

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 121 Session of 2013

INTRODUCED BY GREENLEAF, FARNESE, TARTAGLIONE, KITCHEN,
VULAKOVICH, SOLOBAY, BROWNE, WOZNIAK, COSTA, BOSCOLA AND
LEACH, JANUARY 14, 2013

REFERRED TO EDUCATION, JANUARY 14, 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 safe schools, further providing
6 for definitions, for Office for Safe Schools, for reporting
7 and for maintenance of records.

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

10 Section 1. Section 1301-A of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, is
12 amended by adding definitions to read:

13 Section 1301-A. Definitions.--As used in this article,

14 * * *

15 "Drug" shall mean controlled substance as defined under the
16 act of April 14, 1972 (P.L.233, No.64), known as "The Controlled
17 Substance, Drug, Device and Cosmetic Act."

18 "Drug paraphernalia" shall mean drug paraphernalia as defined
19 under the act of April 14, 1972 (P.L.233, No.64), known as "The
20 Controlled Substance, Drug, Device and Cosmetic Act."

1 * * *

2 "Substance abuse prevention" shall include the provisions set
3 forth in section 1547.

4 * * *

5 Section 2. Section 1302-A of the act, amended November 17,
6 2010 (P.L.996, No.104), is amended to read:

7 Section 1302-A. Office for Safe Schools.--(a) There is
8 hereby established in the Department of Education an Office for
9 Safe Schools.

10 (b) The office shall have the power and duty to implement
11 the following:

12 (1) To coordinate antiviolenence efforts between school,
13 professional, parental, governmental, law enforcement and
14 community organizations and associations.

15 (2) To collect, develop and disseminate information,
16 policies, strategies and other information to assist in the
17 development of programs to [impact] deter and address school
18 violence and substance abuse.

19 (2.1) To direct all school entities to submit annual school
20 violence statistics and reports to the office no later than July
21 31 of each year.

22 (3) To provide direct training to school employes, parents,
23 law enforcement officials and communities on effective measures
24 to prevent and combat school violence and substance abuse.

25 (4) To advise school entities and nonpublic schools on the
26 development of policies to be used regarding substance abuse or
27 possession of weapons, drugs or drug paraphernalia by any
28 person, acts of violence and protocols for coordination with and
29 reporting to law enforcement officials and the Department of
30 Education.

1 (4.1) To verify the existence of corrective action plans to
2 reduce incidents of violence as required in the No Child Left
3 Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).

4 (5) To develop forms to be used by school entities and
5 police departments for reporting incidents involving acts of
6 violence [and] or substance abuse or possession of weapons,
7 drugs or drug paraphernalia on school property. The forms shall
8 be reviewed on a biennial basis and revised when necessary.

9 (6) To verify that each school entity has a biennially
10 updated and reexecuted memorandum of understanding with local
11 law enforcement and has filed such memorandum with the office on
12 a biennial basis.

13 (7) To publish and post on the Department of Education's
14 Internet website a School Safety Annual Report no later than
15 November 1 of each calendar year outlining all incidents
16 required to be reported under section 1303-A and any school
17 district that failed to submit a report under section 1303-A.

18 (b.1) The office shall process and tabulate the data on an
19 annual basis to assist school administrators and law enforcement
20 officials in their duties under this article.

21 (c) In addition to the powers and duties set forth under
22 subsection (b), the office is authorized to make targeted grants
23 to school entities to fund programs which address school
24 violence and substance abuse prevention, including:

25 (1) Conflict resolution or dispute management, including
26 restorative justice strategies.

27 (1.1) School-wide positive behavior support that includes
28 primary or universal, secondary and tertiary supports and
29 interventions in school entities.

30 (1.2) School-based diversion programs.

1 (2) Peer helpers programs.

2 (3) Risk assessment, safety-related, violence prevention
3 curricula, including, but not limited to, dating violence
4 curricula and restorative justice strategies.

5 (4) Classroom management.

6 (5) Student codes of conduct.

7 (6) Training to undertake a districtwide assessment of risk
8 factors that increase the likelihood of problem behaviors among
9 students.

10 (7) Development and implementation of research-based
11 violence prevention programs that address risk factors to reduce
12 incidents of problem behaviors among students including, but not
13 limited to, bullying.

14 (8) Comprehensive, districtwide school safety and violence
15 prevention plans.

16 (9) Security planning, purchase of security-related
17 technology which may include metal detectors, protective
18 lighting, surveillance equipment, special emergency
19 communications equipment, electronic locksets, deadbolts and
20 theft control devices and training in the use of security-
21 related technology. Security planning and purchase of security-
22 related technology shall be based on safety needs identified by
23 the school entity's board of directors.

24 (10) Institution of student, staff and visitor
25 identification systems, including criminal background check
26 software.

27 (11) Establishment or enhancement of school security
28 personnel, including school resource officers.

29 (12) Provision of specialized staff and student training
30 programs, including training for Student Assistance Program team

1 members in elementary, middle and high schools in the referral
2 of students at risk of violent behavior to appropriate
3 community-based services, including mental health services.

4 (13) Alternative education programs provided for in Article
5 XIX-C.

6 (14) Counseling services for students enrolled in
7 alternative education programs.

8 (15) An Internet web-based system for the management of
9 student discipline, including misconduct and criminal offenses.

10 (16) Staff training programs in the use of positive behavior
11 supports, de-escalation techniques and appropriate responses to
12 student behavior that may require immediate intervention.

13 (d) (1) Targeted grants shall be allocated through a
14 competitive grant review process established by the office.
15 School entities must satisfy the requirements of this section
16 and section 1303-A to be eligible for grants. The application
17 for a targeted grant shall include:

18 (i) the purpose for which the targeted grant shall be
19 utilized;

20 (ii) information indicating need for the targeted grant,
21 including, but not limited to, school violence statistics;

22 (iii) an estimated budget;

23 (iv) methods for measuring outcomes; and

24 (v) any other criteria as the office may require.

25 (2) The office shall:

26 (i) Give priority in grant funding to a school entity
27 designated as a persistently dangerous school as defined in 22
28 Pa. Code § 403.2 (relating to definitions).

29 (ii) Give priority in grant funding to school entities with
30 the greatest need to establish safety and order.

1 (iii) To the greatest extent possible, ensure that grant
2 funding is geographically dispersed to school entities
3 throughout this Commonwealth.

4 (3) The office shall provide all targeted grant agreements
5 to the Department of Education's comptroller for review and
6 approval prior to awarding the grant. The school entity shall
7 provide the office with full and complete access to all records
8 relating to the performance of the grant, and shall submit, at
9 such time and in such form as may be prescribed, truthful and
10 accurate information that the office may require. The office
11 shall conduct a thorough annual evaluation of each program for
12 which a grant under this section is made. The office shall seek
13 repayment of funds if it determines that funds were not utilized
14 for the original stated purpose.

15 Section 3. Section 1303-A of the act, amended November 17,
16 2010 (P.L.996, No.104) and June 30, 2011 (P.L.112, No.24), is
17 amended to read:

18 Section 1303-A. Reporting.--(a) The office shall conduct a
19 one-time survey of all school entities to determine the number
20 of incidents involving acts of violence and substance abuse on
21 school property and all cases involving possession of a weapon,
22 drugs and drug paraphernalia by any person on school property
23 which occurred within the last five (5) years. The survey shall
24 be based on the best available information provided by school
25 entities.

26 (b) Each chief school administrator shall report to the
27 office by July 31 of each year all new incidents involving acts
28 of violence or substance abuse, possession of a weapon or
29 possession, use or sale of controlled substances as defined in
30 the act of April 14, 1972 (P.L.233, No.64), known as "The

1 Controlled Substance, Drug, Device and Cosmetic Act," or
2 possession, use or sale of alcohol or tobacco by any person on
3 school property. The incidents to be reported to the office
4 shall include all incidents involving conduct that constitutes a
5 criminal offense listed under paragraphs (4.1) and (4.2).
6 Reports on a form to be developed and provided by the office
7 shall include:

8 (1) Age or grade of student.

9 (2) Name and address of school.

10 (3) Circumstances surrounding the incident, including, but
11 not limited to, type of weapon, controlled substance, alcohol or
12 tobacco, the date, time and location of the incident, if a
13 person other than a student is involved in the incident and any
14 relationship to the school entity.

15 (3.1) Race of student.

16 (3.2) Whether the student has an Individualized Education
17 Plan under the Individuals with Disabilities Education Act
18 (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so the
19 type of disability.

20 (4) Sanction imposed by the school.

21 (4.1) A list of criminal offenses which shall, at a minimum,
22 include:

23 (i) The following offenses under 18 Pa.C.S. (relating to
24 crimes and offenses):

25 Section 908 (relating to prohibited offensive weapons).

26 Section 912 (relating to possession of weapon on school
27 property).

28 Chapter 25 (relating to criminal homicide).

29 Section 2702 (relating to aggravated assault).

30 Section 2709.1 (relating to stalking).

1 Section 2901 (relating to kidnapping).

2 Section 2902 (relating to unlawful restraint).

3 Section 3121 (relating to rape).

4 Section 3122.1 (relating to statutory sexual assault).

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

7 Section 3124.1 (relating to sexual assault).

8 Section 3124.2 (relating to institutional sexual assault).

9 Section 3125 (relating to aggravated indecent assault).

10 Section 3126 (relating to indecent assault).

11 Section 3301 (relating to arson and related offenses).

12 Section 3307 (relating to institutional vandalism), when the
13 penalty is a felony of the third degree.

14 Section 3502 (relating to burglary).

15 Section 3503(a) and (b)(1)(v) (relating to criminal
16 trespass).

17 Section 5501 (relating to riot).

18 Section 6110.1 (relating to possession of firearm by minor).

19 (ii) The possession, use or sale of a controlled substance
20 or drug paraphernalia as defined in "The Controlled Substance,
21 Drug, Device and Cosmetic Act."

22 (iii) Attempts, solicitation or conspiracy to commit any of
23 the offenses listed in subclauses (i) and (ii).

24 (iv) An offense for which registration is required under 42
25 Pa.C.S. § 9795.1 (relating to registration).

26 (4.2) The following offenses under 18 Pa.C.S., and any
27 attempt, solicitation or conspiracy to commit any of these
28 offenses:

29 Section 2701 (relating to simple assault).

30 Section 2705 (relating to recklessly endangering another

1 person).

2 Section 2706 (relating to terroristic threats).

3 Section 2709 (relating to harassment).

4 Section 3127 (relating to indecent exposure).

5 Section 3307 (relating to institutional vandalism), when the
6 penalty is a misdemeanor of the second degree.

7 Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2)
8 (relating to criminal trespass).

9 Chapter 39 (relating to theft and related offenses).

10 Section 5502 (relating to failure of disorderly persons to
11 disperse upon official order).

12 Section 5503 (relating to disorderly conduct).

13 Section 6305 (relating to sale of tobacco).

14 Section 6306.1 (relating to use of tobacco in schools
15 prohibited).

16 Section 6308 (relating to purchase, consumption, possession
17 or transportation of liquor or malt or brewed beverages).

18 (5) Notification of law enforcement.

19 (6) Remedial programs involved.

20 (7) Parental involvement required.

21 (8) Arrests, convictions and adjudications, if known.

22 (b.1) Prior to submitting the report required under
23 subsection (b), each chief school administrator and each police
24 department having jurisdiction over school property of the
25 school entity shall do all of the following:

26 (1) No later than thirty (30) days prior to the deadline for
27 submitting the report to the office required under subsection
28 (b), the chief school administrator shall submit the report to
29 the police department with jurisdiction over the relevant school
30 property. The police department shall review the report and

1 compare the data regarding criminal offenses and notification of
2 law enforcement to determine whether the report accurately
3 reflects police incident data.

4 (2) No later than fifteen (15) days prior to the deadline
5 for the chief school administrator to submit the report required
6 under subsection (b), the police department shall notify the
7 chief school administrator, in writing, whether the report
8 accurately reflects police incident data. Where the police
9 department determines that the report accurately reflects police
10 incident data, the chief of police shall sign the report. Where
11 the police department determines that the report does not
12 accurately reflect police incident data, the police department
13 shall indicate any discrepancies between the report and police
14 incident data.

15 (3) Prior to submitting the report required under subsection
16 (b), the chief school administrator and the police department
17 shall attempt to resolve discrepancies between the report and
18 police incident data. Where a discrepancy remains unresolved,
19 the police department shall notify the chief school
20 administrator and the office in writing.

21 (4) Where a police department fails to take action as
22 required under clause (2) or (3), the chief school administrator
23 shall submit the report required under subsection (b) and
24 indicate that the police department failed to take action as
25 required under clause (2) or (3).

26 (c) Each chief school administrator shall form an advisory
27 committee composed of relevant school staff, including, but not
28 limited to, principals, security personnel, school resource
29 officers, guidance counselors and special education
30 administrators, to assist in the development of a memorandum of

1 understanding pursuant to this section. In consultation with the
2 advisory committee, each chief school administrator shall enter
3 into a memorandum of understanding with police departments
4 having jurisdiction over school property of the school entity.
5 Each chief school administrator shall submit a copy of the
6 memorandum of understanding to the office by June 30, 2011, and
7 biennially update and re-execute a memorandum of understanding
8 with local law enforcement and file such memorandum with the
9 office on a biennial basis. The memorandum of understanding
10 shall be signed by the chief school administrator, the chief of
11 police of the police department with jurisdiction over the
12 relevant school property and principals of each school building
13 of the school entity. The memorandum of understanding shall
14 comply with the regulations promulgated by the State Board of
15 Education under section 1302.1-A and shall also include:

16 (1) The procedure for police department review of the annual
17 report required under subsection (b) prior to the chief school
18 administrator filing the report required under subsection (b)
19 with the office.

20 (2) A procedure for the resolution of school violence and
21 substance abuse data discrepancies in the report prior to filing
22 the report required under subsection (b) with the office.

23 (3) Additional matters pertaining to crime prevention agreed
24 to between the chief school administrator and the police
25 department.

26 (d) Pursuant to section 615 of the Individuals with
27 Disabilities Education Act (Public Law 91-230, 20 U.S.C. §
28 1415(k)(6)), nothing in section 1302.1-A or this section shall
29 be construed to prohibit a school entity from reporting a crime
30 committed by a child with a disability to appropriate

1 authorities or to prevent State law enforcement and judicial
2 authorities from exercising their responsibilities with regard
3 to the application of Federal and State law to crimes committed
4 by a child with a disability.

5 (e) (1) Notwithstanding any provision of law to the
6 contrary, the Department of Education may initiate disciplinary
7 action before the Professional Standards and Practices
8 Commission pursuant to the act of December 12, 1973 (P.L.397,
9 No.141), known as the "Professional Educator Discipline Act,"
10 against a chief school administrator or principal of a school
11 entity who intentionally fails to submit the report as required
12 under subsection (b) or enter into the memorandum of
13 understanding with the police department with jurisdiction over
14 the relevant school property, report an incident involving an
15 act of violence, substance abuse, possession of a weapon or an
16 offense listed under subsection (b) (4.1) that occurs on school
17 property to a police department or submit a copy of the
18 memorandum of understanding to the office as required under
19 subsection (c) or who intentionally falsifies a report submitted
20 as required under this section.

21 (2) In addition to any other disciplinary actions set forth
22 in the "Professional Educator Discipline Act," a chief school
23 administrator or principal of a school entity who intentionally
24 fails to submit the report as required under subsection (b) or
25 enter into the memorandum of understanding with the police
26 department with jurisdiction over the relevant school property,
27 report an incident involving an act of violence, substance
28 abuse, possession of a weapon or an offense cited under
29 subsection (b) (4.1) that occurs on school property to a police
30 department or submit a copy of the memorandum of understanding

1 to the office as required under subsection (c) or who
2 intentionally falsifies a report submitted as required under
3 this section shall be subject to prosecution for violation of 18
4 Pa.C.S. § 4904 (relating to unsworn falsification to
5 authorities). The following civil penalties may be imposed by
6 the Professional Standards and Practices Commission for
7 violations of this article:

8 (i) for a first violation, \$2,500;

9 (ii) for a second violation, \$3,500; or

10 (iii) for a third or subsequent violation, \$5,000.

11 Any penalty imposed under this paragraph shall be paid to the
12 Department of Education and used for the support of the office.

13 Section 4. Section 1307-A of the act, added June 30, 1995
14 (P.L.220, No.26), is amended to read:

15 Section 1307-A. Maintenance of Records.--All school entities
16 and private schools within this Commonwealth shall maintain
17 updated records of all incidents of violence or substance abuse,
18 incidents involving possession of a weapon, drugs or drug
19 paraphernalia and convictions or adjudications of delinquency
20 for acts committed on school property by students enrolled
21 therein on both a district-wide and school-by-school basis.

22 Records maintained under this section shall be contained in a
23 format developed by the Pennsylvania State Police in cooperation
24 with the office within ninety (90) days of the effective date of
25 this section. A statistical summary of these records shall be
26 made accessible to the public for examination by the public
27 during regular business hours.

28 Section 5. This act shall take effect in 60 days.