

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 530 Session of 2019

INTRODUCED BY MARTIN, K. WARD, SCHWANK, MUTH, TARTAGLIONE,  
KILLION AND SANTARSIERO, APRIL 5, 2019

REFERRED TO EDUCATION, APRIL 5, 2019

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 establishment of  
7 independent schools; in pupils and attendance, providing for  
8 expulsion of students convicted or adjudicated delinquent of  
9 sexual assault; in safe schools, further providing for safe  
10 schools advocate in school districts of the first class; and,  
11 in charter schools, further providing for provisions  
12 applicable to charter schools.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 502.1(d) of the act of March 10, 1949  
16 (P.L.30, No.14), known as the Public School Code of 1949, is  
17 amended to read:

18 Section 502.1. Establishment of Independent Schools.--\* \* \*

19 (d) Independent schools shall be subject to the following:

20 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,  
21 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 771,  
22 776, 777, 808, 809, 810, 1006, 1109, 1111, 1112(a), 1310, 1317,  
23 1317.1, 1317.2, 1318, 1318.1, 1327, 1330, 1332, 1303-A, 1513,

1 1517, 1518, 1521, 1523, 1547, 2014-A, 2513, Article XI except as  
2 limited by subsection (b) (6), Article XII except as limited by  
3 subsection (b) (6), and Articles XIII-A and XIV.

4 18 Pa.C.S. Ch. 28 (relating to antihazing).

5 Act of July 17, 1961 (P.L.776, No.341), known as the  
6 "Pennsylvania Fair Educational Opportunities Act."

7 Act of July 19, 1965 (P.L.215, No.116), entitled "An act  
8 providing for the use of eye protective devices by persons  
9 engaged in hazardous activities or exposed to known dangers in  
10 schools, colleges and universities."

11 Section 4 of the act of January 25, 1966 (1965 P.L.1546,  
12 No.541), referred to as the Higher Education Scholarship Law.

13 Act of July 12, 1972 (P.L.765, No.181), entitled "An act  
14 relating to drugs and alcohol and their abuse, providing for  
15 projects and programs and grants to educational agencies, other  
16 public or private agencies, institutions or organizations."

17 [Act of December 15, 1986 (P.L.1595, No.175), known as the  
18 "Antihazing Law."]

19 The following provisions of 22 Pa. Code:

20 Chapter 4 (relating to academic standards and assessment).

21 Section 4.4 (relating to general policies).

22 Section 4.26 (relating to ESOL).

23 Chapter 11 (relating to [pupil] student attendance).

24 Chapter 12 (relating to students and student services).

25 Chapter 14 (relating to special education services and  
26 programs).

27 Chapter 16 (relating to special education for gifted  
28 students).

29 Section 32.3 (relating to assurances).

30 Section 121.3 (relating to discrimination prohibited).

1 Section 235.4 (relating to practices).

2 Section 235.8 (relating to civil rights).

3 \* \* \*

4 Section 2. The act is amended by adding a section to read:

5 Section 1318.1. Expulsion of Students Convicted or  
6 Adjudicated Delinquent of Sexual Assault.--(a) A school  
7 district or area vocational-technical school shall expel, at the  
8 request of a victim of sexual assault, the student convicted or  
9 adjudicated delinquent of the sexual assault, if the victim is  
10 enrolled in the same school district or area vocational-  
11 technical school as the student convicted or adjudicated  
12 delinquent.

13 The decision of the victim must be made in writing to the  
14 chief school administrator within ten (10) business days of the  
15 conviction or adjudication of delinquency. The victim's decision  
16 is irrevocable.

17 (b) The expelled student may re-enroll in the school  
18 district or area vocational-technical school:

19 (1) if the victim ceases to be enrolled in the school  
20 district or area vocational-technical school from which the  
21 student was expelled; or

22 (2) the conviction or delinquency adjudication on which the  
23 expulsion was based is reversed and no appeal is pending.

24 (c) Nothing in this section shall be construed as limiting  
25 the authority or duty of a school district or area vocational-  
26 technical school to make an alternative assignment or provide  
27 alternative educational services during the period of expulsion.

28 (d) A school district or area vocational-technical school  
29 receiving a student who transfers from a public or private  
30 school during a period of expulsion for an act or offense

1 involving a sexual assault conviction or adjudication of  
2 delinquency may assign that student to an alternative assignment  
3 or provide alternative education services, provided that the  
4 assignment may not exceed the period of expulsion.

5 (e) Prior to admission to a school district or area  
6 vocational-technical school, the parent, guardian or other  
7 person having control or charge of a student shall, upon  
8 registration, provide a sworn statement or affirmation stating  
9 whether the pupil was previously or is presently expelled at the  
10 request of a victim of sexual assault, or the victim's parent or  
11 guardian, under the provisions of this section. The registration  
12 shall include the name of the school from which the student was  
13 expelled with the dates of expulsion and shall be maintained as  
14 part of the student's disciplinary record. Any wilful false  
15 statement made under this subsection shall be a misdemeanor of  
16 the third degree.

17 (f) If the student convicted or adjudicated delinquent of  
18 sexual assault is not expelled following the request of the  
19 victim under subsection (a), the parent or guardian of the  
20 victim shall have standing to institute a legal proceeding to  
21 obtain expulsion of the student.

22 (g) Every school district and area vocational-technical  
23 school shall develop a written policy regarding expulsions  
24 required under this section. Expulsions shall be conducted  
25 pursuant to all applicable regulations.

26 (h) As used in this section, the following words and phrases  
27 shall have the meanings given to them in this subsection:

28 "Chief school administrator" means the superintendent of a  
29 school district, administrative director of an area vocational-  
30 technical school or chief executive officer of a charter school.

1 "Sexual assault" shall include any of the offenses specified  
2 under the following provisions of 18 Pa.C.S. (relating to crimes  
3 and offenses):

4 Section 3121 (relating to rape).

5 Section 3122.1 (relating to statutory sexual assault).

6 Section 3123 (relating to involuntary deviate sexual  
7 intercourse).

8 Section 3124.1 (relating to sexual assault).

9 Section 3125 (relating to aggravated indecent assault).

10 Section 3126 (relating to indecent assault).

11 Section 3. Sections 1310-A(b) (2) and 1732-A(a) of the act  
12 are amended to read:

13 Section 1310-A. Safe Schools Advocate in School Districts of  
14 the First Class.--\* \* \*

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

17 \* \* \*

18 (2) To monitor the school district's compliance with the  
19 mandatory expulsion requirements of [section] sections 1317.2  
20 and 1318.1.

21 \* \* \*

22 Section 1732-A. Provisions Applicable to Charter Schools.--

23 (a) Charter schools shall be subject to the following:

24 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,  
25 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755,  
26 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301, 1310,  
27 1317, 1317.1, 1317.2, 1318, 1318.1, 1326, 1327, 1327.2, 1329,  
28 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1513, 1517,  
29 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article  
30 XIV.

1 18 Pa.C.S. Ch. 28 (relating to antihazing).

2 Act of July 17, 1961 (P.L.776, No.341), known as the  
3 "Pennsylvania Fair Educational Opportunities Act."

4 Act of July 19, 1965 (P.L.215, No.116), entitled "An act  
5 providing for the use of eye protective devices by persons  
6 engaged in hazardous activities or exposed to known dangers in  
7 schools, colleges and universities."

8 Section 4 of the act of January 25, 1966 (1965 P.L.1546,  
9 No.541), entitled "An act providing scholarships and providing  
10 funds to secure Federal funds for qualified students of the  
11 Commonwealth of Pennsylvania who need financial assistance to  
12 attend postsecondary institutions of higher learning, making an  
13 appropriation, and providing for the administration of this  
14 act."

15 Act of July 12, 1972 (P.L.765, No.181), entitled "An act  
16 relating to drugs and alcohol and their abuse, providing for  
17 projects and programs and grants to educational agencies, other  
18 public or private agencies, institutions or organizations."

19 [Act of December 15, 1986 (P.L.1595, No.175), known as the  
20 "Antihazing Law."]

21 \* \* \*

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