

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,
HENNESSEY, HERMAN, HERSHEY, HUTCHINSON, LEH, LYNCH, MARSICO,
MERRY, MILLER, NAILOR, NYCE, PETTIT, PLATTS, RAYMOND, REBER,
RUBLEY, SAYLOR, SCHULER, SEMMEL, STAIRS, STRITTMATTER, TRUE,
WAUGH, M. N. WRIGHT, ZIMMERMAN, ZUG, STERN, COWELL, TULLI,
BATTISTO AND MUNDY, JANUARY 20, 1995

SENATOR RHOADES, EDUCATION, IN SENATE, AS AMENDED, JUNE 5, 1995

AN ACT

1 ~~Providing for the maintenance and transfer of certain~~ <—
2 ~~disciplinary records, for exclusion from attendance, for~~
3 ~~policies regarding weapons on school property and for~~
4 ~~penalties.~~
5 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN <—
6 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN
7 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL
8 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
9 LAWS RELATING THERETO," PROHIBITING POSSESSION OF WEAPONS;
10 AND PROVIDING FOR SAFE SCHOOLS.
11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:
13 ~~Section 1. Definitions.~~ <—
14 ~~The following words and phrases when used in this act shall~~
15 ~~have the meanings given to them in this section unless the~~
16 ~~context clearly indicates otherwise.~~
17 ~~"Individual's pupil record." Those records included and~~

~~maintained by a school district on an individual pupil which meet the requirements of 22 Pa. Code §§ 12.31 (relating to general requirements), 12.32 (relating to elements of the plan) and 12.33 (relating to guidelines) and any other applicable regulations of the State Board of Education.~~

~~"Weapon." A knife, cutting instrument, cutting tool or nunchaku, or a firearm as defined in 18 U.S.C. § 921 (relating to definitions).~~

~~Section 2. Disciplinary Records.~~

~~(a) General rule. Prior to admission to any public school of this Commonwealth, a board of school directors shall require the parent, guardian or other person having control or charge of a child of minimum compulsory school age or older to provide, upon registration, a sworn statement or affirmation indicating if and why the pupil has been suspended or expelled from school attendance at a public or private school of this Commonwealth or of any other state for an offense in violation of school policies relating to weapons, alcohol or drugs, for the willful infliction of injury to another person or for any other act of violence against person or property which violates school policy. The sworn statement or affirmation shall also indicate if the pupil has been adjudicated delinquent under the juvenile laws of this Commonwealth or has been convicted under the laws of this Commonwealth relating to adult offenders. The registration document shall be maintained as a part of the individual's pupil record.~~

~~(b) Penalty. Any person who intentionally fails to comply with the requirements of subsection (a) or who makes a willfully false statement under this section commits a misdemeanor of the third degree.~~

~~Section 3. Transfer of records.~~

~~Whenever a pupil transfers from one school district to another, a certified copy of the individual's pupil record shall be transferred to the school district to which the pupil transfers. The school district to which the pupil has transferred shall notify the sending school district upon registration of the pupil and request the certified copy of the individual's pupil record. The sending district shall have ten school days from receipt of the request to supply the certified copy of the individual's pupil record. When a transfer of records is requested, the school district transferring the pupil's records shall notify the parent, guardian or other person having control or charge over the pupil that the pupil's records have been transferred to the new school district. Any request for a transfer of records shall include the most current address of the parent, guardian or other person having control or charge over the pupil who is transferring to the new school district.~~

~~Section 4. Availability of records.~~

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

~~Section 5. Maintenance of records listing incidents of delinquent activity.~~

~~All public and private schools in this Commonwealth shall~~

1 ~~maintain updated records listing all incidents of violence,~~
2 ~~convictions of possession or abuse of controlled substances, as~~
3 ~~defined in the act of April 14, 1972 (P.L.233, No.64), known as~~
4 ~~The Controlled Substance, Drug, Device and Cosmetic Act, and~~
5 ~~convictions of crimes against school staff, another school~~
6 ~~student or school property that occur on school property during~~
7 ~~school activities or on any public conveyance transporting~~
8 ~~students to or from a public or private school committed by~~
9 ~~pupils enrolled in each respective institution on both a~~
10 ~~district wide and school by school basis. These records shall be~~
11 ~~maintained in the format which the Pennsylvania State Police~~
12 ~~shall develop within 90 days of the effective date of this act~~
13 ~~and after consulting with the Department of Education. A~~
14 ~~statistical summary of these records shall be made accessible to~~
15 ~~the public for examination by the school district during regular~~
16 ~~business hours. Individual records of events described in this~~
17 ~~act shall be made accessible only to the pupil in question, to a~~
18 ~~parent or guardian of that pupil, and to any other authority~~
19 ~~granted such power by law.~~

20 ~~Section 6. State reimbursement.~~

21 ~~(a) General rule. The Commonwealth shall reimburse school~~
22 ~~districts all additional costs, including, but not limited to,~~
23 ~~the development and implementation of the records required under~~
24 ~~the provisions of this act. Each school district shall document~~
25 ~~the costs to the Department of Education by September 1 of the~~
26 ~~school year following the school year for which it is seeking~~
27 ~~reimbursement. The Department of Education shall have 30 days to~~
28 ~~verify these expenses. The Governor shall request on an annual~~
29 ~~basis sufficient funds in the General Fund appropriation request~~
30 ~~of the Department of Education to cover the cost of this act.~~

1 ~~Payments under this act shall begin with the 1995-1996 school~~
2 ~~year. The provisions of this act shall be null and void if~~
3 ~~reimbursement is not made to school districts pursuant to this~~
4 ~~act.~~

5 ~~(b) Procedure. School districts shall receive reimbursement~~
6 ~~payments on the fourth Thursday of October and February. The~~
7 ~~first payment shall be 50% of the amount owed under subsection~~
8 ~~(a), and the final payment shall be the balance due to the~~
9 ~~district.~~

10 ~~Section 7. Reports of acts of violence.~~

11 ~~The superintendent of a public school district, the executive~~
12 ~~director of an intermediate unit and the administrative director~~
13 ~~of an area vocational technical school shall be required to~~
14 ~~report to the appropriate police authority for the school entity~~
15 ~~all acts of violence against any person on school premises or~~
16 ~~against property of the school entity or on any public~~
17 ~~conveyance transporting students to or from a public school.~~

18 ~~Section 8. Weapon free schools.~~

19 ~~(a) Expulsion. Except as provided in subsection (f), all~~
20 ~~school districts and area vocational technical schools shall~~
21 ~~expel from school for a period of not less than one calendar~~
22 ~~year a student who is determined to have brought a weapon to~~
23 ~~school or to school affiliated activities under that school~~
24 ~~entity's jurisdiction, except that the superintendent or~~
25 ~~administrative director of the respective school entity may~~
26 ~~modify such expulsion requirement for a student on a case by-~~
27 ~~case basis.~~

28 ~~(b) Reinstatement.~~

29 ~~(1) Any student expelled under this section shall, prior~~
30 ~~to reinstatement in the school's education program, be required~~

~~to meet in person with the school principal or his designee or in the case of an area vocational technical school, the administrative director or his designee. The purpose of this meeting shall be to review the student's violation of this section.~~

~~(2) The school principal or his designee or in the case of an area vocational technical school, the administrative officer or his designee shall file a written report of the findings of this meeting with the district superintendent and the board of school directors or in the case of an area vocational technical school, the board of the area vocational technical school. This report shall be permanently retained in the individual's pupil record.~~

~~(c) Employees not to possess weapons. No employee of a public school, area vocational technical school or intermediate unit, including an independent contractor and its employees, may possess a weapon in a school building, on school grounds or during any school affiliated activities under the school entity's jurisdiction. This prohibition shall not apply to:~~

~~(1) School police officers or other law enforcement personnel.~~

~~(2) Employees in possession of a weapon in conjunction with a lawful school activity or who possess a weapon for use solely for sporting or recreational purposes.~~

~~(d) Notice to police department. School officials shall notify the police department with jurisdiction over the school whenever any person is in possession of a weapon in violation of this section.~~

~~(e) Report to department. Each school district and area vocational technical school shall forward to the Department of~~

~~Education, within 30 days after the close of school or at any time requested by the Secretary of Education, a report which shall include:~~

~~(1) An assurance that the school district or area vocational technical school is in compliance with the provisions of this section.~~

~~(2) A description of the circumstances surrounding all expulsions imposed under the provisions of this section, including:~~

~~(i) the name of the school from which the pupil was expelled;~~

~~(ii) the number of students expelled from each school; and~~

~~(iii) the type of weapon or weapons involved in the expulsion.~~

~~(f) Exception. This section shall not apply to a student who possesses a weapon in conjunction with a lawful supervised school activity or who possesses a weapon for use solely for sporting or recreational purposes.~~

~~(g) Construction.—~~

~~(1) Nothing in this section shall be construed to supersede the provisions of 22 Pa. Code § 12.6(c) (relating to exclusions from school).~~

~~(2) The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act (Public Law 91-320, 20 U.S.C. § 1400 et seq.).~~

~~Section 9.— Effective date.~~

~~This act shall take effect in 60 days.~~

SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING A

1 SECTION TO READ:

2 SECTION 1317.2. POSSESSION OF WEAPONS PROHIBITED.--(A)
3 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A SCHOOL DISTRICT,
4 INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL SHALL
5 EXPEL, FOR A PERIOD OF NOT LESS THAN ONE YEAR, ANY STUDENT WHO
6 IS DETERMINED TO HAVE BROUGHT A WEAPON ONTO ANY SCHOOL PROPERTY,
7 ANY SCHOOL-SPONSORED ACTIVITY OR ANY PUBLIC CONVEYANCE PROVIDING
8 TRANSPORTATION TO A SCHOOL OR SCHOOL-SPONSORED ACTIVITY.

9 (B) EVERY SCHOOL DISTRICT, INTERMEDIATE UNIT AND AREA
10 VOCATIONAL-TECHNICAL SCHOOL SHALL DEVELOP A WRITTEN POLICY
11 REGARDING EXPULSIONS FOR POSSESSION OF A WEAPON AS REQUIRED
12 UNDER THIS SECTION. EXPULSIONS SHALL BE CONDUCTED PURSUANT TO
13 ALL APPLICABLE REGULATIONS.

14 (C) THE SUPERINTENDENT OR OTHER CHIEF ADMINISTRATIVE OFFICER
15 OF A SCHOOL DISTRICT, INTERMEDIATE UNIT OR AREA VOCATIONAL-
16 TECHNICAL SCHOOL MAY RECOMMEND DISCIPLINE SHORT OF EXPULSION ON
17 A CASE-BY-CASE BASIS. THE SUPERINTENDENT OR OTHER CHIEF
18 ADMINISTRATIVE OFFICER OF A SCHOOL ENTITY SHALL, IN THE CASE OF
19 AN EXCEPTIONAL STUDENT, TAKE ALL STEPS NECESSARY TO COMPLY WITH
20 THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (PUBLIC LAW 91-
21 230, 20 U.S.C. § 1400 ET SEQ.).

22 (D) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE
23 FOLLOWING:

24 (1) AN UNLOADED WEAPON BEING USED AS PART OF A PROGRAM
25 APPROVED BY A SCHOOL BY AN INDIVIDUAL WHO IS PARTICIPATING IN
26 THE PROGRAM; OR

27 (2) A WEAPON THAT IS UNLOADED AND IS POSSESSED BY AN
28 INDIVIDUAL WHILE TRAVERSING SCHOOL PROPERTY FOR THE PURPOSE OF
29 OBTAINING ACCESS TO PUBLIC OR PRIVATE LANDS USED FOR LAWFUL
30 HUNTING, IF THE ENTRY ON SCHOOL PREMISES IS AUTHORIZED BY SCHOOL

1 AUTHORITIES.

2 (E) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS LIMITING
3 THE AUTHORITY OR DUTY OF A SCHOOL, INTERMEDIATE UNIT OR AREA
4 VOCATIONAL-TECHNICAL SCHOOL TO MAKE AN ALTERNATIVE ASSIGNMENT OR
5 PROVIDE ALTERNATIVE EDUCATIONAL SERVICES DURING THE PERIOD OF
6 EXPULSION.

7 (F) ALL SCHOOL DISTRICTS, INTERMEDIATE UNITS AND AREA
8 VOCATIONAL-TECHNICAL SCHOOLS SHALL REPORT ALL INCIDENTS
9 INVOLVING POSSESSION OF A WEAPON PROHIBITED BY THIS SECTION AS
10 FOLLOWS:

11 (1) THE SCHOOL SUPERINTENDENT OR CHIEF ADMINISTRATOR SHALL
12 REPORT THE DISCOVERY OF ANY WEAPON PROHIBITED BY THIS SECTION TO
13 LOCAL LAW ENFORCEMENT OFFICIALS.

14 (2) THE SCHOOL SUPERINTENDENT OR CHIEF ADMINISTRATOR SHALL
15 REPORT TO THE DEPARTMENT OF EDUCATION ALL INCIDENTS RELATING TO
16 EXPULSIONS FOR POSSESSION OF A WEAPON ON SCHOOL GROUNDS, SCHOOL-
17 SPONSORED ACTIVITIES OR PUBLIC CONVEYANCES PROVIDING
18 TRANSPORTATION TO A SCHOOL OR SCHOOL-SPONSORED ACTIVITY. REPORTS
19 SHALL INCLUDE ALL INFORMATION AS REQUIRED UNDER SECTION 1302-A.

20 (G) AS USED IN THIS SECTION, THE TERM "WEAPON" SHALL
21 INCLUDE, BUT NOT BE LIMITED TO, ANY KNIFE, CUTTING INSTRUMENT,
22 CUTTING TOOL, NUNCHAKU, FIREARM, SHOTGUN, RIFLE AND ANY OTHER
23 TOOL, INSTRUMENT OR IMPLEMENT CAPABLE OF INFLICTING SERIOUS
24 BODILY INJURY.

25 SECTION 2. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

26 ARTICLE XIII-A.

27 SAFE SCHOOLS.

28 SECTION 1301-A. DEFINITIONS.--AS USED IN THIS ARTICLE,

29 "OFFICE" SHALL MEAN THE OFFICE FOR SAFE SCHOOLS.

30 "SCHOOL ENTITY" SHALL MEAN ANY PUBLIC SCHOOL DISTRICT,

1 INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL.

2 "SCHOOL PROPERTY" SHALL MEAN ANY PUBLIC SCHOOL GROUNDS, ANY
3 SCHOOL-SPONSORED ACTIVITY OR ANY CONVEYANCE PROVIDING
4 TRANSPORTATION TO A SCHOOL ENTITY OR SCHOOL-SPONSORED ACTIVITY.

5 "WEAPON" SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY KNIFE,
6 CUTTING INSTRUMENT, CUTTING TOOL, NUNCHAKU, FIREARM, SHOTGUN,
7 RIFLE AND ANY OTHER TOOL, INSTRUMENT OR IMPLEMENT CAPABLE OF
8 INFLICTING SERIOUS BODILY INJURY.

9 SECTION 1302-A. OFFICE FOR SAFE SCHOOLS.--(A) THERE IS
10 HEREBY ESTABLISHED IN THE DEPARTMENT OF EDUCATION AN OFFICE FOR
11 SAFE SCHOOLS.

12 (B) THE OFFICE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

13 (1) TO COORDINATE ANTI-VIOLENCE EFFORTS BETWEEN SCHOOL,
14 PROFESSIONAL, PARENTAL, GOVERNMENTAL, LAW ENFORCEMENT AND
15 COMMUNITY ORGANIZATIONS AND ASSOCIATIONS.

16 (2) TO COLLECT, DEVELOP AND DISSEMINATE INFORMATION,
17 POLICIES, STRATEGIES AND OTHER INFORMATION TO ASSIST IN THE
18 DEVELOPMENT OF PROGRAMS TO IMPACT SCHOOL VIOLENCE.

19 (3) TO PROVIDE DIRECT TRAINING TO SCHOOL EMPLOYEES, PARENTS,
20 LAW ENFORCEMENT OFFICIALS AND COMMUNITIES ON EFFECTIVE MEASURES
21 TO COMBAT SCHOOL VIOLENCE.

22 (4) TO ADVISE PUBLIC AND NON-PUBLIC SCHOOLS ON THE
23 DEVELOPMENT OF POLICIES TO BE USED REGARDING POSSESSION OF
24 WEAPONS BY ANY PERSON, ACTS OF VIOLENCE AND PROTOCOL FOR
25 COORDINATION WITH AND REPORTING TO LAW ENFORCEMENT OFFICIALS AND
26 THE DEPARTMENT OF EDUCATION.

27 (5) TO DEVELOP FORMS TO BE USED BY SCHOOL ENTITIES FOR
28 REPORTING INCIDENTS INVOLVING ACTS OF VIOLENCE AND POSSESSION OF
29 WEAPONS ON SCHOOL PROPERTY.

30 (C) IN ADDITION TO THE POWERS AND DUTIES SET FORTH UNDER

SUBSECTION (A), THE OFFICE IS AUTHORIZED TO MAKE TARGETED GRANTS TO SCHOOLS TO FUND PROGRAMS WHICH ADDRESS SCHOOL VIOLENCE, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING PROGRAMS:

(1) CONFLICT RESOLUTION OR DISPUTE MANAGEMENT.

(2) PEER HELPERS PROGRAMS.

(3) RISK ASSESSMENT OR VIOLENCE PREVENTION CURRICULA.

(4) CLASSROOM MANAGEMENT.

(D) GRANT APPLICATIONS SHALL CONTAIN INFORMATION AS THE OFFICE MAY REQUIRE. THE OFFICE SHALL CONDUCT A THOROUGH ANNUAL EVALUATION OF EACH PROGRAM FOR WHICH A GRANT UNDER THIS SECTION IS MADE.

SECTION 1303-A. REPORTING.--(A) THE OFFICE SHALL CONDUCT A ONE-TIME SURVEY OF ALL SCHOOL ENTITIES TO DETERMINE THE NUMBER OF INCIDENTS INVOLVING ACTS OF VIOLENCE ON SCHOOL PROPERTY AND ALL CASES INVOLVING POSSESSION OF A WEAPON BY ANY PERSON ON SCHOOL PROPERTY WHICH OCCURRED WITHIN THE LAST FIVE (5) YEARS. THE SURVEY SHALL BE BASED ON THE BEST AVAILABLE INFORMATION PROVIDED BY SCHOOL ENTITIES.

(B) ALL SCHOOL ENTITIES SHALL REPORT ALL NEW INCIDENTS INVOLVING ACTS OF VIOLENCE OR POSSESSION OF A WEAPON BY ANY PERSON ON SCHOOL PROPERTY AT LEAST TWICE A YEAR, AS PROVIDED BY THE OFFICE, ON A FORM TO BE DEVELOPED AND PROVIDED BY THE OFFICE. THE FORM SHALL INCLUDE:

(1) AGE OR GRADE OF STUDENT.

(2) NAME AND ADDRESS OF SCHOOL.

(3) CIRCUMSTANCES SURROUNDING THE INCIDENT, INCLUDING TYPE OF WEAPON.

(4) SANCTION IMPOSED BY THE SCHOOL.

(5) NOTIFICATION OF LAW ENFORCEMENT.

(6) REMEDIAL PROGRAMS INVOLVED.

1 (7) PARENTAL INVOLVEMENT REQUIRED.

2 (8) ARRESTS, CONVICTIONS AND ADJUDICATIONS, IF KNOWN.

3 IF A PERSON OTHER THAN A STUDENT IS INVOLVED, THE REPORT SHALL
4 STATE THE RELATIONSHIP OF THE INDIVIDUAL INVOLVED TO THE SCHOOL
5 ENTITY.

6 (C) ALL SCHOOL ENTITIES SHALL DEVELOP A MEMORANDUM OF
7 UNDERSTANDING WITH LOCAL LAW ENFORCEMENT WHICH SETS FORTH
8 PROCEDURES TO BE FOLLOWED WHEN AN INCIDENT INVOLVING AN ACT OF
9 VIOLENCE OR POSSESSION OF A WEAPON BY ANY PERSON OCCURS ON
10 SCHOOL PROPERTY. LAW ENFORCEMENT PROTOCOLS SHALL BE DEVELOPED IN
11 COOPERATION WITH LOCAL LAW ENFORCEMENT AND THE PENNSYLVANIA
12 STATE POLICE.

13 SECTION 1304-A. SWORN STATEMENT.--(A) PRIOR TO ADMISSION TO
14 ANY SCHOOL ENTITY, THE PARENT, GUARDIAN OR OTHER PERSON HAVING
15 CONTROL OR CHARGE OF A STUDENT SHALL, UPON REGISTRATION, PROVIDE
16 A SWORN STATEMENT OR AFFIRMATION STATING WHETHER THE PUPIL WAS
17 PREVIOUSLY SUSPENDED OR EXPELLED FROM ANY PUBLIC OR PRIVATE
18 SCHOOL OF THIS COMMONWEALTH OR ANY OTHER STATE FOR AN ACT OR
19 OFFENSE INVOLVING WEAPONS, ALCOHOL OR DRUGS, OR FOR THE WILFUL
20 INFLICTION OF INJURY TO ANOTHER PERSON OR FOR ANY ACT OF
21 VIOLENCE COMMITTED ON SCHOOL PROPERTY. THE REGISTRATION SHALL BE
22 MAINTAINED AS PART OF THE STUDENT'S DISCIPLINARY RECORD.

23 (B) ANY WILFUL FALSE STATEMENT MADE UNDER THIS SECTION SHALL
24 BE A MISDEMEANOR OF THE THIRD DEGREE.

25 SECTION 1305-A. TRANSFER OF RECORDS.--WHENEVER A PUPIL
26 TRANSFERS TO ANOTHER SCHOOL ENTITY, A CERTIFIED COPY OF THE
27 STUDENT'S DISCIPLINARY RECORD SHALL BE TRANSMITTED TO THE SCHOOL
28 ENTITY TO WHICH THE PUPIL HAS TRANSFERRED. THE SCHOOL ENTITY TO
29 WHICH THE STUDENT HAS TRANSFERRED SHOULD REQUEST THE RECORD. THE
30 SENDING SCHOOL ENTITY SHALL HAVE TEN (10) DAYS FROM RECEIPT OF

1 THE REQUEST TO SUPPLY A CERTIFIED COPY OF THE STUDENT'S
2 DISCIPLINARY RECORD.

3 SECTION 1306-A. AVAILABILITY OF RECORDS.--A STUDENT'S
4 DISCIPLINARY RECORD AS WELL AS RECORDS MAINTAINED UNDER SECTION
5 1307-A SHALL BE AVAILABLE FOR INSPECTION TO THE STUDENT AND HIS
6 PARENT, GUARDIAN OR OTHER PERSON HAVING CONTROL OR CHARGE OF THE
7 STUDENT, TO SCHOOL OFFICIALS AND TO STATE AND LOCAL LAW
8 ENFORCEMENT OFFICIALS AS PROVIDED BY LAW. PERMISSION OF THE
9 PARENT, GUARDIAN OR OTHER PERSON HAVING CONTROL OR CHARGE OF THE
10 STUDENT SHALL NOT BE REQUIRED FOR TRANSFER OF THE INDIVIDUAL'S
11 STUDENT RECORD TO ANOTHER SCHOOL ENTITY WITHIN THIS COMMONWEALTH
12 OR IN ANOTHER STATE IN WHICH THE STUDENT SEEKS ENROLLMENT OR IS
13 ENROLLED.

14 SECTION 1307-A. MAINTENANCE OF RECORDS.--ALL PUBLIC AND
15 PRIVATE SCHOOLS WITHIN THIS COMMONWEALTH SHALL MAINTAIN UPDATED
16 RECORDS OF ALL INCIDENTS OF VIOLENCE, INCIDENTS INVOLVING
17 POSSESSION OF A WEAPON AND CONVICTIONS OR ADJUDICATIONS OF
18 DELINQUENCY FOR ACTS COMMITTED ON SCHOOL PROPERTY BY STUDENTS
19 ENROLLED THEREIN ON BOTH A DISTRICT-WIDE AND SCHOOL-BY-SCHOOL
20 BASIS. RECORDS MAINTAINED UNDER THIS SECTION SHALL BE CONTAINED
21 IN A FORMAT DEVELOPED BY THE PENNSYLVANIA STATE POLICE IN
22 COOPERATION WITH THE OFFICE WITHIN NINETY (90) DAYS OF THE
23 EFFECTIVE DATE OF THIS SECTION. A STATISTICAL SUMMARY OF THESE
24 RECORDS SHALL BE MADE ACCESSIBLE TO THE PUBLIC FOR EXAMINATION
25 BY THE PUBLIC DURING REGULAR BUSINESS HOURS.

26 SECTION 1308-A. RULES AND REGULATIONS.--THE DEPARTMENT OF
27 EDUCATION SHALL PROMULGATE RULES AND REGULATIONS TO CARRY OUT
28 THE PROVISIONS OF THIS ARTICLE.

29 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 90 DAYS.