

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1753 Session of 2018

INTRODUCED BY SIMS, ROZZI, FRANKEL, SCHWEYER, O'BRIEN, DEAN,
DERMODY, BERNSTINE, BRIGGS, DAVIS, BOBACK, KINSEY,
SCHLOSSBERG, CALTAGIRONE, THOMAS, VAZQUEZ, V. BROWN, WARREN,
DONATUCCI, DeLUCA, HILL-EVANS, BRADFORD AND D. COSTA,
JANUARY 11, 2018

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 11, 2018

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, providing
6 for annual report card on sexual violence and harassment.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 126. Annual report card on sexual violence and
13 harassment.--(a) By December 31 of each year:

14 (1) Each school entity and postsecondary institution shall
15 submit to the Department of Education information on sexual
16 violence and harassment incidents that occurred at the school
17 entity or postsecondary institution.

18 (2) The Department of Education shall publish an annual

1 report card on sexual violence and harassment incidents reported
2 by school entities and postsecondary institutions during the
3 previous school year. The annual report card shall include the
4 following information:

5 (i) The number of reported alleged incidents of rape, sexual
6 assault, sexual harassment, dating violence and stalking.

7 (ii) The number of incidents that were investigated by each
8 school entity or postsecondary institution and the number of
9 cases processed through the disciplinary proceedings of the
10 school entity or postsecondary institution.

11 (b) The report card must be posted on the Department of
12 Education's publicly accessible Internet website.

13 (c) Information shall be reported in a manner that provides
14 appropriate protections for the privacy of individuals involved,
15 including, but not limited to, protection of the confidentiality
16 of an alleged victim and of the alleged perpetrator, consistent
17 with the Family Educational Rights and Privacy Act of 1974
18 (Public Law 90-247, 20 U.S.C. § 1232g).

19 (d) As used in this section, the following words and phrases
20 shall have the meanings given to them in this subsection unless
21 the context clearly indicates otherwise:

22 "Dating violence." As defined in section 1553.

23 "Domestic violence." The wilful intimidation, physical
24 assault, battery, sexual assault or other abusive behavior as
25 part of a systematic pattern of power and control perpetrated by
26 one intimate partner against another, including, but not limited
27 to, physical violence, sexual violence, psychological violence
28 and emotional abuse.

29 "Postsecondary institution." An institution of higher
30 education, a community college, a State-related institution or a

member institution of the State System of Higher Education.

"Rape." As defined in 18 Pa.C.S. § 3121 (relating to rape).

"School entity." A public school district, charter school, cyber charter school or area vocational-technical school.

"Sexual assault." The term includes:

(1) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(2) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).

(3) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(4) Institutional sexual assault as provided in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

(5) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(6) Sexual assault as provided in 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(7) Statutory sexual assault as provided in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

"Sexual harassment." Any unwelcome conduct of a sexual nature, including, but not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature, verbal acts and name-calling, graphic and written statements or conduct that is physically threatening, harmful or humiliating.

"Stalking." As defined in 18 Pa.C.S. § 2709.1 (relating to stalking).

Section 2. This act shall take effect in 60 days.