

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1345 Session of 2011

INTRODUCED BY J. TAYLOR, W. KELLER, EVERETT, FABRIZIO, FREEMAN, GINGRICH, GODSHALL, HARHART, JOHNSON, MICCARELLI, MILLER, PAYTON, QUINN, REICHLEY, ROSS, SABATINA AND SHAPIRO, APRIL 13, 2011

REFERRED TO COMMITTEE ON EDUCATION, APRIL 13, 2011

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," in safe schools, further providing
 6 for safe schools advocate in school districts of the first
 7 class, for standing and for enforcement.

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

10 Section 1. Section 1310-A(a) and (b) (6) and (8) of the act
 11 of March 10, 1949 (P.L.30, No.14), known as the Public School
 12 Code of 1949, added November 22, 2000 (P.L.672, No.91), are
 13 amended to read:

14 Section 1310-A. Safe Schools Advocate in School Districts of
 15 the First Class.--(a) The [Secretary of Education] Executive
 16 Director of the Pennsylvania Commission on Crime and Delinquency
 17 shall establish, within the [office] commission, a safe schools
 18 advocate for each school district of the first class. The
 19 advocate shall not be subject to the act of August 5, 1941

1 (P.L.752, No.286), known as the "Civil Service Act." The
2 advocate shall establish and maintain an office within the
3 school district.

4 (b) The safe schools advocate shall have the power and its
5 duties shall be:

6 * * *

7 (6) To review and analyze Federal and State statutes which
8 may be an impediment to school safety and the imposition of
9 discipline for the commission of acts of violence on school
10 property and to prepare, by April 30, 2001, and as necessary
11 from time to time thereafter, reports making recommendations for
12 changes to the statutes which would promote school safety and
13 facilitate effective and expedient disciplinary action. The
14 reports shall be submitted to the secretary and the Executive
15 Director of the Pennsylvania Commission on Crime and
16 Delinquency.

17 * * *

18 (8) To prepare an annual report regarding the activities of
19 the advocate during the prior fiscal year and any
20 recommendations for remedial legislation, regulations or school
21 district administrative reforms, which shall be submitted to the
22 school district superintendent, the secretary, the Executive
23 Director of the Pennsylvania Commission on Crime and
24 Delinquency, the chairperson of the Education Committee of the
25 Senate and the chairperson of the Education Committee of the
26 House of Representatives by August 15 of each year.

27 * * *

28 Section 2. Section 1311-A of the act, amended June 22, 2001
29 (P.L.530, No.35), is amended to read:

30 Section 1311-A. Standing.--(a) If a student in a school

1 district of the first class is a victim of an act of violence
2 involving a weapon on school property and the student who
3 possessed the weapon was not expelled under section 1317.2, the
4 parent or guardian of the victim shall have standing to
5 institute a legal proceeding to obtain expulsion of the student.

6 (b) The Office of General Counsel shall have standing to
7 bring an action on behalf of a victim or the parent or guardian
8 of a victim of an act of violence in a school in a school
9 district of the first class to modify, clarify or eliminate a
10 consent decree that is related to discipline in the district if,
11 in consultation with the advocate, the Office of General Counsel
12 believes that the action is in the best interests of the
13 students of the school district.

14 (c) (1) The [Secretary of Education] Executive Director of
15 the Pennsylvania Commission on Crime and Delinquency in
16 consultation with the General Counsel may designate a portion of
17 the funds provided for the safe schools advocate [for]:

18 (i) For contracts for legal services to assist low-income
19 parents or guardians of victims to obtain legal services for
20 proceedings under subsection (a). [The Secretary of Education
21 in consultation with the General Counsel may designate a portion
22 of the funds provided for the advocate to]

23 (ii) To challenge a consent decree under subsection (b) or
24 to bring an action under sections 1310-A(c)(5) and 1312-A(a).

25 (2) The designation of attorneys to receive funds under this
26 subsection shall be within the discretion of the Office of
27 General Counsel after consultation with the safe schools
28 advocate.

29 (3) Designated funds which are not expended under this
30 subsection shall lapse to the General Fund.

1 (d) Legal proceedings under this section shall be conducted
2 by an attorney designated by the Office of General Counsel in
3 consultation with the safe schools advocate. The attorney must
4 be a member of the bar in good standing.

5 [(e) The appropriation for the Office of School Victim
6 Advocate in section 202 of the act of May 24, 2000 (P.L.1086,
7 No.21A), known as the "General Appropriation Act of 2000," shall
8 be used to implement this section and sections 1310-A and 1312-
9 A.]

10 (f) As used in this section, "low-income parent or guardian"
11 shall mean a parent whose family income is no greater than two
12 hundred fifty per centum (250%) of the Federal poverty level.

13 Section 3. Section 1312-A of the act, added November 22,
14 2000 (P.L.672, No.91), is amended to read:

15 Section 1312-A. Enforcement.--(a) If the school district of
16 the first class fails to comply with requirements to provide
17 information to the safe schools advocate under section 1310-A,
18 the advocate shall provide documentation of the failure to the
19 [Department of Education] Pennsylvania Commission on Crime and
20 Delinquency. If the [department] commission determines that
21 there is noncompliance, the department shall notify the advocate
22 and the Office of General Counsel. The Office of General
23 Counsel, in consultation with the safe schools advocate, shall
24 designate an attorney to bring an action in a court of competent
25 jurisdiction to enforce section 1310-A.

26 (b) Legal proceedings under subsection (a) shall be
27 conducted by an attorney designated by the Office of General
28 Counsel in consultation with the safe schools advocate. The
29 attorney must be a member of the bar in good standing.

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