

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

SENATOR RHOADES, EDUCATION, AS AMENDED, MARCH 20, 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, IN PROVISIONS
6 RELATING TO SAFE SCHOOLS, FOR DEFINITIONS, for the Office for
7 Safe Schools and for reporting by school entities. <---

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

10 ~~Section 1. Section 1302 A(b) and (c) of the act of March 10,~~ <---
11 ~~1949 (P.L.30, No.14), known as the Public School Code of 1949,~~
12 ~~amended or added June 30, 1995 (P.L.220, No.26) and June 26,~~
13 ~~1999 (P.L.394, No.36), are amended to read:~~

14 SECTION 1. SECTION 1301-A OF THE ACT OF MARCH 10, 1949 <---
15 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, ADDED
16 JUNE 30, 1995 (P.L.220, NO.26), IS AMENDED TO READ:

17 SECTION 1301-A. DEFINITIONS.--AS USED IN THIS ARTICLE,
18 "CHIEF SCHOOL ADMINISTRATOR" SHALL MEAN THE SUPERINTENDENT OF
19 A PUBLIC SCHOOL DISTRICT, SUPERINTENDENT OF AN AREA VOCATIONAL-
20 TECHNICAL SCHOOL, EXECUTIVE DIRECTOR OF AN INTERMEDIATE UNIT OR

1 CHIEF EXECUTIVE OFFICER OF A CHARTER SCHOOL.

2 "OFFICE" SHALL MEAN THE OFFICE FOR SAFE SCHOOLS.

3 "SCHOOL ENTITY" SHALL MEAN ANY PUBLIC SCHOOL DISTRICT,
4 INTERMEDIATE UNIT [OR], AREA VOCATIONAL-TECHNICAL SCHOOL OR
5 CHARTER SCHOOL.

6 "SCHOOL PROPERTY" SHALL MEAN ANY PUBLIC SCHOOL GROUNDS, ANY
7 SCHOOL-SPONSORED ACTIVITY OR ANY CONVEYANCE PROVIDING
8 TRANSPORTATION TO A SCHOOL ENTITY OR SCHOOL-SPONSORED ACTIVITY.

9 "WEAPON" SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY KNIFE,
10 CUTTING INSTRUMENT, CUTTING TOOL, NUNCHAKU, FIREARM, SHOTGUN,
11 RIFLE AND ANY OTHER TOOL, INSTRUMENT OR IMPLEMENT CAPABLE OF
12 INFLICTING SERIOUS BODILY INJURY.

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

16 Section 1302-A. Office for Safe Schools.--* * *

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

18 (1) To coordinate antiviolenace efforts between school,
19 professional, parental, governmental, law enforcement and
20 community organizations and associations.

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

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

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

1 the Department of Education.

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

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

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

15 (1) Conflict resolution or dispute management.

16 (2) Peer helpers programs.

17 (3) Risk assessment, safety-related or violence prevention
18 curricula.

19 (4) Classroom management.

20 (5) Student codes of conduct.

21 (6) Training to undertake a districtwide assessment of risk
22 factors that increase the likelihood of problem behaviors among
23 students.

24 (7) Development and implementation of research-based
25 violence prevention programs that address risk factors to reduce
26 incidents of problem behaviors among students including, but not
27 limited to, bullying.

28 (8) Comprehensive, districtwide school safety and violence
29 prevention plans.

30 (9) Security planning, purchase of security-related

1 technology which may include metal detectors, protective
2 lighting, surveillance equipment, special emergency
3 communications equipment, electronic locksets, deadbolts and
4 theft control devices and training in the use of security-
5 related technology. Security planning and purchase of security-
6 related technology shall be based on safety needs identified by
7 the school entity's board of directors.

8 (10) Institution of student, staff and visitor
9 identification systems.

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

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

17 (13) Alternative education programs provided for in Article
18 XIX-C.

19 (14) Counseling services for students enrolled in
20 alternative education programs.

21 * * *

22 Section ~~2~~ 3. Section 1303-A of the act, amended June 25, ←
23 1997 (P.L.297, No.30), is amended to read:

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

1 (b) [All school entities] EACH CHIEF SCHOOL ADMINISTRATOR
 2 shall report all new incidents involving acts of violence,
 3 possession of a weapon or possession, use or sale of controlled
 4 substances as defined in the act of April 14, 1972 (P.L.233,
 5 No.64), known as "The Controlled Substance, Drug, Device and
 6 Cosmetic Act," or possession, use or sale of alcohol or tobacco
 7 by any person on school property at least once a year, as
 8 provided by the office, on a form to be developed and provided
 9 by the office. The form shall include:

- 10 (1) Age or grade of student.
- 11 (2) Name and address of school.
- 12 (3) Circumstances surrounding the incident, including type
 13 of weapon, controlled substance, alcohol or tobacco.
- 14 (4) Sanction imposed by the school.

15 (4.1) A list of criminal offenses which shall, at a minimum,
 16 include:

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

19 Section 908 (relating to prohibited offensive weapons).

20 Section 912 (relating to possession of weapon on school
 21 property).

22 Chapter 25 (relating to criminal homicide).

23 Section 2701 (relating to simple assault).

24 Section 2702 (relating to aggravated assault).

25 Section 2705 (relating to recklessly endangering another
 26 person).

27 Section 2706 (relating to terroristic threats).

28 Section 2709 (relating to harassment).

29 Section 2709.1 (relating to stalking).

30 Section 2901 (relating to kidnapping).

1 Section 2902 (relating to unlawful restraint).
2 Section 3121 (relating to rape).
3 Section 3122.1 (relating to statutory sexual assault).
4 Section 3123 (relating to involuntary deviate sexual
5 intercourse).
6 Section 3124.1 (relating to sexual assault).
7 Section 3125 (relating to aggravated indecent assault).
8 Section 3126 (relating to indecent assault).
9 Section 3127 (relating to indecent exposure).
10 Section 3301 (relating to arson and related offenses).
11 Section 3307 (relating to institutional vandalism).
12 Section 3502 (relating to burglary).
13 Section 3503 (relating to criminal trespass).
14 Section 5501 (relating to riot).
15 Section 5502 (relating to failure of disorderly persons to
16 disperse upon official order).
17 Section 5503 (relating to disorderly conduct).
18 Section 6110.1 (relating to possession of firearm by minor).
19 Section 6305 (relating to sale of tobacco).
20 Section 6306.1 (relating to use of tobacco in schools
21 prohibited).
22 Section 6308 (relating to purchase, consumption, possession
23 or transportation of liquor or malt or brewed beverages).
24 (ii) An offense under "The Controlled Substance, Drug,
25 Device and Cosmetic Act."
26 (iii) Attempts, solicitation or conspiracy to commit any of
27 the offenses listed in subclauses (i) and (ii).
28 (IV) AN OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER 42 ←
29 PA.C.S. § 9795.1 (RELATING TO REGISTRATION).
30 (5) Notification of law enforcement.

1 (6) Remedial programs involved.

2 (7) Parental involvement required.

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

4 If a person other than a student is involved, the report shall
5 state the relationship of the individual involved to the school
6 entity.

7 (b.1) Prior to submitting the report required under
8 subsection (b), ~~school entities and police departments~~ EACH <—
9 CHIEF SCHOOL ADMINISTRATOR AND EACH POLICE DEPARTMENT HAVING
10 JURISDICTION OVER SCHOOL PROPERTY OF THE SCHOOL ENTITY shall do
11 all of the following:

12 (1) No later than forty-five (45) days prior to the deadline
13 for submitting the report required under subsection (b), ~~school~~ <—
14 ~~entities~~ THE CHIEF SCHOOL ADMINISTRATOR shall submit the report <—
15 to the police department with jurisdiction over the relevant
16 school property. The police department shall review the report
17 and compare the data regarding criminal offenses and
18 notification of law enforcement to determine its accuracy.

19 (2) No later than fifteen (15) days prior to the deadline
20 for submitting the report required under subsection (b), the
21 police department shall notify the ~~school entity~~ CHIEF SCHOOL <—
22 ADMINISTRATOR, in writing, whether the report accurately
23 reflects police incident data. Where the police department
24 determines that the report accurately reflects police incident
25 data, the chief of police shall sign the report. Where the
26 police department determines that the report does not accurately
27 reflect police incident data, the police department shall
28 indicate any discrepancies between the report and police
29 incident data.

30 (3) Prior to submitting the report required under subsection

1 (b), the school entity CHIEF SCHOOL ADMINISTRATOR and the police <—
2 department shall attempt to resolve any discrepancies between
3 the report and police incident data. Where a discrepancy remains
4 unresolved, the police department shall notify the school entity <—
5 CHIEF SCHOOL ADMINISTRATOR and the office in writing. <—

6 (4) Where a police department fails to take action as
7 required under clause (2) or (3), the school entity CHIEF SCHOOL <—
8 ADMINISTRATOR shall submit the report required under subsection
9 (b) and indicate that the police department failed to take
10 action as required under clause (2) or (3).

11 (c) [All school entities shall develop a memorandum of
12 understanding with local law enforcement which sets forth
13 procedures to be followed when an incident involving an act of
14 violence or possession of a weapon by any person occurs on
15 school property. Law enforcement protocols shall be developed in
16 cooperation with local law enforcement and the Pennsylvania
17 State Police.] All school entities EACH CHIEF SCHOOL <—
18 ADMINISTRATOR shall enter into a memorandum of understanding
19 with police departments having jurisdiction over school property
20 of the school entity. SUCH MEMORANDUM OF UNDERSTANDING SHALL <—
21 REQUIRE IMMEDIATE NOTIFICATION OF THE POLICE DEPARTMENT WHEN AN
22 INCIDENT INVOLVING AN ACT OF VIOLENCE, POSSESSION OF A WEAPON OR
23 AN OFFENSE LISTED UNDER SUBSECTION (B)(4.1) OCCURS ON SCHOOL
24 PROPERTY. EACH CHIEF SCHOOL ADMINISTRATOR SHALL SUBMIT A COPY OF
25 THE MEMORANDUM OF UNDERSTANDING TO THE OFFICE BY JUNE 30, 2007,
26 AND JUNE 30 OF EACH YEAR THEREAFTER. The memorandum of
27 understanding shall be signed by the superintendent CHIEF SCHOOL <—
28 ADMINISTRATOR and principals of each school building of the
29 school entity. ; and where the school entity is a charter school, <—
30 the memorandum of understanding shall also be signed by the

1 ~~chief executive officer of the charter school.~~ The memorandum of
2 understanding shall include:

3 (1) Protocol for school notification of the police
4 department regarding ~~crimes committed on school property.~~ AN <—
5 INCIDENT INVOLVING AN ACT OF VIOLENCE, POSSESSION OF A WEAPON OR
6 AN OFFENSE LISTED UNDER SUBSECTION (B)(4.1) THAT OCCURS ON
7 SCHOOL PROPERTY.

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

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

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

15 (5) Additional matters pertaining to crime prevention agreed
16 to between the ~~school entity~~ CHIEF SCHOOL ADMINISTRATOR and the <—
17 police department.

18 (d) (1) Notwithstanding any provision of law to the
19 contrary, the Department of Education may initiate disciplinary
20 action before the Professional Standards and Practices
21 Commission pursuant to the act of December 12, 1973 (P.L.397,
22 No.141), known as the "Professional Educator Discipline Act,"
23 against a ~~principal, superintendent or chief executive officer~~ <—
24 ~~of a charter school~~ CHIEF SCHOOL ADMINISTRATOR OR PRINCIPAL OF A <—
25 SCHOOL ENTITY who intentionally fails to ~~report acts of violence~~ <—
26 ~~to a police department as required by this section or~~ SUBMIT THE <—
27 REPORT AS REQUIRED UNDER SUBSECTION (B) OR ENTER INTO THE

28 MEMORANDUM OF UNDERSTANDING, REPORT AN INCIDENT INVOLVING AN ACT
29 OF VIOLENCE, POSSESSION OF A WEAPON OR AN OFFENSE LISTED UNDER
30 SUBSECTION (B)(4.1) THAT OCCURS ON SCHOOL PROPERTY TO A POLICE

1 DEPARTMENT OR SUBMIT A COPY OF THE MEMORANDUM OF UNDERSTANDING
2 TO THE OFFICE AS REQUIRED UNDER SUBSECTION (C) OR who
3 intentionally falsifies a report submitted as required under
4 this section.

5 (2) In addition to any other disciplinary actions set forth
6 in the "Professional Educator Discipline Act," a principal, <—
7 superintendent or chief executive officer of a charter school
8 CHIEF SCHOOL ADMINISTRATOR OR PRINCIPAL OF A SCHOOL ENTITY who <—
9 intentionally fails to report acts of violence to a police <—
10 department as required by this section SUBMIT THE REPORT AS <—
11 REQUIRED UNDER SUBSECTION (B) OR ENTER INTO THE MEMORANDUM OF
12 UNDERSTANDING, REPORT AN INCIDENT INVOLVING AN ACT OF VIOLENCE,
13 POSSESSION OF A WEAPON OR AN OFFENSE CITED UNDER SUBSECTION
14 (B)(4.1) THAT OCCURS ON SCHOOL PROPERTY TO A POLICE DEPARTMENT
15 OR SUBMIT A COPY OF THE MEMORANDUM OF UNDERSTANDING TO THE
16 OFFICE AS REQUIRED UNDER SUBSECTION (C) or who intentionally
17 falsifies a report submitted as required under this section
18 shall be subject to a civil penalty not to exceed two thousand <—
19 five hundred dollars (\$2,500) to be imposed by the Professional
20 Standards and Practices Commission or to prosecution for
21 violation of 18 Pa.C.S. § 4904 (relating to unsworn
22 falsification to authorities). PROSECUTION FOR VIOLATION OF 18 <—
23 PA.C.S. § 4904 (RELATING TO UNSWORN FALSIFICATION TO
24 AUTHORITIES), WHERE APPROPRIATE, AND TO THE FOLLOWING CIVIL
25 PENALTIES TO BE IMPOSED BY THE PROFESSIONAL STANDARDS AND
26 PRACTICES COMMISSION FOR VIOLATIONS OF THIS ARTICLE:

27	<u>(I) FOR A FIRST VIOLATION</u>	<u>\$2,500;</u>
28	<u>(II) FOR A SECOND VIOLATION</u>	<u>\$3,500; OR</u>
29	<u>(III) FOR A THIRD OR SUBSEQUENT</u>	
30	<u>VIOLATION</u>	<u>\$5,000.</u>

1 ANY PENALTY IMPOSED UNDER THIS PARAGRAPH SHALL BE PAID TO THE
2 DEPARTMENT OF EDUCATION AND USED FOR THE SUPPORT OF THE OFFICE.

3 Section 3 4. This act shall take effect in 60 days.

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