

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 56 Session of 2009

INTRODUCED BY PICCOLA, BROWNE, RAFFERTY, TOMLINSON, ORIE, YAW, O'PAKE, WOZNIAK AND WONDERLING, JANUARY 20, 2009

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 15, 2009

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 1301-A of the act of March 10, 1949 (P.L.
11 30, No.14), known as the Public School Code of 1949, added June
12 30, 1995 (P.L.220, No.26), is amended to read:

13 Section 1301-A. Definitions.--As used in this article,
14 "Chief school administrator" shall mean the superintendent of
15 a public school district, superintendent of an area vocational-
16 technical school, executive director of an intermediate unit or
17 chief executive officer of a charter school.

18 ~~"Commission" shall mean the Pennsylvania Commission on Crime~~ ←
19 ~~and Delinquency.~~

20 "Office" shall mean the Office for Safe Schools WITHIN THE ←

1 DEPARTMENT OF EDUCATION.

2 "School entity" shall mean any public school district,  
3 intermediate unit [or], area vocational-technical school or  
4 charter school.

5 "School property" shall mean any public school grounds, any  
6 school-sponsored activity or any conveyance providing  
7 transportation to a school entity or school-sponsored activity.

8 "Weapon" shall include, but not be limited to, any knife,  
9 cutting instrument, cutting tool, nunchaku, firearm, shotgun,  
10 rifle and any other tool, instrument or implement capable of  
11 inflicting serious bodily injury.

12 Section 2. Section 1302-A of the act, amended or added June  
13 30, 1995 (P.L.220, No.26) AND JULY 9, 2008 (P.L.846, NO.61), is  
14 amended to read:

15 Section 1302-A. Office for Safe Schools.--+(a) There is ←  
16 hereby established in the Department of Education an Office for

17 Safe Schools[.]~~(a.1) The Department of Education and the ←~~  
18 ~~commission shall jointly establish an Office for Safe Schools~~

19 ~~within one hundred twenty (120) days of the effective date of~~  
20 ~~this subsection.~~ WITHIN THE OFFICE OF ELEMENTARY AND SECONDARY ←

21 EDUCATION. THE DIRECTOR OF THE OFFICE SHALL REPORT DIRECTLY TO  
22 THE DEPUTY SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION. THE

23 OFFICE SHALL BE STAFFED AND SUPPORTED BY EMPLOYES OF THE  
24 DEPARTMENT. THE DEPARTMENT SHALL NOT OUTSOURCE OR CONTRACT OUT

25 THE FUNCTIONS, DUTIES OR RESPONSIBILITIES OF THE OFFICE.  
26 (b) The +office shall have the [following powers and duties] ←

27 ~~Department of Education and the commission shall have the power ←~~  
28 ~~and duty to implement the following:~~

29 (1) To coordinate antiviolenence efforts between school,  
30 professional, parental, governmental, law enforcement and

1 community organizations and associations.

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

5 ~~(2.1) To direct all school entities to submit semiannual~~ ←  
6 ~~ANNUAL school violence statistics and reports to the office no~~ ←  
7 ~~later than forty five (45) days after the last day of each six~~ ←  
8 ~~month period. This clause shall apply beginning July 1, 2009.~~  
9 ~~The initial report following the effective date of this clause~~  
10 ~~shall be due no later than forty five (45) days after January 1,~~  
11 ~~2010. Thereafter reports shall be due forty five (45) days after~~  
12 ~~each six month period has elapsed~~ THAN JULY 30 OF EACH YEAR. ←

13 (3) To provide direct training to school employes, parents,  
14 law enforcement officials and communities on effective measures  
15 to prevent and combat school violence.

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

21 ~~(4.1) To provide technical assistance to schools with~~ ←  
22 ~~persistently dangerous incidents as defined in 22 Pa. Code §~~  
23 ~~403.2 (relating to definitions) and to TO verify the existence~~ ←  
24 ~~of and oversee the implementation of corrective action plans to~~ ←  
25 ~~reduce incidents of violence as required in the No Child Left~~  
26 ~~Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).~~

27 (5) To develop forms and ISSUE a model memorandum of ←  
28 understanding AND FORMS to be used by school entities and police ←  
29 departments for reporting incidents involving acts of violence  
30 and possession of weapons on school property.

1 (6) To convene a Statewide advisory committee which shall  
2 develop the forms and model memorandum of understanding required  
3 under clause (5) and to make recommendations to the office on  
4 training procedures and programs as required under clause (3).  
5 The committee shall include a police chief, school  
6 superintendent, school principal, district attorney, solicitor  
7 of a school district, special education supervisor, special  
8 education advocate and in-school probation officer and one  
9 designee from the Department of Education, the ~~commission~~  
10 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY, the Municipal  
11 Police Officers' Education and Training Commission, the Juvenile  
12 Court Judges' Commission and the Pennsylvania State Police.  
13 Members of the committee shall be selected to be representative  
14 of the rural, suburban and urban school entities of this  
15 Commonwealth. The advisory committee shall be convened no later  
16 than sixty (60) days after the effective date of this clause and  
17 shall meet regularly to fulfill the requirements of this clause.

18 THE MODEL MEMORANDUM OF UNDERSTANDING AND FORMS SHALL BE  
19 REVIEWED ON A BIENNIAL BASIS AND REVISED WHERE NECESSARY.

20 (7) To verify that each school entity has a ~~biennially~~  
21 BIENNIALY updated and reexecuted a memorandum of understanding  
22 with local law enforcement and has filed such memorandum with  
23 the office on a ~~biennial~~ BIENNIAL basis.

24 (8) To publish and post on the Department of Education's  
25 Internet website a School Safety Annual Report no later than  
26 November 1 of each calendar year outlining all incidents  
27 required to be reported under section 1303-A and the ~~action~~  
28 taken by the office to implement its mandates under this  
29 section.

30 ~~(b.1) The commission shall verify and ensure the timeliness,~~

~~1 accuracy, completeness and consistency of the data submitted~~  
~~2 semiannually by school entities and the safe schools advocate in~~  
~~3 school districts of the first class. The commission shall also~~  
~~4 process, tabulate, analyze and interpret the data on a~~  
~~5 semiannual basis to assist school administrators and law~~  
~~6 enforcement officials in their duties under this article.~~

7 (B.1) THE OFFICE SHALL PROCESS AND TABULATE THE DATA ON AN ←  
8 ANNUAL BASIS TO ASSIST SCHOOL ADMINISTRATORS AND LAW ENFORCEMENT  
9 OFFICIALS IN THEIR DUTIES UNDER THIS ARTICLE.

10 (C) In addition to the powers and duties set forth under  
11 subsection (a), the ~~office~~ commission is authorized to make ←  
12 targeted grants to [schools] SCHOOL ENTITIES to fund programs ←  
13 which address school violence~~, including~~. ~~The commission shall~~ ←  
14 ~~award at a minimum fifty per centum (50%) of the targeted grants~~  
15 ~~to the highest risk schools based upon incidents of violence and~~  
16 ~~number of arrests and the remainder to school entities that can~~  
17 ~~demonstrate the need for grants, which shall include~~ [, but not ←  
18 ~~be~~ limited to, the following programs]: ←

19 (1) Conflict resolution or dispute management, including  
20 restorative justice strategies.

21 (1.1) SCHOOL-WIDE POSITIVE BEHAVIOR SUPPORT THAT INCLUDES ←  
22 PRIMARY OR UNIVERSAL, SECONDARY AND TERTIARY SUPPORTS AND  
23 INTERVENTIONS IN SCHOOL ENTITIES.

24 (2) Peer helpers programs.

25 (3) Risk assessment, safety-related [or], violence  
26 prevention curricula, including, but not limited to, dating  
27 violence curricula and restorative justice strategies.

28 (4) Classroom management.

29 (5) Student codes of conduct.

30 (6) Training to undertake a districtwide assessment of risk

1 factors that increase the likelihood of problem behaviors among  
2 students.

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

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

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

17 (10) Institution of student, staff and visitor  
18 identification systems, including criminal background check  
19 software.

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

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

27 (13) Alternative education programs provided for in Article  
28 XIX-C.

29 (14) Counseling services for students enrolled in  
30 alternative education programs.

1 (15) An Internet web-based system for the management of  
2 student discipline, including misconduct and criminal offenses.

3 (16) Staff training programs in the use of positive behavior  
4 supports, de-escalation techniques and appropriate responses to  
5 student behavior that may require immediate intervention.

6 (d) ~~Grant applications shall state the purpose for which~~ ←  
7 ~~the targeted grant shall be utilized and~~ contain additional ←  
8 information as ~~the office may require. The office shall conduct~~ ←  
9 a thorough annual evaluation of each program for which a grant  
10 under this section is made ~~may be required. The commission~~ ←  
11 ~~shall conduct thorough annual evaluations and audits of grants~~  
12 ~~made under this section and shall seek repayment of funds if it~~  
13 ~~determines that funds were not utilized for the original stated~~  
14 ~~purpose.]~~ ←

15 (1) TARGETED GRANTS SHALL BE ALLOCATED THROUGH A COMPETITIVE  
16 GRANT REVIEW PROCESS ESTABLISHED BY THE OFFICE. SCHOOL ENTITIES  
17 MUST SATISFY THE REQUIREMENTS OF THIS SECTION AND SECTION 1303-A  
18 TO BE ELIGIBLE FOR GRANTS. THE APPLICATION FOR A TARGETED GRANT  
19 SHALL INCLUDE:

20 (I) THE PURPOSE FOR WHICH THE TARGETED GRANT SHALL BE  
21 UTILIZED.

22 (II) INFORMATION INDICATING NEED FOR THE TARGETED GRANT,  
23 INCLUDING, BUT NOT LIMITED TO, SCHOOL VIOLENCE STATISTICS.

24 (III) AN ESTIMATED BUDGET.

25 (IV) METHODS FOR MEASURING OUTCOMES.

26 (V) ANY OTHER CRITERIA AS THE OFFICE MAY REQUIRE.

27 (2) THE OFFICE SHALL:

28 (I) GIVE PRIORITY IN GRANT FUNDING TO A SCHOOL ENTITY  
29 DESIGNATED AS A PERSISTENTLY DANGEROUS SCHOOL AS DEFINED IN THE  
30 NO CHILD LEFT BEHIND ACT OF 2001 (PUBLIC LAW 107-110, 115 STAT.

1 1425).

2 (II) GIVE PRIORITY IN GRANT FUNDING TO SCHOOL ENTITIES WITH  
3 THE GREATEST NEED TO ESTABLISH SAFETY AND ORDER.

4 (III) TO THE GREATEST EXTENT POSSIBLE, ENSURE THAT GRANT  
5 FUNDING IS GEOGRAPHICALLY DISPERSED TO SCHOOL ENTITIES  
6 THROUGHOUT THIS COMMONWEALTH.

7 (3) THE OFFICE SHALL PROVIDE ALL TARGETED GRANT AGREEMENTS  
8 TO THE DEPARTMENT OF EDUCATION'S COMPTROLLER FOR REVIEW AND  
9 APPROVAL PRIOR TO AWARDING THE GRANT. THE SCHOOL ENTITY SHALL  
10 PROVIDE THE OFFICE WITH FULL AND COMPLETE ACCESS TO ALL RECORDS  
11 RELATING TO THE PERFORMANCE OF THE GRANT, AND SHALL SUBMIT, AT  
12 SUCH TIME AND IN SUCH FORM AS MAY BE PRESCRIBED, TRUTHFUL AND  
13 ACCURATE INFORMATION THAT THE OFFICE MAY REQUIRE. THE OFFICE  
14 SHALL CONDUCT A THOROUGH ANNUAL EVALUATION OF EACH PROGRAM FOR  
15 WHICH A GRANT UNDER THIS SECTION IS MADE. THE OFFICE SHALL SEEK  
16 REPAYMENT OF FUNDS IF IT DETERMINES THAT FUNDS WERE NOT UTILIZED  
17 FOR THE ORIGINAL STATED PURPOSE.

18 Section 3. Section 1303-A of the act, amended June 25, 1997  
19 (P.L.297, No.30), is amended to read:

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

27 (b) [All school entities] Each chief school administrator  
28 shall report all new [incidents involving acts of violence,  
29 possession of a weapon or possession, use or sale of controlled  
30 substances as defined in the act of April 14, 1972 (P.L.233, No.

1 64), known as "The Controlled Substance, Drug, Device and  
2 Cosmetic Act," or possession, use or sale of alcohol or  
3 tobacco]criminal offenses as provided under subsection (b) (4.1)  
4 by any person on school property [at least once a year, as  
5 provided by the office,]. Reporting under clause (4.2) shall be  
6 at the discretion of the chief school administrator. reports  
7 shall be made on a form to be developed and provided by the  
8 office. The form shall include:

9 (1) Age or grade of student.

10 (2) Name and address of school.

11 (3) Circumstances surrounding the incident, including, but  
12 not limited to, type of weapon, controlled substance, alcohol or  
13 tobacco, the date, time and location of the incident, if a  
14 person other than a student is involved in the incident and any  
15 relationship to the school entity.

16 (3.1) Race of student.

17 (3.2) Whether the student has an Individualized Education  
18 Plan under the Individuals with Disabilities Education Act  
19 (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so the  
20 type of disability.

21 (4) Sanction imposed by the school.

22 (4.1) A list of criminal offenses which shall, at a minimum,  
23 include:

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

26 Section 908 (relating to prohibited offensive weapons).

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

29 Chapter 25 (relating to criminal homicide).

30 Section 2701 (relating to simple assault).



1 Section 2702 (relating to aggravated assault).  
2 ~~Section 2706 (relating to terroristic threats).~~ ←  
3 Section 2709.1 (relating to stalking).  
4 Section 2901 (relating to kidnapping).  
5 Section 2902 (relating to unlawful restraint).  
6 Section 3121 (relating to rape).  
7 Section 3122.1 (relating to statutory sexual assault).  
8 Section 3123 (relating to involuntary deviate sexual  
9 intercourse).  
10 Section 3124.1 (relating to sexual assault).  
11 Section 3124.2 (relating to institutional sexual assault).  
12 Section 3125 (relating to aggravated indecent assault).  
13 Section 3126 (relating to indecent assault).  
14 ~~Section 3127 (relating to indecent exposure).~~ ←  
15 Section 3301 (relating to arson and related offenses).  
16 Section 3307 (relating to institutional vandalism), when the  
17 penalty is a felony of the third degree.  
18 Section 3502 (relating to burglary).  
19 Section 3503(a) and (b) (1) (v) (relating to criminal  
20 trespass).  
21 Section 5501 (relating to riot).  
22 Section 6110.1 (relating to possession of firearm by minor).  
23 (ii) The possession, use or sale of a controlled substance  
24 or drug paraphernalia as defined in "The Controlled Substance,  
25 Drug, 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 (4.2) The following offenses under 18 Pa.C.S., and any

1 attempt, solicitation or conspiracy to commit any of these  
2 offenses:

3 SECTION 2701 (RELATING TO SIMPLE ASSAULT). ←

4 Section 2705 (relating to recklessly endangering another  
5 person).

6 SECTION 2706 (RELATING TO TERRORISTIC THREATS). ←

7 Section 2709 (relating to harassment).

8 SECTION 3127 (RELATING TO INDECENT EXPOSURE). ←

9 Section 3307 (relating to institutional vandalism), when the  
10 penalty is a misdemeanor of the second degree.

11 Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2)  
12 (relating to criminal trespass).

13 Chapter 39 (relating to theft and related offenses).

14 Section 5502 (relating to failure of disorderly persons to  
15 disperse upon official order).

16 Section 5503 (relating to disorderly conduct).

17 Section 6305 (relating to sale of tobacco).

18 Section 6306.1 (relating to use of tobacco in schools  
19 prohibited).

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

22 (5) Notification of law enforcement.

23 (6) Remedial programs involved.

24 (7) Parental involvement required.

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

26 [If a person other than a student is involved, the report  
27 shall state the relationship of the individual involved to the  
28 school entity.]

29 (b.1) Prior to submitting the ~~semiannual~~ report required ←  
30 under subsection (b), each chief school administrator and each

1 police department having jurisdiction over school property of  
2 the school entity shall do all of the following:

3 (1) No later than thirty (30) days prior to the deadline for  
4 submitting the ~~semiannual~~ report required under subsection (b), ←  
5 the chief school administrator shall submit the report to the  
6 police department with jurisdiction over the relevant school  
7 property. The police department shall review the report and  
8 compare the data regarding criminal offenses and notification of  
9 law enforcement to determine its accuracy.

10 (2) No later than fifteen (15) days prior to the deadline  
11 for submitting the ~~semiannual~~ report required under subsection ←  
12 (b), the police department shall notify the chief school  
13 administrator, in writing, whether the report accurately  
14 reflects police incident data. Where the police department  
15 determines that the report accurately reflects police incident  
16 data, the chief of police shall sign the report. Where the  
17 police department determines that the report does not accurately  
18 reflect police incident data, the police department shall  
19 indicate any discrepancies between the report and police  
20 incident data.

21 (3) Prior to submitting the ~~semiannual~~ report required under ←  
22 subsection (b), the chief school administrator and the police  
23 department shall attempt to resolve discrepancies between the  
24 report and police incident data. Where a discrepancy remains  
25 unresolved, the police department shall notify the chief school  
26 administrator and the office in writing.

27 (4) Where a police department fails to take action as  
28 required under clause (2) or (3), the chief school administrator  
29 shall submit the ~~semiannual~~ report required under subsection (b) ←  
30 and indicate that the police department failed to take action as

1 required under clause (2) or (3).

2 (c) [All school entities shall develop a memorandum of  
3 understanding with local law enforcement which sets forth  
4 procedures to be followed when an incident involving an act of  
5 violence or possession of a weapon by any person occurs on  
6 school property. Law enforcement protocols shall be developed in  
7 cooperation with local law enforcement and the Pennsylvania  
8 State Police.] Each chief school administrator shall enter into  
9 a memorandum of understanding with police departments having  
10 jurisdiction over school property of the school entity. Each  
11 chief school administrator shall submit a copy of the memorandum  
12 of understanding to the office by June 30, 2009, and biennially  
13 update and re-execute a memorandum of understanding with local  
14 law enforcement and file such memorandum with the office on a  
15 biennial basis. The memorandum of understanding shall be signed  
16 by the chief school administrator, the chief of police of the  
17 police department with jurisdiction over the relevant school  
18 property and principals of each school building of the school  
19 entity. The memorandum of understanding shall include:

20 (1) Protocol for the immediate notification of the police  
21 department when an offense listed under subsection (b)(4.1)(i),  
22 (ii), (iii) or (iv) occurs on school property.

23 (2) Protocol for notification of the police department at  
24 the discretion of the chief school administrator regarding an  
25 offense listed under subsection (b)(4.2) or any other offense  
26 that occurs on school property.

27 (3) Emergency and nonemergency response by the police  
28 department. Each school district shall supply the police  
29 department with a copy of the comprehensive disaster response  
30 and emergency preparedness plan as required by 35 Pa.C.S. §

1 7701(g) (relating to duties concerning disaster prevention).

2 (4) Procedures for response to student behavior as required  
3 by 22 Pa. Code § 14.104 (relating to special education plans)  
4 AND 22 PA. CODE § 14.133 (RELATING TO POSITIVE BEHAVIOR ←  
5 SUPPORT).

6 (5) The procedure for police department review of the  
7 semiannual report required under subsection (b) prior to filing  
8 with the office.

9 (6) A procedure for the resolution of school violence data  
10 discrepancies prior to filing the ~~semiannual~~ report required ←  
11 under subsection (b) with the office.

12 (7) Additional matters pertaining to crime prevention agreed  
13 to between the chief school administrator and the police  
14 department.

15 (d) Pursuant to section 615 of the Individuals with  
16 Disabilities Education Act (Public Law 91-230, 20 U.S.C. §  
17 1415(k)(6)), nothing in this section shall be construed to  
18 prohibit a school entity from reporting a crime committed by a  
19 child with a disability to appropriate authorities or to prevent  
20 State law enforcement and judicial authorities from exercising  
21 their responsibilities with regard to the application of Federal  
22 and State law to crimes committed by a child with a disability.

23 (e) (1) Notwithstanding any provision of law to the  
24 contrary, the Department of Education may initiate disciplinary  
25 action before the Professional Standards and Practices  
26 Commission pursuant to the act of December 12, 1973 (P.L.397,  
27 No.141), known as the "Professional Educator Discipline Act,"  
28 against a chief school administrator or principal of a school  
29 entity who intentionally fails to submit the ~~semiannual~~ report ←  
30 as required under subsection (b) or enter into the memorandum of

1 understanding, report an incident involving an act of violence,  
2 possession of a weapon or an offense listed under subsection (b)  
3 (4.1) that occurs on school property to a police department or  
4 submit a copy of the memorandum of understanding to the office  
5 as required under subsection (c) or who intentionally falsifies  
6 a report submitted as required under this section.

7 (2) In addition to any other disciplinary actions set forth  
8 in the "Professional Educator Discipline Act," a chief school  
9 administrator or principal of a school entity who intentionally  
10 fails to submit the ~~semiannual~~ report as required under ←  
11 subsection (b) or enter into the memorandum of understanding,  
12 report an incident involving an act of violence, possession of a  
13 weapon or an offense cited under subsection (b) (4.1) that occurs  
14 on school property to a police department or submit a copy of  
15 the memorandum of understanding to the office as required under  
16 subsection (c) or who intentionally falsifies a report submitted  
17 as required under this section shall be subject to prosecution  
18 for violation of 18 Pa.C.S. § 4904 (relating to unsworn  
19 falsification to authorities), where appropriate, and to the  
20 following civil penalties to be imposed by the Professional  
21 Standards and Practices Commission for violations of this  
22 article:

- 23 (i) for a first violation, \$2,500;  
24 (ii) for a second violation, \$3,500; or  
25 (iii) for a third or subsequent violation, \$5,000.

26 Any penalty imposed under this paragraph shall be paid to the  
27 Department of Education and used for the support of the office.

28 Section 4. This act shall take effect ~~as follows:~~ ←

29 ~~(1) The addition of section 1303 A(b) (2.1) of the act~~  
30 ~~shall take effect immediately.~~

1           ~~(2) This section shall take effect immediately.~~

2           ~~(3) The remainder of this act shall take effect in 90~~

3           days.