

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 56** Session of  
2009

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

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AS AMENDED ON THIRD CONSIDERATION, JUNE 24, 2009

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## 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 "Office" shall mean the Office for Safe Schools within the  
19 Department of Education.

20 "School entity" shall mean any public school district,

1 intermediate unit [or], area vocational-technical school or  
2 charter school.

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

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

10 Section 2. Section 1302-A of the act, amended or added June  
11 30, 1995 (P.L.220, No.26) AND JULY 9, 2008 (P.L.846, NO.61), is  
12 amended to read:

13 Section 1302-A. Office for Safe Schools.--(a) There is  
14 hereby established in the Department of Education an Office for  
15 Safe Schools[.] within the Office of Elementary and Secondary  
16 Education. The director of the office shall report directly to  
17 the Deputy Secretary for Elementary and Secondary Education. The  
18 office shall be staffed and supported by employes of the  
19 department. The department shall not outsource or contract out  
20 the functions, duties or responsibilities of the office.

21 (b) The office shall have the [following powers and duties]  
22 power and duty to implement the following:

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

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

29 (2.1) To direct all school entities to submit annual school  
30 violence statistics and reports to the office no later than July

1 30 of each year.

2 (3) To provide direct training to school employes, parents,  
3 law enforcement officials and communities on effective measures  
4 to prevent and 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 (4.1) To verify the existence of corrective action plans to  
11 reduce incidents of violence as required in the No Child Left  
12 Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).

13 (5) To develop forms and issue a model memorandum of  
14 understanding and forms to be used by school entities and police  
15 departments for reporting incidents involving acts of violence  
16 and possession of weapons on school property.

17 (6) To convene a Statewide advisory committee which shall  
18 develop the forms and model memorandum of understanding required  
19 under clause (5) and to make recommendations to the office on  
20 training procedures and programs as required under clause (3).  
21 The committee shall include a police chief, school  
22 superintendent, school principal, district attorney, solicitor  
23 of a school district, special education supervisor, special  
24 education advocate and in-school probation officer and one  
25 designee from the Department of Education, the Pennsylvania  
26 Commission on Crime and Delinquency, the Municipal Police  
27 Officers' Education and Training Commission, the Juvenile Court  
28 Judges' Commission and the Pennsylvania State Police. Members of  
29 the committee shall be selected to be representative of the  
30 rural, suburban and urban school entities of this Commonwealth.

1 The advisory committee shall be convened no later than sixty  
2 (60) days after the effective date of this clause and shall meet  
3 regularly to fulfill the requirements of this clause. The model  
4 memorandum of understanding and forms shall be reviewed on a  
5 biennial basis and revised where necessary.

6 (7) To verify that each school entity has a biennially  
7 updated and reexecuted a memorandum of understanding with local  
8 law enforcement and has filed such memorandum with the office on  
9 a biennial basis.

10 (8) To publish and post on the Department of Education's  
11 Internet website a School Safety Annual Report no later than  
12 November 1 of each calendar year outlining all incidents  
13 required to be reported under section 1303-A.

14 (b.1) The office shall process and tabulate the data on an  
15 annual basis to assist school administrators and law enforcement  
16 officials in their duties under this article.

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

22 (1) Conflict resolution or dispute management, including  
23 restorative justice strategies.

24 (1.1) School-wide positive behavior support that includes  
25 primary or universal, secondary and tertiary supports and  
26 interventions in school entities.

27 (2) Peer helpers programs.

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

1 (4) Classroom management.

2 (5) Student codes of conduct.

3 (6) Training to undertake a districtwide assessment of risk  
4 factors that increase the likelihood of problem behaviors among  
5 students.

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

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

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

20 (10) Institution of student, staff and visitor  
21 identification systems, including criminal background check  
22 software.

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

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

30 (13) Alternative education programs provided for in Article

1 XIX-C.

2 (14) Counseling services for students enrolled in  
3 alternative education programs.

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

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

9 (d) [Grant applications shall contain information as the  
10 office may require. The office shall conduct a thorough annual  
11 evaluation of each program for which a grant under this section  
12 is made.]

13 (1) Targeted grants shall be allocated through a competitive  
14 grant review process established by the office. School entities  
15 must satisfy the requirements of this section and section 1303-A  
16 to be eligible for grants. The application for a targeted grant  
17 shall include:

18 (i) the purpose for which the targeted grant shall be  
19 utilized.

20 (ii) information indicating need for the targeted grant,  
21 including, but not limited to, school violence statistics.

22 (iii) an estimated budget.

23 (iv) Methods for measuring outcomes.

24 (v) any other criteria as the office may require.

25 (2) The office shall:

26 (i) Give priority in grant funding to a school entity  
27 designated as a persistently dangerous school as defined in the ←  
28 No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat.  
29 1425) 22 PA. CODE § 403.2 (RELATING TO DEFINITIONS). ←

30 (ii) Give priority in grant funding to school entities with

1 the greatest need to establish safety and order.

2 (iii) To the greatest extent possible, ensure that grant  
3 funding is geographically dispersed to school entities  
4 throughout this Commonwealth.

5 (3) The office shall provide all targeted grant agreements  
6 to the Department of Education's comptroller for review and  
7 approval prior to awarding the grant. The school entity shall  
8 provide the office with full and complete access to all records  
9 relating to the performance of the grant, and shall submit, at  
10 such time and in such form as may be prescribed, truthful and  
11 accurate information that the office may require. The office  
12 shall conduct a thorough annual evaluation of each program for  
13 which a grant under this section is made. The office shall seek  
14 repayment of funds if it determines that funds were not utilized  
15 for the original stated purpose.

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

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

25 (b) [All school entities] Each chief school administrator  
26 shall report all new incidents involving acts of violence, ←  
27 possession of a weapon or possession, use or sale of controlled  
28 substances as defined in the act of April 14, 1972 (P.L.233, No.  
29 64), known as "The Controlled Substance, Drug, Device and  
30 Cosmetic Act," or possession, use or sale of alcohol or

1 ~~tobacco|criminal offenses as provided under subsection (b) (4.1)~~ ←  
2 by any person on school property [at least once a year, as  
3 provided by the office,]. ~~Reporting under clause (4.2) shall be~~ ←  
4 ~~at the discretion of the chief school administrator. Reports~~  
5 ~~shall be made~~ THE INCIDENTS TO BE REPORTED TO THE OFFICE SHALL ←  
6 INCLUDE ALL INCIDENTS INVOLVING CONDUCT THAT CONSTITUTES A  
7 CRIMINAL OFFENSE LISTED UNDER PARAGRAPHS (4.1) AND (4.2).  
8 REPORTS on a form to be developed and provided by the office[. ←  
9 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, but  
13 not limited to, type of weapon, controlled substance, alcohol or  
14 tobacco, the date, time and location of the incident, if a  
15 person other than a student is involved in the incident and any  
16 relationship to the school entity.

17 (3.1) Race of student.  
18 (3.2) Whether the student has an Individualized Education  
19 Plan under the Individuals with Disabilities Education Act  
20 (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so the  
21 type of disability.

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 2702 (relating to aggravated assault).  
2 Section 2709.1 (relating to stalking).  
3 Section 2901 (relating to kidnapping).  
4 Section 2902 (relating to unlawful restraint).  
5 Section 3121 (relating to rape).  
6 Section 3122.1 (relating to statutory sexual assault).  
7 Section 3123 (relating to involuntary deviate sexual  
8 intercourse).  
9 Section 3124.1 (relating to sexual assault).  
10 Section 3124.2 (relating to institutional sexual assault).  
11 Section 3125 (relating to aggravated indecent assault).  
12 Section 3126 (relating to indecent assault).  
13 Section 3301 (relating to arson and related offenses).  
14 Section 3307 (relating to institutional vandalism), when the  
15 penalty is a felony of the third degree.  
16 Section 3502 (relating to burglary).  
17 Section 3503(a) and (b) (1) (v) (relating to criminal  
18 trespass).  
19 Section 5501 (relating to riot).  
20 Section 6110.1 (relating to possession of firearm by minor).  
21 (ii) The possession, use or sale of a controlled substance  
22 or drug paraphernalia as defined in "The Controlled Substance,  
23 Drug, Device and Cosmetic Act."  
24 (iii) Attempts, solicitation or conspiracy to commit any of  
25 the offenses listed in subclauses (i) and (ii).  
26 (iv) An offense for which registration is required under 42  
27 Pa.C.S. § 9795.1 (relating to registration).  
28 (4.2) The following offenses under 18 Pa.C.S., and any  
29 attempt, solicitation or conspiracy to commit any of these  
30 offenses:

1 Section 2701 (relating to simple assault).

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

4 Section 2706 (relating to terroristic threats).

5 Section 2709 (relating to harassment).

6 Section 3127 (relating to indecent exposure).

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

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

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

12 Section 5502 (relating to failure of disorderly persons to  
13 disperse upon official order).

14 Section 5503 (relating to disorderly conduct).

15 Section 6305 (relating to sale of tobacco).

16 Section 6306.1 (relating to use of tobacco in schools  
17 prohibited).

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

20 (5) Notification of law enforcement.

21 (6) Remedial programs involved.

22 (7) Parental involvement required.

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

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

27 (b.1) Prior to submitting the report required under  
28 subsection (b), each chief school administrator and each police  
29 department having jurisdiction over school property of the  
30 school entity shall do all of the following:

1 (1) No later than thirty (30) days prior to the deadline for  
2 submitting the report required under subsection (b), the chief  
3 school administrator shall submit the report to the police  
4 department with jurisdiction over the relevant school property.  
5 The police department shall review the report and compare the  
6 data regarding criminal offenses and notification of law  
7 enforcement 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 chief school administrator,  
11 in writing, whether the report accurately reflects police  
12 incident data. Where the police department determines that the  
13 report accurately reflects police incident data, the chief of  
14 police shall sign the report. Where the police department  
15 determines that the report does not accurately reflect police  
16 incident data, the police department shall indicate any  
17 discrepancies between the report and police incident data.

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

24 (4) Where a police department fails to take action as  
25 required under clause (2) or (3), the chief school administrator  
26 shall submit the report required under subsection (b) and  
27 indicate that the police department failed to take action as  
28 required under clause (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.] Each chief school administrator shall enter into  
6 a memorandum of understanding with police departments having  
7 jurisdiction over school property of the school entity. Each  
8 chief school administrator shall submit a copy of the memorandum  
9 of understanding to the office by June 30, 2009 2010, and ←  
10 biennially update and re-execute a memorandum of understanding  
11 with local law enforcement and file such memorandum with the  
12 office on a biennial basis. The memorandum of understanding  
13 shall be signed by the chief school administrator, the chief of  
14 police of the police department with jurisdiction over the  
15 relevant school property and principals of each school building  
16 of the school entity. The memorandum of understanding shall  
17 include:

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

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

25 (3) Emergency and nonemergency response by the police  
26 department. Each school district shall supply the police  
27 department with a copy of the comprehensive disaster response  
28 and emergency preparedness plan as required by 35 Pa.C.S. §  
29 7701(g) (relating to duties concerning disaster prevention).

30 (4) Procedures for response to student behavior as required

1 by 22 Pa. Code § 14.104 (relating to special education plans)  
2 and 22 Pa. Code § 14.133 (relating to positive behavior  
3 support).

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

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

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

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

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

1 (4.1) that occurs on school property to a police department or  
2 submit a copy of the memorandum of understanding to the office  
3 as required under subsection (c) or who intentionally falsifies  
4 a report submitted as required under this section.

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

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

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

26 Section 4. This act shall take effect in 90 days.