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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2461 Session of  
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INTRODUCED BY KINSEY, BULLOCK, DEAN, McCLINTON, THOMAS,  
CHARLTON, DERMODY, SOLOMON, A. DAVIS, SCHLOSSBERG, MURT,  
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WARREN, DONATUCCI, ROEBUCK, DAVIS, COMITTA, FITZGERALD AND  
KORTZ, JUNE 5, 2018

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REFERRED TO COMMITTEE ON EDUCATION, JUNE 5, 2018

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AN ACT

1 Establishing the Safe Schools Partnership; imposing powers and  
2 conferring duties on the Attorney General and the Secretary  
3 of Education; providing for a bullying identification,  
4 prevention and intervention model plan; and imposing duties  
5 on schools and school districts.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Safe Schools  
10 Partnership Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall  
13 have the meanings given to them in this section, unless the  
14 context clearly indicates otherwise.

15 "Agency." A unit of State or local government that receives  
16 Commonwealth money to provide services, activities or privileges  
17 to children or a public or private program or organization  
18 concerned with child welfare.

1 "Blog." An Internet website that contains an individual's  
2 personal reflections, comments or beliefs and often hyperlinks,  
3 videos, photographs and other similar content provided by the  
4 individual creator or another person.

5 "Bullying." Notwithstanding any other provision of law or  
6 regulation, any persistent or pervasive behavior, including  
7 through the use of verbal, written or electronic communications  
8 or a combination of verbal, written or electronic  
9 communications, or a physical act where the behavior or act:

10 (1) May be based on a student's actual or perceived  
11 differentiating characteristic or on a student's association  
12 with another student or group of students with one or more of  
13 the actual or perceived differentiating characteristics.

14 (2) Is intended to have the effect of or the behavior or  
15 act would be reasonably likely to have the effect of:

16 (i) Causing harm, fear or distress to a student,  
17 including physical, psychological, economic or social  
18 harm, or harm to the student's reputation or property.

19 (ii) Interfering with a student's academic  
20 performance or school attendance or otherwise creating a  
21 hostile school environment for the student.

22 (iii) Interfering with the student's ability to  
23 participate in or benefit from the services, activities  
24 or privileges provided by an agency.

25 (iv) Materially and substantially disrupting the  
26 education process or orderly operation of a school.

27 (3) Constitutes cyberbullying, cyber harassment under 18  
28 Pa.C.S. § 2709(a.1) (relating to harassment) or stalking  
29 under 18 Pa.C.S. § 2709.1 (relating to stalking).

30 "Burn page." An Internet website created for the purpose of

1 transmitting a message, text message, sound, photograph, image,  
2 video or other visual recording.

3 "Children with exceptionalities." The term shall have the  
4 meaning given to it in section 1371 of the Public School Code of  
5 1949.

6 "Credible impersonation." To knowingly impersonate, with or  
7 without the consent of an individual impersonated, an individual  
8 for the purpose of bullying or retaliation to the extent that an  
9 individual would reasonably believe that the individual is the  
10 individual so impersonated.

11 "Cyberbullying." Bullying through the use of a digital  
12 device or other technology, including, but not limited to, the  
13 sending, posting or sharing of negative, harmful or false  
14 content about a student or other individual. The term includes,  
15 but may not be limited to, any of the following:

16 (1) The creation of a burn page, webpage or blog in  
17 which the student or school employee creates a credible  
18 impersonation or assumes the identity of another individual.

19 (2) The creation of a false profile.

20 (3) The knowing impersonation of a student or another  
21 individual as the author of posted content or messages, if  
22 the creation or impersonation creates any of the conditions  
23 enumerated in the definition of "bullying."

24 (4) The distribution of a communication by or through an  
25 electronic act to one or more students or other individuals  
26 or the posting of material on a burn page, webpage or blog or  
27 on social media which may be accessed by one or more students  
28 or other individuals, provided that the distribution or  
29 posting creates any of the conditions enumerated in the  
30 definition of "bullying."

1 "Cyber sexual bullying." The dissemination of, or the  
2 solicitation or incitement to disseminate, a photograph, image,  
3 video or other visual recording by a student or school employee  
4 to another student or to a school employee by means of an  
5 electronic act that is reasonably predicted to have the effect  
6 of bullying or retaliation. The term shall not include a  
7 depiction or portrayal of a photograph, image, video or other  
8 visual recording that has serious literary, artistic,  
9 educational, political or scientific value or that involves  
10 athletic events or school-sanctioned activities.

11 "Department." The Department of Education of the  
12 Commonwealth.

13 "Designated school employee." One or more school employees  
14 identified in a bullying identification, prevention and  
15 intervention plan to receive reports of acts of bullying or  
16 retaliation from students, parents or guardians of students,  
17 school employees or other individuals.

18 "Differentiating characteristics." The actual or perceived  
19 characteristics of a student or other individual, including, but  
20 not limited to:

- 21 (1) Race.
- 22 (2) Color.
- 23 (3) Religion.
- 24 (4) Ancestry or national origin.
- 25 (5) Socioeconomic status.
- 26 (6) Homelessness.
- 27 (7) Academic status.
- 28 (8) Gender identity or expression or sexual orientation.
- 29 (9) Physical appearance.
- 30 (10) Pregnancy or parenting status.

1           (11) Mental, physical, developmental or sensory  
2 disability.

3           (12) The association with an individual or group of  
4 individuals who have or are perceived to have one or more  
5 differentiating characteristics.

6       "Digital device." A mobile telephone, computer, laptop or  
7 tablet or other device used for personal communications, which  
8 may be used to facilitate an electronic act. The term includes a  
9 landline telephone.

10       "Electronic act." As follows:

11           (1) For the purpose of bullying or retaliation, a  
12 communication transmitted to a student or a group of  
13 students, whether initiated or originated on or off school  
14 property, through the use of a digital device, including, but  
15 not limited to, the following means:

16                   (i) A message, text message, photograph, sound,  
17 video or image.

18                   (ii) A post to social media or a website, including,  
19 but not limited to:

20                           (A) Posting to or creating a burn page, webpage  
21 or blog.

22                           (B) Creating a credible impersonation of another  
23 student for the purpose of bullying or retaliation.

24                           (C) Creating a false profile for the purpose of  
25 bullying or retaliation.

26                           (D) Creating, posting to or using a mobile  
27 application for the purpose of bullying or  
28 retaliation.

29           (2) Cyber sexual bullying.

30           (3) Notwithstanding paragraphs (1) and (2), the term

1 shall not constitute pervasive conduct solely on the basis  
2 that the act has been transmitted on the Internet or is  
3 currently posted on the Internet.

4 "False profile." A fictitious representation of an actual or  
5 fake student's differentiating characteristics, including, but  
6 not limited to, personal attributes, characteristics,  
7 achievements or qualities.

8 "Hostile environment." A school environment permeated with  
9 intimidation, ridicule or insult which is caused by an act of  
10 bullying or retaliation and which is sufficiently severe or  
11 pervasive as to alter the conditions of a student's education.

12 "Internet." An interconnected electronic communications  
13 network that allows individuals worldwide to communicate and  
14 share information.

15 "Mobile application." A type of application software,  
16 commonly referred to as an app, designed to operate on a digital  
17 device, such as a smart phone, tablet or other portable  
18 telecommunications device.

19 "Partnership." The Safe School Partnership established in  
20 section 3.

21 "Peer-group approach." School-based intervention programs  
22 established for or by students to teach skills and strategies  
23 developed and designed to change, eliminate or reduce early  
24 signs of problematic behavior in students and help students  
25 connect with positive peer relationships.

26 "Perpetrator." A student or school employee who engages in  
27 bullying or retaliation.

28 "Photograph, image, video or other visual recording." The  
29 depiction of a nude, seminude or sexually explicit photograph,  
30 image, video or other visual recording of a student or other

1 individual where the student or other individual is identifiable  
2 from the photograph, image, video or other visual recording.

3 "Plan." A bullying identification, prevention and  
4 intervention plan established under section 4.

5 "Public School Code of 1949." The act of March 10, 1949  
6 (P.L.30, No.14), known as the Public School Code of 1949.

7 "Retaliation." An adverse act or action taken against a  
8 student or school employee for any of the following:

9 (1) Reporting an act of bullying or retaliation.

10 (2) Supporting a student, a parent or guardian of a  
11 student, school employee or any other individual associated  
12 with a report of bullying or retaliation.

13 (3) Acting as a witness or otherwise providing  
14 information during an investigation of bullying or  
15 retaliation.

16 "School district." The term shall have the meaning given to  
17 it in section 102 of the Public School Code of 1949.

18 "School." A school entity as defined in section 111.1(n) of  
19 the Public School Code of 1949.

20 "School employee." The term shall include all professional  
21 employees, substitutes, temporary professional employees,  
22 administrative staff, nonprofessional employees, contractors and  
23 other persons employed by or performing a contract for a school.

24 "School grounds." Property on which a school building or  
25 facility is located or property that is owned, leased or used by  
26 a school district for a school-sponsored activity, function,  
27 program, instruction or training. The term shall include a  
28 building, facility or property owned, leased or used by a  
29 school.

30 "School property." The term shall have the meaning given to

1 it in section 1301-A of the Public School Code of 1949. The term  
2 includes electronic files and databases of a school.

3 "Secretary." The Secretary of Education of the Commonwealth.

4 "Student." The term shall have the same meaning as the term  
5 "child of school age" as that term is defined in section 1401 of  
6 the Public School Code of 1949.

7 "Victim." A student against whom bullying or retaliation has  
8 been perpetrated.

9 "Webpage." A hyperlink document on the Internet that can  
10 incorporate text, graphics, sounds and related files and that is  
11 identified by a unique uniform resource locator.

12 Section 3. Safe School Partnership.

13 (a) Establishment.--The Safe Schools Partnership is  
14 established within the Office of Attorney General. The  
15 partnership shall be comprised of the following:

16 (1) The Attorney General, who shall serve as chairperson  
17 of the partnership, or a designee.

18 (2) The secretary or a designee.

19 (3) A representative of the State Board of Education or  
20 a designee.

21 (4) The Commissioner of Pennsylvania State Police or a  
22 designee.

23 (b) Additional members.--The Attorney General shall  
24 collaborate with the secretary to ensure that the partnership  
25 includes:

26 (1) A representative of the Pennsylvania Chiefs of  
27 Police Association.

28 (2) A representative of the Pennsylvania District  
29 Attorneys Association.

30 (3) One individual who is representative of and

1 appointed by:

2 (i) The Pennsylvania Parent Teacher Association.

3 (ii) The Pennsylvania Association of School  
4 Psychologists.

5 (iii) The Pennsylvania Association of School  
6 Administrators.

7 (iv) The Pennsylvania School Boards Association.

8 (v) The Pennsylvania School Counselors Association.

9 (vi) The Pennsylvania Principals Association.

10 (vii) The Pennsylvania State Education Association.

11 (viii) The American Federation of Teachers -  
12 Pennsylvania.

13 (4) Six students who represent the racial, ethnic,  
14 gender and geographic diversity of this Commonwealth.

15 (5) Six parents or guardians of students who represent  
16 the racial, ethnic, gender and geographic diversity of this  
17 Commonwealth.

18 (c) Ex officio members and designees.--

19 (1) The Secretary of Health, the Secretary of Human  
20 Services, the Director of Homeland Security and the Director  
21 of the Pennsylvania Emergency Management Agency shall serve  
22 as ex officio members of the partnership. Each secretary or  
23 director under this section may appoint a designee to  
24 represent their respective department, office or agency on  
25 the partnership.

26 (2) All individuals appointed to serve as designees  
27 under this section shall be employees of the department,  
28 office or agency making the designation.

29 (d) Student and parent or guardian members of partnership.--  
30 The Attorney General, in consultation with the secretary, shall

1 develop procedures for appointing students and parents or  
2 guardians of students to the partnership and any criteria  
3 necessary for a student, parent or guardian to serve on the  
4 partnership. The students and parents and guardians of students  
5 appointed to the partnership under this section shall reflect  
6 the racial, ethnic, gender and geographic diversity of this  
7 Commonwealth.

8 (e) Duties of partnership.--The duties of the partnership  
9 shall include, but not be limited to, the following:

10 (1) Developing a model bullying identification,  
11 prevention and intervention plan to assist schools in  
12 establishing and implementing a school's individual plan. The  
13 model plan shall be consistent with and address the criteria  
14 under section 4. Nothing in this paragraph shall preclude a  
15 school from addressing school-specific matters or issues in  
16 the school's plan.

17 (2) Collaborating with schools, community-based  
18 organizations and public and private sector agencies  
19 concerned with child welfare to develop policies or programs  
20 designed to keep students safe, reduce crime and the fear of  
21 crime and improve behavior in and around a school, cluster of  
22 schools and in the community, and with psychologists and  
23 psychiatrists to develop evidence-based suicide intervention  
24 and prevention programs specifically designed for children.

25 (3) Studying and issuing reports on bullying, drug and  
26 alcohol abuse, weapons, violence, including gang violence,  
27 and other criminal behaviors that may be present in schools  
28 or on school grounds.

29 (4) Studying and determining the adequacy of or the need  
30 for zero-tolerance policies in schools and assisting schools

1 with the development of school-specific zero-tolerance  
2 policies or, after study, making recommendations for  
3 eliminating the policies.

4 (5) Assisting schools in understanding and dealing with  
5 students' social, cultural and linguistic differences in  
6 school and the community.

7 (6) Sponsoring regional conferences or workshops for  
8 schools, agencies concerned with child welfare, community-  
9 based organizations and law enforcement agencies to:

10 (i) Review schools' emergency protocols, including  
11 protocols governing fire, shelter-in-place, school  
12 lockdowns and natural disasters or manmade disasters.

13 (ii) Study and identify best practices and evidence-  
14 based programs and techniques that may be used to reduce  
15 or prevent bullying and retaliation, school-related  
16 crime, gang influence, gang violence, alcohol and  
17 substance abuse and child suicide.

18 (7) Compiling lists of bullying prevention and  
19 intervention resources, evidence-based curricula, best  
20 practices and academic-based research, including resources,  
21 curricula, best practices and evidence-based research  
22 concerned with suicide intervention and prevention programs  
23 for students, which shall be made available to schools. The  
24 resources may include, but not be limited to:

25 (i) Print, audio, video or digital media.

26 (ii) Subscription-based online services.

27 (iii) On-site or technology-enabled professional  
28 development and training sessions.

29 (8) Biennially updating the plan and the information and  
30 resources required under paragraph (7) and posting the plan

1 and the information and resources on the department's and  
2 partnership's publicly accessible Internet websites.

3 Section 4. Bullying identification, prevention and intervention  
4 plan.

5 (a) Development of plan.--Each school shall develop, adhere  
6 to and update a plan based on the model plan developed under  
7 section 3(e) to address bullying identification, prevention and  
8 intervention. The plan shall apply to students and school  
9 employees as determined by the partnership and may be developed  
10 in consultation with schools, school districts, students and  
11 parents and guardians of students, community-based  
12 organizations, agencies concerned with the welfare of children  
13 and law enforcement. The consultation shall include, but not be  
14 limited to, notice and a public comment period. A nonpublic or  
15 private school shall only be required to give notice to and  
16 provide a comment period for families that have a child  
17 attending the nonpublic or private school. The plan shall afford  
18 all students in a school district the same protection regardless  
19 of their status under law. The plan shall be updated at least  
20 biennially.

21 (b) Content of plan.--Each plan shall include, but not be  
22 limited to, the following:

23 (1) Statements prohibiting bullying and retaliation in  
24 the school in substantially the following form:

25 "Bullying is prohibited as follows:

26 (1) On school grounds, property immediately adjacent to  
27 school grounds, at a school-sponsored or school-related  
28 activity, function or program, whether on or off school  
29 grounds, at a school bus stop, on a school bus or other  
30 vehicle owned, leased or used by a school or the school

1 district and through the use of technology or an electronic  
2 device owned, leased, operated or used by a school.

3 (2) At a location, activity, function or program that is  
4 not school-related, or through the use of a digital device or  
5 other technology that is not owned, leased, operated or used  
6 by a school, if the bullying or retaliation creates a hostile  
7 environment at a school for the victim, school employee or  
8 other student or individual, infringes on the rights of the  
9 victim, school employee or other student or individual at a  
10 school or materially and substantially creates a hostile  
11 school environment.

12 Retaliation is prohibited as follows:

13 Retaliation or any attempt to retaliate against a  
14 student, school employee or other individual who reports  
15 bullying, provides information during an investigation of  
16 bullying or witnesses or has reliable information about  
17 bullying is prohibited."

18 (2) A clear and concise procedure for a student, a  
19 parent or guardian of a student, a school employee or other  
20 individual to report bullying or retaliation, including for  
21 anonymous reporting of bullying or retaliation. No formal  
22 response may be taken solely on the basis of an anonymous  
23 report.

24 (3) A procedure for prompt investigation of reports of  
25 bullying or retaliation or of reports of violations of the  
26 prohibition against bullying or retaliation, including the  
27 name and contact information of the designated school  
28 employee responsible for investigating reports.

29 (4) An appeal process for a victim or a perpetrator of  
30 bullying or retaliation who is not satisfied with the outcome

1 of an initial investigation.

2 (5) Descriptions of bullying, including cyber sexual  
3 bullying, harassment and stalking.

4 (6) Procedures for collecting, maintaining and reporting  
5 bullying incident data in accordance with section 5(d).

6 (7) Clear guidelines governing the roles and  
7 responsibilities of mental health professionals, community  
8 intervention professionals, school counselors, school  
9 resource officers and police officers on school grounds, if a  
10 school district employs those resources. The guidelines may  
11 include primary strategies to create and maintain a positive  
12 school climate, promote school safety, increase student  
13 achievement and prioritize mental health and intervention  
14 services, restorative and transformative justice programs and  
15 positive behavior intervention and support for students.

16 (8) The name and contact information of the principal or  
17 the designated school employee authorized to receive reports  
18 of bullying or retaliation by the school.

19 (9) A provision that reports of bullying or retaliation  
20 may be made anonymously, in person or through the use of a  
21 secure link on the school's Internet website that is only  
22 accessible to students and parents or guardians of students.  
23 No disciplinary action may be taken against an alleged  
24 perpetrator or school employee based solely on an anonymous  
25 report.

26 (10) Clear and concise procedures for promptly  
27 receiving, responding to and investigating reports of  
28 bullying or retaliation.

29 (11) The range of disciplinary actions that may be taken  
30 against a perpetrator for a verified act of bullying or

1 retaliation. Disciplinary actions may be devised in a manner  
2 that balances the need for accountability with the need to  
3 teach appropriate behavior.

4 (12) Clear and concise procedures for restoring a sense  
5 of safety for a victim and assessing the victim's needs for  
6 protection, including the use of the peer group approach to  
7 work with the victim and the perpetrator, when deemed  
8 appropriate, and assist with the development of bullying  
9 identification, intervention and prevention strategies.

10 (13) Strategies for protecting a student, school  
11 employee or other individual who reports bullying or  
12 retaliation, who provides information during an investigation  
13 of bullying or retaliation or who witnesses or has reliable  
14 information about an act of bullying or retaliation.

15 (14) (i) Procedures for promptly notifying the parents  
16 or guardians of the victim and the perpetrator in  
17 accordance with section 5. The parents or guardians of a  
18 victim shall also be notified of the action taken, or to  
19 be taken, to prevent any further acts of bullying or  
20 retaliation. The procedures for notification of a parent  
21 or guardian shall include provisions which shall  
22 disclose:

23 (A) The nature of the activity that resulted in  
24 harm to the victim.

25 (B) The harm to the victim.

26 (C) The steps taken to protect the victim's  
27 safety, including the nature of any disciplinary  
28 measures taken, or that may be taken, in response to  
29 the activity.

30 (D) The supports that will be provided for the

1 victim in response to the harm that resulted from the  
2 activity.

3 (ii) A provision that a principal or designated  
4 school employee shall not notify a parent or guardian of  
5 a student under subparagraph (i) if, in the opinion of  
6 the principal or designated school employee, there is  
7 reason to believe that notification would put the student  
8 at risk of harm from a parent or guardian of the student  
9 and the notification would not be in the student's best  
10 interest.

11 (iii) A provision that a principal or designated  
12 school employee shall not disclose the name of or any  
13 other identifying or personal information about the  
14 perpetrator unless the disclosure is necessary to  
15 facilitate compliance with subparagraph (i).

16 (15) Procedures for notifying law enforcement when an  
17 act of bullying or retaliation is unlawful and criminal  
18 charges may be warranted against the perpetrator and that  
19 notification of law enforcement shall be made by the  
20 principal or other designated school employee.

21 (16) A strategy and guidelines to govern notification to  
22 social media providers of acts of bullying or retaliation  
23 which occur on a social media provider's social media  
24 platform. The guidelines may include the following:

25 (i) A requirement that social media notification may  
26 only be made by the principal or law enforcement when  
27 appropriate.

28 (ii) Uniform criteria and procedures for requesting  
29 a social media provider to deactivate or suspend a  
30 perpetrator's social media account, which shall be

1 developed in consultation with law enforcement.

2 (iii) Specific circumstances under which a school or  
3 law enforcement may request from a social media provider  
4 messages, text messages or other such communications  
5 directed at a victim from a perpetrator's social media  
6 account.

7 (17) A provision that a student who knowingly makes a  
8 false accusation of bullying or retaliation shall be subject  
9 to disciplinary action or, if determined appropriate,  
10 referred to law enforcement.

11 (18) A strategy for providing counseling or referral to  
12 appropriate services, including mental health services, for  
13 victims and perpetrators and, if deemed appropriate, for  
14 other students and family members of victims or perpetrators.

15 (19) Procedures for students, parents or guardians of  
16 students or other individuals to report incidents of bullying  
17 or retaliation involving a school employee directly to the  
18 principal.

19 (c) Equal protection.--The plan shall afford all students  
20 the same protection regardless of their status under the law.

21 (d) Recognition of children with exceptionalities.--Each  
22 plan shall:

23 (1) Recognize that certain children with  
24 exceptionalities may be more vulnerable to becoming a target  
25 of bullying or retaliation based on actual or perceived  
26 differentiating characteristics.

27 (2) Include the specific steps that each school must  
28 take to support children with exceptionalities and to provide  
29 all students with the skills, knowledge and strategies needed  
30 to prevent or respond to bullying or retaliation. A school

1 may establish separate discrimination or harassment policies  
2 that include additional categories of students. Nothing in  
3 this section shall alter the obligations of a school to  
4 remediate discrimination or harassment based on a person's  
5 membership in a legally protected category under Federal,  
6 State or local law.

7 (e) Professional development.--The following apply:

8 (1) The plan developed by or for a school shall include  
9 a provision for ongoing professional development to build the  
10 skills of all school employees to prevent, identify and  
11 respond to bullying or retaliation. The content of the  
12 professional development shall include, but not be limited  
13 to:

14 (i) Developmentally appropriate strategies to  
15 prevent incidents of bullying and retaliation.

16 (ii) Developmentally appropriate strategies for  
17 immediate, effective identification of and interventions  
18 to stop bullying incidents.

19 (iii) Information regarding the complex interaction  
20 and power differential that can take place between and  
21 among a victim, perpetrator and witnesses to bullying or  
22 retaliation.

23 (iv) Research findings on bullying that contain  
24 information about students, including children with  
25 exceptionalities, who have been shown to be particularly  
26 at risk for bullying or retaliation in the school  
27 environment.

28 (v) Information on the incidence and nature of  
29 cyberbullying, including cyber sexual bullying.

30 (vi) Internet safety issues related to cyberbullying

1 and cyber sexual bullying over the Internet, including on  
2 social media platforms and through the use of a mobile  
3 application.

4 (vii) Annual training of school employees on the  
5 content of the plan.

6 (2) The department shall identify and offer information  
7 on alternative methods for fulfilling the professional  
8 development requirements of this subsection. At least one of  
9 the alternative methods shall be available at no cost to  
10 schools.

11 (f) Plan implementation.--The principal of each school in a  
12 school district shall be responsible for the implementation and  
13 oversight of the plan.

14 Section 5. Duties of schools.

15 (a) Bullying curriculum.--Notwithstanding any provision of  
16 the Public School Code of 1949, beginning with the 2020-2021  
17 school year and each school year thereafter, each school shall  
18 provide mandatory age-appropriate instruction in bullying and  
19 retaliation identification, prevention and intervention to each  
20 student in kindergarten through grade 12, which shall be  
21 incorporated into the health curriculum, or another appropriate  
22 curriculum, of the school. The curriculum shall be evidence-  
23 based.

24 (b) Parental notification of curriculum.--

25 (1) Each school shall notify parents or guardians of  
26 students of the school's bullying curriculum at the beginning  
27 of each school year and on a periodic basis throughout the  
28 school year. The notice shall include, but not be limited to:

29 (i) Systematic procedures or techniques parents and  
30 guardians may use to reinforce the curriculum at home and

1 in the community to support the plan.

2 (ii) The dynamics of bullying and retaliation.

3 (iii) Information on Internet safety, including  
4 social media, cyberbullying and mobile applications  
5 software.

6 (iv) A description of the school's bullying plan,  
7 including a summary of the notification requirements  
8 under section 4(b)(14) and the name and contact  
9 information of the principal and designated school  
10 employee.

11 (2) A school may fulfill the periodic parental  
12 notification required under paragraph (1) through the use of  
13 a link on the school's publicly accessible Internet website  
14 that is dedicated to the school's bullying identification,  
15 prevention and intervention efforts. The parents and  
16 guardians of students shall be notified periodically during  
17 the school year of the link on the school's publicly  
18 accessible Internet website.

19 (c) Notice of plan provisions.--

20 (1) Each school shall:

21 (i) Provide written notice to students and parents  
22 or guardians of the student specifying the student-  
23 related provisions of the plan. Written notice of the  
24 student-related provisions shall be provided on an annual  
25 basis and shall be written in age-appropriate terms and  
26 in languages which are most prevalent among the students  
27 and parents or guardians.

28 (ii) Annually provide written notice of the plan to  
29 all school employees.

30 (2) The provisions of the plan relating to the duties of

1 school employees shall be included in the school district or  
2 school employee handbook.

3 (3) Post the plan, including all updates or supplements  
4 to the plan, on the school's publicly accessible Internet  
5 website.

6 (d) Data collection and reports.--

7 (1) Each school shall collect and maintain bullying and  
8 retaliation incident data and shall annually report the data  
9 to the department in a form and manner and at a time  
10 established by the department, in consultation with the  
11 partnership. The data shall include, but not be limited to:

12 (i) The number of reported allegations of bullying  
13 or retaliation.

14 (ii) The number and nature of substantiated  
15 incidents of bullying or retaliation, including the  
16 number and nature of incidents of bullying or retaliation  
17 made through social media platforms, including data on  
18 the number and nature of contacts made by the school or  
19 law enforcement to social media providers.

20 (iii) The number of students disciplined for  
21 engaging in bullying or retaliation.

22 (iv) The number of reports of bullying or  
23 retaliation made to law enforcement.

24 (v) Other information recommended by the  
25 partnership.

26 (2) To minimize the cost of the data reporting  
27 requirements under paragraph (1), the department may:

28 (i) Use existing data collection and reporting  
29 mechanisms to collect the information.

30 (ii) Provide an electronic means for schools to

1 report bullying or retaliation incident data through a  
2 secure link on the department's publicly accessible  
3 Internet website.

4 (3) The department shall analyze the bullying incident  
5 data and shall publish an annual report containing aggregate  
6 Statewide information on the frequency and nature of bullying  
7 and retaliation in schools. The report shall be published in  
8 the Pennsylvania Bulletin and made available to the public on  
9 the department's publicly accessible Internet website.

10 Section 6. Reports and investigations.

11 (a) Reports.--The following apply:

12 (1) A student who is the target of an act of bullying or  
13 retaliation or a student who witnesses or becomes aware of an  
14 act of bullying or retaliation shall immediately report the  
15 act to the principal or the designated school employee.

16 (2) A school employee who receives a report of bullying  
17 or retaliation from a student, who witnesses an act of  
18 bullying or retaliation or who becomes aware of an alleged  
19 act of bullying or retaliation shall immediately make a  
20 report of the act or alleged act to the principal or the  
21 designated school employee identified in the plan to receive  
22 the reports.

23 (b) Investigation.--Upon receipt of a report under  
24 subsection (a), the principal or designated school employee  
25 shall promptly conduct an investigation. If the results of the  
26 investigation find that an act of bullying or retaliation has  
27 occurred, the principal or designated school employee shall:

28 (1) Notify the parents or guardians of the perpetrator.

29 (2) Notify the parents or guardians of the victim and,  
30 to the extent consistent with Federal and State law, notify

1 the parents or guardians of the action taken, or to be taken,  
2 to prevent further acts of bullying or retaliation.

3 (3) Take appropriate disciplinary action.

4 (4) Notify the local law enforcement agency if the  
5 principal or designated school employee believes that  
6 criminal charges may be pursued against the perpetrator.

7 (c) Incidents involving more than one school.--If an  
8 incident of bullying or retaliation involves students from more  
9 than one school, the school first informed of the bullying or  
10 retaliation shall, consistent with Federal and State law,  
11 promptly notify the appropriate administrator of the other  
12 school so that both schools may take appropriate action,  
13 including initiating a joint investigation.

14 (d) Former students.--If an act of bullying or retaliation  
15 occurs on school grounds and involves a student who is no longer  
16 enrolled in a school in the school district, the school informed  
17 of the bullying or retaliation shall contact law enforcement.

18 (e) School employees.--Notwithstanding section 4(b)(8), a  
19 student or a parent or guardian of a student shall report an  
20 alleged incident of bullying or retaliation involving a school  
21 employee directly to the principal of the school.

22 (f) Secondary investigation.--

23 (1) A student or the parents or guardians of a student  
24 who is not satisfied with the outcome of an investigation  
25 conducted under subsection (b) may request a secondary  
26 investigation by submitting a written request to the  
27 principal within 30 days of the conclusion of the  
28 investigation. The secondary investigation shall be initiated  
29 and completed within 30 days of receipt of the written  
30 request, unless:

1 (i) Circumstances require additional time to  
2 complete a thorough investigation.

3 (ii) The principal provides a written explanation of  
4 the circumstances identified under this paragraph to the  
5 student or the parents or guardians of the student making  
6 the request for a secondary investigation.

7 (iii) The additional time for conducting a secondary  
8 investigation does not exceed 15 days.

9 (2) If a secondary investigation finds that an act of  
10 bullying or retaliation occurred, the principal shall inform  
11 the student and the parents or guardians of a student of the  
12 findings and actions the school will institute to address the  
13 findings of the investigation.

14 (g) Construction.--Nothing in this section shall be  
15 construed to supersede or replace existing rights or remedies  
16 under other provisions of law or regulation or to create a  
17 private right of action.

18 Section 7. Duties of department.

19 (a) Investigations.--The department may investigate certain  
20 incidents of bullying or retaliation. If, upon completion of an  
21 investigation by the department, a school is found to not have  
22 properly implemented the school's plan, the department may  
23 require that school to properly implement the plan or take other  
24 actions to address the findings of the department's  
25 investigation.

26 (b) Surveys.--

27 (1) The department shall develop a student survey to  
28 assess school climate and the prevalence, nature and severity  
29 of bullying and retaliation in schools. The survey shall be  
30 administered by each school at least once every four years.

1 The survey shall be designed to protect student privacy and  
2 allow for anonymous participation by students.

3 (2) The principal or the designated school employee  
4 identified in the plan as responsible for receiving reports  
5 of bullying or retaliation shall verify the completion of the  
6 student surveys. All completed surveys shall be forwarded to  
7 the department.

8 (3) The department shall use the survey results to help  
9 assess the effectiveness of a school's bullying prevention  
10 curricula and instruction developed and administered under  
11 this act.

12 (4) The department shall collect and analyze the student  
13 survey data to:

14 (i) Compare the survey results with the bullying  
15 incident data reported under section 5(d).

16 (ii) Identify long-term trends and areas in need of  
17 improvement.

18 (iii) Monitor bullying identification, prevention  
19 and intervention efforts in schools over time.

20 (5) The department shall make the department's findings  
21 available to the partnership and to schools, and post the  
22 findings on the department's publicly accessible Internet  
23 website.

#### 24 Section 8. Guidelines.

25 The Attorney General and the secretary, in consultation with  
26 the members of the partnership under section 3(a)(1), shall  
27 promulgate guidelines to administer and enforce the provisions  
28 of this act. The Attorney General and the secretary shall seek  
29 advice from the ex officio members appointed under section 3(c)  
30 to develop the guidelines.

1 Section 9. Effective date.

2 This act shall take effect immediately.