

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 112 Session of  
2007

INTRODUCED BY PICCOLA, RHOADES, WONDERLING, COSTA, RAFFERTY,  
TOMLINSON, BRUBAKER, REGOLA, ORIE AND BROWNE, MARCH 2, 2007

REFERRED TO EDUCATION, MARCH 2, 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," 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) and (c) of the act of March 10,  
10 1949 (P.L.30, No.14), known as the Public School Code of 1949,  
11 amended or added June 30, 1995 (P.L.220, No.26) and June 26,  
12 1999 (P.L.394, No.36), are amended to read:

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

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

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

18 (2) To collect, develop and disseminate information,  
19 policies, strategies and other information to assist in the

1 development of programs to impact school violence.

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

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

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

13 (6) To convene an advisory committee which shall include a  
14 police chief, school superintendent, school principal, district  
15 attorney, solicitor of a school district and an in-school  
16 probation officer to develop the forms required under clause  
17 (5). The advisory committee shall be convened no later than  
18 sixty (60) days after the effective date of this clause.

19 (c) In addition to the powers and duties set forth under  
20 subsection (a), the office is authorized to make targeted grants  
21 to schools to fund programs which address school violence,  
22 including, but not limited to, the following programs:

23 (1) Conflict resolution or dispute management.

24 (2) Peer helpers programs.

25 (3) Risk assessment, safety-related or violence prevention  
26 curricula.

27 (4) Classroom management.

28 (5) Student codes of conduct.

29 (6) Training to undertake a districtwide assessment of risk  
30 factors that increase the likelihood of problem behaviors among

1 students.

2 (7) Development and implementation of research-based  
3 violence prevention programs that address risk factors to reduce  
4 incidents of problem behaviors among students including, but not  
5 limited to, bullying.

6 (8) Comprehensive, districtwide school safety and violence  
7 prevention plans.

8 (9) Security planning, purchase of security-related  
9 technology which may include metal detectors, protective  
10 lighting, surveillance equipment, special emergency  
11 communications equipment, electronic locksets, deadbolts and  
12 theft control devices and training in the use of security-  
13 related technology. Security planning and purchase of security-  
14 related technology shall be based on safety needs identified by  
15 the school entity's board of directors.

16 (10) Institution of student, staff and visitor  
17 identification systems.

18 (11) Establishment or enhancement of school security  
19 personnel, including school resource officers.

20 (12) Provision of specialized staff and student training  
21 programs, including training for Student Assistance Program team  
22 members in elementary, middle and high schools in the referral  
23 of students at risk of violent behavior to appropriate  
24 community-based services, including mental health services.

25 (13) Alternative education programs provided for in Article  
26 XIX-C.

27 (14) Counseling services for students enrolled in  
28 alternative education programs.

29 \* \* \*

30 Section 2. Section 1303-A of the act, amended June 25, 1997

1 (P.L.297, No.30), is amended to read:

2 Section 1303-A. Reporting.--(a) The office shall conduct a  
3 one-time survey of all school entities to determine the number  
4 of incidents involving acts of violence on school property and  
5 all cases involving possession of a weapon by any person on  
6 school property which occurred within the last five (5) years.  
7 The survey shall be based on the best available information  
8 provided by school entities.

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

18 (1) Age or grade of student.

19 (2) Name and address of school.

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

22 (4) Sanction imposed by the school.

23 (4.1) A list of criminal offenses which shall, at a minimum,  
24 include:

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

27 Section 908 (relating to prohibited offensive weapons).

28 Section 912 (relating to possession of weapon on school  
29 property).

30 Chapter 25 (relating to criminal homicide).

1     Section 2701 (relating to simple assault).  
2     Section 2702 (relating to aggravated assault).  
3     Section 2705 (relating to recklessly endangering another  
4 person).  
5     Section 2706 (relating to terroristic threats).  
6     Section 2709 (relating to harassment).  
7     Section 2709.1 (relating to stalking).  
8     Section 2901 (relating to kidnapping).  
9     Section 2902 (relating to unlawful restraint).  
10    Section 3121 (relating to rape).  
11    Section 3122.1 (relating to statutory sexual assault).  
12    Section 3123 (relating to involuntary deviate sexual  
13 intercourse).  
14    Section 3124.1 (relating to sexual assault).  
15    Section 3125 (relating to aggravated indecent assault).  
16    Section 3126 (relating to indecent assault).  
17    Section 3127 (relating to indecent exposure).  
18    Section 3301 (relating to arson and related offenses).  
19    Section 3307 (relating to institutional vandalism).  
20    Section 3502 (relating to burglary).  
21    Section 3503 (relating to criminal trespass).  
22    Section 5501 (relating to riot).  
23    Section 5502 (relating to failure of disorderly persons to  
24 disperse upon official order).  
25    Section 5503 (relating to disorderly conduct).  
26    Section 6110.1 (relating to possession of firearm by minor).  
27    Section 6305 (relating to sale of tobacco).  
28    Section 6306.1 (relating to use of tobacco in schools  
29 prohibited).  
30    Section 6308 (relating to purchase, consumption, possession

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

2 (ii) An offense under "The Controlled Substance, Drug,  
3 Device and Cosmetic Act."

4 (iii) Attempts, solicitation or conspiracy to commit any of  
5 the offenses listed in subclauses (i) and (ii).

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 submitting the report required under  
14 subsection (b), school entities and police departments shall do  
15 all of the following:

16 (1) No later than forty-five (45) days prior to the deadline  
17 for submitting the report required under subsection (b), school  
18 entities shall submit the report to the police department with  
19 jurisdiction over the relevant school property. The police  
20 department shall review the report and compare the data  
21 regarding criminal offenses and notification of law enforcement  
22 to determine its accuracy.

23 (2) No later than fifteen (15) days prior to the deadline  
24 for submitting the report required under subsection (b), the  
25 police department shall notify the school entity, in writing,  
26 whether the report accurately reflects police incident data.  
27 Where the police department determines that the report  
28 accurately reflects police incident data, the chief of police  
29 shall sign the report. Where the police department determines  
30 that the report does not accurately reflect police incident

data, the police department shall indicate any discrepancies between the report and police incident data.

(3) Prior to submitting the report required under subsection (b), the school entity and the police department shall attempt to resolve any discrepancies between the report and police incident data. Where a discrepancy remains unresolved, the police department shall notify the school entity and the office in writing.

(4) Where a police department fails to take action as required under clause (2) or (3), the school entity shall submit the report required under subsection (b) and indicate that the police department failed to take action as required under clause (2) or (3).

(c) [All school entities shall develop a memorandum of understanding with local law enforcement which sets forth procedures to be followed when an incident involving an act of violence or possession of a weapon by any person occurs on school property. Law enforcement protocols shall be developed in cooperation with local law enforcement and the Pennsylvania State Police.] All school entities shall enter into a memorandum of understanding with police departments having jurisdiction over school property of the school entity. The memorandum of understanding shall be signed by the superintendent and principals of each school building of the school entity; and where the school entity is a charter school, the memorandum of understanding shall also be signed by the chief executive officer of the charter school. The memorandum of understanding shall include:

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

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

3     (3) The procedure for police department review of the report  
4     required under subsection (b) prior to filing with the office.

5     (4) A procedure for the resolution of school violence data  
6     discrepancies prior to filing the report required under  
7     subsection (b) with the office.

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

10    (d) (1) Notwithstanding any provision of law to the  
11    contrary, the Department of Education may initiate disciplinary  
12    action before the Professional Standards and Practices  
13    Commission pursuant to the act of December 12, 1973 (P.L.397,  
14    No.141), known as the "Professional Educator Discipline Act,"  
15    against a principal, superintendent or chief executive officer  
16    of a charter school who intentionally fails to report acts of  
17    violence to a police department as required by this section or  
18    who intentionally falsifies a report submitted as required under  
19    this section.

20    (2) In addition to any other disciplinary actions set forth  
21    in the "Professional Educator Discipline Act," a principal,  
22    superintendent or chief executive officer of a charter school  
23    who intentionally fails to report acts of violence to a police  
24    department as required by this section or who intentionally  
25    falsifies a report submitted as required under this section  
26    shall be subject to a civil penalty not to exceed two thousand  
27    five hundred dollars (\$2,500) to be imposed by the Professional  
28    Standards and Practices Commission or to prosecution for  
29    violation of 18 Pa.C.S. § 4904 (relating to unsworn  
30    falsification to authorities).



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