

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 548 Session of
2007

INTRODUCED BY O'NEILL, BOYD, BUXTON, CLYMER, COX, CREIGHTON,
CURRY, EVERETT, FAIRCHILD, GEIST, GINGRICH, GRUCELA,
HENNESSEY, HESS, KAUFFMAN, McILHATTAN, MUNDY, MURT, PEIFER,
PETRONE, READSHAW, REED, REICHLEY, SAINATO, SANTONI, SAYLOR,
SCAVELLO, SCHRODER, SIPTROTH, SOLOBAY, STEIL, STERN, SURRA,
WATSON, ROHRER AND GOODMAN, MARCH 6, 2007

REFERRED TO COMMITTEE ON EDUCATION, MARCH 6, 2007

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 providing for rules and
6 regulations and safety patrols, for possession of weapons
7 prohibited and for suspension and expulsion of pupils.

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

10 Section 1. Section 510 of the act of March 10, 1949 (P.L.30,
11 No.14), known as the Public School Code of 1949, amended June
12 29, 1976 (P.L.450, No.110), is amended to read:

13 Section 510. Rules and Regulations; Safety Patrols.--(a)
14 The board of school directors in any school district may adopt
15 and enforce such reasonable rules and regulations as it may deem
16 necessary and proper, regarding the management of its school
17 affairs and the conduct and deportment of all superintendents,
18 teachers, and other appointees or employees during the time they

1 are engaged in their duties to the district, as well as
2 regarding the conduct and deportment of all [pupils] students
3 attending the public schools in the district, during such time
4 as they are attending school or school-related activities, are
5 present on school property or in buses or other vehicles
6 provided by the district, or otherwise are under the supervision
7 of the board of school directors and teachers, including the
8 time necessarily spent in coming to and returning from
9 school[.], and pertaining to activities of students regardless
10 of time or place likely to cause or causing substantial
11 disruption of or material interference with school activities or
12 the orderly and safe administration of the schools.

13 (b) In the exercise of this authority the board of school
14 directors is empowered to organize school safety patrols and,
15 with the permission of the parents, to appoint [pupils] students
16 as members thereof, for the purpose of influencing and
17 encouraging the other [pupils] students to refrain from crossing
18 public highways at points other than at regular crossings, and
19 for the purpose of directing [pupils] students not to cross
20 highways at times when the presence of traffic would render such
21 crossing unsafe. Nothing herein contained shall be construed to
22 authorize or permit the use of any safety patrol member for the
23 purpose of directing vehicular traffic, nor shall any safety
24 patrol member be stationed in that portion of the highway
25 intended for the use of vehicular traffic. No liability shall
26 attach either to the school district, or any individual
27 director, student, superintendent, teacher, or other school
28 employe, by virtue of the organization, maintenance, or
29 operation of a school safety patrol organized, maintained, and
30 operated under authority of this section.

1 All flags, belts, apparel and devices issued, supplied or
2 furnished to persons acting in the capacity of special school
3 police, or special police appointed to control and direct
4 traffic at or near schools, in order to enhance the conspicuity
5 of such persons, shall be made from retro-reflective and
6 fluorescent materials visible both day and night at three
7 hundred (300) feet to approaching motorists using lawful low
8 beam headlights and shall conform to standards, specifications,
9 or regulations issued by the State Board of Education. All belts
10 supplied or furnished to [pupils] students active in the
11 capacity of school safety patrol members shall be fluorescent.

12 Section 2. Section 1317.2(e.1) of the act, amended June 25,
13 1997 (P.L.297, No.30), is amended to read:

14 Section 1317.2. Possession of Weapons Prohibited.--* * *

15 [(e.1) A school district receiving a student who transfers
16 from a public or private school during a period of expulsion for
17 an act or offense involving a weapon may assign that student to
18 an alternative assignment or provide alternative education
19 services, provided that the assignment may not exceed the period
20 of expulsion.]

21 * * *

22 Section 3. Section 1318 of the act, amended February 8, 1980
23 (P.L.3, No.2), is amended to read:

24 Section 1318. Suspension and Expulsion of [Pupils.--]
25 Students.--(a) Every principal or teacher in charge of a public
26 school may temporarily suspend any [pupil] student on account of
27 disobedience or misconduct, and any principal or teacher
28 suspending any [pupil] student shall promptly notify the
29 district superintendent or secretary of the board of school
30 directors. The board may, after a proper hearing, suspend such

1 [child] student for such time as it may determine, or may
2 permanently expel [him] the student. Such hearings, suspension,
3 or expulsion may be delegated to a duly authorized committee of
4 the board, or to a duly qualified hearing examiner, who need not
5 be a member of the board, but whose adjudication must be
6 approved by the board. The board and designated committees or
7 hearing examiners acting pursuant to this section shall have the
8 power to administer oaths to witnesses and the power to issue
9 subpoenas as provided in section 1128.

10 (b) (1) A public school entity may suspend, expel or deny
11 admission to a student suspended or expelled from another public
12 school entity or nonpublic school, until the period of
13 suspension or expulsion has expired, if such suspension or
14 expulsion was imposed due to misconduct of a nature that would
15 subject students in the receiving entity to possible suspension
16 or expulsion.

17 (2) Denial of admission to a transferring student based on
18 suspension or expulsion from or misconduct in a prior school
19 entity shall be treated as suspension or expulsion for purposes
20 of this section. A student returning to the program of the
21 school district of residence after withdrawing from or being
22 expelled or suspended from an area vocational-technical school
23 is a transferring student for purposes of this section.

24 (3) No hearing otherwise required under subsection (a) shall
25 be necessary if suspension, expulsion or denial of admission
26 under subsection (b)(1) is based upon an adjudication issued in
27 accordance with this section by the board or joint operating
28 committee of the prior entity of enrollment, as evidenced by a
29 certified copy of such adjudication.

30 (4) A school entity may, after hearing in accordance with

1 subsection (a), suspend, expel or deny admission to a
2 transferring student who has committed misconduct while enrolled
3 in another public or nonpublic school of a nature that would
4 subject students in the receiving entity to possible suspension
5 or expulsion, but who withdrew from the prior school entity
6 before disciplinary proceedings based on the misconduct were
7 initiated or completed.

8 (5) A receiving school entity may enroll a student
9 transferring from another public or nonpublic school entity in
10 its regular program on a provisional basis pending receipt of a
11 certified copy of the student's disciplinary record and sworn
12 statement as required under section 1304-A. If the disciplinary
13 record or sworn statement reveals a history of misconduct while
14 enrolled in the prior entity, in addition to other disposition
15 authorized under this section and to the extent consistent with
16 the disciplinary standards, policies and procedures of the
17 receiving entity, the student may be reassigned to an
18 alternative education program and may be deemed ineligible to
19 participate in extracurricular activities.

20 (6) A receiving school entity may, consistent with its
21 disciplinary standards, policies and procedures, impose other
22 forms of discipline or disciplinary assignment or impose
23 conditions of admission or continued enrollment based on a
24 transferring student's expulsion or suspension from or
25 misconduct while enrolled in a prior school entity, in lieu of
26 or in combination with denial of admission, suspension or
27 expulsion.

28 (c) The board of school directors may, in connection with
29 any expulsion, suspension, denial of admission or disciplinary
30 reassignment of a student, impose conditions for admission or

1 readmission to or continuation in the school entity's regular or
2 alternative education programs. Violation of or failure to meet
3 such conditions may become the basis for denial of admission,
4 readmission or subsequent disciplinary action, including
5 exclusion from or reassignment within the school entity's
6 regular or alternative education programs. The board may
7 designate a person or persons to determine whether such
8 conditions have been met or violated. The hearing requirements
9 of subsection (a) are not applicable to a determination that a
10 student is not eligible for readmission or to remain in
11 probationary continued enrollment because of violation of or
12 failure to meet such conditions.

13 (d) Notwithstanding any other provision of this section, a
14 hearing otherwise required under subsection (a) may be waived in
15 a written agreement providing for the student's disciplinary
16 exclusion from school programs for a specified period of time,
17 entered into by the board of school directors and the student
18 and in the case of a student under eighteen (18) years of age,
19 also by the parent or guardian having primary custody of the
20 student. Any such agreement shall be filed permanently in the
21 student's disciplinary records and shall be treated in the same
22 way as an adjudication of expulsion for purposes of subsections
23 (b) and (c), this subsection and Article XIII-A. Consideration
24 by the board of a proposed agreement in lieu of hearing shall
25 not constitute grounds for disqualifying the board or members
26 thereof from participating in a hearing or taking other action
27 pursuant to this section in the event the agreement is not
28 approved by the board. The agreements shall set forth:

29 (1) A summary of the reason for the exclusion.

30 (2) The effective date and expiration date of the period of

1 exclusion.

2 (3) The date when the student may be considered for earlier
3 readmission.

4 (4) A summary of the procedural rights the student would
5 have been afforded at a hearing.

6 (5) Agreed conditions of readmission or of probationary
7 continued enrollment, if any.

8 (6) Any other terms and conditions of the agreed
9 disciplinary disposition.

10 (e) Nothing in this section shall be construed to alter the
11 obligations of school entities pursuant to the Individuals with
12 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400
13 et seq.) and Federal regulations thereunder relating to the
14 discipline of students with disabilities.

15 (f) Nothing in this section shall be construed to exempt an
16 expelled student or the student's parents or legal guardians
17 from compulsory education requirements or the penalties
18 contained in sections 1333, 1338 and 1338.1 if they fail to
19 provide the student with a sufficient alternate placement
20 program.

21 Section 4. This act shall take effect immediately.