
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1308 Session of
2017

INTRODUCED BY KAMPF, PICKETT, V. BROWN, SCHLOSSBERG, GODSHALL,
CHARLTON, ROEBUCK, BARRAR, HELM, ROTHMAN, QUIGLEY, HEFFLEY,
RYAN, NEILSON AND MILNE, MAY 1, 2017

REFERRED TO COMMITTEE ON EDUCATION, MAY 1, 2017

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 pupils and attendance, further
6 providing for possession of weapons prohibited and for
7 suspension and expulsion of pupils; in safe schools, further
8 providing for Office for Safe Schools and for regulations;
9 and, in disruptive student programs, further providing for
10 definitions.

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

13 Section 1. Sections 1317.2 and 1318 of the act of March 10,
14 1949 (P.L.30, No.14), known as the Public School Code of 1949,
15 are amended to read:

16 Section 1317.2. Possession of [Weapons] Firearms
17 Prohibited.--(a) Except as otherwise provided in this section,
18 a school district or area vocational-technical school shall
19 expel, for a period of not less than one year, any student who
20 is determined to have brought onto or is in possession of a
21 [weapon] firearm on any school property, any school-sponsored

1 activity or any public conveyance providing transportation to a
2 school or school-sponsored activity.

3 (b) Every school district and area vocational-technical
4 school shall develop a written policy regarding expulsions for
5 possession of a [weapon] firearm as required under this section.
6 Expulsions shall [be conducted pursuant to] comply with all
7 applicable regulations.

8 (c) The school board, superintendent of a school district or
9 an administrative director of an area vocational-technical
10 school may recommend modifications of such expulsion
11 requirements for a student on a case-by-case basis.
12 Modifications shall be in writing and may include a modification
13 to the duration of the expulsion. The superintendent or other
14 chief administrative officer of a school entity shall, in the
15 case of an exceptional student, take all steps necessary to
16 comply with the Individuals with Disabilities Education Act
17 (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

18 (d) The provisions of this section shall not apply to the
19 following:

20 (1) a [weapon] firearm being used as part of a program
21 approved by a school by an individual who is participating in
22 the program; or

23 (2) a [weapon] firearm that is unloaded and is possessed by
24 an individual while traversing school property for the purpose
25 of obtaining access to public or private lands used for lawful
26 hunting, if the entry on school premises is authorized by school
27 authorities.

28 (e) Nothing in this section shall be construed as limiting
29 the authority or duty of a school or area vocational-technical
30 school to [make]:

1 (1) Make an alternative assignment or provide alternative
2 educational services during the period of expulsion.

3 (2) Provide for appropriate discipline, including expulsion,
4 for a student who is determined to have brought onto or is in
5 possession of a weapon on school property, at a school-sponsored
6 activity or on a public conveyance providing transportation to a
7 school or school-sponsored activity.

8 (e.1) A school district receiving a student who transfers
9 from a public or private school during a period of expulsion for
10 an act or offense involving a [weapon] firearm may assign that
11 student to an alternative assignment or provide alternative
12 education services, provided that the assignment may not exceed
13 the period of expulsion.

14 (f) All school districts and area vocational-technical
15 schools shall report all incidents involving possession of a
16 [weapon] firearm prohibited by this section as follows:

17 (1) The school superintendent or chief administrator shall
18 report the discovery of any [weapon] firearm prohibited by this
19 section to local law enforcement officials.

20 (2) The school superintendent or chief administrator shall
21 report to the Department of Education all incidents relating to
22 expulsions for possession of a [weapon] firearm on school
23 grounds, school-sponsored activities or public conveyances
24 providing transportation to a school or school-sponsored
25 activity. Reports shall include all information as required
26 under section 1303-A.

27 (g) As used in this section, the [term "weapon"] following
28 words and phrases shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Firearm" shall have the meaning given under 18 U.S.C. §

1 921(a)(3) (relating to definitions).

2 "Weapon" shall [include, but not be limited to,] mean any
3 knife, cutting instrument, cutting tool, nunchaku[, firearm,
4 shotgun, rifle] and any other tool, instrument or implement
5 capable of inflicting serious bodily injury.

6 Section 1318. Suspension and Expulsion of Pupils.--(a)
7 Every principal or teacher in charge of a public school may
8 temporarily suspend any pupil on account of disobedience or
9 misconduct, and any principal or teacher suspending any pupil
10 shall promptly notify the district superintendent or secretary
11 of the board of school directors. The board may, after a proper
12 hearing, suspend such child for such time as it may determine,
13 or may permanently expel him. Such hearings, suspension, or
14 expulsion may be delegated to a duly authorized committee of the
15 board, or to a duly qualified hearing examiner, who need not be
16 a member of the board, but whose adjudication must be approved
17 by the board.

18 (b) Except as provided under section 1317.2, students eleven
19 (11) years of age or older may be subject to out-of-school
20 suspension and expulsion only after other behavioral supports
21 and interventions have failed, unless the discipline is based on
22 conduct that is of a violent or sexual nature that endangers
23 others. Students eleven (11) years of age or older who receive
24 discipline under this section must be offered an alternative
25 educational setting to continue the student's education during
26 the pendency of the classroom removal, which shall include at
27 least ten (10) hours of grade-level instruction per week. A plan
28 of supportive services must be in place prior to the student's
29 return to the regular classroom. The Department of Education
30 shall provide technical assistance to school districts in

1 developing student codes of conduct that reflect current Federal
2 guidance and best practices on appropriate use of out-of-school
3 suspension and expulsion.

4 (c) Except as provided under section 1317.2(a), students ten
5 (10) years of age or younger may not receive out-of-school
6 suspension or expulsion unless the discipline is based on
7 conduct that is of a violent or sexual nature that endangers
8 others. Students ten (10) years of age or younger who receive
9 this discipline must be offered an alternative educational
10 setting to continue the student's education during the pendency
11 of the classroom removal, which shall include at least ten (10)
12 hours of grade-level instruction per week. A plan of supportive
13 services must be in place prior to the student's return to the
14 regular classroom.

15 (d) School districts shall utilize evidence-based or
16 research-based behavioral supports and interventions and other
17 appropriate remedial measures, including restorative justice
18 practices to prevent the recurrence of the behavior that led to
19 the out-of-school suspension or expulsion. The intervention
20 shall be designed to assist the return of the student to a
21 classroom setting to minimize the disruption of the student's
22 academic instruction.

23 Section 2. Section 1302-A(b) (4.1), (c.1) (1) and (d) (2) (iv)
24 of the act are amended and the section is amended by adding a
25 subsection to read:

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

27 (b) The office shall have the power and duty to implement
28 the following:

29 * * *

30 (4.1) To verify the existence of corrective action plans to

1 reduce incidents of violence as required in the [No Child Left
2 Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425)] Every
3 Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).

4 * * *

5 (b.2) The office shall review and monitor statistical data
6 collected on expulsion, out-of-school suspension, referral to
7 alternative education for disruptive youths and referrals to law
8 enforcement to identify schools and local educational agencies
9 that are statistical outliers in the use of disciplinary
10 exclusion of students as follows:

11 (1) Schools identified as statistical outliers shall be
12 further examined by the office.

13 (2) The office shall provide technical assistance where
14 corrective action is indicated.

15 (3) As part of its technical assistance to schools, the
16 department may require the school district in question to
17 establish a disciplinary policy review committee that includes,
18 but is not limited to, parents of students enrolled in the
19 school district and advocates representing the interests of
20 children and families. The committee shall review disciplinary
21 data and procedures and make recommendations for changes in
22 school policy and practice.

23 * * *

24 (c.1) (1) In addition to the powers and duties set forth
25 under subsections (b), (b.1), (b.2) and (c), the office is
26 authorized to make targeted grants to school entities,
27 municipalities, local law enforcement agencies and approved
28 vendors to fund programs which address school violence by
29 establishing or enhancing school security, including costs
30 associated with the training and compensation of school resource

1 officers and school police officers. Municipalities or local law
2 enforcement agencies that receive grants under this subsection
3 shall, with the prior consent of the governing board of the
4 school entity or nonpublic school, assign school resource
5 officers to carry out their official duties on the premises of
6 the school entity or nonpublic school.

7 * * *

8 (d) The office shall have the following duties as to
9 targeted grants:

10 * * *

11 (2) The office shall:

12 * * *

13 (iv) For school entities, municipalities, local law
14 enforcement agencies and nonpublic schools that apply for
15 funding for the training and compensation of school resource
16 officers and school police officers under subsection (c.1), give
17 priority to school entities, municipalities, local law
18 enforcement agencies and nonpublic schools that utilize school
19 resource officers or school police officers who have completed
20 additional training recommended by the Department of Education
21 relating to interaction with all children and adolescents within
22 a school setting[.], including training in two or more of the
23 following:

24 (A) De-escalation techniques.

25 (B) Disabilities and their impact on student cognition,
26 communication and behavior.

27 (C) Disability rights under Federal and State law.

28 (D) Cultural competency.

29 (E) Restorative practices.

30 (F) Child development.

1 (G) Child psychology.

2 * * *

3 Section 3. Section 1302.1-A(a) (3) of the act is amended to
4 read:

5 Section 1302.1-A. Regulations.--(a) Within one year of the
6 effective date of this section, the State Board of Education
7 shall promulgate final-omitted regulations pursuant to the act
8 of June 25, 1982 (P.L.633, No.181), known as the "Regulatory
9 Review Act," necessary to implement this article. The
10 regulations shall include the following:

11 * * *

12 [(3) Protocol for the notification of the police department
13 at the discretion of the chief school administrator regarding an
14 offense listed under section 1303-A(b) (4.2) or any other offense
15 that occurs on school property.]

16 * * *

17 Section 4. Section 1901-C(5) of the act, amended November 3,
18 2016 (P.L.1061, No.138), is amended to read:

19 Section 1901-C. Definitions.--For purposes of this article,
20 the following terms shall have the following meanings:

21 * * *

22 (5) "Disruptive student." A student who poses a clear
23 threat to the safety and welfare of other students or the school
24 staff, who creates an unsafe school environment or whose
25 behavior materially interferes with the learning of other
26 students or disrupts the overall educational process. The
27 disruptive student exhibits to a marked degree any or all of the
28 following conditions:

29 [(i) Disregard for school authority, including persistent
30 violation of school policy and rules.]

1 (ii) Display or use of controlled substances on school
2 property or during school-affiliated activities.

3 (iii) Violent or threatening behavior on school property or
4 during school-affiliated activities.

5 (iv) Possession of a weapon on school property, as defined
6 under 18 Pa.C.S. § 912 (relating to possession of weapon on
7 school property).

8 (v) Commission of a criminal act on school property or
9 during school-affiliated activities.

10 (vi) Misconduct that would merit suspension or expulsion
11 under school policy.

12 No student who is eligible for special education services
13 pursuant to the Individuals with Disabilities Education Act
14 (Public Law 91-230, 20 U.S.C. § 1400 et seq.) shall be deemed a
15 disruptive student for the purposes of this act, except as
16 provided for in 22 Pa. Code § 14.35 (relating to discipline).

17 * * *

18 Section 5. Any regulation inconsistent with this act is
19 abrogated to the extent of that inconsistency.

20 Section 6. This act shall take effect as follows:

21 (1) The amendment of sections 1317.2 and 1318 of the act
22 shall take effect immediately.

23 (2) The remainder of this act shall take effect July 1,
24 2017.