

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2535 Session of 2012

INTRODUCED BY NEILSON, MICCARELLI, BISHOP, V. BROWN, CARROLL,
COHEN, COX, DAVIS, DEAN, DEASY, DeLUCA, HORNAMAN, JOSEPHS,
W. KELLER, KORTZ, MAHONEY, MURT, PARKER, READSHAW, ROEBUCK,
SCHMOTZER, STURLA, SWANGER, YOUNGBLOOD, DALEY AND JAMES,
JUNE 29, 2012

REFERRED TO COMMITTEE ON EDUCATION, JUNE 29, 2012

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 * * *

Section 2. Section 1303.1-A of the act, added July 9, 2008 (P.L.846, No.61), is amended to read:

Section 1303.1-A. Policy Relating to Bullying.--(a) No later than January 1, [2009] 2013, each school entity shall adopt a policy or amend its existing policy relating to bullying on school property, at a school-sponsored function or during the transportation to or from the school property or school-sponsored function and incorporate the policy into the school entity's code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules). No later than January 1, 2013, each nonpublic school shall adopt a policy or amend its existing policy relating to bullying on school property, at a school-sponsored function or during the transportation to or from school and make this policy available to students and the public pursuant to subsection (b). The policy shall delineate disciplinary consequences for bullying and the additional disciplinary consequences for bullying a student with a disability. The policy may provide for prevention, intervention and education programs, provided that no school entity or nonpublic school shall be required to establish a new policy under this section if one currently exists and reasonably fulfills the requirements of this section. The policy shall identify the appropriate school staff person to receive reports of incidents of alleged bullying.

(b) Each school entity and nonpublic school shall make the policy available on its publicly accessible Internet website, if available, and in every classroom. Each school entity and nonpublic school shall post the policy at a prominent location within each school building where such notices are usually posted. Each school entity and nonpublic school shall ensure

1 that the policy and procedures for reporting bullying incidents
2 are reviewed with students within ninety (90) days after their
3 adoption and thereafter at least once each school year.

4 (c) Each school entity and nonpublic school shall review its
5 policy every three (3) years and annually provide the office
6 with a copy of its policy relating to bullying, including
7 information related to the development and implementation of any
8 bullying prevention, intervention and education programs. [The]
9 For school entities, the information required under this
10 subsection shall be attached to or made part of the annual
11 report required under section 1303-A(b).

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

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

- 24 (1) directed at another student or students;
- 25 (2) which occurs in a school setting;
- 26 (3) that is severe, persistent or pervasive; and
- 27 (4) that has the effect of doing any of the following:
 - 28 (i) substantially interfering with a student's education;
 - 29 (ii) creating a threatening environment; or
 - 30 (iii) substantially disrupting the orderly operation of the

1 school; and

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

5 Section 3. This act shall take effect immediately.