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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 65 Session of  
2015

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INTRODUCED BY GREENLEAF, KITCHEN, TEPLITZ, BOSCOLA, COSTA,  
VULAKOVICH AND TARTAGLIONE, JANUARY 14, 2015

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REFERRED TO EDUCATION, JANUARY 14, 2015

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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 Controlled Substance, Drug, Device and Cosmetic Act."

20 \* \* \*

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

3 \* \* \*

4 Section 2. Section 1302-A(b) and (c) introductory paragraph  
5 of the act, amended November 17, 2010 (P.L.996, No.104) and July  
6 9, 2014 (P.L.1039, No.122), are amended to read:

7 Section 1302-A. Office for Safe Schools.--\* \* \*

8 (b) The office shall have the power and duty to implement  
9 the following:

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

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

17 (2.1) To direct all school entities to submit annual school  
18 violence statistics and reports to the office no later than July  
19 31 of each year.

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

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

29 (4.1) To verify the existence of corrective action plans to  
30 reduce incidents of violence as required in the No Child Left

1 Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).

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

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

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

16 (8) To establish criteria, in consultation with the  
17 Pennsylvania State Police, for certifying approved vendors to  
18 provide school police officers to nonpublic schools for the  
19 purposes of awarding grants under subsection (c.1)(3).

20 (9) To publish and post on the Department of Education's  
21 publicly accessible Internet website a listing of all approved  
22 vendors under paragraph (8).

23 \* \* \*

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

28 \* \* \*

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

1 amended to read:

2 Section 1303-A. Reporting.--(a) The office shall conduct a  
3 one-time survey of all school entities to determine the number  
4 of incidents involving acts of violence and substance abuse on  
5 school property and all cases involving possession of a weapon,  
6 drugs and drug paraphernalia by any person on school property  
7 which occurred within the last five (5) years. The survey shall  
8 be based on the best available information provided by school  
9 entities.

10 (b) Each chief school administrator shall report to the  
11 office by July 31 of each year all new incidents involving acts  
12 of violence or substance abuse, possession of a weapon or  
13 possession, use or sale of controlled substances as defined in  
14 the act of April 14, 1972 (P.L.233, No.64), known as "The  
15 Controlled Substance, Drug, Device and Cosmetic Act," or  
16 possession, use or sale of alcohol or tobacco by any person on  
17 school property. The incidents to be reported to the office  
18 shall include all incidents involving conduct that constitutes a  
19 criminal offense listed under paragraphs (4.1) and (4.2).  
20 Reports on a form to be developed and provided by the office  
21 shall include:

22 (1) Age or grade of student.

23 (2) Name and address of school.

24 (3) Circumstances surrounding the incident, including, but  
25 not limited to, type of weapon, controlled substance, alcohol or  
26 tobacco, the date, time and location of the incident, if a  
27 person other than a student is involved in the incident and any  
28 relationship to the school entity.

29 (3.1) Race of student.

30 (3.2) Whether the student has an Individualized Education

1 Plan under the Individuals with Disabilities Education Act  
2 (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so the  
3 type of disability.

4 (4) Sanction imposed by the school.

5 (4.1) A list of criminal offenses which shall, at a minimum,  
6 include:

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

9 Section 908 (relating to prohibited offensive weapons).

10 Section 912 (relating to possession of weapon on school  
11 property).

12 Chapter 25 (relating to criminal homicide).

13 Section 2702 (relating to aggravated assault).

14 Section 2709.1 (relating to stalking).

15 Section 2901 (relating to kidnapping).

16 Section 2902 (relating to unlawful restraint).

17 Section 3121 (relating to rape).

18 Section 3122.1 (relating to statutory sexual assault).

19 Section 3123 (relating to involuntary deviate sexual  
20 intercourse).

21 Section 3124.1 (relating to sexual assault).

22 Section 3124.2 (relating to institutional sexual assault).

23 Section 3125 (relating to aggravated indecent assault).

24 Section 3126 (relating to indecent assault).

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

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

28 Section 3502 (relating to burglary).

29 Section 3503(a) and (b)(1)(v) (relating to criminal  
30 trespass).

1 Section 5501 (relating to riot).

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

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

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

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

10 (4.2) The following offenses under 18 Pa.C.S., and any  
11 attempt, solicitation or conspiracy to commit any of these  
12 offenses:

13 Section 2701 (relating to simple assault).

14 Section 2705 (relating to recklessly endangering another  
15 person).

16 Section 2706 (relating to terroristic threats).

17 Section 2709 (relating to harassment).

18 Section 3127 (relating to indecent exposure).

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

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

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

24 Section 5502 (relating to failure of disorderly persons to  
25 disperse upon official order).

26 Section 5503 (relating to disorderly conduct).

27 Section 6305 (relating to sale of tobacco).

28 Section 6306.1 (relating to use of tobacco in schools  
29 prohibited).

30 Section 6308 (relating to purchase, consumption, possession

1 or transportation of liquor or malt or brewed beverages).

2 (5) Notification of law enforcement.

3 (6) Remedial programs involved.

4 (7) Parental involvement required.

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

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

10 (1) No later than thirty (30) days prior to the deadline for  
11 submitting the report to the office required under subsection  
12 (b), the chief school administrator shall submit the report to  
13 the police department with jurisdiction over the relevant school  
14 property. The police department shall review the report and  
15 compare the data regarding criminal offenses and notification of  
16 law enforcement to determine whether the report accurately  
17 reflects police incident data.

18 (2) No later than fifteen (15) days prior to the deadline  
19 for the chief school administrator to submit the report required  
20 under subsection (b), the police department shall notify the  
21 chief school administrator, in writing, whether the report  
22 accurately reflects police incident data. Where the police  
23 department determines that the report accurately reflects police  
24 incident data, the chief of police shall sign the report. Where  
25 the police department determines that the report does not  
26 accurately reflect police incident data, the police department  
27 shall indicate any discrepancies between the report and police  
28 incident data.

29 (3) Prior to submitting the report required under subsection  
30 (b), the chief school administrator and the police department

1 shall attempt to resolve discrepancies between the report and  
2 police incident data. Where a discrepancy remains unresolved,  
3 the police department shall notify the chief school  
4 administrator and the office in writing.

5 (4) Where a police department fails to take action as  
6 required under clause (2) or (3), the chief school administrator  
7 shall submit the report required under subsection (b) and  
8 indicate that the police department failed to take action as  
9 required under clause (2) or (3).

10 (c) Each chief school administrator shall form an advisory  
11 committee composed of relevant school staff, including, but not  
12 limited to, principals, security personnel, school resource  
13 officers, guidance counselors and special education  
14 administrators, to assist in the development of a memorandum of  
15 understanding pursuant to this section. In consultation with the  
16 advisory committee, each chief school administrator shall enter  
17 into a memorandum of understanding with police departments  
18 having jurisdiction over school property of the school entity.  
19 Each chief school administrator shall submit a copy of the  
20 memorandum of understanding to the office by June 30, 2011, and  
21 biennially update and re-execute a memorandum of understanding  
22 with local law enforcement and file such memorandum with the  
23 office on a biennial basis. The memorandum of understanding  
24 shall be signed by the chief school administrator, the chief of  
25 police of the police department with jurisdiction over the  
26 relevant school property and principals of each school building  
27 of the school entity. The memorandum of understanding shall  
28 comply with the regulations promulgated by the State Board of  
29 Education under section 1302.1-A and shall also include:

30 (1) The procedure for police department review of the annual

1 report required under subsection (b) prior to the chief school  
2 administrator filing the report required under subsection (b)  
3 with the office.

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

7 (3) Additional matters pertaining to crime prevention agreed  
8 to between the chief school administrator and the police  
9 department.

10 (d) Pursuant to section 615 of the Individuals with  
11 Disabilities Education Act (Public Law 91-230, 20 U.S.C. §  
12 1415(k)(6)), nothing in section 1302.1-A or this section shall  
13 be construed to prohibit a school entity from reporting a crime  
14 committed by a child with a disability to appropriate  
15 authorities or to prevent State law enforcement and judicial  
16 authorities from exercising their responsibilities with regard  
17 to the application of Federal and State law to crimes committed  
18 by a child with a disability.

19 (e) (1) Notwithstanding any provision of law to the  
20 contrary, the Department of Education may initiate disciplinary  
21 action before the Professional Standards and Practices  
22 Commission pursuant to the act of December 12, 1973 (P.L.397,  
23 No.141), known as the "Professional Educator Discipline Act,"  
24 against a chief school administrator or principal of a school  
25 entity who intentionally fails to submit the report as required  
26 under subsection (b) or enter into the memorandum of  
27 understanding with the police department with jurisdiction over  
28 the relevant school property, report an incident involving an  
29 act of violence, substance abuse, possession of a weapon or an  
30 offense listed under subsection (b)(4.1) that occurs on school

1 property to a police department or submit a copy of the  
2 memorandum of understanding to the office as required under  
3 subsection (c) or who intentionally falsifies a report submitted  
4 as required under this section.

5 (2) In addition to any other disciplinary actions set forth  
6 in the "Professional Educator Discipline Act," a chief school  
7 administrator or principal of a school entity who intentionally  
8 fails to submit the report as required under subsection (b) or  
9 enter into the memorandum of understanding with the police  
10 department with jurisdiction over the relevant school property,  
11 report an incident involving an act of violence, substance  
12 abuse, possession of a weapon or an offense cited under  
13 subsection (b) (4.1) that occurs on school property to a police  
14 department or submit a copy of the memorandum of understanding  
15 to the office as required under subsection (c) or who  
16 intentionally falsifies a report submitted as required under  
17 this section shall be subject to prosecution for violation of 18  
18 Pa.C.S. § 4904 (relating to unsworn falsification to  
19 authorities). The following civil penalties may be imposed by  
20 the Professional Standards and Practices Commission for  
21 violations of this article:

- 22 (i) for a first violation, \$2,500;
- 23 (ii) for a second violation, \$3,500; or
- 24 (iii) for a third or subsequent violation, \$5,000.

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

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

29 Section 1307-A. Maintenance of Records.--All school entities  
30 and private schools within this Commonwealth shall maintain

1 updated records of all incidents of violence or substance abuse,  
2 incidents involving possession of a weapon, drugs or drug  
3 paraphernalia and convictions or adjudications of delinquency  
4 for acts committed on school property by students enrolled  
5 therein on both a district-wide and school-by-school basis.  
6 Records maintained under this section shall be contained in a  
7 format developed by the Pennsylvania State Police in cooperation  
8 with the office within ninety (90) days of the effective date of  
9 this section. A statistical summary of these records shall be  
10 made accessible to the public for examination by the public  
11 during regular business hours.

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