
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1555 Session of
2023

INTRODUCED BY HILL-EVANS, MIHALEK, MADDEN, PICKETT, KINSEY,
KHAN, SANCHEZ, KRAJEWSKI, D. WILLIAMS, GREEN AND SHUSTERMAN,
JUNE 30, 2023

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 30, 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 preliminary provisions, further
6 providing for definitions; in pupils and attendance,
7 providing for educational oversight for juveniles in
8 facilities, further providing for possession of weapons
9 prohibited and providing for placement of certain adjudicated
10 students; in safe schools, further providing for definitions
11 and for reporting and providing for School-Based Diversion
12 Programs Fund; in school security, further providing for
13 powers and duties and providing for limitations on
14 proceedings and arrest; and, in school districts of the first
15 class, repealing provisions relating to placement of certain
16 adjudicated students.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 102 of the act of March 10, 1949 (P.L.30,
20 No.14), known as the Public School Code of 1949, is amended by
21 adding a definition to read:

22 Section 102. Definitions.--When used in this act the
23 following words and phrases shall have the following meanings:

24 * * *

1 "Weapon." Anything readily capable of lethal use and
2 possessed under circumstances not manifestly appropriate for
3 lawful uses which it may have. The term includes a firearm which
4 is not loaded or lacks a clip or other component to render it
5 immediately operable and components which can readily be
6 assembled into a weapon.

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

8 Section 1306.3. Educational Oversight for Juveniles in

9 Facilities.--(a) No later than January 1, 2025, the Department
10 of Education shall develop a licensing, oversight and monitoring
11 process for education programs in facilities to ensure that
12 children held under 42 Pa.C.S. § 6325 (relating to detention of
13 child) or committed to an institution or other placement as a
14 result of a disposition under 42 Pa.C.S. § 6351 (relating to
15 disposition of dependent child) or 6352 (relating to disposition
16 of delinquent child) receive the same academic instruction
17 required for public schools under 22 Pa. Code Ch. 4 (relating to
18 academic standards and assessment). The process shall include:

19 (1) Annual site visits to all providers of educational
20 services in out-of-home placement facilities.

21 (2) Data collection and reporting requirements for all
22 providers of educational services in out-of-home placement
23 facilities. Reporting shall include documentation of all
24 educational programming provided and relevant student outcomes
25 by race and ethnicity, gender and disability status.

26 (b) The Department of Education shall provide support to
27 children who are not enrolled in their school of origin, and to
28 children who are transitioning from an out-of-home placement
29 facility back to their school of origin.

30 (c) For purposes of this section:

1 "Facility" shall mean a setting, including an institution,
2 youth development center, camp or other facility at which a
3 child is held under 42 Pa.C.S. § 6325 or to which a child is
4 committed as a result of a disposition under 42 Pa.C.S. § 6351
5 or 6352, where a child cannot attend public school.

6 "Relevant student outcomes" shall include:

7 (1) For students receiving educational services in out-of-
8 home placement facilities, credits earned, assessment tests in
9 reading and mathematics, grade-level promotion and graduation
10 rates.

11 (2) For students exiting out-of-home placement facilities,
12 prompt enrollment, appropriate school placement and transfer of
13 credits earned and on-time graduation rates.

14 "Support" shall mean the requirements for a school entity
15 under section 1331.1.

16 Section 3. Section 1317.2(g) of the act is amended to read:

17 Section 1317.2. Possession of Weapons Prohibited.--* * *

18 [(g) As used in this section, the term "weapon" shall
19 include, but not be limited to, any knife, cutting instrument,
20 cutting tool, nunchaku, firearm, shotgun, rifle and any other
21 tool, instrument or implement capable of inflicting serious
22 bodily injury.]

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

24 Section 1318.2. Placement of Certain Adjudicated Students.--

25 (a) Except as provided under section 1318.1, a student
26 returning from placement as a result of being adjudicated
27 delinquent under 42 Pa.C.S. Ch. 63 (relating to juvenile
28 matters) or who has been adjudged to have committed a crime
29 under an adult criminal proceeding shall be returned directly to
30 the regular classroom unless the court finds, by clear and

1 convincing evidence, and enters those findings in the record
2 orally and in writing, that remaining in or returning to the
3 school of origin is not in the student's best interest or
4 protective of the community. If the court finds that it is not
5 in the best interest for the student or protective of the
6 community for the student to remain in or return to the
7 student's school of origin, the court shall order the student to
8 be enrolled in the least restrictive school setting that best
9 meets the student's needs. The student shall be permitted to
10 attend a public school if the student so chooses, unless the
11 court finds that a public school is not in the best interest of
12 the child or protective of the community. Factors guiding a
13 determination under this section shall include:

14 (1) The recommendation resulting from the best interest
15 determination meeting under subsection (b).

16 (2) The appropriateness of the current educational setting
17 considering the student's needs.

18 (3) The proximity of the school of origin relative to the
19 placement location.

20 (4) The protection of the community.

21 (b) Prior to returning a student to the regular classroom or
22 making an alternative best interest determination, the school
23 district shall:

24 (1) Ensure that the student, the student's parent or
25 guardian, the student's attorney, a representative of the
26 student's school of origin and a representative of probation
27 shall participate in a best-interest determination meeting to
28 discuss school placement options and make a recommendation to
29 the court that prioritizes education in the least restrictive
30 setting with appropriate support. Additional interested parties

1 to the student's case, including, if applicable, a victim or
2 victim's representative, may also provide input or participate
3 in the meeting.

4 (2) Develop a transition and graduation plan for the student
5 that includes academic goals and information on credit
6 transfers, identifies school and community services appropriate
7 to the needs of the student and establishes remaining graduation
8 requirements.

9 Section 5. The definition of "weapon" in section 1301-A of
10 the act is amended to read:

11 Section 1301-A. Definitions.--* * *

12 ["Weapon" shall include, but not be limited to, any knife,
13 cutting instrument, cutting tool, nunchaku, firearm, shotgun,
14 rifle and any other tool, instrument or implement capable of
15 inflicting serious bodily injury.]

16 Section 6. Section 1303-A(b) (3.1), (4.1) (i) and (ii) and
17 (4.2) of the act are amended to read:

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 (3.1) Race, ethnicity and gender of student.

2 * * *

3 (4.1) A list of criminal offenses which shall[, at a
4 minimum,] include:

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

7 Section 908 (relating to prohibited offensive weapons) if the
8 weapon is a firearm.

9 Section 912 (relating to possession of weapon on school
10 property) if the weapon is a firearm.

11 Chapter 25 (relating to criminal homicide).

12 Section 2702 (relating to aggravated assault).

13 Section 2709.1 (relating to stalking).

14 Section 2901 (relating to kidnapping).

15 Section 2902 (relating to unlawful restraint).

16 Section 3121 (relating to rape).

17 Section 3122.1 (relating to statutory sexual assault).

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

20 Section 3124.1 (relating to sexual assault).

21 Section 3124.2 (relating to institutional sexual assault).

22 Section 3125 (relating to aggravated indecent assault).

23 Section 3126 (relating to indecent assault).

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

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

27 Section 3502 (relating to burglary).

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

30 Section 5501 (relating to riot).

1 Section 6110.1 (relating to possession of firearm by minor).
2 (ii) The possession, use or sale of a controlled substance
3 [or drug paraphernalia], except a small amount of marihuana as
4 defined in "The Controlled Substance, Drug, Device and Cosmetic
5 Act."

6 * * *

7 (4.2) The following offenses under 18 Pa.C.S., and any
8 attempt, solicitation or conspiracy to commit any of these
9 offenses:

10 Section 2701 (relating to simple assault).

11 Section 2705 (relating to recklessly endangering another
12 person).

13 Section 2706 (relating to terroristic threats).

14 Section 2709 (relating to harassment).

15 Section 3127 (relating to indecent exposure).

16 Section 3307 (relating to institutional vandalism) when the
17 penalty is a misdemeanor of the second degree.

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

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

21 Section 5502 (relating to failure of disorderly persons to
22 disperse upon official order).

23 [Section 5503 (relating to disorderly conduct).

24 Section 6305 (relating to sale of tobacco).

25 Section 6306.1 (relating to use of tobacco in schools
26 prohibited).

27 Section 6308 (relating to purchase, consumption, possession
28 or transportation of liquor or malt or brewed beverages).]

29 * * *

30 Section 7. The act is amended by adding a section to read:

1 Section 1314-A. School-Based Diversion Programs Fund.--(a)
2 The School-Based Diversion Programs Fund is established as a
3 separate fund in the State Treasury.

4 (b) The sources of money for the fund are as follows:

5 (1) Appropriations.

6 (2) Money from any other source.

7 (3) Return on the money in the fund.

8 (c) The money in the fund shall be appropriated on a
9 continuing basis to the Pennsylvania Commission on Crime and
10 Delinquency for the purposes under subsection (d).

11 (d) The fund shall be administered by the Pennsylvania
12 Commission on Crime and Delinquency as follows:

13 (1) The Pennsylvania Commission on Crime and Delinquency may
14 hire one full-time staff member to administer the fund.

15 (2) The money in the fund shall be used solely to expand
16 nonresidential school-based diversion programs as an alternative
17 to arrest or court referral for youth who have engaged in
18 delinquent acts on any public school grounds, at a school-
19 sponsored activity or on a conveyance providing transportation
20 to a school entity or school-sponsored activity.

21 (e) The Pennsylvania Commission on Crime and Delinquency
22 shall set eligibility criteria for school districts to apply for
23 funding from the fund. The Pennsylvania Commission on Crime and
24 Delinquency shall prioritize programs that prevent youth from
25 being arrested and entering the juvenile justice system.

26 (f) As used in this section, the term "fund" shall mean the
27 School-Based Diversion Programs Fund established under
28 subsection (a).

29 Section 8. Section 1306-C(a)(3) and (b) of the act are
30 amended to read:

1 Section 1306-C. Powers and duties.

2 (a) General rule.--A school police officer appointed under
3 section 1302-C(b) shall possess and exercise all the following
4 powers and duties:

5 * * *

6 (3) [If] Except as provided in section 1306.1-C, if
7 authorized by the court, to issue summary citations or to
8 detain individuals who are in school buildings, on school
9 buses and on school grounds in the respective school entities
10 or nonpublic schools until local law enforcement is notified.

11 (b) Specific powers.--[If] Except as provided in section
12 1306.1-C, if authorized by the court, a school police officer
13 who is a law enforcement officer employed by a school entity or
14 nonpublic school whose responsibilities, including work hours,
15 are established by the school entity or nonpublic school, may
16 exercise the same powers as exercised under authority of law or
17 ordinance by the police of the municipality in which the school
18 property is located.

19 Section 9. The act is amended by adding a section to read:
20 Section 1306.1-C. Limitations on proceedings and arrest.

21 (a) Proceedings.--A proceeding may not be commenced nor may
22 a petition or citation be filed by a school entity or nonpublic
23 school, or a representative of a school entity or nonpublic
24 school, for a delinquent or summary act alleged to be committed
25 by a student in a school building, on a school bus or on school
26 grounds in the respective school entity or nonpublic school, for
27 the following acts:

28 (1) A violation of one of the following offenses under
29 18 Pa.C.S. (relating to crimes and offenses):

30 (i) Section 5503 (relating to disorderly conduct).

1 (ii) Section 6305 (relating to sale of tobacco
2 products).

3 (iii) Section 6306.1 (relating to use of tobacco
4 products in schools prohibited).

5 (iv) Section 6308 (relating to purchase,
6 consumption, possession or transportation of liquor or
7 malt or brewed beverages).

8 (2) The possession of drug paraphernalia or a small
9 amount of marihuana as defined in the act of April 14, 1972
10 (P.L.233, No.64), known as The Controlled Substance, Drug,
11 Device and Cosmetic Act.

12 (3) Any other misdemeanor or summary act, unless the
13 student has participated in a school-based diversion program
14 in lieu of arrest or court referral at least twice prior to
15 the current violation.

16 (b) Arrest, citation or detainment.--A law enforcement
17 officer, including a school police officer under section 1306-C,
18 may not arrest, cite or detain a student for a delinquent or
19 summary act alleged to be committed by a student in a school
20 building, on a school bus or on school grounds in the respective
21 school entity or nonpublic school, if the alleged act
22 constitutes any of the following:

23 (1) A violation of one of the following offenses under
24 18 Pa.C.S.:

25 (i) Section 5503.

26 (ii) Section 6305.

27 (iii) Section 6306.1.

28 (iv) Section 6308.

29 (2) The possession of drug paraphernalia or a small
30 amount of marihuana as defined in The Controlled Substance,

1 Drug, Device and Cosmetic Act.

2 (3) Any other misdemeanor or summary act, unless the
3 student has participated in a school-based diversion program
4 in lieu of arrest or court referral at least twice prior to
5 the current violation.

6 (c) Code of conduct.--Notwithstanding section 510, a school
7 entity's code of student conduct required under 22 Pa. Code §
8 12.3(c) (relating to school rules) may not include a requirement
9 of arrest, citation or petition for any offense committed by a
10 student in a school building, on a school bus or on school
11 grounds.

12 (d) Definition.--For purposes of this section, the term
13 "school-based diversion program" means a prearrest, precourt
14 program that keeps a child who has engaged in a behavior that
15 could otherwise be charged as a delinquent or summary offense in
16 school and community prevention services in lieu of arrest and
17 court referral.

18 Section 10. Section 2134 of the act is repealed:

19 [Section 2134. Placement of Certain Adjudicated Students.--

20 (a) No student returning from placement as a result of being
21 adjudicated delinquent under 42 Pa.C.S. Ch. 63 (relating to
22 juvenile matters) or who has been adjudged to have committed a
23 crime under an adult criminal proceeding shall be returned
24 directly to the regular classroom.

25 (b) Prior to returning such student to the regular
26 classroom, the school district shall:

27 (1) Place the student in a transition center operated by the
28 school district for a period not to exceed four (4) weeks.

29 (2) Develop a transition plan for the student that includes
30 academic goals, identifies school and community services

1 appropriate to the needs of the student and establishes terms
2 and conditions the student must meet prior to returning to the
3 regular classroom.

4 (c) The transition plan developed under subsection (b) (2)
5 may provide for the student's direct return to a regular
6 classroom where the underlying offense did not involve any of
7 the following:

8 (i) Possession of a weapon.

9 (ii) Possession, use or sale of controlled substances as
10 defined in the act of April 14, 1972 (P.L.233, No.64), known as
11 "The Controlled Substance, Drug, Device and Cosmetic Act."

12 (iii) Possession, use or sale of alcohol or tobacco by any
13 person on school property.

14 (iv) An act of violence as defined in section 1310-A(h).

15 (d) In the case of a student whose transition plan does not
16 include immediate return to the regular classroom, the student
17 shall be placed in one of the following as provided for in the
18 student's transition plan:

19 (1) An alternative education program as defined in Article
20 XIX-C.

21 (2) A private alternative education institution as defined
22 in Article XIX-E.

23 (3) A general education development program.

24 (4) A program operating after the traditional school day.

25 (e) (1) Prior to the release of a student subject to this
26 section from a residential or day treatment placement as a
27 result of being adjudicated delinquent under 42 Pa.C.S. Ch. 63
28 (relating to juvenile matters) or returning from incarceration
29 as a result of having been adjudged to have committed a crime
30 under an adult criminal proceeding, the court shall provide to

1 the person designated in charge of the school district's
2 transition center the information required in the school
3 notification provision under 42 Pa.C.S. § 6341(b.1) (relating to
4 adjudication).

5 (2) The information shall be updated by the court with
6 information pertaining to treatment reports and supervision
7 plans or any other information deemed necessary by the
8 transition plan and assure appropriate placement of the
9 student.]

10 Section 11. This act shall take effect in 60 days.