
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 27

Session of
1997

INTRODUCED BY THOMAS, YOUNGBLOOD, HORSEY, CARN AND ROEBUCK,
JANUARY 27, 1997

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 27, 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 providing for prohibited
6 weapons.

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

9 Section 1. Section 1317.2 of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949, added
11 June 30, 1995 (P.L.220, No.26), is amended to read:

12 Section 1317.2. Possession of Weapons Prohibited.--(a)
13 Except as otherwise provided in this section, [a school district
14 or] the principal of a school or the administrative director of
15 an area vocational-technical school shall expel, for a period of
16 not less than one year, any student who is determined to have
17 brought a weapon onto any school property, any school-sponsored
18 activity or any public conveyance providing transportation to a
19 school or school-sponsored activity.

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

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

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

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

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

(e) [Nothing in this section shall be construed as limiting the authority or duty of a] A school or area vocational-technical school [to] shall make an alternative assignment or provide alternative educational services during the period of expulsion. This subsection shall apply only to students sixteen (16) years of age and younger.

(f) All school districts and area vocational-technical

1 schools shall report all incidents involving possession of a
2 weapon prohibited by this section as follows:

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

6 (2) The school superintendent or chief administrator shall
7 report to the Department of Education all incidents relating to
8 expulsions for possession of a weapon on school grounds, school-
9 sponsored activities or public conveyances providing
10 transportation to a school or school-sponsored activity. Reports
11 shall include all information as required under section 1303-A.

12 (f.1) (1) The principal or administrative director shall
13 give notice to the parents of the offending student prior to any
14 arrest of the student by police officers. The parents shall be
15 afforded a chance to respond to this notice prior to any arrest.

16 (2) Additionally, the parents shall be given notice of any
17 expulsion order given by a principal or administrative director.
18 An appeal from this order may be made to the superintendent of
19 the school district or to the area vocational-technical board,
20 as appropriate.

21 (f.2) The board of school directors or an area vocational-
22 technical board may, for its particular school district or area
23 vocational-technical school, expand, limit or vary the
24 definition of "weapon" given in subsection (g). Any variance of
25 the definition given in subsection (g) shall be made a part of
26 the policy required under subsection (b).

27 (g) As used in this section, the term "weapon" shall
28 include, but not be limited to, any knife, cutting instrument,
29 cutting tool, nunchaku, firearm, shotgun, rifle and any other
30 tool, instrument or implement capable of inflicting serious

1 bodily injury.

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