



HB 1708 Provisions

Limitations on Referrals and Diversion

- Prohibits arrest, petitions, and citations to be filed for a delinquent or summary act committed on school grounds or a school bus for certain offenses including:
 - Simple assault
 - Terroristic threats
 - Disorderly conduct
 - Tobacco related offenses
 - Alcohol possession/consumption
 - Possession of drug paraphernalia or small amounts of marijuana
 - Any other misdemeanor or summary act, **unless the student has already participated in a school-based diversion program two times during the previous two school years.**
- Explicitly encourages using school-based diversion in cases where arrest, citation, and/or petition are permitted, if safe and appropriate.

Reporting Requirements

Amends certain requirements for schools to report incidents to the Office of the Safe Schools Advocate.

- Adds a requirement to report the ethnicity and gender (in addition to the race) of a student involved in an incident.
- Eliminates reporting requirements for incidents involving possession of non-firearm weapons, possession of a small amount of marijuana or drug paraphernalia, disorderly conduct, sale or use of tobacco in schools, and alcohol-related offenses.
- Keeps reporting requirements for possession of firearms and serious offenses such as aggravated assault, stalking, sexual assault, arson, and non-marijuana drug use or sale.

School-Based Diversion Fund

- Creates a school-based diversion program fund administered by PCCD to expand nonresidential school-based diversion programs
 - These are pre-arrest/pre-court programs administered by a school entity or a third-party entity based at a school that:
 - Provides alternatives to arrest or court referral for a delinquent or summary offense on school ground, at a school-sponsored activity, or transportation to a school or school-sponsored activity.
 - Keeps a student in school and community prevention services that support the student in taking accountability and meeting the underlying needs contributing to that behavior.
 - Does not interfere with or substitute for the regular classroom instruction or penalize students for participation in any way.

Definition of a Weapon

Current definition:

“any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury,”

New definition:

“a firearm which is designed to, or may readily be converted to, expel a projectile capable of lethal use by the action of an explosive. The term includes a firearm which is not loaded or lacks a clip or other component required to render the firearm immediately operable and components which can readily be assembled into a weapon, including the frame or receiver of a firearm.”

Oversight and monitoring of education in facilities

Under the amendments to 24 P.S. § 13-1306.3, the PDE will develop a licensing, oversight, and monitoring process that ensures education administered to students in a facility, reflects the education of their peers being educated in community settings. DHS will also be required to formalize a process where complaints or concerns relating to education can be promptly redirected to PDE.

The licensing process for facilities will require:

- Annual site visits
- Regular data collection and an annual report to the General Assembly, including documentation of relevant student outcomes
 - For students in placement: credits earned, distinct from credits earned towards graduation, grade-level promotion, and data from assessments in reading and mathematics
 - For students exiting placement: prompt enrollment, appropriate school placement, percentage returned to school of origin, transfer of credits earned, and on-time graduation rates.

School Stability & Re-entry

Codifies existing juvenile court rule 148, requiring courts to consider the student's educational stability whenever a placement decision would impact a child's schooling.

1. Prioritize the student remaining in their school of origin
2. The student attending the least restrictive school option
3. Remaining in the school of origin, even if virtually, as long as student can make meaningful progress

This school stability process will model the Best Interest Determination (BID) in place for youth in foster care answering: *How will the school placement address the students needs?*

When the student is within 14 days of release from placement, a BID meeting will take place that brings together the student, their parent/caregiver/EDM, attorney, and representatives from the school district. The meeting will discuss school options with the above factors in mind.