
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 857 Session of
2023

INTRODUCED BY HANBIDGE, HOHENSTEIN, SANCHEZ, KAZEEM, RABB,
MADDEN, HILL-EVANS, FLEMING, CIRESI, KINKEAD, N. NELSON AND
KHAN, APRIL 10, 2023

REFERRED TO COMMITTEE ON EDUCATION, APRIL 10, 2023

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 and for
7 reporting.

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

10 Section 1. The definitions of "chief school administrator"
11 and "school property" in section 1301-A of the act of March 10,
12 1949 (P.L.30, No.14), known as the Public School Code of 1949,
13 are amended to read:

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

15 "Chief school administrator" shall mean the superintendent of
16 a public school district, superintendent of an area career and
17 technical school, executive director of an intermediate unit
18 [or], chief executive officer of a charter school or governing
19 body of a nonpublic school.

20 * * *

1 "School property" shall mean any public school or nonpublic
2 school grounds, any school-sponsored activity or any conveyance
3 providing transportation to a school entity or nonpublic school
4 or school-sponsored activity.

5 * * *

6 Section 2. Sections 1302-A(b) (6) and 1303-A(b) (3), (b.1)
7 introductory paragraph, (c) introductory paragraph, (d) and (e)
8 of the act are amended to read:

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

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

12 * * *

13 (6) To verify that each school entity and nonpublic school
14 has a biennially updated and reexecuted memorandum of
15 understanding with local law enforcement and has filed such
16 memorandum with the office on a biennial basis.

17 * * *

18 Section 1303-A. Reporting.--* * *

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

30 * * *

1 (3) Circumstances surrounding the incident, including, but
2 not limited to, type of weapon, controlled substance, alcohol or
3 tobacco, the date, time and location of the incident, if a
4 person other than a student is involved in the incident and any
5 relationship to the school entity or nonpublic school.

6 * * *

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

11 * * *

12 (c) Each chief school administrator shall form an advisory
13 committee composed of relevant school staff, including, but not
14 limited to, principals, security personnel, school resource
15 officers, guidance counselors and special education
16 administrators, to assist in the development of a memorandum of
17 understanding pursuant to this section. In consultation with the
18 advisory committee, each chief school administrator shall enter
19 into a memorandum of understanding with police departments
20 having jurisdiction over school property of the school entity or
21 nonpublic school. Each chief school administrator shall submit a
22 copy of the memorandum of understanding to the office by June
23 30, 2011, and, in the case of a nonpublic school, by June 30,
24 2024, and biennially update and re-execute a memorandum of
25 understanding with local law enforcement and file such
26 memorandum with the office on a biennial basis. The memorandum
27 of understanding shall be signed by the chief school
28 administrator, the chief of police of the police department with
29 jurisdiction over the relevant school property and principals of
30 each school building of the school entity or nonpublic school.

1 The memorandum of understanding shall comply with the
2 regulations promulgated by the State Board of Education under
3 section 1302.1-A and shall also include:

4 * * *

5 (d) Pursuant to [section 615 of the Individuals with
6 Disabilities Education Act (Public Law 91-230, 20 U.S.C. §
7 1415(k)(6))] 20 U.S.C. § 1415(k)(6) (relating to procedural
8 safeguards), nothing in section 1302.1-A or this section shall
9 be construed to prohibit a school entity or nonpublic school
10 from reporting a crime committed by a child with a disability to
11 appropriate authorities or to prevent State law enforcement and
12 judicial authorities from exercising their responsibilities with
13 regard to the application of Federal and State law to crimes
14 committed by a child with a disability.

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

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

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

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

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

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

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