50 (ii) information indicating the need for the
51 targeted grant, including, but not limited to, school

1 violence statistics;

2 (iii) an estimated budget;

3 (iv) methods for measuring outcomes; and

4 (v) other criteria as the committee may require.

5 (2) The committee shall:

6 (i) Give priority in grant funding under subsection
7 (c) to a school entity designated as a persistently
8 dangerous school as defined in 22 Pa. Code § 403.2
9 (relating to definitions).

10 (ii) Give priority in grant funding under subsection
11 (j) to school entities with the greatest need related to
12 safety and order.

13 (iii) For municipalities, local law enforcement
14 agencies and nonpublic schools that apply for funding for
15 the training and compensation of school security
16 personnel under subsection (j) or (k), give priority to
17 municipalities, local law enforcement agencies and
18 nonpublic schools that utilize school security personnel
19 who have completed the training and qualifications
20 required under Article XIII-C.

21 (iv) For school entities or nonpublic schools that
22 apply for funding for school police officers under
23 subsection (j) or (k), give priority to school entities
24 and nonpublic schools that utilize school police officers
25 who satisfy all of the following:

26 (A) Are retired Federal agents or retired State,
27 municipal or military police officers.

28 (B) Are independent contractors of the school
29 entity or nonpublic school.

30 (C) Are compensated on an hourly basis and
31 receive no other compensation or fringe benefits from
32 the school entity or nonpublic school.

33 (D) Have completed annual training as required
34 by the Municipal Police Officers' Education and
35 Training Commission under 53 Pa.C.S. Ch. 21 Subch. D
36 (relating to municipal police education and
37 training).

38 (E) The requirements of section 111.

39 (F) In the case of a school entity, have been
40 indemnified by the school entity under 42 Pa.C.S. §
41 8548 (relating to indemnity).

42 (G) Are utilized by a school entity or nonpublic
43 school that has not employed a school police officer
44 within the three years immediately preceding the
45 effective date of this section. Nothing in this
46 section shall be construed to impact grant decisions
47 for school entities, municipalities or law
48 enforcement agencies that apply for funding for
49 hiring of school resource officers under subsection
50 (j) or (k).

51 (3) For fiscal year 2023-2024 and each fiscal year

1 thereafter, the combined amount of grants awarded to
2 intermediate units on behalf of nonpublic schools under
3 subsection (j) and grants awarded for costs associated with a
4 nonpublic school obtaining the services of school security
5 personnel under subsection (k) shall be no less than
6 \$14,551,000.

7 (m) Audits.--

8 (1) The commission may randomly audit and monitor grant
9 recipients to ensure the appropriate use of grant funds and
10 compliance with the provisions of subsection (d).

11 (2) The Auditor General may not perform audits related
12 to school safety and security assessments, survey instruments
13 and grant applications.

14 (n) Procurement procedures.--An applicant shall be required
15 to comply with all applicable State and local procurement
16 requirements, policies and procedures when expending grant
17 money.

18 (o) Transfer.--Within 90 days of the effective date of this
19 section, from the amount appropriated to the Department of
20 Education for the Safe School Initiative, the Department of
21 Education shall transfer the sum of \$20,700,000 to the
22 commission for distribution by the committee in accordance with
23 this section.

24 (p) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection unless the context clearly indicates otherwise:

27 "Program." The Targeted School Safety Grants for Nonpublic
28 Schools and School Entities Program reestablished in this
29 section.

30 Section 1306.2-B. Standardized protocols.

31 (a) Continuation of regulations.--A regulation adopted under
32 section 1302.1-A and in effect as of the effective date of this
33 section shall be enforced by the committee in collaboration and
34 coordination with the department and the State Board of
35 Education and shall continue to have the same force and effect
36 until modified or revised under this section.

37 (b) Regulations.--No later than three years after the
38 effective date of this section, the committee shall promulgate
39 final-omitted regulations under the act of June 25, 1982
40 (P.L.633, No.181), known as the Regulatory Review Act, in
41 consultation with the department, necessary to implement this
42 article. The regulations shall include the following:

43 (1) A model memorandum of understanding between school
44 entities and law enforcement. The model memorandum of
45 understanding shall be reviewed at least once every three
46 years and revised where necessary. The committee may revise
47 the model memorandum of understanding by transmitting a
48 notice to the Legislative Reference Bureau for publication in
49 the next available issue of the Pennsylvania Bulletin that
50 contains the complete revised model memorandum of
51 understanding. The revised model memorandum of understanding

1 shall be incorporated into the Pennsylvania Code and replace
2 the existing model memorandum of understanding.

3 (2) A protocol for the notification of the law
4 enforcement agency when an offense listed under section 1319-
5 B(b)(7) occurs on school property. The protocol shall include
6 a requirement that the school entity immediately notify the
7 law enforcement agency when an offense occurs.

8 (3) A protocol for the notification of the law
9 enforcement agency at the discretion of the chief school
10 administrator regarding an offense listed under section 1319-
11 B(b)(8) or other offense that occurs on school property.

12 (4) A protocol for emergency and nonemergency response
13 by the law enforcement department. The protocol shall include
14 a requirement that the school entity notify and supply the
15 law enforcement agency with a copy of the comprehensive
16 disaster response and emergency preparedness plan as required
17 by 35 Pa.C.S. § 7701(g) (relating to duties concerning
18 disaster prevention).

19 (5) Procedures and protocols if a student with a
20 disability commits an incident listed under section 1319-B(b)
21 (7) and (8), including procedures related to student behavior
22 as required by 22 Pa. Code § 14.104 (relating to special
23 education plans) and 14.133 (relating to positive behavior
24 supports). Protocols may include, but need not be limited to,
25 training in the use of positive behavior supports and de-
26 escalation techniques for students with disabilities.

27 Section 1310.1-B. County safe schools' collaborative.

28 (a) Establishment.--A county, or multicounties acting
29 jointly, may establish a safe schools' collaborative to
30 distribute, promote and develop best practices applicable to
31 emergency response involving school safety and security through
32 an emergency preparedness planning approach. The collaborative
33 shall provide assistance to school entities, law enforcement and
34 emergency responders and shall meet at least quarterly to
35 develop safe and secure schools. The collaborative shall
36 identify and promote strategies, practices that align with those
37 identified by the committee and programs that support safe
38 schools for all students and staff and recommend implementation
39 as part of a countywide or multicounty safe schools' plan.

40 (b) Technical assistance.--The Pennsylvania Emergency
41 Management Agency in collaboration with the Pennsylvania State
42 Police and the Office of Homeland Security shall provide
43 technical assistance to a county or several counties to
44 establish a safe schools' collaborative under subsection (a) to
45 provide school districts, emergency responders and all relevant
46 school safety partners with quality information, resources,
47 consultation and training services.

48 (c) Reports.--The Pennsylvania Emergency Management Agency
49 in collaboration with the Pennsylvania State Police and the
50 Office of Homeland Security shall report to the committee
51 annually beginning September 1, 2024, and September 1 of each

1 year thereafter, the number of counties that have requested
2 technical assistance under subsection (b).

3 (d) Confidentiality of reports.--Reports to the committee
4 under this section shall remain confidential and shall not be
5 subject to inspection and duplication under the act of February
6 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

7 (e) Confidentiality of meetings.--Meetings of a county safe
8 schools' collaborative are not subject to the requirements of 65
9 Pa.C.S. Ch. 7 (relating to open meetings).

10 Section 16. Section 1316-B(b) of the act, added July 8, 2022
11 (P.L.620, No.55), is amended to read:

12 Section 1316-B. School safety and security coordinator
13 training.

14 * * *

15 (b) Required training.--

16 (1) The committee shall adopt the required training
17 hours for the training developed under subsection (a). The
18 committee may not require more than seven hours of training
19 for the school safety and security coordinator annually. The
20 training shall be in addition to other training requirements
21 for school administrators.

22 (2) Employees required to undergo continuing
23 professional education under section 1205.2 and 1205.5 shall
24 receive credit toward their continuing professional education
25 requirements.

26 * * *

27 Section 17. The act is amended by adding sections to read:
28 Section 1319-B. Reporting and memorandum of understanding.

29 (a) Data reporting and access.--In collaboration and
30 coordination with the committee, the department shall collect
31 information as required by this section. The committee may
32 request information collected by the department under this
33 section. The department shall provide the information requested
34 no later than 10 days after the request date to the extent
35 permitted by law.

36 (b) Reporting by chief school administrator.--A chief school
37 administrator shall report to the department by July 31 of each
38 year all new incidents involving acts of violence, possession of
39 a weapon or possession, use or sale of controlled substances as
40 defined in the act of April 14, 1972 (P.L.233, No.64), known as
41 The Controlled Substance, Drug, Device and Cosmetic Act, or
42 possession, use or sale of alcohol or tobacco by any person on
43 school property. The report shall include all incidents
44 involving conduct that constitutes a criminal offense listed
45 under subsection (b) (7) and (8). Reports, on a form to be
46 developed and provided by the department, in collaboration and
47 coordination with the committee, shall include:

48 (1) The age or grade of the students involved.

49 (2) The name and address of school.

50 (3) The circumstances surrounding the incident,
51 including, but not limited to, the type of weapon, controlled

1 substance, alcohol or tobacco, the date, time and location of
2 the incident, if a person other than a student is involved in
3 the incident and any relationship of the person to the school
4 entity.

5 (4) The race of the students involved.

6 (5) Whether the students have an Individualized
7 Education Plan under 20 U.S.C. Ch.33 (relating to education
8 for individuals with disabilities) and, if so, the type of
9 disability.

10 (6) Any sanction imposed by the school.

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

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

15 Section 908 (relating to prohibited offensive
16 weapons).

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

19 Chapter 25 (relating to criminal homicide).

20 Section 2702 (relating to aggravated assault).

21 Section 2709.1 (relating to stalking).

22 Section 2901 (relating to kidnapping).

23 Section 2902 (relating to unlawful restraint).

24 Section 3121 (relating to rape).

25 Section 3122.1 (relating to statutory sexual
26 assault).

27 Section 3123 (relating to involuntary deviate sexual
28 intercourse).

29 Section 3124.1 (relating to sexual assault).

30 Section 3124.2 (relating to institutional sexual
31 assault).

32 Section 3125 (relating to aggravated indecent
33 assault).

34 Section 3126 (relating to indecent assault).

35 Section 3301 (relating to arson and related
36 offenses).

37 Section 3307 (relating to institutional vandalism)
38 when the offense is a felony of the third degree.

39 Section 3502 (relating to burglary).

40 Section 3503(a) and (b)(1)(v) (relating to criminal
41 trespass).

42 Section 5501 (relating to riot).

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

45 (ii) The possession, use or sale of a controlled
46 substance or drug paraphernalia as defined in The
47 Controlled Substance, Drug, Device and Cosmetic Act.

48 (iii) An attempt, solicitation or conspiracy to
49 commit an offense listed in subclauses (i) and (ii).

50 (iv) An offense for which registration is required
51 under 42 Pa.C.S. § 9799.55 (relating to registration).

1 (8) The following offenses under 18 Pa.C.S. and any
2 attempt, solicitation or conspiracy to commit any of these
3 offenses:

4 Section 2701 (relating to simple assault).

5 Section 2705 (relating to recklessly endangering another
6 person).

7 Section 2706 (relating to terroristic threats).

8 Section 2709 (relating to harassment).

9 Section 3127 (relating to indecent exposure).

10 Section 3307 when the offense is a misdemeanor of the
11 second degree.

12 Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and
13 (b.2).

14 Chapter 39 (relating to theft and related offenses).

15 Section 5502 (relating to failure of disorderly persons
16 to disperse upon official order).

17 Section 5503 (relating to disorderly conduct).

18 Section 6305 (relating to sale of tobacco products).

19 Section 6306.1 (relating to use of tobacco products in
20 schools prohibited).

21 Section 6308 (relating to purchase, consumption,
22 possession or transportation of liquor or malt or brewed
23 beverages).

24 (9) Notification of law enforcement.

25 (10) Remedial programs involved.

26 (11) Parental involvement required.

27 (12) Arrests, convictions and adjudications, if known.

28 (c) Duties.--Prior to submitting the report required under
29 subsection (b), each chief school administrator and each law
30 enforcement agency having jurisdiction over school property of
31 the school entity shall comply with the following:

32 (1) No later than 30 days prior to the deadline for
33 submitting the report to the department required under
34 subsection (b), the chief school administrator shall submit
35 the report to the law enforcement agency with jurisdiction
36 over the relevant school property. The law enforcement agency
37 shall review the report and compare the data regarding
38 criminal offenses and notification of law enforcement to
39 determine whether the report accurately reflects law
40 enforcement incident data.

41 (2) No later than 15 days prior to the deadline for the
42 chief school administrator to submit the report required
43 under subsection (b), the law enforcement agency shall notify
44 the chief school administrator, in writing, whether the
45 report accurately reflects law enforcement incident data.
46 Where the law enforcement agency determines that the report
47 accurately reflects law enforcement incident data, the chief
48 of police shall sign the report. If the law enforcement
49 agency determines that the report does not accurately reflect
50 law enforcement incident data, the law enforcement agency
51 shall indicate any discrepancy between the report and law

1 enforcement incident data.

2 (3) Prior to submitting the report required under
3 subsection (b), the chief school administrator and the law
4 enforcement agency shall attempt to resolve any discrepancy
5 between the report and law enforcement incident data. If a
6 discrepancy remains unresolved, the law enforcement agency
7 shall notify the chief school administrator and the
8 department in writing.

9 (4) If a law enforcement agency fails to take action as
10 required under paragraph (2) or (3), the chief school
11 administrator shall submit the report required under
12 subsection (b) and indicate that the law enforcement agency
13 failed to take action as required under paragraph (2) or (3),
14 as applicable.

15 (d) Advisory committee.--A chief school administrator shall
16 form an advisory committee composed of relevant school staff,
17 including, but not limited to, principals, security personnel,
18 school safety and security coordinator, emergency services
19 personnel, school security personnel, guidance counselors and
20 special education administrators to assist in the development of
21 a memorandum of understanding under this section. In
22 consultation with the advisory committee, the chief school
23 administrator shall enter into a memorandum of understanding
24 with law enforcement agencies having jurisdiction over school
25 property of the school entity. The chief school administrator
26 shall submit a copy of the memorandum of understanding to the
27 department by June 30, 2024, and biennially update and re-
28 execute a memorandum of understanding with law enforcement and
29 file the memorandum with the department on a biennial basis. The
30 memorandum of understanding shall be signed by the chief school
31 administrator, the chief of police of the law enforcement agency
32 with jurisdiction over the relevant school property and
33 principals of each school building of the school entity. The
34 memorandum of understanding shall comply with the regulations
35 promulgated under section 1306.2-B and shall also include:

36 (1) A procedure for law enforcement agency review of the
37 annual report required under subsection (b) prior to the
38 chief school administrator filing the report with the
39 department.

40 (2) A procedure for the resolution of a school violence
41 data discrepancy in the report prior to filing the report
42 required with the department.

43 (3) Additional matters pertaining to crime prevention
44 agreed to between the chief school administrator and the law
45 enforcement agency.

46 (e) Construction.--Pursuant to 20 U.S.C. § 1415(k)(6)
47 (relating to procedural safeguards), nothing in section 1302.1-A
48 or this section shall be construed to prohibit a school entity
49 from reporting a crime committed by a child with a disability to
50 appropriate authorities or to prevent State law enforcement and
51 judicial authorities from exercising their responsibilities with

1 regard to the application of Federal and State law to crimes
2 committed by a child with a disability.

3 (f) Noncompliance.--If a school entity or law enforcement
4 agency fails to comply with the provisions of this section, the
5 school entity or law enforcement agency may not be awarded any
6 grant administered by the committee until such time as the
7 school entity or law enforcement agency has complied with this
8 section.

9 (g) Report to the General Assembly.--

10 (1) The committee shall review and make recommendations
11 in a report to the General Assembly relating to the
12 following:

13 (i) All required reporting under this section,
14 including consideration of the criminal offenses under
15 subsection (b) (7) and (8).

16 (ii) All required reporting under this article and
17 Article XIII-C.

18 (2) The recommendations shall, at a minimum, include
19 whether the appropriate amount of data is being collected
20 and, if applicable, proposed elimination of any duplicative
21 reporting requirements.

22 (3) The committee shall transmit notice of the reports
23 under subparagraphs (1) and (2) to the department and the
24 General Assembly. The committee shall transmit notice of the
25 reports to the Legislative Reference Bureau for publication
26 in the next available issue of the Pennsylvania Bulletin.
27 Section 1320-B. Safe schools advocate in school districts of
28 the first class.

29 (a) Establishment.--The Executive Director of the commission
30 shall establish, within the commission, a safe schools advocate
31 for each school district. The safe schools advocate shall not be
32 subject to 71 Pa.C.S. Pt. III (relating to civil service
33 reform). The advocate shall establish and maintain an office
34 within the school district.

35 (b) Powers and duties.--The safe schools advocate shall have
36 the power and its duties shall be:

37 (1) To monitor on an annual basis, the school district's
38 compliance with this section and the memorandum of
39 understanding with the appropriate local law enforcement
40 agency by selecting, reviewing and analyzing a sample of the
41 school district's reporting under section 1319-B.

42 (2) For the purposes of victim advocacy and to assist in
43 the annual monitoring process under paragraph (1), to have
44 direct access to the school district's internal document
45 supporting the information required to be reported under
46 section 1319-B.

47 (3) To monitor the school district's compliance with the
48 mandatory expulsion requirements of sections 1317.2 and
49 1318.1.

50 (4) To receive inquiries from school staff and parents
51 or guardians of students who are victims of conduct that

1 constitutes a criminal offense on school property or to or
2 from school.

3 (5) To establish a protocol, in consultation with the
4 Juvenile Court Judges' Commission, to assure timely receipt
5 by the school district of information regarding students who
6 have been adjudicated delinquent under 42 Pa.C.S. § 6341(b.1)
7 (relating to adjudication) and to monitor the school
8 district's use of that information to ensure that victims are
9 protected.

10 (6) To establish a program to assure extensive and
11 continuing public awareness of information regarding the role
12 of the advocate on behalf of victims of conduct that
13 constitutes a criminal offense on school property or to or
14 from school, which may include the mailing of information to
15 the parents or guardians of students in the school district
16 or other forms of communication.

17 (7) To prepare an annual report regarding the activities
18 of the advocate during the prior fiscal year and any
19 recommendation for remedial legislation, regulation or school
20 district administrative reform, which shall be submitted to
21 the school district superintendent, the secretary, the
22 Executive Director of the commission, the chairperson of the
23 Education Committee of the Senate and the chairperson of the
24 Education Committee of the House of Representatives by August
25 15 of each year.

26 (c) Additional duties.--A safe schools advocate shall, on
27 behalf of victims of conduct that constitutes a criminal offense
28 on school property or victims of at least two infractions of the
29 school district's code of conduct:

30 (1) Provide assistance and advice, including information
31 on support services provided by victim assistance offices of
32 the appropriate district attorney and through local
33 community-based victim service agencies.

34 (2) Provide information to the parent or guardian of a
35 student victim regarding the disciplinary process and any
36 action ultimately taken against the student accused of
37 committing the conduct that constitutes a criminal offense.

38 (3) If the possession or use of a weapon is involved,
39 advise the parent or guardian of the victim whether the
40 school district properly exercised its duty under section
41 1317.2.

42 (4) If the advocate has received a request by the parent
43 or guardian of the victim, attend formal disciplinary
44 proceedings.

45 (5) With the consent of the parent or guardian of the
46 victim, participate and present information in the
47 disciplinary proceeding, which may include:

48 (i) making oral or written presentations, including
49 testimony by the victim or the parent or guardian of the
50 victim, regarding the impact on the victim and the
51 victim's family and the appropriate disciplinary action;

1 and

2 (ii) conducting direct or cross-examination of
3 witnesses.

4 (6) If the perpetrator of conduct that constitutes a
5 criminal offense returns to school after placement under a
6 consent decree, adjudication of delinquency or conviction of
7 a criminal offense, assist the parent or guardian of the
8 victim in providing input to the school district and the
9 appropriate juvenile or criminal justice authority to ensure
10 the victim's safety on school property.

11 (7) If a school district has failed to report to the
12 appropriate law enforcement agency as required by the
13 memorandum of understanding, report the act directly.

14 (8) Provide information to the office of the district
15 attorney regarding the impact of the conduct that constitutes
16 a criminal offense on the victim and the victim's family.

17 (d) Notification.--

18 (1) Upon discovery of the commission of conduct that
19 constitutes a criminal offense upon a student, the school
20 district shall immediately notify the safe schools advocate
21 of the incident, including the details of the incident and
22 all of the individuals involved, and immediately notify the
23 victim, the victim's parent or legal guardian.

24 (2) The form of the notice to the victim or the victim's
25 parent or legal guardian shall be developed by the advocate
26 and provided to the school district and shall include the
27 address and telephone number of the advocate and a brief
28 description of the purposes and functions of the safe schools
29 advocate.

30 (3) The principal of each school within the school
31 district shall post a notice not less than 8 1/2" by 11"
32 entitled "Safe Schools Advocate" at a prominent location
33 within each school building, where notices are usually
34 posted.

35 (4) The form of the notice shall also be developed by
36 the safe schools advocate and provided to the school
37 district.

38 (e) Cooperation.--School administrators in a school district
39 shall cooperate with the safe schools advocate to implement this
40 section and provide the advocate, upon request, with all
41 available information authorized by State law.

42 (f) Applicable provisions.--The advocate and all employees
43 and agents of the safe schools advocate shall be subject to and
44 20 U.S.C. § 1232g (relating to family educational and privacy
45 rights) and 34 CFR Pt. 99 (relating to family educational rights
46 and privacy).

47 (g) Limitation.--This section shall not apply to the extent
48 that it would conflict with the requirements of 20 U.S.C. Ch. 33
49 (relating to education of individuals with disabilities) or
50 other applicable Federal statute or regulation.

51 (h) Standing.--

1 (1) If a student in a school district is a victim of an
2 act of violence involving a weapon on school district
3 property and the student who possessed the weapon was not
4 expelled under section 1317.2, the parent or guardian of the
5 victim shall have standing to institute a legal proceeding to
6 obtain expulsion of the student.

7 (2) The Office of General Counsel shall have standing to
8 bring an action on behalf of a victim or the parent or
9 guardian of a victim of an act of violence in a school in a
10 school district to modify, clarify or eliminate a consent
11 decree that is related to discipline in the school district
12 if, in consultation with the advocate, the Office of General
13 Counsel believes that the action is in the best interests of
14 the students of the school district.

15 (3) The Executive Director of the commission, in
16 consultation with the General Counsel, may designate a
17 portion of the funds provided for the safe schools advocate:

18 (i) For contracts for legal services to assist low-
19 income parents or guardians of victims to obtain legal
20 services for proceedings under subsection (a).

21 (ii) To challenge a consent decree under subsection
22 (b) or to bring an action under this act.

23 (4) The designation of attorneys to receive funds under
24 this subsection shall be within the discretion of the Office
25 of General Counsel after consultation with the safe schools
26 advocate.

27 (5) Designated funds not expended under this subsection
28 shall lapse to the General Fund.

29 (6) Legal proceedings under this section shall be
30 conducted by an attorney designated by the Office of General
31 Counsel in consultation with the safe schools advocate. The
32 attorney must be a member of the bar in good standing.

33 (i) Definitions.--As used in this section, the following
34 words and phrases shall have the meanings given to them in this
35 subsection unless the context clearly indicates otherwise:

36 "Low-income parent or guardian." A parent whose family
37 income is no greater than 250% of the Federal poverty level.

38 "School district." A school district of the first class.

39 "Victim." An individual against whom a crime has been
40 committed or attempted and who, as a direct result of the
41 criminal act or attempt, suffers physical or mental injury,
42 death or the loss of earnings as those terms are defined under
43 section 103 of the act of November 24, 1998 (P.L.882, No.111),
44 known as the Crime Victims Act. The term may include an
45 individual exercising self-defense when assaulted.

46 Section 1321-B. Enforcement.

47 (a) Procedure.--

48 (1) If a school district of the first class fails to
49 comply with the requirement to provide information to the
50 safe schools advocate under section 1320-B, the advocate
51 shall provide documentation of the failure to the Secretary

1 of Education and the commission.

2 (2) If the Secretary of Education determines that there
3 is noncompliance, the secretary shall direct the school
4 district of the first class to take corrective action. If the
5 school district of the first class fails to take corrective
6 action within 60 days, the secretary shall notify the
7 advocate and the Office of General Counsel. The Office of
8 General Counsel, in consultation with the safe schools
9 advocate, shall designate an attorney to bring an action in a
10 court of competent jurisdiction to obtain compliance.

11 (3) If the Secretary of Education determines that the
12 school district of the first class has complied with the
13 requirements to provide information to the safe schools
14 advocate, the secretary shall convene a public hearing at
15 which the safe schools advocate shall be permitted to testify
16 regarding the alleged noncompliance.

17 (4) Legal proceedings under this subsection shall be
18 conducted by an attorney designated by the Office of General
19 Counsel in consultation with the safe schools advocate. The
20 attorney must be a member of the bar in good standing.

21 (b) Construction of article and other laws.--Nothing in this
22 article or any other provision of law shall be construed as
23 granting a right of status for or participation by the safe
24 schools advocate in a grievance or arbitration proceeding
25 arising out of a collective bargaining agreement.

26 Section 18. The definition of "third-party vendor" in
27 section 1301-C of the act is amended and the section is amended
28 by adding a definition to read:

29 Section 1301-C. Definitions.

30 The following words and phrases when used in this article
31 shall have the meanings given to them in this section unless the
32 context clearly indicates otherwise:

33 * * *

34 "Committee." The School Safety and Security Committee
35 established under section 1302-B.

36 * * *

37 "Third-party vendor." A company or entity approved by [the
38 Office for Safe Schools under section 1302-A(b)(8) or] the
39 commission under section 1315-C(2) that provides school security
40 services.

41 Section 19. Section 1302-C of the act is amended by adding a
42 subsection to read:

43 Section 1302-C. School police officers.

44 * * *

45 (c) Reporting.--

46 (1) A school entity or nonpublic school that has applied
47 to the court to appoint a person or persons to act as school
48 police officers under subsection (a) on or after the
49 effective date of this subsection shall, within 30 days of
50 approval of the appointment from the court, submit a copy of
51 the court's order to the committee.

1 (2) A school entity or nonpublic school that has
2 previously applied to the court to appoint a person or
3 persons to act as school police officers prior to the
4 effective date of this subsection shall, within 120 days of
5 the effective date of this paragraph, submit a copy of the
6 court's order relating to the appointment of each school
7 police officer to the committee.

8 (3) The provisions of section 1305-B(e) shall apply to
9 any data provided to the committee under this subsection.

10 Section 20. Sections 1303-C and 1314-C(b) (3) (i) (C) of the
11 act are amended to read:

12 Section 1303-C. Annual report.

13 A school entity or nonpublic school which employs or
14 contracts for a school police officer shall report annually to
15 the department, the committee and the commission the following
16 information regarding school police officers receiving training
17 as required under 53 Pa.C.S. Ch. 21 Subch. D (relating to
18 municipal police education and training):

19 (1) The identity of the school entity or nonpublic
20 school and the number of school police officers employed or
21 contracted by the school entity or nonpublic school.

22 (2) The municipalities comprising the school entity or
23 in which the nonpublic school is located.

24 (3) The date and type of training provided to each
25 school police officer.

26 Section 1314-C. School security guards.

27 * * *

28 (b) Training.--The following shall apply:

29 * * *

30 (3) An armed school security guard who is employed or
31 contracted by a school entity or nonpublic school before
32 September 2, 2019, shall have until February 28, 2020, to
33 complete the instruction under paragraph (1) unless an
34 extension is approved through the following process:

35 (i) The governing body of a school entity or
36 nonpublic school may approve an extension of the deadline
37 specified in this paragraph for armed school security
38 guards to complete the required instruction due to a
39 hardship in complying with the deadline. The deadline may
40 be extended to no later than the beginning of the 2020-
41 2021 school year. The following shall apply:

42 * * *

43 (C) The school entity or nonpublic school shall
44 submit the approved hardship extension to [the Office
45 of Safe Schools within] the department not later than
46 15 days from the date of approval. Any documentation
47 submitted under this clause may not be subject to
48 inspection and duplication under the act of February
49 14, 2008 (P.L.6, No.3), known as the Right-to-Know
50 Law.

51 * * *

1 Section 21. This act shall take effect immediately.