

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 844 Session of 2007

INTRODUCED BY BENNINGHOFF, PETRI, BARRAR, CLYMER, CREIGHTON, DeLUCA, DENLINGER, FLECK, GEIST, GOODMAN, JAMES, KIRKLAND, MANN, O'NEILL, PEIFER, ROAE, RUBLEY, SAYLOR, SIPTROTH, SOLOBAY, J. TAYLOR AND YOUNGBLOOD, MARCH 19, 2007

REFERRED TO COMMITTEE ON EDUCATION, MARCH 19, 2007

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," providing for bomb threats  
6 prohibited.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding a  
11 section to read:

12 Section 1317.4. Bomb Threats Prohibited.--(a) Except as  
13 otherwise provided in this section, a school entity shall expel,  
14 for a period of not less than one year, any of the following:

15 (1) A student who is determined to have brought or be in  
16 possession of a bomb, a look-alike bomb or bomb-making materials  
17 on any school property, at any school-sponsored activity or on  
18 any public conveyance providing transportation to a school or  
19 school-sponsored activity.

1       (2) A student found to have communicated a bomb threat,  
2 whether involving an actual bomb or look-alike bomb.

3       (3) A student who knowingly or wilfully encourages, causes,  
4 aids or assists another student in making or communicating a  
5 bomb threat.

6       (b) Every school entity shall develop a written policy  
7 regarding expulsions for possession of a bomb, look-alike bomb  
8 or bomb-making materials or for communicating bomb threats as  
9 required under this section. Expulsions shall be conducted  
10 pursuant to all applicable regulations.

11       (c) Modifications of expulsion requirements for a student  
12 may be made on a case-by-case basis. The superintendent or other  
13 chief administrative officer of a school entity shall, in the  
14 case of an exceptional student, take all steps necessary to  
15 comply with the Individuals with Disabilities Education Act  
16 (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

17       (d) The provisions of this section shall not apply to a  
18 replica of a bomb or a look-alike bomb being used as part of an  
19 approved program in school by an individual who is participating  
20 in the program.

21       (e) A school entity receiving a student who transfers from a  
22 public or private school during a period of expulsion for an act  
23 or an offense involving a bomb, look-alike bomb, bomb-making  
24 materials or a bomb threat shall assign that student to  
25 alternative assignment or provide alternative education,  
26 provided that the assignment may not exceed the period of  
27 expulsion.

28       (f) All school entities shall report all incidents involving  
29 possession of a bomb, look-alike bomb, bomb-making materials or  
30 a bomb threat, prohibited by this section as follows:

1       (1) The school superintendent or chief administrator shall  
2 immediately report the discovery of any bomb, look-alike bomb,  
3 bomb-making materials or bomb threat prohibited by this section  
4 to law enforcement officials.

5       (2) The school superintendent or chief administrator shall  
6 report to the Department of Education and to local law  
7 enforcement officials all incidents relating to an expulsion for  
8 possession of a bomb, a look-alike bomb or bomb-making materials  
9 on school grounds, at school-sponsored activities or on public  
10 conveyances providing transportation to a school or school-  
11 sponsored activity or for incidents of bomb threats. Reports  
12 include all information as required under section 1303-A.

13       (g) In addition to any penalty imposed by law, a student who  
14 is disciplined for possessing a bomb, look-alike bomb, bomb-  
15 making materials or communicating a bomb threat shall have the  
16 incident documented on his disciplinary record pursuant to  
17 subsection (a) of this act.

18       (h) A student who fails to immediately report information or  
19 knowledge of a bomb threat or the existence of a bomb in a  
20 school building, on school property, at a school-sponsored  
21 activity or on a public conveyance providing transportation to  
22 school or a school-sponsored activity, to a principal, teacher  
23 or public conveyance driver may be subject to disciplinary  
24 consequences, which may include suspension and/or expulsion.

25       (i) School entities may bring suit against any individual  
26 responsible for a violation of this section to seek restitution  
27 or other damages permitted by law.

28       (j) All student handbooks shall address the school entity's  
29 bomb threat policy and procedures and explain the disciplinary  
30 consequences of bomb threats and notify students and parents

1 that bomb threats violate board policy and civil and criminal  
2 law.

3 (k) As used in this section, the following words and phrases  
4 shall have the meanings given to them in this subsection unless  
5 the context clearly indicates otherwise:

6 "Bomb." As defined in 18 Pa.C.S. § 2715(d) (relating to  
7 threat to use weapons of mass destruction).

8 "Bomb threat." Communication, by any means, whether verbal  
9 or nonverbal, that a bomb or look-alike bomb exists or will  
10 explode, combust, ignite or otherwise cause significant  
11 disruption, personal injury, property damage or other harm at  
12 any school building, on school property, at a school-sponsored  
13 activity or on any public conveyance providing transportation to  
14 school or to any school-sponsored activity.

15 "Look-alike bomb." Any apparatus or object that conveys the  
16 appearance of a bomb.

17 "School entity." Any school district, charter school, area  
18 vocational-technical school or nonpublic or private school  
19 located in this Commonwealth.

20 Section 2. This act shall take effect immediately.