

## 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

SENATOR RHOADES, EDUCATION, AS AMENDED, OCTOBER 17, 2006

## 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 BACKGROUND <—  
6 CHECKS OF PROSPECTIVE EMPLOYEES, FOR the Office for Safe  
7 Schools and for reporting by school entities; AND REQUIRING <—  
8 THE ESTABLISHMENT OF POLICIES RELATING TO BULLYING.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 ~~Section 1. Section 1302 A(b) of the act of March 10, 1949 <—~~  
12 ~~(P.L.30, No.14), known as the Public School Code of 1949, added~~  
13 ~~June 30, 1995 (P.L.220, No.26), is amended to read:~~

14 SECTION 1. SECTION 111(C.1) OF THE ACT OF MARCH 10, 1949 <—  
15 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, ADDED  
16 JULY 11, 2006 (P.L.1092, NO.114), IS AMENDED TO READ:

17 SECTION 111. BACKGROUND CHECKS OF PROSPECTIVE EMPLOYEES;  
18 CONVICTION OF EMPLOYEES OF CERTAIN OFFENSES.--\* \* \*

19 (C.1) (1) BEGINNING APRIL 1, 2007, ADMINISTRATORS SHALL  
20 REQUIRE THE APPLICANT TO SUBMIT WITH THE APPLICATION FOR

1 EMPLOYMENT A COPY OF THE FEDERAL CRIMINAL HISTORY RECORD IN A  
2 MANNER PRESCRIBED BY THE DEPARTMENT OF EDUCATION.

3 (2) AT A MINIMUM, THE DEPARTMENT OF EDUCATION SHALL  
4 PRESCRIBE A METHOD FOR APPLICANTS TO SUBMIT A SET OF  
5 FINGERPRINTS TO BE TRANSMITTED TO THE FEDERAL BUREAU OF  
6 INVESTIGATION FOR FEDERAL CRIMINAL HISTORY RECORD INFORMATION  
7 PURSUANT TO THE FEDERAL BUREAU OF INVESTIGATION APPROPRIATION OF  
8 TITLE II OF PUBLIC LAW 92-544, 86 STAT. § 1115.

9 (3) WHEN THE APPLICANT PROVIDES A COPY OF THE FEDERAL  
10 CRIMINAL HISTORY RECORD, IT SHALL BE NO MORE THAN ONE (1) YEAR  
11 OLD. ADMINISTRATORS SHALL MAINTAIN A COPY OF THE REQUIRED  
12 INFORMATION AND SHALL REQUIRE EACH APPLICANT TO PRODUCE A  
13 FEDERAL CRIMINAL HISTORY RECORD THAT MAY NOT BE MORE THAN ONE  
14 (1) YEAR OLD AT THE TIME OF EMPLOYMENT. THE ORIGINAL FEDERAL  
15 CRIMINAL HISTORY RECORD SHALL BE RETURNED TO THE APPLICANT.

16 \* \* \*

17 SECTION 2. SECTION 1302-A(B) AND (C) OF THE ACT, AMENDED OR  
18 ADDED JUNE 30, 1995 (P.L.220, NO.26) AND JUNE, 26, 1999  
19 (P.L.394, NO.36), ARE AMENDED TO READ:

20 Section 1302-A. Office for Safe Schools.--\* \* \*

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

22 (1) To coordinate antiviolenence efforts between school,  
23 professional, parental, governmental, law enforcement and  
24 community organizations and associations.

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

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

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

(5) ~~(i)~~ To develop forms to be used by school entities AND POLICE DEPARTMENTS for reporting incidents involving acts of violence and possession of weapons on school property.

~~(ii) The office shall~~

(6) TO convene an advisory committee which shall include a police chief, school superintendent, school principal, district attorney, solicitor of a school district and an in-school probation officer to develop the school violence form FORMS REQUIRED UNDER PARAGRAPH (5). The advisory committee shall be convened no later than sixty (60) days after the effective date of this subparagraph.

(C) IN ADDITION TO THE POWERS AND DUTIES SET FORTH UNDER SUBSECTION (A), THE OFFICE IS AUTHORIZED TO MAKE TARGETED GRANTS TO SCHOOLS TO FUND PROGRAMS WHICH ADDRESS SCHOOL VIOLENCE, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING PROGRAMS:

(1) CONFLICT RESOLUTION OR DISPUTE MANAGEMENT.

(2) PEER HELPERS PROGRAMS.

(3) RISK ASSESSMENT, SAFETY-RELATED OR VIOLENCE PREVENTION CURRICULA.

(4) CLASSROOM MANAGEMENT.

(5) STUDENT CODES OF CONDUCT.

(6) TRAINING TO UNDERTAKE A DISTRICTWIDE ASSESSMENT OF RISK FACTORS THAT INCREASE THE LIKELIHOOD OF PROBLEM BEHAVIORS AMONG STUDENTS.

(7) DEVELOPMENT AND IMPLEMENTATION OF RESEARCH-BASED

1 VIOLENCE PREVENTION PROGRAMS THAT ADDRESS RISK FACTORS TO REDUCE  
2 INCIDENTS OF PROBLEM BEHAVIORS AMONG STUDENTS INCLUDING, BUT NOT  
3 LIMITED TO, BULLYING.

4 (8) COMPREHENSIVE, DISTRICTWIDE SCHOOL SAFETY AND VIOLENCE  
5 PREVENTION PLANS.

6 (9) SECURITY PLANNING, PURCHASE OF SECURITY-RELATED  
7 TECHNOLOGY WHICH MAY INCLUDE METAL DETECTORS, PROTECTIVE  
8 LIGHTING, SURVEILLANCE EQUIPMENT, SPECIAL EMERGENCY  
9 COMMUNICATIONS EQUIPMENT, ELECTRONIC LOCKSETS, DEADBOLTS AND  
10 THEFT CONTROL DEVICES AND TRAINING IN THE USE OF SECURITY-  
11 RELATED TECHNOLOGY. SECURITY PLANNING AND PURCHASE OF SECURITY-  
12 RELATED TECHNOLOGY SHALL BE BASED ON SAFETY NEEDS IDENTIFIED BY  
13 THE SCHOOL ENTITY'S BOARD OF DIRECTORS.

14 (10) INSTITUTION OF STUDENT, STAFF AND VISITOR  
15 IDENTIFICATION SYSTEMS.

16 (11) ESTABLISHMENT OR ENHANCEMENT OF SCHOOL SECURITY  
17 PERSONNEL, INCLUDING SCHOOL RESOURCE OFFICERS.

18 (12) PROVISION OF SPECIALIZED STAFF AND STUDENT TRAINING  
19 PROGRAMS, INCLUDING TRAINING FOR STUDENT ASSISTANCE PROGRAM TEAM  
20 MEMBERS IN ELEMENTARY, MIDDLE AND HIGH SCHOOLS IN THE REFERRAL  
21 OF STUDENTS AT RISK OF VIOLENT BEHAVIOR TO APPROPRIATE  
22 COMMUNITY-BASED SERVICES, INCLUDING MENTAL HEALTH SERVICES.

23 (13) ALTERNATIVE EDUCATION PROGRAMS PROVIDED FOR IN ARTICLE  
24 XIX-C.

25 (14) COUNSELING SERVICES FOR STUDENTS ENROLLED IN  
26 ALTERNATIVE EDUCATION PROGRAMS.

27 \* \* \*

28 Section ~~2~~ 3. Section 1303-A of the act, amended June 25, <—  
29 1997 (P.L.297, No.30), is amended to read:

30 Section 1303-A. Reporting.--~~f~~(a) The office shall conduct a <—

1 one-time survey of all school entities to determine the number  
2 of incidents involving acts of violence on school property and  
3 all cases involving possession of a weapon by any person on  
4 school property which occurred within the last five (5) years.  
5 The survey shall be based on the best available information  
6 provided by school entities.† <—

7 (b) All school entities shall report all {new} incidents <—  
8 involving acts of violence, possession of a weapon or  
9 possession, use or sale of controlled substances as defined in  
10 the act of April 14, 1972 (P.L.233, No.64), known as "The  
11 Controlled Substance, Drug, Device and Cosmetic Act," or  
12 possession, use or sale of alcohol or tobacco by any person on  
13 school property at least once a year, as provided by the office,  
14 on a form to be developed and provided by the office. The form  
15 shall include:

16 (1) Age or grade of student.  
17 (2) Name and address of school.  
18 (3) Circumstances surrounding the incident, including type  
19 of weapon, controlled substance, alcohol or tobacco.

20 (4) Sanction imposed by the school.

21 (4.1) A list of criminal offenses which shall, AT A MINIMUM, <—  
22 include:

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

25 Section 908 (relating to prohibited offensive weapons).

26 Section 912 (relating to possession of weapon on school  
27 property).

28 Chapter 25 (relating to criminal homicide).

29 Section 2701 (relating to simple assault).

30 Section 2702 (relating to aggravated assault).

1     Section 2705 (relating to recklessly endangering another  
2 person).

3     Section 2706 (relating to terroristic threats).

4     Section 2709 (relating to harassment).

5     Section 2709.1 (relating to stalking).

6     Section 2901 (relating to kidnapping).

7     Section 2902 (relating to unlawful restraint).

8     Section 3121 (relating to rape).

9     Section 3122.1 (relating to statutory sexual assault).

10    Section 3123 (relating to involuntary deviate sexual  
11 intercourse).

12    Section 3124.1 (relating to sexual assault).

13    Section 3125 (relating to aggravated indecent assault).

14    Section 3126 (relating to indecent assault).

15    Section 3127 (relating to indecent exposure).

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

17    Section 3307 (relating to institutional vandalism).

18    Section 3502 (relating to burglary).

19    Section 3503 (relating to criminal trespass).

20    Section 5501 (relating to riot).

21    Section 5502 (relating to failure of disorderly persons to  
22 disperse upon official order).

23    Section 5503 (relating to disorderly conduct).

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

25    Section 6305 (relating to sale of tobacco).

26    Section 6306.1 (relating to use of tobacco in schools  
27 prohibited).

28    Section 6308 (relating to purchase, consumption, possession  
29 or transportation of liquor or malt or brewed beverages).

30    (ii) A ~~felony~~ AN offense under "The Controlled Substance,

<—

1 Drug, Device and Cosmetic Act."

2 (iii) Attempts, solicitation or conspiracy to commit any of  
3 the offenses listed in subparagraphs (i) and (ii).

4 ~~(iv) Any other offense not set forth in subparagraph (i),~~ <—  
5 ~~(ii) or (iii) which was committed on school property.~~

6 (5) Notification of law enforcement.

7 (6) Remedial programs involved.

8 (7) Parental involvement required.

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

10 If a person other than a student is involved, the report shall  
11 state the relationship of the individual involved to the school  
12 entity.

13 ~~(b.1) Prior to submission to the office, school entities~~ <—  
14 ~~shall submit the school violence report to the police department~~  
15 ~~with jurisdiction over the relevant school building and school~~  
16 ~~property. The police department shall review the report and~~  
17 ~~compare the data regarding criminal offenses and notification of~~  
18 ~~law enforcement to determine its accuracy. If the police~~  
19 ~~department determines that the report does not accurately~~  
20 ~~reflect police incident data, the police department shall notify~~  
21 ~~the school entity. The school entity shall review the~~  
22 ~~information in an attempt to resolve discrepancies and submit a~~  
23 ~~report to the office which is agreed to by both parties. If a~~  
24 ~~discrepancy continues to exist, the police department shall~~  
25 ~~notify the office. The office shall develop a procedure and~~  
26 ~~forms for use by police departments for submitting information~~  
27 ~~pursuant to this subsection.~~

28 (B.1) PRIOR TO SUBMITTING THE REPORT REQUIRED UNDER <—  
29 SUBSECTION (B), SCHOOL ENTITIES AND POLICE DEPARTMENTS SHALL DO  
30 ALL OF THE FOLLOWING:

1       (1) NO LATER THAN FORTY-FIVE (45) DAYS PRIOR TO THE DEADLINE  
2 FOR SUBMITTING THE REPORT REQUIRED UNDER SUBSECTION (B), SCHOOL  
3 ENTITIES SHALL SUBMIT THE REPORT TO THE POLICE DEPARTMENT WITH  
4 JURISDICTION OVER THE RELEVANT SCHOOL PROPERTY. THE POLICE  
5 DEPARTMENT SHALL REVIEW THE REPORT AND COMPARE THE DATA  
6 REGARDING CRIMINAL OFFENSES AND NOTIFICATION OF LAW ENFORCEMENT  
7 TO DETERMINE ITS ACCURACY.

8       (2) NO LATER THAN FIFTEEN (15) DAYS PRIOR TO THE DEADLINE  
9 FOR SUBMITTING THE REPORT REQUIRED UNDER SUBSECTION (B), THE  
10 POLICE DEPARTMENT SHALL NOTIFY THE SCHOOL ENTITY, IN WRITING,  
11 WHETHER THE REPORT ACCURATELY REFLECTS POLICE INCIDENT DATA.  
12 WHERE THE POLICE DEPARTMENT DETERMINES THAT THE REPORT  
13 ACCURATELY REFLECTS POLICE INCIDENT DATA, THE CHIEF OF POLICE  
14 SHALL SIGN THE REPORT. WHERE THE POLICE DEPARTMENT DETERMINES  
15 THAT THE REPORT DOES NOT ACCURATELY REFLECT POLICE INCIDENT  
16 DATA, THE POLICE DEPARTMENT SHALL INDICATE ANY DISCREPANCIES  
17 BETWEEN THE REPORT AND POLICE INCIDENT DATA.

18       (3) PRIOR TO SUBMITTING THE REPORT REQUIRED UNDER SUBSECTION  
19 (B), THE SCHOOL ENTITY AND THE POLICE DEPARTMENT SHALL ATTEMPT  
20 TO RESOLVE ANY DISCREPANCIES BETWEEN THE REPORT AND POLICE  
21 INCIDENT DATA. WHERE A DISCREPANCY REMAINS UNRESOLVED, THE  
22 POLICE DEPARTMENT SHALL NOTIFY THE SCHOOL ENTITY AND THE OFFICE  
23 IN WRITING.

24       (4) WHERE A POLICE DEPARTMENT FAILS TO TAKE ACTION AS  
25 REQUIRED UNDER PARAGRAPH (2) OR (3), THE SCHOOL ENTITY SHALL  
26 SUBMIT THE REPORT REQUIRED UNDER SUBSECTION (B) AND INDICATE  
27 THAT THE POLICE DEPARTMENT FAILED TO TAKE ACTION AS REQUIRED  
28 UNDER PARAGRAPH (2) OR (3).

29       (c) [All school entities shall develop a memorandum of  
30 understanding with local law enforcement which sets forth



1 procedures to be followed when an incident involving an act of  
2 violence or possession of a weapon by any person occurs on  
3 school property. Law enforcement protocols shall be developed in  
4 cooperation with local law enforcement and the Pennsylvania  
5 State Police.] All school entities shall enter into a memorandum  
6 of understanding with police departments having jurisdiction  
7 over ~~schools and~~ school property of the school entity. The <—  
8 memorandum of understanding shall be signed by the  
9 superintendent and principals of each school building of the  
10 school entity; AND WHERE THE SCHOOL ENTITY IS A CHARTER SCHOOL, <—  
11 THE MEMORANDUM OF UNDERSTANDING SHALL ALSO BE SIGNED BY THE  
12 CHIEF EXECUTIVE OFFICER OF THE CHARTER SCHOOL. The memorandum of  
13 understanding shall include:

14 (1) Protocol for school notification of the police  
15 department regarding crimes committed on school property.

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

18 (3) The procedure for police department review of ~~school~~ <—  
19 ~~violence reports~~ THE REPORT REQUIRED UNDER SUBSECTION (B) prior <—  
20 to filing with the office.

21 (4) A procedure for the resolution of school violence data  
22 discrepancies prior to filing of ~~the school violence report~~ THE <—  
23 REPORT REQUIRED UNDER SUBSECTION (B) with the office.

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

26 ~~(d) A principal or superintendent who intentionally fails to~~ <—  
27 ~~report acts of violence to police departments as required by~~  
28 ~~this section shall be subject to a civil penalty not to exceed~~  
29 ~~two thousand five hundred dollars (\$2,500), as determined by the~~  
30 ~~department and sanctions pursuant to the act of December 12,~~

1 ~~1973 (P.L.397, No.141), known as the "Professional Educator~~  
2 ~~Discipline Act." A principal or superintendent who intentionally~~  
3 ~~falsifies a report submitted under this act shall be subject to~~  
4 ~~prosecution for a violation of 18 Pa.C.S. § 4904 (relating to~~  
5 ~~unsworn falsification to authorities) and sanctions pursuant to~~  
6 ~~the "Professional Educator Discipline Act."~~

7     (D) (1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE <—  
8 CONTRARY, THE DEPARTMENT OF EDUCATION MAY INITIATE DISCIPLINARY  
9 ACTION BEFORE THE PROFESSIONAL STANDARDS AND PRACTICES  
10 COMMISSION PURSUANT TO THE ACT OF DECEMBER 12, 1973 (P.L.397,  
11 NO.141), KNOWN AS THE "PROFESSIONAL EDUCATOR DISCIPLINE ACT,"  
12 AGAINST A PRINCIPAL, SUPERINTENDENT OR CHIEF EXECUTIVE OFFICER  
13 OF A CHARTER SCHOOL WHO INTENTIONALLY FAILS TO REPORT ACTS OF  
14 VIOLENCE TO A POLICE DEPARTMENT AS REQUIRED BY THIS SECTION OR  
15 WHO INTENTIONALLY FALSIFIES A REPORT SUBMITTED AS REQUIRED UNDER  
16 THIS SECTION.

17     (2) IN ADDITION TO ANY OTHER DISCIPLINARY ACTIONS SET FORTH  
18 IN THE "PROFESSIONAL EDUCATOR DISCIPLINE ACT," A PRINCIPAL,  
19 SUPERINTENDENT OR CHIEF EXECUTIVE OFFICER OF A CHARTER SCHOOL  
20 WHO INTENTIONALLY FAILS TO REPORT ACTS OF VIOLENCE TO A POLICE  
21 DEPARTMENT AS REQUIRED BY THIS SECTION OR WHO INTENTIONALLY  
22 FALSIFIES A REPORT SUBMITTED AS REQUIRED UNDER THIS SECTION  
23 SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED TWO THOUSAND  
24 FIVE HUNDRED DOLLARS (\$2,500) TO BE IMPOSED BY THE PROFESSIONAL  
25 STANDARDS AND PRACTICES COMMISSION OR TO PROSECUTION FOR  
26 VIOLATION OF 18 PA.C.S. § 4904 (RELATING TO UNSWORN  
27 FALSIFICATION TO AUTHORITIES).

28     SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

29     SECTION 1303.1-A. POLICY RELATING TO BULLYING.--(A) NO  
30 LATER THAN JUNE 30, 2007, EACH SCHOOL ENTITY SHALL ADOPT A

1 POLICY RELATING TO BULLYING OR AMEND THE SCHOOL ENTITY'S CODE OF  
2 STUDENT CONDUCT REQUIRED UNDER 22 PA. CODE § 12.3(C) (RELATING  
3 TO SCHOOL RULES) TO INCLUDE PROVISIONS RELATING TO BULLYING. THE  
4 POLICY OR AMENDMENT TO THE CODE OF STUDENT CONDUCT SHALL  
5 DELINEATE DISCIPLINE CONSEQUENCES FOR BULLYING AND MAY PROVIDE  
6 FOR PREVENTION, INTERVENTION AND EDUCATION PROGRAMS, PROVIDED,  
7 THAT NO SCHOOL ENTITY SHALL BE REQUIRED TO ESTABLISH A NEW  
8 POLICY UNDER THIS SECTION IF ONE CURRENTLY EXISTS AND REASONABLY  
9 FULFILLS THE REQUIREMENTS OF THIS SECTION.

10 (B) EACH SCHOOL ENTITY SHALL DISTRIBUTE THE POLICY RELATING  
11 TO BULLYING WITH THE CODE OF STUDENT CONDUCT REQUIRED UNDER 22  
12 PA. CODE § 12.3(C) AND SHALL MAKE THE POLICY AVAILABLE ON ITS  
13 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

14 (C) EACH SCHOOL ENTITY SHALL REVIEW ITS POLICY EVERY THREE  
15 YEARS AND ANNUALLY PROVIDE THE OFFICE WITH A COPY OF ITS POLICY  
16 RELATING TO BULLYING, INCLUDING INFORMATION RELATED TO THE  
17 DEVELOPMENT AND IMPLEMENTATION OF ANY BULLYING PREVENTION,  
18 INTERVENTION AND EDUCATION PROGRAMS. THE INFORMATION REQUIRED  
19 UNDER THIS SUBSECTION SHALL BE ATTACHED TO OR MADE PART OF THE  
20 ANNUAL REPORT REQUIRED UNDER SECTION 1303-A(B).

21 (D) FOR THE PURPOSES OF THIS SECTION, "BULLYING" SHALL HAVE  
22 THE SAME MEANING AS IT IS GIVEN IN THE SECTION RELATED TO  
23 DEFINITIONS IN THE ANNUAL REPORT ON SCHOOL VIOLENCE AND WEAPON  
24 POSSESSION THAT SCHOOL ENTITIES ARE REQUIRED TO COMPLETE  
25 PURSUANT TO SECTION 1303-A(B).

26 Section 3 5. This act shall take effect in 60 days.

<—