

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 966 Session of  
2005

INTRODUCED BY PICCOLA, BRIGHTBILL, WONDERLING, WENGER, RAFFERTY,  
ORIE, TOMLINSON, RHOADES, REGOLA AND SCARNATI,  
OCTOBER 24, 2005

REFERRED TO EDUCATION, OCTOBER 24, 2005

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 the Office for  
6 Safe Schools and for reporting by school entities.

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

9 Section 1. Section 1302-A(b) 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 1302-A. Office for Safe Schools.--\* \* \*

13 (b) The office shall have the following powers and duties:

14 (1) To coordinate antiviolence efforts between school,  
15 professional, parental, governmental, law enforcement and  
16 community organizations and associations.

17 (2) To collect, develop and disseminate information,  
18 policies, strategies and other information to assist in the  
19 development of programs to impact school violence.

1 (3) To provide direct training to school employes, parents,  
2 law enforcement officials and communities on effective measures  
3 to combat school violence.

4 (4) To advise school entities and nonpublic schools on the  
5 development of policies to be used regarding possession of  
6 weapons by any person, acts of violence and protocols for  
7 coordination with and reporting to law enforcement officials and  
8 the Department of Education.

9 (5) (i) To develop forms to be used by school entities for  
10 reporting incidents involving acts of violence and possession of  
11 weapons on school property.

12 (ii) The office shall convene an advisory committee which  
13 shall include a police chief, school superintendent, school  
14 principal, district attorney, solicitor of a school district and  
15 an in-school probation officer to develop the school violence  
16 form. The advisory committee shall be convened no later than  
17 sixty (60) days after the effective date of this subparagraph.

18 \* \* \*

19 Section 2. Section 1303-A of the act, amended June 25, 1997  
20 (P.L.297, No.30), is amended to read:

21 Section 1303-A. Reporting.--[(a) The office shall conduct a  
22 one-time survey of all school entities to determine the number  
23 of incidents involving acts of violence on school property and  
24 all cases involving possession of a weapon by any person on  
25 school property which occurred within the last five (5) years.  
26 The survey shall be based on the best available information  
27 provided by school entities.]

28 (b) All school entities shall report all [new] incidents  
29 involving acts of violence, possession of a weapon or  
30 possession, use or sale of controlled substances as defined in

1 the act of April 14, 1972 (P.L.233, No.64), known as "The  
2 Controlled Substance, Drug, Device and Cosmetic Act," or  
3 possession, use or sale of alcohol or tobacco by any person on  
4 school property at least once a year, as provided by the office,  
5 on a form to be developed and provided by the office. The form  
6 shall include:

7 (1) Age or grade of student.

8 (2) Name and address of school.

9 (3) Circumstances surrounding the incident, including type  
10 of weapon, controlled substance, alcohol or tobacco.

11 (4) Sanction imposed by the school.

12 (4.1) A list of criminal offenses which shall include:

13 (i) The following offenses under 18 Pa.C.S. (relating to  
14 crimes and offenses):

15 Section 908 (relating to prohibited offensive weapons).

16 Section 912 (relating to possession of weapon on school  
17 property).

18 Chapter 25 (relating to criminal homicide).

19 Section 2701 (relating to simple assault).

20 Section 2702 (relating to aggravated assault).

21 Section 2705 (relating to recklessly endangering another  
22 person).

23 Section 2706 (relating to terroristic threats).

24 Section 2709 (relating to harassment).

25 Section 2709.1 (relating to stalking).

26 Section 2901 (relating to kidnapping).

27 Section 2902 (relating to unlawful restraint).

28 Section 3121 (relating to rape).

29 Section 3122.1 (relating to statutory sexual assault).

30 Section 3123 (relating to involuntary deviate sexual

1 intercourse).

2 Section 3124.1 (relating to sexual assault).

3 Section 3125 (relating to aggravated indecent assault).

4 Section 3126 (relating to indecent assault).

5 Section 3127 (relating to indecent exposure).

6 Section 3301 (relating to arson and related offenses).

7 Section 3307 (relating to institutional vandalism).

8 Section 3502 (relating to burglary).

9 Section 3503 (relating to criminal trespass).

10 Section 5501 (relating to riot).

11 Section 5502 (relating to failure of disorderly persons to

12 disperse upon official order).

13 Section 5503 (relating to disorderly conduct).

14 Section 6110.1 (relating to possession of firearm by minor).

15 Section 6305 (relating to sale of tobacco).

16 Section 6306.1 (relating to use of tobacco in schools

17 prohibited).

18 Section 6308 (relating to purchase, consumption, possession

19 or transportation of liquor or malt or brewed beverages).

20 (ii) A felony offense under "The Controlled Substance, Drug,

21 Device and Cosmetic Act."

22 (iii) Attempts, solicitation or conspiracy to commit any of

23 the offenses listed in subparagraphs (i) and (ii).

24 (iv) Any other offense not set forth in subparagraph (i),

25 (ii) or (iii) which was committed on school property.

26 (5) Notification of law enforcement.

27 (6) Remedial programs involved.

28 (7) Parental involvement required.

29 (8) Arrests, convictions and adjudications, if known.

30 If a person other than a student is involved, the report shall

1 state the relationship of the individual involved to the school  
2 entity.

3 (b.1) Prior to submission to the office, school entities  
4 shall submit the school violence report to the police department  
5 with jurisdiction over the relevant school building and school  
6 property. The police department shall review the report and  
7 compare the data regarding criminal offenses and notification of  
8 law enforcement to determine its accuracy. If the police  
9 department determines that the report does not accurately  
10 reflect police incident data, the police department shall notify  
11 the school entity. The school entity shall review the  
12 information in an attempt to resolve discrepancies and submit a  
13 report to the office which is agreed to by both parties. If a  
14 discrepancy continues to exist, the police department shall  
15 notify the office. The office shall develop a procedure and  
16 forms for use by police departments for submitting information  
17 pursuant to this subsection.

18 (c) [All school entities shall develop a memorandum of  
19 understanding with local law enforcement which sets forth  
20 procedures to be followed when an incident involving an act of  
21 violence or possession of a weapon by any person occurs on  
22 school property. Law enforcement protocols shall be developed in  
23 cooperation with local law enforcement and the Pennsylvania  
24 State Police.] All school entities shall enter into a memorandum  
25 of understanding with police departments having jurisdiction  
26 over schools and school property of the school entity. The  
27 memorandum of understanding shall be signed by the  
28 superintendent and principals of each school building of the  
29 school entity. The memorandum of understanding shall include:

30 (1) Protocol for school notification of the police

1 department regarding crimes committed on school property.

2 (2) Emergency and nonemergency response by the police  
3 department.

4 (3) The procedure for police department review of school  
5 violence reports prior to filing with the office.

6 (4) A procedure for the resolution of school violence data  
7 discrepancies prior to filing of the school violence report with  
8 the office.

9 (5) Additional matters pertaining to crime prevention agreed  
10 to between the school entity and the police department.

11 (d) A principal or superintendent who intentionally fails to  
12 report acts of violence to police departments as required by  
13 this section shall be subject to a civil penalty not to exceed  
14 two thousand five hundred dollars (\$2,500), as determined by the  
15 department and sanctions pursuant to the act of December 12,  
16 1973 (P.L.397, No.141), known as the "Professional Educator  
17 Discipline Act." A principal or superintendent who intentionally  
18 falsifies a report submitted under this act shall be subject to  
19 prosecution for a violation of 18 Pa.C.S. § 4904 (relating to  
20 unsworn falsification to authorities) and sanctions pursuant to  
21 the "Professional Educator Discipline Act."

22 Section 3. This act shall take effect in 60 days.