

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2217 Session of 2018

INTRODUCED BY BURNS, BRIGGS, THOMAS, HARKINS, YOUNGBLOOD,
 READSHAW, SAYLOR, DEASY, STURLA, MURT, DeLUCA, ROEBUCK,
 KIRKLAND, P. COSTA, RABB, KORTZ AND KINSEY, APRIL 3, 2018

REFERRED TO COMMITTEE ON EDUCATION, APRIL 3, 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 safe schools, further providing
 6 for definitions and for policy relating to bullying and
 7 providing for parental responsibility in bullying.

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

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

13 Section 1301-A. Definitions.--As used in this article,
 14 "Bullying" shall mean the following:

15 (1) An intentional electronic, written, verbal or physical
 16 act, or a series of acts by a student directed at another
 17 student or students that:

18 (i) occurs in a school setting;

19 (ii) is severe, persistent or pervasive; and

20 (iii) has the effect of doing any of the following:

1 (A) substantially interferes with a student's education;
2 (B) creates a threatening environment; or
3 (C) substantially disrupts the orderly operation of the
4 school.

5 (2) Retaliation against a student or school employe by
6 another student or school employe for asserting or alleging an
7 act of bullying.

8 * * *

9 "School setting" shall mean a school, on school grounds, in a
10 school vehicle, at a designated bus stop or at an activity
11 sponsored, supervised or sanctioned by a school.

12 * * *

13 Section 2. Section 1303.1-A(a), (b), (d) and (e) of the act
14 are amended to read:

15 Section 1303.1-A. Policy Relating to Bullying.--(a) No
16 later than January 1, 2009, each school entity shall adopt a
17 policy or amend its existing policy relating to bullying and
18 incorporate the policy into the school entity's code of student
19 conduct required under 22 Pa. Code § 12.3(c) (relating to school
20 rules). The policy shall [delineate]:

21 (1) Delineate disciplinary consequences for bullying and may
22 provide for prevention, intervention and education programs,
23 provided that no school entity shall be required to establish a
24 new policy under this section if one currently exists and
25 reasonably fulfills the requirements of this section. [The
26 policy shall identify]

27 (2) Identify the appropriate school staff person to receive
28 reports of incidents of alleged bullying.

29 (3) Discuss the role of parents and guardians in preventing
30 bullying and bullying remediation and the penalties under this

1 section.

2 (b) Each school entity shall make the policy available on
3 its publicly accessible Internet website, if available, and in
4 every classroom. Each school entity shall post the policy at a
5 prominent location within each school building where such
6 notices are usually posted. Each school entity shall ensure that
7 the policy and procedures for reporting bullying incidents are
8 reviewed with students within ninety (90) days after their
9 adoption and thereafter at least once each school year. Each
10 school entity shall provide a copy of the policy annually to all
11 parents and guardians, including the parental responsibility and
12 potential penalties established under section 1303.2-A.

13 * * *

14 (d) In its policy relating to bullying adopted or maintained
15 under subsection (a), a school entity shall not be prohibited
16 from defining bullying in such a way as to encompass acts that
17 occur outside a school setting if those acts meet the
18 requirements contained in [subsection (e) (1), (3) and (4).]
19 paragraph (1) (ii) or (iii) or (2) of the definition of
20 "bullying" in section 1301-A. If a school entity reports acts of
21 bullying to the office in accordance with section 1303-A(b), it
22 shall report all incidents that qualify as bullying under the
23 entity's adopted definition of that term.

24 [(e) For purposes of this article, "bullying" shall mean an
25 intentional electronic, written, verbal or physical act, or a
26 series of acts:

27 (1) directed at another student or students;

28 (2) which occurs in a school setting;

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

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

- 1 (i) substantially interfering with a student's education;
- 2 (ii) creating a threatening environment; or
- 3 (iii) substantially disrupting the orderly operation of the
- 4 school; and

5 "school setting" shall mean in the school, on school grounds,
6 in school vehicles, at a designated bus stop or at any activity
7 sponsored, supervised or sanctioned by the school.]

8 Section 3. The act is amended by adding a section to read:

9 Section 1303.2-A. Parental Responsibility in Bullying.--(a)

10 (1) Upon receipt of a report or claim of bullying or cyber
11 harassment, the school principal or a designee shall conduct an
12 investigation within five (5) school days. If the principal or a
13 designee determines that bullying or cyber harassment has
14 occurred, the principal or a designee shall:

15 (i) Notify the parents or guardians of the student who
16 committed the bullying or cyber harassment and the parents or
17 guardians of the student against whom such acts were directed.

18 (ii) Outline the actions taken by the school entity to
19 remedy the situation.

20 (2) Nothing in this subsection shall be construed as
21 prohibiting a school principal or designee from reporting an
22 incident to the appropriate law enforcement agency.

23 (b) (1) Upon a second verified act of bullying or cyber
24 harassment by a student against any other student, committed
25 within the same academic year, the parents or guardians of all
26 students involved shall be notified and invited by advanced
27 written notice to attend a bullying resolution conference with
28 the applicable school personnel. The students shall attend the
29 conference.

30 (2) The conference shall occur even if the parents or

1 guardians decline to participate or fail to attend.

2 (3) The outcome of the conference shall be documented in a
3 written bullying action plan and shall detail the actions that
4 will be taken by the student, the parents or guardians, and
5 school personnel. The office shall develop a form to be used for
6 the written plan and each school shall use a form substantially
7 similar to the form developed by the office.

8 (4) The parents or guardians of the student who committed
9 the bullying or cyber harassment shall attend at least one
10 instructional course, offered by the school entity, to educate
11 parents on the definitions of bullying and cyber harassment,
12 prevention strategies, ways to talk to children about bullying
13 and evidence-based methods for resolving its underlying causes.

14 (5) The instructional course under paragraph (4) shall be
15 offered at no cost to parents or guardians except in the
16 following circumstances:

17 (i) the parents or guardians fail to attend the bullying
18 resolution conference under paragraph (1); or

19 (ii) the parents or guardians fail to attend the
20 instructional course on bullying or cyber harassment under
21 paragraph (4).

22 (6) If parents or guardians fail to attend the bullying
23 resolution conference under paragraph (1), the instructional
24 course under paragraph (4), or both, the school entity shall
25 charge the parents or guardians a fee equal to the share of the
26 cost of the bullying resolution conference, the instructional
27 course, or both.

28 (7) The student who committed the bullying or cyber
29 harassment shall participate in an age-appropriate anti-bullying
30 class or workshop designed to educate the student on the impacts

1 of bullying and cyber harassment, address the root causes of
2 bullying and cyber harassment and provide constructive conflict
3 resolution strategies and coping mechanisms.

4 (8) Upon a third or subsequent verified act of bullying or
5 cyber harassment by a student, against any other student,
6 committed within the same academic year, the school entity shall
7 notify the parents or guardians of all students involved and
8 shall file a citation with the appropriate magisterial district
9 judge against the parents or guardians who reside in the same
10 household as the child or who were named in the bullying action
11 plan.

12 (9) Nothing in this subsection shall be construed to require
13 a student, parent or guardian to attend a conference conducted
14 under this subsection.

15 (c) (1) The venue for filing a citation under subsection
16 (b) (8) shall be based on the location of the school in which the
17 child is enrolled. The magisterial district judge shall provide
18 written notice of the citation hearing to the school, the
19 parents or guardians and the student.

20 (2) At the citation hearing, the school has the burden to
21 prove beyond a reasonable doubt that the student repeatedly
22 engaged in bullying or cyber harassment.

23 (3) It shall be an affirmative defense to a citation filed
24 under this section against a parent or guardian that the parent
25 or guardian took every reasonable step to carry out the bullying
26 action plan and to stop the bullying or harassing behavior. An
27 affirmative defense must be proven by a preponderance of the
28 evidence.

29 (4) Before entering a decision, the magisterial district
30 judge shall permit the school, parent or guardian, or the

1 student to present relevant information that will assist the
2 magisterial district judge in making an informed decision
3 regarding the appropriate sentence.

4 (5) The magisterial district judge shall determine whether
5 the evidence has established that a parent or guardian has met
6 their obligation under the school's bullying policy and any
7 written bullying action plan.

8 (d) A parent or guardian found in violation of this section
9 may be sentenced to:

10 (1) Community service benefiting the school at which the
11 child is enrolled.

12 (2) Pay a fine to the school entity in an amount not
13 exceeding \$500 together with court costs, except that, in the
14 case of a second and subsequent offense, the fine may not exceed
15 \$750 together with court costs. The fine shall be used by the
16 school district for the purpose of developing and conducting an
17 instructional course on bullying and cyber harassment under
18 subsection (b) (4).

19 (3) Upon failure of a parent or guardian to satisfy a
20 penalty imposed under this subsection, the parent or guardian
21 may be found in contempt of court and, upon conviction, may be
22 sentenced to up to three (3) days in the county correctional
23 facility. The court shall make the determination based on the
24 specific finding that the parents or guardians had a reasonable
25 ability to comply with the penalty imposed and that
26 noncompliance was wilful.

27 (e) For the purposes of this section, the following words
28 and phrases shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Cyber harassment" shall mean activity that constitutes an

1 offense under 18 Pa.C.S. § 2709(a.1) (relating to harassment).

2 Section 4. This act shall take effect in 60 days.