THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 530 Session of 2019

INTRODUCED BY MARTIN, K. WARD, SCHWANK, MUTH, TARTAGLIONE,
KILLION AND SANTARSIERO, APRIL 5, 2019

REFERRED TO EDUCATION, APRIL 5, 2019

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
act relating to the public school system, including certain
provisions applicable as well to private and parochial
schools; amending, revising, consolidating and changing the
laws relating thereto," in duties and powers of boards of
school directors, further providing for establishment of
independent schools; in pupils and attendance, providing for
expulsion of students convicted or adjudicated delinquent of
sexual assault; in safe schools, further providing for safe
schools advocate in school districts of the first class; and,
in charter schools, further providing for provisions
applicable to charter schools.

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows:
Section 1.  Section 502.1(d) of the act of March 10, 1949
(P.L.30, No.14), known as the Public School Code of 1949, is
amended to read:
Section 502.1.  Establishment of Independent Schools.--* * *
(d)  Independent schools shall be subject to the following:
Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,
510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 771,
776, 777, 808, 809, 810, 1006, 1109, 1111, 1112(a), 1310, 1317,
1317.1, 1317.2, 1318, 1318.1, 1327, 1330, 1332, 1303-A, 1513,
1517, 1518, 1521, 1523, 1547, 2014-A, 2513, Article XI except as limited by subsection (b)(6), Article XII except as limited by subsection (b)(6), and Articles XIII-A and XIV.

18 Pa.C.S. Ch. 28 (relating to antihazing).

Act of July 17, 1961 (P.L.776, No.341), known as the "Pennsylvania Fair Educational Opportunities Act."

Act of July 19, 1965 (P.L.215, No.116), entitled "An act providing for the use of eye protective devices by persons engaged in hazardous activities or exposed to known dangers in schools, colleges and universities."

Section 4 of the act of January 25, 1966 (1965 P.L.1546, No.541), referred to as the Higher Education Scholarship Law.

Act of July 12, 1972 (P.L.765, No.181), entitled "An act relating to drugs and alcohol and their abuse, providing for projects and programs and grants to educational agencies, other public or private agencies, institutions or organizations."

[Act of December 15, 1986 (P.L.1595, No.175), known as the "Antihazing Law."]

The following provisions of 22 Pa. Code:

Chapter 4 (relating to academic standards and assessment).

Section 4.4 (relating to general policies).

Section 4.26 (relating to ESOL).

Chapter 11 (relating to [pupil] student attendance).

Chapter 12 (relating to students and student services).

Chapter 14 (relating to special education services and programs).

Chapter 16 (relating to special education for gifted students).

Section 32.3 (relating to assurances).

Section 121.3 (relating to discrimination prohibited).

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Section 235.4 (relating to practices).
Section 235.8 (relating to civil rights).

* * *

Section 2. The act is amended by adding a section to read:

Section 1318.1. Expulsion of Students Convicted or
Adjudicated Delinquent of Sexual Assault.—(a) A school
district or area vocational-technical school shall expel, at the
request of a victim of sexual assault, the student convicted or
adjudicated delinquent of the sexual assault, if the victim is
enrolled in the same school district or area vocational-
technical school as the student convicted or adjudicated
delinquent.

The decision of the victim must be made in writing to the
chief school administrator within ten (10) business days of the
conviction or adjudication of delinquency. The victim's decision
is irrevocable.

(b) The expelled student may re-enroll in the school
district or area vocational-technical school:

(1) if the victim ceases to be enrolled in the school
district or area vocational-technical school from which the
student was expelled; or

(2) the conviction or delinquency adjudication on which the
expulsion was based is reversed and no appeal is pending.

(c) Nothing in this section shall be construed as limiting
the authority or duty of a school district or area vocational-
technical school to make an alternative assignment or provide
alternative educational services during the period of expulsion.

(d) A school district or area vocational-technical school
receiving a student who transfers from a public or private
school during a period of expulsion for an act or offense.
involving a sexual assault conviction or adjudication of
delinquency may assign that student to an alternative assignment
or provide alternative education services, provided that the
assignment may not exceed the period of expulsion.

(e) Prior to admission to a school district or area
vocational-technical school, 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 expelled at the
request of a victim of sexual assault, or the victim's parent or
guardian, under the provisions of this section. The registration
shall include the name of the school from which the student was
expelled with the dates of expulsion and shall be maintained as
part of the student's disciplinary record. Any wilful false
statement made under this subsection shall be a misdemeanor of
the third degree.

(f) If the student convicted or adjudicated delinquent of
sexual assault is not expelled following the request of the
victim under subsection (a), the parent or guardian of the
victim shall have standing to institute a legal proceeding to
obtain expulsion of the student.

(g) Every school district and area vocational-technical
school shall develop a written policy regarding expulsions
required under this section. Expulsions shall be conducted
pursuant to all applicable regulations.

(h) As used in this section, the following words and phrases
shall have the meanings given to them in this subsection:
"Chief school administrator" means the superintendent of a
school district, administrative director of an area vocational-
technical school or chief executive officer of a charter school.
“Sexual assault” shall include any of the offenses specified under the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Section 3121 (relating to rape).
Section 3122.1 (relating to statutory sexual assault).
Section 3123 (relating to involuntary deviate sexual intercourse).
Section 3124.1 (relating to sexual assault).
Section 3125 (relating to aggravated indecent assault).
Section 3126 (relating to indecent assault).

Section 3. Sections 1310-A(b)(2) and 1732-A(a) of the act are amended to read:

Section 1310-A. Safe Schools Advocate in School Districts of the First Class.--* * *
(b) The safe schools advocate shall have the power and its duties shall be:
   * * *
(2) To monitor the school district's compliance with the mandatory expulsion requirements of sections 1317.2 and 1318.1.
   * * *

Section 1732-A. Provisions Applicable to Charter Schools.--
(a) Charter schools shall be subject to the following:

18 Pa.C.S. Ch. 28 (relating to antihazing).

Act of July 17, 1961 (P.L.776, No.341), known as the 
"Pennsylvania Fair Educational Opportunities Act."

providing for the use of eye protective devices by persons 
engaged in hazardous activities or exposed to known dangers in 
schools, colleges and universities."

Section 4 of the act of January 25, 1966 (1965 P.L.1546, 
No.541), entitled "An act providing scholarships and providing 
funds to secure Federal funds for qualified students of the 
Commonwealth of Pennsylvania who need financial assistance to 
attend postsecondary institutions of higher learning, making an 
appropriation, and providing for the administration of this 
act."

Act of July 12, 1972 (P.L.765, No.181), entitled "An act 
relating to drugs and alcohol and their abuse, providing for 
projects and programs and grants to educational agencies, other 
public or private agencies, institutions or organizations."

[Act of December 15, 1986 (P.L.1595, No.175), known as the 
"Antihazing Law."]

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Section 4. This act shall take effect in 60 days.