
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1708 Session of
2021

INTRODUCED BY WHEATLEY, ROZZI, BENHAM, SANCHEZ, McNEILL, KINSEY,
FRANKEL, HILL-EVANS AND McCLINTON, JUNE 25, 2021

REFERRED TO COMMITTEE ON EDUCATION, JUNE 25, 2021

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.

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

10 Section 1. Sections 1317.2 and 1318 of the act of March 10,
11 1949 (P.L.30, No.14), known as the Public School Code of 1949,
12 are amended to read:

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

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

6 (c) The school board, superintendent of a school district or
7 an administrative director of an area career and technical
8 school may recommend modifications of such expulsion
9 requirements for a student on a case-by-case basis.
10 Modifications shall be in writing and may include the duration
11 of the expulsion or an explanation of the decision not to expel.

12 The superintendent or other chief administrative officer of a
13 school entity shall, in the case of an exceptional student, take
14 all steps necessary to comply with the Individuals with
15 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400
16 et seq.).

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

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

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

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

30 (1) Make an alternative assignment or provide alternative

1 educational services during the period of expulsion.

2 (2) Provide for other less exclusionary discipline or no
3 discipline for a student who is determined to have brought onto
4 or is in possession of a firearm on any school property, any
5 school-sponsored activity or any public conveyance providing
6 transportation to a school or school-sponsored activity.

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

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

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

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

25 (g) As used in this section, the term ["weapon" shall
26 include, but not be limited to, any knife, cutting instrument,
27 cutting tool, nunchaku, firearm, shotgun, rifle and any other
28 tool, instrument or implement capable of inflicting serious
29 bodily injury] "firearm" shall have the meaning given to it
30 under 18 U.S.C. § 921(a)(3) (relating to definitions).

1 Section 1318. Suspension and Expulsion of Pupils.--(a)
2 Every principal or teacher in charge of a public school may
3 temporarily suspend any pupil on account of disobedience or
4 misconduct, and any principal or teacher suspending any pupil
5 shall promptly notify the district superintendent or secretary
6 of the board of school directors. The board may, after a proper
7 hearing, suspend such child for such time as it may determine,
8 or may [permanently] expel [him] such child for no longer than
9 one year. Such hearings, suspension, or expulsion may be
10 delegated to a duly authorized committee of the board, or to a
11 duly qualified hearing examiner, who need not be a member of the
12 board, but whose adjudication must be approved by the board.

13 (b) (1) A student in grades six through twelve may be
14 subject to:

15 (i) Out-of-school suspension for only the most serious
16 offenses and only after other documented behavioral supports and
17 interventions have failed.

18 (ii) Expulsion only for offenses involving a firearm,
19 distribution of alcohol or drugs or for the willful infliction
20 of serious bodily injury to another person.

21 (2) The Department of Education shall provide technical
22 assistance to school districts in developing student codes of
23 conduct that reflect best practices to reduce the overuse of
24 discipline that removes a student from the classroom.

25 (3) A student in grades six through twelve who receives
26 discipline under this subsection must be offered an alternative
27 educational setting to continue the student's education during
28 the pendency of the classroom removal. The alternative
29 educational setting shall include at least twenty (20) hours of
30 grade-level instruction per week. A plan of supportive services

1 must be in place prior to the student's return to the regular
2 classroom.

3 (c) (1) A student in grades kindergarten through five may
4 not receive an out-of-school suspension or expulsion except
5 under circumstances where the discipline is based on conduct
6 that is of a violent or sexual nature that endangers others.

7 (2) A student who receives discipline under paragraph (1)
8 must be offered an alternative educational setting to continue
9 the student's education during the pendency of the classroom
10 removal. The alternative educational setting shall include at
11 least twenty (20) hours of grade-level instruction per week. A
12 plan of supportive services must be in place prior to the
13 child's return to the regular classroom.

14 (3) As used in this subsection, the following terms shall
15 have the meanings given to them in this paragraph:

16 "Sexual" shall mean any prohibited sexual contact that causes
17 harm as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse
18 of children).

19 "Violent" shall mean having caused serious bodily injury as
20 defined in 42 Pa.C.S. § 6302 (relating to definitions).

21 (d) School districts shall utilize evidence-based or
22 research-based behavioral supports and interventions and other
23 appropriate remedial measures, including restorative justice
24 practices, to prevent the recurrence of the behavior that led to
25 the student's out-of-school suspension or expulsion. Any
26 intervention shall be designed to assist the return of the
27 student to a classroom setting to minimize disruption of the
28 student's academic instruction.

29 Section 2. The sum of \$75,000,000 shall be appropriated from
30 the money received by the Commonwealth under the American Rescue

1 Plan Act of 2021 (Public Law 117-2, 135 Stat. 4), for the
2 purpose of implementing this act.

3 Section 3. This act shall take effect in 60 days.