

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2026 Session of
2009

INTRODUCED BY CONKLIN, BROWN, GOODMAN, HARHAI, BRIGGS, HOUGHTON,
SIPTROTH, READSHAW, M. O'BRIEN, K. SMITH, MURT, HARKINS,
BOYLE, FRANKEL, LENTZ, SOLOBAY, MELIO, BELFANTI, SANTONI,
MAHONEY, KORTZ, McGEEHAN, D. COSTA, BRADFORD, WHITE,
R. TAYLOR, MATZIE, DEASY, FABRIZIO, GEIST, GIBBONS,
YOUNGBLOOD, MARKOSEK, WAGNER, CALTAGIRONE AND MURPHY,
OCTOBER 6, 2009

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 16, 2010

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 safe schools, further providing
6 for Office for Safe Schools; in terms and courses of study,
7 providing for dating violence education.

8 The General Assembly finds and declares that:

9 (1) Criminal acts committed against teenagers by other
10 young persons are a serious problem in this Commonwealth.

11 (2) Many of the criminal acts take the form of dating
12 violence.

13 (3) On August 15, 2007, Demi Brae Cuccia, a 16-year-old
14 student at Gateway High School in Monroeville, Allegheny
15 County, was fatally stabbed 16 times by her former boyfriend,
16 who then made an unsuccessful attempt to take his own life.

17 (4) The 18-year-old person arrested for the brutal

1 attack was convicted of first degree murder and was sentenced
2 to life in prison without parole.

3 (5) In order to educate teens and their parents
4 regarding teen dating violence, the family of Demi Brae
5 Cuccia has established the Demi Brae Awareness Organization.

6 (6) Students in our secondary schools need to be
7 educated about the dangers of teen dating violence so that
8 other teenagers will not have to share the same fate as Demi
9 Brae Cuccia.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 1302-A(c)(7) of the act of March 10, 1949
13 (P.L.30, No.14), known as the Public School Code of 1949,
14 amended or added June 30, 1995 (P.L.220, No.26) and July 9, 2008
15 (P.L.846, No.61), is amended to read:

16 Section 1302-A. Office for Safe Schools.--* * *

17 (c) In addition to the powers and duties set forth under
18 subsection (a), the office is authorized to make targeted grants
19 to schools to fund programs which address school violence,
20 including, but not limited to, the following programs:

21 * * *

22 (7) Development and implementation of research-based
23 violence prevention programs that address risk factors to reduce
24 incidents of problem behaviors among students including, but not
25 limited to, bullying and dating violence.

26 * * *

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

28 Section 1526. Dating Violence Education.--(a) The
29 department, through its Office for Safe Schools, shall develop a
30 model dating violence policy to assist school districts in

1 developing policies for dating violence reporting and response.
2 The department, through its Office for Safe Schools, shall
3 consult with at least one domestic violence center and at least
4 one rape crisis center in developing the model dating violence
5 policy. The model policy shall be issued within six months of
6 the effective date of this section.

7 (b) (1) (i) Each school district shall establish a
8 specific policy to address incidents of dating violence
9 involving students at school within one year of the effective
10 date of this section. Each school district shall verify
11 compliance with the department on an annual basis through the
12 annual school health report.

13 (ii) The policy shall include, but not be limited to, a
14 statement that dating violence will not be tolerated, dating
15 violence reporting procedures, guidelines for responses to
16 dating violence at school, including designation of the
17 appropriate school staff person to receive reports of incidents
18 of dating violence, discipline procedures for students that
19 commit dating violence at school and contact information for and
20 resources available through domestic violence programs and rape
21 crisis programs.

22 (iii) No school district shall be required to establish a
23 new policy if one exists on the effective date of this section
24 and reasonably fulfills the requirements of this section.

25 (iv) The policy shall be published in any school district
26 policy or handbook that specifies the comprehensive rules,
27 procedures and standards of conduct for students at school.

28 (v) Each school district shall make the dating violence
29 policy available on its publicly available Internet website, if
30 available, and in every classroom. Each school district shall

1 post the policy at a prominent location within each school
2 building where such notices are usually posted. Each school
3 district shall ensure that the policy is reviewed with students
4 within ninety (90) days after the policy is adopted and
5 thereafter at least once each school year.

6 (2) (i) A school district shall provide dating violence
7 training to all administrators, teachers, nurses and mental
8 health staff at the middle school and high school levels. Upon
9 the recommendation of the district superintendent, other staff
10 may be included or may attend the training on a volunteer basis.

11 (ii) The dating violence training shall include, but not be
12 limited to, basic principles of dating violence, warning signs
13 of dating violence, the school district's dating violence
14 policy, appropriate responses to incidents of dating violence at
15 school and services and resources available through domestic
16 violence programs and rape crisis programs.

17 (iii) The training shall be provided annually to all newly
18 hired staff deemed appropriate to receive the training by the
19 school's administration.

20 (iv) Each school district shall consult with each domestic
21 violence program and each rape crisis program that serves the
22 region where the school district is located for the development
23 and implementation of the dating violence policy and for the
24 coordination of the content and provision of dating violence
25 training for school district employes.

26 (3) A school district shall inform the students' parents or
27 legal guardians of the school district's dating violence policy.
28 If requested, the school district shall provide the parents or
29 legal guardians with the school district's dating violence
30 policy and relevant information. The school district may provide

1 parent awareness training.

2 (4) (i) A school district shall incorporate dating violence
3 education that is age-appropriate into the annual health
4 curriculum framework for students in grades seven through
5 twelve. In developing its dating violence education for
6 students, each school district shall consult with each domestic
7 violence program and each rape crisis program that serves the
8 region where the school district is located.

9 (ii) Dating violence education shall include, but not be
10 limited to, defining dating violence and recognizing dating
11 violence warning signs, characteristics of healthy
12 relationships, information regarding peer support and the role
13 friends and peers have in addressing dating violence and contact
14 information for and the services and resources available through
15 domestic violence centers and rape crisis centers, including
16 detailed information concerning safety planning, availability
17 and enforcement of protection from abuse orders and the
18 availability of other services and assistance for students and
19 their families. The school district shall also provide students
20 with the school district's dating violence policy.

21 (iii) The Department of Education, through its Office for
22 Safe Schools, in consultation with at least one domestic
23 violence center and at least one rape crisis center, shall
24 provide school entities with educational materials regarding
25 dating violence and shall prepare model grade-appropriate topics
26 relating to dating violence and healthy relationships for the
27 purpose of assisting school entities in preparing an
28 instructional program on dating violence.

29 (c) Upon written request to the school principal, a parent
30 or legal guardian of a student who is under eighteen (18) years

1 of age, within a reasonable period of time after the request is
2 made, shall be permitted to examine the dating violence
3 education program instruction materials at the school in which
4 the student is enrolled.

5 (D) AT THE REQUEST OF A PARENT OR GUARDIAN, A PUPIL SHALL BE ←
6 EXCUSED FROM ALL OR PARTS OF THE SCHOOL DISTRICT DATING VIOLENCE
7 EDUCATION PROGRAM. THE PRINCIPAL SHALL NOTIFY ALL PARENTS OR
8 GUARDIANS OF THEIR ABILITY TO WITHDRAW THEIR CHILDREN FROM THE
9 INSTRUCTION BY RETURNING A SIGNED OPT-OUT FORM.

10 ~~(d)~~ (E) This section shall not be construed as preventing a ←
11 person from seeking judicial relief from dating violence under
12 any other law or as establishing or modifying any civil
13 liability.

14 ~~(e)~~ (F) As used in this section, the following words and ←
15 phrases shall have the meanings given to them in this
16 subsection:

17 "At school" shall mean on school property as defined in
18 section 1301-A.

19 "Dating partner" shall mean a person, regardless of gender,
20 involved in an intimate relationship with another person,
21 primarily characterized by the expectation of affectionate
22 involvement, whether casual, serious or long-term.

23 "Dating violence" shall mean behavior where one person uses
24 threats of, or actually uses, physical, sexual, verbal or
25 emotional abuse to control the person's dating partner.

26 "Department" shall mean the Department of Education of the
27 Commonwealth.

28 "Domestic violence center" shall have the meaning specified
29 in section 2333 of the act of April 9, 1929 (P.L.177, No.175),
30 known as "The Administrative Code of 1929."

1 "Domestic violence program" shall have the meaning specified
2 in section 2333 of the act of April 9, 1929 (P.L.177, No.175),
3 known as "The Administrative Code of 1929."

4 "Rape crisis center" shall have the meaning specified in
5 section 2333 of the act of April 9, 1929 (P.L.177, No.175),
6 known as "The Administrative Code of 1929."

7 "Rape crisis program" shall have the meaning specified in
8 section 2333 of the act of April 9, 1929 (P.L.177, No.175),
9 known as "The Administrative Code of 1929."

10 Section 3. This act shall take effect July 1, 2010, or
11 immediately, whichever is later.