

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 322 Session of 2013

INTRODUCED BY O'NEILL, MILLARD, FABRIZIO, SIMMONS, CARROLL,
BAKER, HESS, HARHART, MUNDY, CLYMER, KORTZ, PASHINSKI,
TALLMAN, D. COSTA, GOODMAN, READSHAW, EVERETT, SANTARSIERO,
TRUITT, MILLER, MURT AND MILNE, JANUARY 24, 2013

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 24, 2013

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 duties and powers of boards of
6 school directors, further providing for rules and regulations
7 and safety patrols and for possession of weapons prohibited;
8 and, in pupils and attendance, for suspension and expulsion
9 of pupils.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 510 of the act of March 10, 1949 (P.L.30,
13 No.14), known as the Public School Code of 1949, amended June
14 29, 1976 (P.L.450, No.110), is amended to read:

15 Section 510. Rules and Regulations; Safety Patrols.--(a)

16 The board of school directors in any school district may adopt
17 and enforce such reasonable rules and regulations as it may deem
18 necessary and proper, regarding the management of its school
19 affairs and the conduct and deportment of all superintendents,
20 teachers, and other appointees or employes during the time they

1 are engaged in their duties to the district, as well as
2 regarding the conduct and deportment of all [pupils] students
3 attending the public schools in the district, during such time
4 as they are attending school or school-related activities, are
5 present on school property or in buses or other vehicles
6 provided by the district, or otherwise are under the supervision
7 of the board of school directors and teachers, including the
8 time necessarily spent in coming to and returning from
9 school[.], and pertaining to activities of students regardless
10 of time or place likely to cause or causing substantial
11 disruption of or material interference with school activities or
12 the orderly and safe administration of the schools.

13 (b) In the exercise of this authority the board of school
14 directors is empowered to organize school safety patrols and,
15 with the permission of the parents, to appoint [pupils] students
16 as members thereof, for the purpose of influencing and
17 encouraging the other [pupils] students to refrain from crossing
18 public highways at points other than at regular crossings, and
19 for the purpose of directing [pupils] students not to cross
20 highways at times when the presence of traffic would render such
21 crossing unsafe. Nothing herein contained shall be construed to
22 authorize or permit the use of any safety patrol member for the
23 purpose of directing vehicular traffic, nor shall any safety
24 patrol member be stationed in that portion of the highway
25 intended for the use of vehicular traffic. No liability shall
26 attach either to the school district, or any individual
27 director, student, superintendent, teacher, or other school
28 employe, by virtue of the organization, maintenance, or
29 operation of a school safety patrol organized, maintained, and
30 operated under authority of this section.

1 (c) All flags, belts, apparel and devices issued, supplied
2 or furnished to persons acting in the capacity of special school
3 police, or special police appointed to control and direct
4 traffic at or near schools, in order to enhance the conspicuity
5 of such persons, shall be made from retro-reflective and
6 fluorescent materials visible both day and night at three
7 hundred (300) feet to approaching motorists using lawful low
8 beam headlights and shall conform to standards, specifications,
9 or regulations issued by the State Board of Education. All belts
10 supplied or furnished to [pupils] students active in the
11 capacity of school safety patrol members shall be fluorescent.

12 Section 2. Section 1317.2(e.1) of the act, amended June 25,
13 1997 (P.L.297, No.30), is amended to read:

14 Section 1317.2. Possession of Weapons Prohibited.--* * *

15 [(e.1) A school district receiving a student who transfers
16 from a public or private school during a period of expulsion for
17 an act or offense involving a weapon may assign that student to
18 an alternative assignment or provide alternative education
19 services, provided that the assignment may not exceed the period
20 of expulsion.]

21 * * *

22 Section 3. Section 1318 of the act, amended February 8, 1980
23 (P.L.3, No.2), is amended to read:

24 Section 1318. Suspension and Expulsion of [Pupils.--]

25 Students.--(a) (1) Every principal or teacher in charge of a
26 public school may temporarily suspend any [pupil] student on
27 account of disobedience or misconduct, and any principal or
28 teacher suspending any [pupil] student shall promptly notify the
29 district superintendent or secretary of the board of school
30 directors.

1 (2) The board may, after a proper hearing, suspend such
2 [child] student for such time as it may determine, or may
3 permanently expel [him] the student. Such hearings, suspension,
4 or expulsion may be delegated to a duly authorized committee of
5 the board, or to a duly qualified hearing examiner, who need not
6 be a member of the board, but whose adjudication must be
7 approved by the board.

8 (3) The board and designated committees or hearing examiners
9 acting pursuant to this section may administer oaths to
10 witnesses and issue subpoenas as provided in section 1128.

11 (b) (1) A public school entity may suspend, expel or deny
12 admission to a student suspended or expelled from another public
13 school entity or nonpublic school, until the period of
14 suspension or expulsion has expired, if such suspension or
15 expulsion was imposed due to misconduct of a nature that would
16 subject students in the receiving entity to possible suspension
17 or expulsion.

18 (2) (i) Denial of admission to a transferring student based
19 on suspension or expulsion from or misconduct in a prior school
20 entity shall be treated as suspension or expulsion for purposes
21 of this section.

22 (ii) A student returning to the program of the school
23 district of residence after withdrawing from or being expelled
24 or suspended from an area vocational-technical school is a
25 transferring student for purposes of this section.

26 (3) No hearing otherwise required under subsection (a) shall
27 be necessary if suspension, expulsion or denial of admission
28 under paragraph (1) is based upon an adjudication issued in
29 accordance with this section by the board or joint operating
30 committee of the prior entity of enrollment, as evidenced by a

1 certified copy of such adjudication.

2 (4) A school entity may, after hearing in accordance with
3 subsection (a), suspend, expel or deny admission to a
4 transferring student who has committed misconduct while enrolled
5 in another public or nonpublic school of a nature that would
6 subject students in the receiving entity to possible suspension
7 or expulsion, but who withdrew from the prior school entity
8 before disciplinary proceedings based on the misconduct were
9 initiated or completed.

10 (5) (i) A receiving school entity may enroll a student
11 transferring from another public or nonpublic school entity in
12 its regular program on a provisional basis pending receipt of a
13 certified copy of the student's disciplinary record and sworn
14 statement as required under section 1304-A.

15 (ii) If the disciplinary record or sworn statement reveals a
16 history of misconduct while enrolled in the prior entity, in
17 addition to other disposition authorized under this section and
18 to the extent consistent with the disciplinary standards,
19 policies and procedures of the receiving entity, the student may
20 be reassigned to an alternative education program and may be
21 deemed ineligible to participate in extracurricular activities.

22 (6) A receiving school entity may, consistent with its
23 disciplinary standards, policies and procedures, impose other
24 forms of discipline or disciplinary assignment or impose
25 conditions of admission or continued enrollment based on a
26 transferring student's expulsion or suspension from or
27 misconduct while enrolled in a prior school entity, in lieu of
28 or in combination with denial of admission, suspension or
29 expulsion.

30 (c) (1) The board of school directors may, in connection

1 with any expulsion, suspension, denial of admission or
2 disciplinary reassignment of a student, impose conditions for
3 admission or readmission to or continuation in the school
4 entity's regular or alternative education programs.

5 (2) Violation of or failure to meet such conditions may
6 become the basis for denial of admission, readmission or
7 subsequent disciplinary action, including exclusion from or
8 reassignment within the school entity's regular or alternative
9 education programs.

10 (3) (i) The board may designate a person or persons to
11 determine whether such conditions have been met or violated.

12 (ii) The hearing requirements of subsection (a) are not
13 applicable to a determination that a student is not eligible for
14 readmission or to remain in probationary continued enrollment
15 because of violation of or failure to meet such conditions.

16 (d) (1) Notwithstanding any other provision of this
17 section, a hearing otherwise required under subsection (a) may
18 be waived in a written agreement providing for the student's
19 disciplinary exclusion from school programs for a specified
20 period of time, entered into by the board of school directors
21 and the student and, in the case of a student under eighteen
22 (18) years of age, the parent or guardian having primary custody
23 of the student.

24 (2) Any such agreement shall be filed permanently in the
25 student's disciplinary records and shall be treated in the same
26 way as an adjudication of expulsion for purposes of subsections
27 (b) and (c), this subsection and Article XIII-A.

28 (3) Consideration by the board of a proposed agreement in
29 lieu of hearing shall not constitute grounds for disqualifying
30 the board or members thereof from participating in a hearing or

1 taking other action pursuant to this section in the event the
2 agreement is not approved by the board.

3 (4) The agreements shall set forth:

4 (i) A summary of the reason for the exclusion.

5 (ii) The effective date and expiration date of the period of
6 exclusion.

7 (iii) The date when the student may be considered for
8 earlier readmission.

9 (iv) A summary of the procedural rights the student would
10 have been afforded at a hearing.

11 (v) Agreed conditions of readmission or of probationary
12 continued enrollment, if any.

13 (vi) Any other terms and conditions of the agreed
14 disciplinary disposition.

15 (e) Nothing in this section shall be construed to:

16 (1) Alter the obligations of school entities pursuant to the
17 Individuals with Disabilities Education Act (Public Law 91-230,
18 20 U.S.C. § 1400 et seq.) and Federal regulations thereunder
19 relating to the discipline of students with disabilities.

20 (2) Exempt an expelled student or the student's parents or
21 legal guardians from compulsory education requirements or the
22 penalties contained in sections 1333, 1338 and 1338.1 if they
23 fail to provide the student with a sufficient alternate
24 placement program.

25 Section 4. This act shall take effect immediately.