

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 326 Session of 2017

INTRODUCED BY D. COSTA, MILLARD, SCHLOSSBERG, McCLINTON,
V. BROWN, MURT, KINSEY, FRANKEL, KAVULICH, CALTAGIRONE, DAY,
McNEILL, DONATUCCI, READSHAW, DeLUCA, FREEMAN, KORTZ AND
NEILSON, FEBRUARY 3, 2017

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 3, 2017

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 definitions and for policy relating to bullying.

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

9 Section 1. Section 1301-A of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949, is
11 amended by adding a definition to read:

12 Section 1301-A. Definitions.--As used in this article,

13 * * *

14 "Nonpublic school" shall mean any school, other than a public
15 school within this Commonwealth, wherein a resident of this
16 Commonwealth may legally fulfill the compulsory school
17 attendance requirements of this act.

18 * * *

19 Section 2. Section 1303.1-A of the act is amended to read:

1 Section 1303.1-A. Policy Relating to Bullying.--(a) No
2 later than January 1, 2009, each school entity shall adopt a
3 policy or amend its existing policy relating to bullying and
4 incorporate the policy into the school entity's code of student
5 conduct required under 22 Pa. Code § 12.3(c) (relating to school
6 rules). No later than January 1, 2018, each nonpublic school
7 shall adopt a policy or amend its existing policy relating to
8 bullying and make this policy available to students and the
9 public under subsection (b). The policy shall delineate
10 disciplinary consequences for bullying and may provide for
11 prevention, intervention and education programs, provided that
12 no school entity or nonpublic school shall be required to
13 establish a new policy under this section if one currently
14 exists and reasonably fulfills the requirements of this section.
15 The policy shall identify the appropriate school staff person to
16 receive reports of incidents of alleged bullying.

17 (b) Each school entity and nonpublic school shall make the
18 policy available on its publicly accessible Internet website, if
19 available, and in every classroom. Each school entity and
20 nonpublic school shall post the policy at a prominent location
21 within each school building where such notices are usually
22 posted. Each school entity and nonpublic school shall ensure
23 that the policy and procedures for reporting bullying incidents
24 are reviewed with students within ninety (90) days after their
25 adoption and thereafter at least once each school year.

26 (c) Each school entity and nonpublic school shall review its
27 policy every three (3) years and annually provide the office
28 with a copy of its policy relating to bullying, including
29 information related to the development and implementation of any
30 bullying prevention, intervention and education programs. [The]

1 For school entities, the information required under this
2 subsection shall be attached to or made part of the annual
3 report required under section 1303-A(b).

4 (d) In its policy relating to bullying adopted or maintained
5 under subsection (a), a school entity or nonpublic school shall
6 not be prohibited from defining bullying in such a way as to
7 encompass acts that occur outside a school setting if those acts
8 meet the requirements contained in subsection (e) (1), (3) and
9 (4). If a school entity reports acts of bullying to the office
10 in accordance with section 1303-A(b), it shall report all
11 incidents that qualify as bullying under the entity's adopted
12 definition of that term.

13 (e) For purposes of this article, "bullying" shall mean an
14 intentional electronic, written, verbal or physical act, or a
15 series of acts:

16 (1) directed at another student or students;

17 (2) which occurs in a school setting;

18 (3) that is severe, persistent or pervasive; and

19 (4) that has the effect of doing any of the following:

20 (i) substantially interfering with a student's education;

21 (ii) creating a threatening environment; or

22 (iii) substantially disrupting the orderly operation of the
23 school; and

24 "school setting" shall mean in the school, on school grounds,
25 in school vehicles, at a designated bus stop or at any activity
26 sponsored, supervised or sanctioned by the school.

27 Section 3. This act shall take effect in 60 days.