

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1568 Session of
2011

INTRODUCED BY WATERS, V. BROWN, JOSEPHS AND PASHINSKI,
MAY 23, 2011

REFERRED TO COMMITTEE ON EDUCATION, MAY 23, 2011

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 definitions.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 1901-C(1) and (5) of the act of March 10,
9 1949 (P.L.30, No.14), known as the Public School Code of 1949,
10 amended or added June 25, 1997 (P.L.297, No.30) and June 29,
11 2002 (P.L.524, No.88), are amended to read:

12 Section 1901-C. Definitions.--For purposes of this article,
13 the following terms shall have the following meanings:

14 (1) "Alternative education program" or "program." Any
15 applicant's program applying for funds under this article, which
16 program is implemented by a school district, an area vocational-
17 technical school, a group of school districts or an intermediate
18 unit, which removes disruptive students from regular school
19 programs in order to provide those students with a sound

1 educational course of study and counseling designed to modify
2 disruptive behavior and return the students to a regular school
3 curriculum. Notwithstanding section 1502, alternative education
4 programs may operate outside the normal school day of the
5 applicant district, including Saturdays. School districts and
6 private alternative education institutions operating pursuant to
7 the provisions of Article XIX-E shall adopt a policy for
8 periodic review of those students placed in their respective
9 alternative education program for disruptive students. This
10 review shall occur, at a minimum, at the end of every semester
11 the student is in the program or more frequently at the
12 district's or private alternative education institution's
13 discretion. The purpose of this review is to determine whether
14 or not the student is ready to return to the regular school
15 curriculum. Programs may include services for students returning
16 from placements or who are on probation resulting from being
17 adjudicated delinquent in a proceeding under 42 Pa.C.S. Ch. 63
18 (relating to juvenile matters) or who have been judged to have
19 committed a crime under an adult criminal proceeding so long as
20 the students currently meet the definition of a disruptive
21 student.

22 * * *

23 (5) "Disruptive student." A student who poses a clear
24 threat to the safety and welfare of other students or the school
25 staff, who creates an unsafe school environment or whose
26 behavior materially interferes with the learning of other
27 students or disrupts the overall educational process. The
28 disruptive student exhibits to a marked degree any or all of the
29 following conditions:

30 (i) [Disregard] Persistent disregard for school authority,

1 including persistent violation of school policy and rules.

2 (ii) Display or use of controlled substances on school
3 property or during school-affiliated activities.

4 (iii) Violent or threatening behavior on school property or
5 during school-affiliated activities.

6 (iv) Possession of a weapon on school property, as defined
7 under 18 Pa.C.S. § 912 (relating to possession of weapon on
8 school property).

9 (v) Commission of a criminal act on school property or
10 during school-affiliated activities.

11 (vi) [Misconduct] Persistent misconduct that would merit
12 suspension or misconduct that would merit expulsion under school
13 policy.

14 [(vii) Habitual truancy.]

15 No student who is eligible for special education services
16 pursuant to the Individuals with Disabilities Education Act
17 (Public Law 91-230, 20 U.S.C. § 1400 et seq.) shall be deemed a
18 disruptive student for the purposes of this act, except as
19 provided for in 22 Pa. Code § 14.35 (relating to discipline).

20 * * *

21 Section 2. This act shall take effect in 60 days.