

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

BILL NO. Senate Bill 530

PRINTER NO. 1331

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

April 5, 2019

PRIME SPONSOR

Senator Martin

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 530 establishes a new Section 1318.1 (Students Convicted or Adjudicated Delinquent of Sexual Assault) of the Public School Code to provide for removal of a student convicted or adjudicated delinquent of sexual assault against another enrolled student.

The legislation requires that if a student is convicted or adjudicated delinquent of sexual assault upon another enrolled student, the public school entity shall do the following: (1) expel the student; (2) transfer the student to an alternative education program; or (3) reassign the student to another school or educational program within the public school entity.

The legislation requires the public school entity to ensure the student is not educated in the same school building, transported on the same school vehicle or allowed to participate in the same school-sponsored activities as the victim.

The legislation provides that a public school entity shall not be required to take action if: (1) the student is already expelled, transferred or reassigned for the same sexual assault; or (2) the student does not attend the same school as the victim.

The legislation provides that a public school entity shall not be prohibited from taking action for convictions or adjudications for sexual assaults that occur outside school setting if the sexual assault was: (1) against another student enrolled in the public school entity; (2) has the effect of substantially interfering with the victim's education, creating a threatening or hostile environment; or (3) substantially disrupts the orderly operation of the school.

The legislation provides that an offending student may return to the school only if: (1) the victim ceases to be enrolled in the public school entity from which the student is expelled, transferred or reassigned; or (2) the conviction or adjudication resulting in the expulsion, transfer or reassignment is reversed and no appeal is pending.

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The legislation provides that prior to admission to a public school entity, the parent, guardian or person otherwise responsible for an offending student shall provide a sworn statement or affirmation stating whether the offending student was, or is, expelled under this section. Any willful false statement shall be subject to the penalties relating to unsworn falsification to authorities under the Crimes Code.

The legislation requires each public school entity to develop or update its written policies to ensure compliance with the provisions contained in the legislation. It also requires each public school entity to take all steps necessary to comply with the Individuals with Disabilities Education Act (IDEA).

A "public school entity" for the purpose of this section means a school district, independent school district, area career and technical school, intermediate unit, charter school, regional charter school or cyber charter school.

The legislation is scheduled to take effect in 60 days.

FISCAL IMPACT:

The enactment of Senate Bill 530 will have no fiscal impact on Commonwealth funds.

For most public school entities, costs related to this legislation should be minimal. A student convicted or adjudicated delinquent of sexual assault upon another enrolled student could be placed in another school building or a cyber-education program offered by the public school entity. In the event these options are not available, a public school entity would likely need to provide an alternative placement for the student. The average cost for an alternative placement for a regular education student at the secondary level is estimated to be \$12,400 annually.