

PROPOSED RULEMAKING

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 33] College and University Security

The State Board of Education (Board) proposes to amend Chapter 33 (relating to college and university security) to read as set forth at Annex A, under authority of sections 2502-1—2502-5, 2603-B and 2604-B of the Public School Code of 1949 (24 P. S. §§ 2502-1—2502-5, 26-2603-B and 26-2604-B).

Chapter 33 governs the responsibility of institutions of higher education to report crime statistics and rates and to provide descriptions of security policies and procedures to applicants, matriculated students and employees. Proposed amendments to §§ 33.111 and 33.131 (relating to reporting crime statistics and rates; and assurance of compliance) and the addition of § 33.114 (relating to daily logs and public records) are designed to assist colleges and universities understand their responsibilities under the act of October 13, 1994 (P. L. 591, No. 87) (Act 87) requiring institutions of higher education to make available to the public daily logs of campus crimes.

Colleges and universities are currently required to collect statistics on and report rates of crimes occurring on campus. Act 87 requires colleges and universities to keep and maintain a daily log of campus crime activity and make it available for public inspection.

Purpose

The purpose of amending §§ 33.111 and 33.131 and adding § 33.114 is to ensure that institutions provide clear, readable and consistent information in their campus crime logs. There has been some unevenness in the quality, legibility and accessibility of campus crime logs and their entries. The amendments and additions will alleviate this problem.

Affected Parties

The proposed amendments will benefit Commonwealth students, employees of colleges and universities and citizens concerned about the extent of criminal activities on college and university campuses. The proposed amendments will affect the college and university personnel responsible for recordkeeping (specifically related to campus crimes).

Cost and Paperwork Estimates

Proposed amendments to §§ 33.111 and 33.131 and the addition of § 33.144 will not substantially alter paperwork, accounting or reporting requirements already in place. While the proposed amendments will affect the recordkeeping of colleges and universities, it is not expected that this affect will increase cost or paperwork to any significant or measurable degree.

Effective Date

These proposed amendments will become effective upon final publication in the *Pennsylvania Bulletin*.

Sunset Date

The effectiveness of Chapter 33 will be reviewed by the Board every 4 years, in accordance with the Board's

policy and practice respecting all regulations of the Board. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 9, 1998, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Improving Government Regulations." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Board, General Assembly and the Governor of objections raised.

Public Comments and Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Peter H. Garland, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333 within 30 days of publication in the *Pennsylvania Bulletin*. Persons needing additional information regarding this proposal may contact Peter H. Garland at (717) 787-3787.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Dr. Garland at (717) 787-3787 or TDD (717) 787-7367.

Alternative formats of the proposed amendments and additions (such as, braille, large print, cassette tape) can be made available to members of the public upon request to Dr. Garland at the telephone and TDD numbers listed.

PETER H. GARLAND,
Executive Director

Fiscal Note: 6-261. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart C. HIGHER EDUCATION

CHAPTER 33. COLLEGE AND UNIVERSITY SECURITY

CRIME REPORTING AND DAILY LOGS

§ 33.111. Reporting crime statistics and rates.

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(b) *Reporting to students and employees.* Annually, each institution of higher education shall publish a crime report containing the crime statistics and crime rates for the most recent 3-year period. The report shall be distributed as required under § 33.112 (relating to distributing crime reports to students and employees). If the institution has more than one campus, the crime report shall include campus-by-campus crime statistics and rates, and

the institution may distribute to students and employes the information applicable only to their campus or the information applicable to all of the institution's campuses. A description of the campus and an explanation of campus boundaries shall be provided with the report. If abbreviations or codes are used in the annual report, an explanation of the abbreviations or codes shall be provided with the report.

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(3) All valid complaints contained in the daily crime log shall be included in the annual report.

§ 33.114. Daily logs and public records.

(a) The daily log is a public record, and institutions shall ensure public access to the daily log during regular business hours and at all other reasonable times without cost.

(b) The daily log shall include a report of each valid complaint as defined in section 2 of the act (24 P. S. § 2502-2) and all reports of crimes received by the campus police or campus security officers and the disposition of these complaints. The log shall include all felonies, misdemeanors and summary offenses. In the event of an arrest, the log shall give the names and addresses of persons arrested and charged. The names and addresses of persons arrested by State, county or local police on the campus shall be included in the daily log. Names and addresses may not, however, be included in the daily log unless arrests have been made and charges filed. This section does not amend the provisions concerning juveniles given in section 3(b.3) of the act (24 P. S. § 2502-3(b.3)).

(c) Entries in the daily log shall be typed or printed legibly and arranged in chronological order. If abbreviations or codes are used in the log, an explanation of the abbreviations or codes shall be provided to the public with the log.

(d) A description of campus boundaries used in reporting incidents in the daily log shall be provided with the daily log.

(e) The addresses of local police departments with jurisdiction over areas in immediate proximity of the campus shall be provided with the log.

ASSURANCE OF COMPLIANCE

§ 33.131. Assurance of compliance.

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(d) An institution of higher education shall make its published crime reports, daily logs and security procedures available to the Office of Attorney General or the Department upon request.

[Pa.B. Doc. No. 98-1184. Filed for public inspection July 24, 1998, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

Public Meeting/Hearing on Proposed Redesignation of Trout Run

Westmoreland County

The Department of Environmental Protection (DEP) and the Environmental Quality Board (EQB) will jointly hold a public meeting/hearing to respond to questions and to receive testimony on a proposal to redesignate the Trout Run basin, from its source to the inlet of the Blairsville Municipal Authority Reservoir, from Cold Water Fishes (CWF) to Exceptional Value (EV). DEP studied this stream as a result of a petition submitted in September 1995 by the Blairsville Municipal Authority. The EQB approved DEP's recommendation for redesignation on January 20, 1998. The proposal was published at 28 Pa.B. 1635 (April 4, 1998) and the Latrobe Bulletin for public comment on April 4, 1998.

During the public comment period the EQB received requests to conduct a public hearing regarding Trout Run. The public meeting/hearing will be held as follows:

September 1, 1998 Derry Area High School
6:30 p.m. The Audion
928 North Chestnut Street Extension
Derry, Pa.

The public meeting will begin at 6:30 p.m. with DEP explaining the proposal and responding to questions. The EQB public hearing will follow at approximately 7:30 p.m. at which time witnesses may present testimony to the EQB regarding the proposed redesignation. The hearing will be fact-finding in nature where interested persons may present information to the EQB for consideration prior to taking action on the final recommendation that DEP will develop some time next year.

Written comments, suggestions or objections regarding the proposed redesignation may also be submitted to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: 15th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301). Comments must be received by September 15, 1998. Comments received by facsimile will not be accepted. Electronic comments may be submitted to RegComments@a1.dep.state.pa.us. In addition to written or electronic comments, interested persons may submit a summary of their comments to the EQB. The summary cannot exceed one page in length and must also be received by September 15, 1998. The one-page summary will be provided to each member of the EQB in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Persons wishing to present testimony at the hearing are requested to contact Kate Coleman at (717) 787-4526 at least 1 week in advance of the hearing to reserve a

time to present testimony. Oral testimony is limited to 5 minutes for each witness and one designated witness for each organization. Witnesses are requested to submit three written copies of their testimony to the hearing chairperson.

Persons with a disability who wish to attend the meeting/hearing and require an auxiliary aid, service or other accommodation in order to participate should contact Kate Coleman at the above telephone number or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how their needs may be accommodated.

Copies of this regulatory proposal and the survey report may be obtained from Edward Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Watershed Conservation, Department of Environmental Protection, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-9637, or e-mail at Brezina.Edward@a1.dep.state.pa.us.

JAMES M. SEIF,
DEP Secretary and EQB Chairperson

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