

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 540 Session of 2015

INTRODUCED BY KAMPF, THOMAS, CALTAGIRONE, BRIGGS, CORBIN, COHEN, ZIMMERMAN, SCHLOSSBERG, D. COSTA, READSHAW, BULLOCK, D. PARKER, KIRKLAND, ROSS, DIAMOND, HEFFLEY, BRADFORD AND PHILLIPS-HILL, OCTOBER 14, 2015

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 19, 2015

A RESOLUTION

1 Directing the Joint State Government Commission to conduct a
2 comprehensive study of school discipline policies, laws and
3 regulations, to establish an advisory committee and to make a
4 report of its findings and recommendations.

5 WHEREAS, 22 Pa. Code § 12.3 authorizes each board of school
6 directors to make reasonable and necessary rules governing the
7 conduct of students in school and requires each board of school
8 directors to adopt a code of student conduct that includes
9 policies governing student discipline; and

10 WHEREAS, Section 1302.1-A of the Public School Code of 1949
11 required the State Board of Education to promulgate regulations
12 setting forth a model memorandum of understanding between school
13 entities and local police departments and establishing protocols
14 for notifying police when certain offenses occur on school
15 property and for emergency and nonemergency response by the
16 police, as well as procedures and protocols for the response to
17 and handling of students with disabilities; and

1 WHEREAS, Section 1303-A of the Public School Code of 1949
2 requires the chief school administrator of each school entity,
3 in consultation with an advisory committee, to enter into a
4 memorandum of understanding with police departments having
5 jurisdiction over school property which complies with the
6 regulations promulgated by the State Board of Education under
7 section 1302.1-A of the Public School Code of 1949; and

8 WHEREAS, Some school districts have adopted zero-tolerance
9 policies which mandate specific disciplinary responses to
10 certain student misconduct, regardless of the circumstances
11 surrounding the misconduct or the severity of the incident; and

12 WHEREAS, It is important to ensure that the Commonwealth's
13 school safety laws and regulations support a safe school
14 environment while encouraging public schools to appropriately
15 tailor disciplinary responses to the specific student misconduct
16 or the severity of the incident; and

17 WHEREAS, It is important that the student discipline policies
18 in effect in public schools throughout this Commonwealth, as
19 well as related school safety laws and regulations, be
20 thoroughly examined; therefore be it

21 RESOLVED, That the House of Representatives direct the Joint
22 State Government Commission, in consultation with an advisory
23 committee, to conduct a comprehensive study of school discipline
24 policies, laws and regulations across this Commonwealth and
25 nationwide; and be it further

26 RESOLVED, That the House of Representatives direct the Joint
27 State Government Commission to establish an advisory committee
28 consisting of a police chief, a juvenile public defender, a
29 district attorney, a rural school superintendent, a suburban
30 school superintendent, an urban school superintendent, a school

1 board member, A TEACHER, an individual representing the
2 interests of juveniles and of students with disabilities, a
3 representative of the Juvenile Court Judges' Commission, a
4 representative of the Juvenile Justice and Delinquency
5 Prevention Committee of the Pennsylvania Commission on Crime and
6 Delinquency, a representative of the Pennsylvania Department of
7 Education and a representative of the Pennsylvania State Board
8 of Education; and be it further

9 RESOLVED, That the Joint State Government Commission and
10 advisory committee hold public hearings as deemed necessary to
11 conduct the comprehensive study required under this resolution;
12 and be it further

13 RESOLVED, That the Joint State Government Commission and
14 advisory committee, within six months of the adoption of this
15 resolution, issue to the Education Committee of the House of
16 Representatives a report which includes, at a minimum, the
17 following:

18 (1) a general description of the types of school
19 discipline policies in place in public schools throughout
20 this Commonwealth with specific attention to zero-tolerance
21 policies, and analysis of the prevalence of each type of
22 policy and its effects on students, including students with
23 disabilities and students who are under 12 years of age;

24 (2) a general description of the types of memoranda of
25 understanding between school entities and police departments
26 in place throughout this Commonwealth, including a general
27 description of the types of protocols for immediate and
28 discretionary notification of police departments set forth in
29 those memoranda of understanding, and an analysis of those
30 types of memoranda of understanding which provide for

1 immediate notification of police departments with respect to
2 offenses in addition to those requiring immediate
3 notification under applicable law; and

4 (3) an analysis of laws and regulations related to
5 student discipline in this Commonwealth and other states,
6 including discussion of whether any states have in place laws
7 or regulations addressing zero-tolerance policies;

8 (4) a study of alternative school discipline approaches
9 at the elementary and secondary education levels, including
10 diversion programs and possible alternatives to suspension,
11 expulsion and referral to law enforcement; and

12 (5) recommendations for new legislation, regulations and
13 policies related to school discipline.