

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 38

Session of
1995

INTRODUCED BY SHEEHAN, RYAN, PERZEL, BARLEY, FARGO,
D. W. SNYDER, E. Z. TAYLOR, PHILLIPS, PITTS, BIRMELIN, BROWN,
BROWNE, CHADWICK, CIVERA, CLARK, CLYMER, CORNELL, DEMPSEY,
DIGIROLAMO, DURHAM, EGOLF, FAIRCHILD, FARMER, FICHTER,
FLEAGLE, FLICK, GEIST, GLADECK, GODSHALL, HABAY, HARHART,
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MERRY, MILLER, NAILOR, NYCE, PETTIT, PLATTS, RAYMOND, REBER,
RUBLEY, SAYLOR, SCHULER, SEMMEL, STAIRS, STRITTMATTER, TRUE,
WAUGH, M. N. WRIGHT, ZIMMERMAN, ZUG AND STERN,
JANUARY 20, 1995

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, JANUARY 24, 1995

AN ACT

1 Providing for the maintenance and transfer of certain
2 disciplinary records, for exclusion from attendance and for
3 penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Definitions.

7 The following words and phrases when used in this act shall
8 have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Individual's pupil record." Those records included and
11 maintained by a school district on an individual pupil which
12 meet the requirements of 22 Pa. Code §§ 12.31 (relating to
13 general requirements), 12.32 (relating to elements of the plan)
14 and 12.33 (relating to guidelines) and any other applicable

1 regulations of the State Board of Education.

2 Section 2. Disciplinary Records.

3 (a) General rule.--Prior to admission to any public school
4 of this Commonwealth, a board of school directors shall require
5 the parent, guardian or other person having control or charge of
6 a child of minimum compulsory school age to provide, upon
7 registration, a sworn statement or affirmation indicating if and
8 why the pupil has been suspended or expelled from school
9 attendance at a public or private school of this Commonwealth or
10 of any other state for an offense in violation of school
11 policies relating to weapons, alcohol or drugs, for the willful
12 infliction of injury to another person or for any other ~~conduct~~ <—
13 ACT OF VIOLENCE AGAINST PERSON OR PROPERTY which violates school <—
14 policy. The registration document shall be maintained as a part
15 of the individual's pupil record.

16 (b) Penalty.--Any person who makes a willfully false
17 statement under this ~~subsection~~ SECTION commits a misdemeanor of <—
18 the third degree.

19 Section 3. Transfer of records.

20 Whenever a pupil transfers from one school district to
21 another, a certified copy of the individual's pupil record shall
22 be transferred to the school district to which the pupil
23 transfers. THE SCHOOL DISTRICT TO WHICH THE PUPIL HAS <—
24 TRANSFERRED SHALL NOTIFY THE SENDING SCHOOL DISTRICT UPON
25 REGISTRATION OF THE PUPIL AND REQUEST THE CERTIFIED COPY OF THE
26 INDIVIDUAL'S PUPIL RECORD. THE SENDING DISTRICT SHALL HAVE TEN
27 SCHOOL DAYS FROM RECEIPT OF THE REQUEST TO SUPPLY THE CERTIFIED
28 COPY OF THE INDIVIDUAL'S PUPIL RECORD.

29 Section 4. Availability of records.

30 Every individual's pupil record shall be available to the

1 pupil and his parent, guardian or other person having control or
2 charge of the pupil for inspection during the regular school
3 day. However, permission of the parent, guardian or other person
4 having control or charge of the pupil shall not be required for
5 transfer of the individual's pupil record to another school or
6 school district within or without this Commonwealth in which the
7 pupil seeks enrollment or is enrolled.

8 Section 5. Maintenance of records listing incidents of
9 delinquent activity.

10 All public and private schools in this Commonwealth shall
11 maintain updated records listing any incidents of violence,
12 convictions of possession or abuse of controlled substances, as
13 defined in the act of April 14, 1972 (P.L.233, No.64), known as
14 The Controlled Substance, Drug, Device and Cosmetic Act, and
15 convictions of crimes against school staff ~~and property~~, ANOTHER <—
16 SCHOOL STUDENT OR SCHOOL PROPERTY THAT OCCUR ON SCHOOL PROPERTY
17 DURING SCHOOL ACTIVITIES OR ON ANY PUBLIC CONVEYANCE
18 TRANSPORTING STUDENTS TO OR FROM A PUBLIC OR PRIVATE SCHOOL
19 committed by pupils enrolled in each respective institution on
20 both a district-wide and school-by-school basis. These records
21 ~~shall be in the format required by the Pennsylvania State~~ <—
22 ~~Police. The Pennsylvania State Police shall develop this format~~
23 ~~within 90 days of the effective date of this act.~~ SHALL BE <—
24 MAINTAINED IN THE FORMAT WHICH THE PENNSYLVANIA STATE POLICE
25 SHALL DEVELOP WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS ACT
26 AND AFTER CONSULTING WITH THE DEPARTMENT OF EDUCATION. A
27 statistical summary of these records shall be made accessible to
28 the public for examination by the school district during regular
29 business hours. Individual records of events described in this
30 act shall be made accessible only to the pupil in question, to a

1 parent or guardian of that pupil, and to any other authority
2 granted such power by law.
3 Section 6. Effective date.
4 This act shall take effect in 60 days.