

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1680 Session of
1997

INTRODUCED BY FLEAGLE, BATTISTO, PLATTS, B. SMITH, McILHATTAN,
RUBLEY, E. Z. TAYLOR, TRELLO, ROEBUCK, EGOLF, STEVENSON,
BOSCOLA, MILLER AND SEYFERT, JUNE 16, 1997

REFERRED TO COMMITTEE ON EDUCATION, JUNE 16, 1997

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further prohibiting the possession of
6 weapons; and further providing for assignment of educational
7 programs during expulsion periods.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 111(e) of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949,
12 amended December 19, 1990 (P.L.1362, No.211), is amended to
13 read:

14 Section 111. Background Checks of Prospective Employees;
15 Conviction of Employes of Certain Offenses.--* * *

16 (e) No person subject to this act shall be employed in a
17 public or private school, intermediate unit or area vocational-
18 technical school where the report of criminal history record
19 information indicates the applicant has been convicted, within
20 five (5) years immediately preceding the date of the report, of

1 any of the following offenses:

2 (1) An offense under one or more of the following provisions
3 of Title 18 of the Pennsylvania Consolidated Statutes:

4 Chapter 25 (relating to criminal homicide).

5 Section 2702 (relating to aggravated assault).

6 Section 2709 (relating to harrassment and stalking).

7 Section 2901 (relating to kidnapping).

8 Section 2902 (relating to unlawful restraint).

9 Section 3121 (relating to rape).

10 [Section 3122 (relating to statutory rape).]

11 Section 3122.1 (relating statutory sexual assault).

12 Section 3123 (relating to involuntary deviate sexual
13 intercourse).

14 Section 3124.1 (relating to sexual assault).

15 Section 3125 (relating to aggravated indecent assault).

16 Section 3126 (relating to indecent assault).

17 Section 3127 (relating to indecent exposure).

18 Section 4302 (relating to incest).

19 Section 4303 (relating to concealing death of child [born
20 out of wedlock]).

21 Section 4304 (relating to endangering welfare of
22 children).

23 Section 4305 (relating to dealing in infant children).

24 A felony offense under section 5902(b) (relating to
25 prostitution and related offenses).

26 Section 5903(c) or (d) (relating to obscene and other
27 sexual materials and performances).

28 Section 6301 (relating to corruption of minors).

29 Section 6312 (relating to sexual abuse of children).

30 (2) An offense designated as a felony under the act of April

1 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,
2 Drug, Device and Cosmetic Act."

3 (3) An out-of-State or Federal offense similar in nature to
4 those crimes listed in clauses (1) and (2).

5 * * *

6 Section 2. Sections 1303-A, 1304-A and 1317.2 of the act,
7 added June 30, 1995 (P.L.220, No.26), are amended to read:

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

15 (b) All school entities shall report all new incidents
16 involving acts of violence [or] possession of a weapon or
17 possession, use or sale of controlled substances as defined in
18 the act of April 14, 1972 (P.L.233, No.64), known as "The
19 Controlled Substance, Drug, Device and Cosmetic Act," or
20 possession, use or sale of alcohol or tobacco by any person on
21 school property at least [twice] once a year, as provided by the
22 office, on a form to be developed and provided by the office.
23 The form shall include:

24 (1) Age or grade of student.

25 (2) Name and address of school.

26 (3) Circumstances surrounding the incident, including type
27 of weapon, controlled substance, alcohol or tobacco.

28 (4) Sanction imposed by the school.

29 (5) Notification of law enforcement.

30 (6) Remedial programs involved.

(7) Parental involvement required.

(8) Arrests, convictions and adjudications, if known.

If a person other than a student is involved, the report shall state the relationship of the individual involved to the school entity.

(c) All school entities shall develop a memorandum of understanding with local law enforcement which sets forth procedures to be followed when an incident involving an act of violence or possession of a weapon by any person occurs on school property. Law enforcement protocols shall be developed in cooperation with local law enforcement and the Pennsylvania State Police.

Section 1304-A. Sworn Statement.--(a) Prior to admission to any school entity, the parent, guardian or other person having control or charge of a student shall, upon registration, provide a sworn statement or affirmation stating whether the pupil was previously or is presently suspended or expelled from any public or private school of this Commonwealth or any other state for an act or offense involving weapons, alcohol or drugs or for the wilful infliction of injury to another person or for any act of violence committed on school property. The registration shall include the name of the school from which the student was expelled or suspended for the above-listed reasons with the dates of expulsion or suspension and shall be maintained as part of the student's disciplinary record.

(b) Any wilful false statement made under this section shall be a misdemeanor of the third degree.

Section 1317.2. Possession of Weapons Prohibited.--(a) Except as otherwise provided in this section, a school district or area vocational-technical school shall expel, for a period of

1 not less than one year, any student who is determined to have
2 brought onto or is in possession of a weapon [onto] on any
3 school property, any school-sponsored activity or any public
4 conveyance providing transportation to a school or school-
5 sponsored activity.

6 (b) Every school district and area vocational-technical
7 school shall develop a written policy regarding expulsions for
8 possession of a weapon as required under this section.

9 Expulsions shall be conducted pursuant to all applicable
10 regulations.

11 (c) The superintendent of a school district or an
12 administrative director of an area vocational-technical school
13 may recommend [discipline short of expulsion] modifications of
14 such expulsion requirements for a student on a case-by-case
15 basis. The superintendent or other chief administrative officer
16 of a school entity shall, in the case of an exceptional student,
17 take all steps necessary to comply with the Individuals with
18 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400
19 et seq.).

20 (d) The provisions of this section shall not apply to the
21 following:

22 (1) a weapon being used as part of a program approved by a
23 school by an individual who is participating in the program; or

24 (2) a weapon that is unloaded and is possessed by an
25 individual while traversing school property for the purpose of
26 obtaining access to public or private lands used for lawful
27 hunting, if the entry on school premises is authorized by school
28 authorities.

29 (e) Nothing in this section shall be construed as limiting
30 the authority or duty of a school or area vocational-technical

1 school to make an alternative assignment or provide alternative
2 educational services during the period of expulsion.

3 (e.1) A school district receiving a student who transfers
4 from a public or private school during a period of expulsion for
5 an act or offense involving a weapon may assign that student to
6 an alternative assignment or provide alternative education
7 services, provided that the assignment may not exceed the period
8 of expulsion.

9 (f) All school districts and area vocational-technical
10 schools shall report all incidents involving possession of a
11 weapon prohibited by this section as follows:

12 (1) The school superintendent or chief administrator shall
13 report the discovery of any weapon prohibited by this section to
14 local law enforcement officials.

15 (2) The school superintendent or chief administrator shall
16 report to the Department of Education all incidents relating to
17 expulsions for possession of a weapon on school grounds, school-
18 sponsored activities or public conveyances providing
19 transportation to a school or school-sponsored activity. Reports
20 shall include all information as required under section 1303-A.

21 (g) As used in this section, the term "weapon" shall
22 include, but not be limited to, any knife, cutting instrument,
23 cutting tool, nunchaku, firearm, shotgun, rifle and any other
24 tool, instrument or implement capable of inflicting serious
25 bodily injury.

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