

# Regulatory Analysis Form

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INDEPENDENT STATUTORY REVIEW COMMISSION



(1) Agency

State Board of Education

(2) I.D. Number (Governor's Office Use)

006-261

IRRC Number:

#1966

(3) Short Title

College and University Security

(4) PA Code Cite

22 Pa. Code, Chapter 33

(5) Agency Contacts & Telephone Numbers

Primary Contact: Peter H. Garland 787-3787

Secondary Contact:

(6) Type of Rulemaking (check one)

Proposed Rulemaking  
 Final Order Adopting Regulation X  
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

No X  
 Yes: By the Attorney General  
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

Chapter 33 governs the collection, reporting and public access to crime statistics and crime logs on college and university campuses. Revisions to this regulation are made to clarify the responsibility of colleges and universities implementing requirements to develop and maintain daily campus crime logs.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

Under authority of sections 2502-1 - 2502-5, 2603-B, and 2604-B of the Public School Code of 1949, as amended, (24 P.S. §§ 2502-1 - 2502-5, 26-2603-B - 26-2604-B).

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

While the College and University Security Information Act as amended by Act 87 of 1994 does not mandate that the Board develop regulations, section 3 provides that the Board "may" promulgate rules and regulations necessary to carry out the Act. The Board finds it necessary to do so as explained in the response to (11).

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Amendments to the College and University Security Information Act established a requirement for colleges and universities to develop and maintain a daily crime log as a public record. Cases have been reported where colleges and universities have failed to understand their obligation under law fully; revisions to regulation are necessary to ensure compliance.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Without clear implementing regulations, important information regarding criminal activity will not be made available to students, parents and employees. This information is essential to individuals attempting to understand possible threats to personal safety and security.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Prospective and matriculated students and their parents; college and university employees; members of the general public will benefit by having a clear, understandable accessibility to daily crime logs and the information contained on them. Campus police or campus security officers of each institution of higher education will benefit from the clear requirements for keeping daily logs in a specific, uniform manner for public access.

## Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No adverse affects are foreseen with revisions to Chapter 33 that set forth clear, uniform procedures for daily logs regarding crimes related to campuses.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All colleges and universities located in the Commonwealth are required to comply with the regulations.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Revisions to Chapter 33 were discussed and presented at public meetings of the Board at which an opportunity for public comment was given. Meetings with campus security personnel have been held to assist them in understanding the regulatory changes.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

The final-form regulations do not add to the requirements currently required under statute; rather they clarify the requirements. The costs for compliance with the proposed revisions under Act 87 of 1994 should be minimal.

## Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

These proposed revisions do not have a cost and/or savings impact on local governments.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

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

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

|                        | Current FY<br>Year | FY +1<br>Year | FY +2<br>Year | FY +3<br>Year | FY +4<br>Year | FY +5<br>Year |
|------------------------|--------------------|---------------|---------------|---------------|---------------|---------------|
| <b>SAVINGS:</b>        | \$                 | \$            | \$            | \$            | \$            | \$            |
| Regulated Community    |                    |               |               |               |               |               |
| Local Government       |                    |               |               |               |               |               |
| State Government       |                    |               |               |               |               |               |
| Total Savings          |                    |               |               |               |               |               |
| <b>COSTS:</b>          |                    |               |               |               |               |               |
| Regulated Community    |                    |               |               |               |               |               |
| Local Government       |                    |               |               |               |               |               |
| State Government       |                    |               |               |               |               |               |
| Total Costs            |                    |               |               |               |               |               |
| <b>REVENUE LOSSES:</b> |                    |               |               |               |               |               |
| Regulated Community    |                    |               |               |               |               |               |
| Local Government       |                    |               |               |               |               |               |
| State Government       |                    |               |               |               |               |               |
| Total Revenue Losses   |                    |               |               |               |               |               |

(20a) Explain how the cost estimates listed above were derived.

See responses to (17), (18), and (19).

### Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.  
Expenditures associated with current provisions of Chapter 33 are not measurable. Increases as a result of these amendments would be minimal.

| Program | FY -3 | FY -2 | FY -1 | Current FY |
|---------|-------|-------|-------|------------|
|         |       |       |       |            |
|         |       |       |       |            |
|         |       |       |       |            |
|         |       |       |       |            |

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The benefit of providing important information for public safety would outweigh adverse effects and costs should there be any.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Policy guidelines from the Department of Education were considered; however, revisions to regulations are clearer in establishing institutional responsibility. There would be no cost difference for implementation between policy guidelines and regulation.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No other regulatory schemes were considered.

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

These regulations are necessary to implement Pennsylvania law.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

These final-form regulations will not put Pennsylvania at a disadvantage. It may, in fact, be advantageous in that it reflects to perspective out-of-state students, the Commonwealth's commitment to efficient record keeping and public access to information regarding crimes on campuses.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

Revisions to Chapter 33 do not affect other existing or proposed regulations.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No public hearings or informational meetings are planned.

## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Colleges and universities are required to collect statistics on and report rates of crimes occurring on campus. These final-form regulations clarify the responsibilities of colleges and universities under Pennsylvania law which require the development and maintenance of crime logs.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

No special provisions were developed nor necessary for these regulations to carry out the intent of statute.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

These final-form regulations will become effective upon publication in the Pennsylvania Bulletin.

(31) Provide the schedule for continual review of the regulation.

The effectiveness of Chapter 33 (including §§ 33.111 and 33.114) will be reviewed by the State Board of Education every 4 years, in accordance with the Board's policy and practice respecting all regulations promulgated by the Board.



FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)

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INDEPENDENT AGENCY  
REVIEW COMMISSION

#1966

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

\_\_\_\_\_  
DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections attached.

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

State Board of Education

\_\_\_\_\_  
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 6-261

DATE OF ADOPTION: \_\_\_\_\_

BY: *John J. Coakland*  
Executive Director

TITLE: \_\_\_\_\_  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

*James Dwyer*  
Copy below is hereby approved as to form and legality. Executive of Independent Agencies.

BY: \_\_\_\_\_

8/17/00  
DATE OF APPROVAL

(Deputy General Counsel)  
(Chief Counsel, Independent Agency)  
(Strike inapplicable title)

Check if applicable. No Attorney General approval or objection within 30 days after submission.

Final-Form

State Board of Education  
Title 22 - Education  
Chapter 33  
College and University Security

**PREAMBLE**

**DEPARTMENT OF EDUCATION**

**22 PA. CODE - EDUCATION**

**CHAPTER 33: COLLEGE AND UNIVERSITY SECURITY**

The State Board of Education (Board) hereby amends Title 22 of the Pennsylvania Code by amending Chapter 33, which relates to college and university security, 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, as amended, (24 P.S. §§ 2502-1 --2502-5, 26-2603-B, and 26-2604-B.) Notice of proposed rulemaking was published at 28 Pa. B. 3506 on July 25, 1998.

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 employes. Amendments to sections 33.111 and the addition of section 33.114 are designed to assist colleges and universities understand their responsibilities under the provisions of Act 87 of 1994 requiring institutions of higher education to make available to the public daily logs of campus crimes.

Colleges and universities are required to collect statistics on and report rates of crimes occurring on campus. Act 87 of 1994 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 sections 33.111 and adding section 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.

### Response to Comments

A single letter of comment with suggestions for change was received during the comment period. Letters with suggested changes were received from the House and Senate Education Committees and the Independent Regulatory Review Commission. The suggested changes were to (1) add a definition of the term "valid complaint" under section 33.102; (2) clarify the phrase "in the immediate proximity" of the campus in section 33.114; (3) clarify the intent of ensuring that incidents appearing in the crime logs are reported in the annual crime statistics report under section 33.111; and (4) define more precisely access to the crime log after normal business hours in section 33.114.

The final-form regulation was revised to address the first three suggested changes. No change to the language calling for public access to the logs after normal business hours was made since campuses have in place policies regarding access to these and other records.

### Affected Parties

The final-form regulations will benefit Commonwealth students, employees of colleges and

universities and citizens concerned about the extent of criminal activities on college and university campuses. The final-form regulations will affect the college and university personnel responsible for record keeping (specifically related to campus crimes).

#### Cost and Paperwork Estimates

Amendments to 33.111 and the addition of 33.144 will not substantially alter paperwork, accounting or reporting requirements already in place. While the final-form regulations will affect the record keeping of colleges and universities, it is not expected that such affect will increase cost or paperwork to any significant or measurable degree.

#### Effective Date

Revisions to Chapter 33 will become effective upon final publication in the Pennsylvania Bulletin.

#### Sunset Date

The effectiveness of Chapter 33 (including sections 33.111 and 33.114) will be reviewed by the State Board of Education 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 State Board of Education submitted a copy of the proposed rulemaking published at 28 Pa.B. 3506

to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Committees on Education for review and comment. In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received as well as other documentation.

In preparing these final-form regulations, the Board considered the comments received from IRRC, the Committees and the public.

Final-form regulations were approved by the Senate Education Committee on , the House Education Committee on , and were approved by IRRC on , in accordance with section 5(c) of the Regulatory Review Act.

#### Contact Person

The official responsible for information on these final-form regulations is Peter H. Garland, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, telephone (717) 787-3787 or TDD (717) 787-7367.

#### Findings

The Board finds that:

- (1) Public notice of the intention to adopt these regulations was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240)(45 P.S. §§1201 and

1202) and the regulations promulgated thereunder in 1 Pa. Code §§7.1 and 7.2.

- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The regulations are necessary and appropriate for the administration of the Public School Code of 1949.

Order

The Board, acting under the authorizing statute orders that:

- (a) The regulations of the Board 22, Pa. Code Chapter 33 are amended to read as set forth at Annex A.
- (b) The Executive Director will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.
- (c) The Executive Director of the Board shall certify this Order and Annex A and deposit them with the legislative Reference Bureau as required by law.
- (d) This order is effective upon final publication in the Pennsylvania Bulletin.

By the State Board of Education:



Peter H. Garland

Executive Director

ANNEX A

CHAPTER 33: COLLEGE AND UNIVERSITY SECURITY

\* \* \* \* \*

§33.102. Definitions

\* \* \* \* \*

VALID COMPLAINT - ANY COMPLAINT RECEIVED BY A CAMPUS POLICE OR CAMPUS SECURITY DEPARTMENT WHICH RESULTS IN AN INVESTIGATION OR FOR WHICH AN ENTRY IS MADE IN AN INCIDENT REPORT, LOG OR BLOTTER.

\* \* \* \* \*

Crime Reporting and Daily Logs

§ 33.111. Reporting crime statistics and rates.

\* \* \* \* \*

(b) Reporting to students and employes.

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 employes). 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 employees 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.

(1) Crime statistics shall be reported substantially in the form and manner required by subsection (a).

(2) Crime rates shall be reported based on the numbers and categories of crimes reported under subsection (a) per 100,000 FTE students and employees.

~~(3) All valid complaints contained in the daily crime log shall be included in the annual report.~~ THE REPORT OF CRIME STATISTICS AND RATES REQUIRED IN SUBSECTION (A) SHALL INCLUDE CRIMINAL INCIDENTS OCCURRING ON CAMPUS THAT ARE CONTAINED IN THE DAILY CRIME LOG.

\* \* \* \* \*



§ 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 police 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)).

THE FOLLOWING INFORMATION:

- (1) VALID COMPLAINTS.
  - (2) REPORTS OF CRIMES RECEIVED BY THE CAMPUS POLICE OR  
CAMPUS SECURITY OFFICERS.
- (C) THE FOLLOWING INFORMATION FROM VALID COMPLAINTS AND  
REPORTS OF CRIMES SHALL BE LOGGED:
- (1) ALL FELONIES, MISDEMEANORS AND SUMMARY OFFENSES.
  - (2) NAMES AND ADDRESSES OF PERSONS ARRESTED AND CHARGED BY  
CAMPUS POLICE AND THE CHARGES FILED AGAINST THOSE  
PERSONS.
  - (3) NAMES AND ADDRESSES OF PERSONS ARRESTED ON CAMPUS AND  
CHARGED BY STATE, COUNTY, OR LOCAL POLICE, AND THE  
CHARGES FILED AGAINST THOSE PERSONS AS REPORTED TO THE  
INSTITUTION OF HIGHER EDUCATION BY STATE, COUNTY OR  
LOCAL POLICE.
  - (4) DISPOSITION OF THE CHARGES, WHEN AND IF REASONABLY  
AVAILABLE. IF CHARGES ARE DISMISSED, THE NAMES AND  
ADDRESSES OF PERSONS CHARGED SHOULD BE REMOVED FROM THE  
DAILY LOG.

(D) THIS SUBSECTION DOES NOT AMEND THE PROVISIONS CONCERNING JUVENILES GIVEN IN SECTION 3 (B.3) OF THE ACT (24 P.S. § 2502-3 (B.3)).

~~(e)~~ (E) 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 must be provided to the public with the log.

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

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

\* \* \* \* \*

#### Assurance of Compliance

§ 33.131. Assurance of compliance.

\* \* \* \* \*

(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.

\* \* \* \* \*



**Commonwealth of Pennsylvania**  
**STATE BOARD OF EDUCATION**

August 22, 2000

Mr. Robert E. Nyce  
Executive Director  
Independent Regulatory Review Commission  
14th Floor  
333 Market Street  
Harrisburg, PA 17126

Dear Mr. Nyce:

Enclosed is a copy of the final-form of State Board of Education regulations 22 Pa. Code, Chapter 33 (College and University Security) (#6-261) for review by the Commission pursuant to the provisions of section 5(c) of the Regulatory Review Act. The act provides that the Commission shall approve or disapprove final-form regulations within 10 days of the close of the Committee review period or at its next scheduled meeting.

The State Board of Education will provide the Commission with any assistance it requires to facilitate a thorough review of these final-form regulations.

Please let me know if there is anything that you need.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Garland".

Peter H. Garland  
Executive Director

Enclosure

cc: Gregory E. Dunlap, Esquire  
Linda C. Barrett, Esquire

**Final-form 22 Pa. Code, Ch. 33 (College and University Security) (#006-261) were mailed to the following public commentators:**

Dr. Paul S. Cribbins  
Director for Commonwealth Relations  
University of Pennsylvania  
Philadelphia, PA 19104

Dr. Ann M. Dykstra  
Director of Commonwealth Relations  
University of Pittsburgh  
Pittsburgh, PA 15260

Dr. Richard D. DiEugenio  
Special Assistant to the President  
The Pennsylvania State University  
University Park, PA 16802

George E. Moore, Esquire  
University Counsel  
Temple University  
Philadelphia, PA 19122

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 6-261  
 SUBJECT: College and University Security  
 AGENCY: DEPARTMENT OF EDUCATION

**TYPE OF REGULATION**

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

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**FILING OF REGULATION**

| DATE | SIGNATURE            | DESIGNATION                              |
|------|----------------------|--|
| 8/22 | <i>W. O'Leary</i>    | HOUSE COMMITTEE ON EDUCATION             |
| 8/22 | <i>Charles Roman</i> |  |
| 8/22 | <i>Sherry Baker</i>  | SENATE COMMITTEE ON EDUCATION            |
| 8/22 | <i>Joan Guigay</i>   |  |
| 8/22 | <i>Tim Cobert</i>    | INDEPENDENT REGULATORY REVIEW COMMISSION |
|      |                      | ATTORNEY GENERAL                         |
|      |                      | LEGISLATIVE REFERENCE BUREAU             |