
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 495 Session of
2019

INTRODUCED BY T. DAVIS, DONATUCCI, ULLMAN, KORTZ, KINSEY,
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FREEMAN, SCHWEYER, DEASY, McCLINTON, HOWARD, NEILSON,
SOLOMON, SIMS AND HOHENSTEIN, FEBRUARY 12, 2019

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 12, 2019

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; and, in terms and courses of
7 study, further providing for dating violence education.

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

10 Section 1. Sections 1302-A(c) (7) and 1553 of the act of
11 March 10, 1949 (P.L.30, No.14), known as the Public School Code
12 of 1949, are amended to read:

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

14 (c) In addition to the powers and duties set forth under
15 subsection (b), the office is authorized to make targeted grants
16 to school entities to fund programs which address school
17 violence, including:

18 * * *

19 (7) Development and implementation of research-based

1 violence prevention programs that address risk factors to reduce
2 incidents of problem behaviors among students including, but not
3 limited to, bullying, dating violence and sexual harassment.

4 * * *

5 Section 1553. Dating Violence Education.--(a) The
6 department, through its Office for Safe Schools, and in
7 consultation with the State Board of Education, shall:

8 (1) Develop, within six (6) months of the effective date of
9 this section, a model dating violence policy to assist school
10 districts in developing policies for dating violence reporting
11 and response.

12 (2) Consult with at least one (1) domestic violence center
13 and at least one (1) rape crisis center in developing the model
14 dating violence policy.

15 (b) [(1) Each school district may establish a specific
16 policy to address incidents of dating violence involving
17 students at school.]

18 (1.1) Each school district shall establish a specific policy
19 to address incidents of dating violence and sexual harassment
20 involving students within one (1) year of the effective date of
21 this paragraph. Each school district shall verify compliance
22 with the department on an annual basis through the annual school
23 health report.

24 (2) The policy [may] shall include, but need not be limited
25 to: a statement that dating violence and sexual harassment will
26 not be tolerated; dating violence and sexual harassment
27 reporting procedures; discipline procedures for students that
28 commit dating violence [at school] or sexual harassment against
29 others; and contact information for and resources available
30 through domestic violence programs [and], rape crisis programs

1 and sexual harassment programs.

2 (2.1) No school district shall be required to establish a
3 new policy if one exists on the effective date of this paragraph
4 and the policy reasonably fulfills the requirements of this
5 section.

6 (3) [A] Each school district [that establishes the policy]
7 shall:

8 (i) Publish the policy in any school district policy or
9 handbook that specifies the comprehensive rules, procedures and
10 standards of conduct for students at school.

11 (ii) Make the policy available on its publicly available
12 Internet website.

13 (ii.1) Make the policy available in every classroom.

14 (ii.2) Post the policy in a prominent location within each
15 school building where the notices are usually posted.

16 (iii) Provide parents and guardians with a copy of the
17 policy.

18 (iv) Ensure that the policy is reviewed with students within
19 ninety (90) days after the policy is adopted and at least once
20 each school year following the adoption of the policy.

21 (4) The State Board of Education shall conduct a study of
22 the benefits and detriments of mandatory dating violence and
23 sexual harassment education and shall submit a report of its
24 recommendations to the chairman and minority chairman of the
25 Education Committee of the Senate and the chairman and minority
26 chairman of the Education Committee of the House of
27 Representatives within three (3) years of the effective date of
28 this section.

29 (c) (1) A school district [may] shall provide dating
30 violence and sexual harassment training to all administrators,

1 teachers, guidance counselors, nurses and mental health staff at
2 the middle school and high school level. Upon the recommendation
3 of the district superintendent, other staff may be included or
4 may attend the training on a voluntary basis. The school
5 district may also provide dating violence and sexual harassment
6 training to parents.

7 (2) The dating violence and sexual harassment training [may]
8 shall include, but need not be limited to: basic principles of
9 dating violence and sexual harassment; warning signs of dating
10 violence and sexual harassment; the school district's dating
11 violence and sexual harassment policy; appropriate responses to
12 incidents of dating violence [at school] and sexual harassment;
13 and services and resources available through domestic violence
14 programs [and], rape crisis programs and sexual harassment
15 programs.

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

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

26 (c.1) A school district shall inform the students' parents
27 or legal guardians of the school district's dating violence and
28 sexual harassment policy. If requested, the school district
29 shall provide the parents or legal guardians with the school
30 district's dating violence and sexual harassment policy and

1 relevant information. The school district may provide parent
2 awareness training.

3 (d) (1) A school district [may] shall incorporate dating
4 violence and sexual harassment education and peer support
5 training that is age appropriate into the annual health
6 curriculum framework for students in grades [nine (9)] seven (7)
7 through twelve (12). In developing such a policy, the school
8 district shall consult with [at least one (1)] each domestic
9 violence program [or], rape crisis program and sexual harassment
10 program that serves the region where the school district is
11 located.

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

26 (2.1) Peer support training shall include, but need not be
27 limited to: information regarding the role friends and peers
28 have in addressing dating violence and sexual harassment and
29 bystander intervention and reporting strategies in dating
30 violence and sexual harassment situations.

1 (3) The department, through its Office for Safe Schools, in
2 consultation with at least one (1) domestic violence center and
3 at least one (1) rape crisis center, shall provide school
4 [districts] entities with [grade-appropriate] educational
5 materials regarding dating violence [and healthy relationships
6 for the purpose of assisting school districts in preparing an
7 instructional program on dating violence. The department may use
8 educational materials that are already publicly available for
9 this purpose.] and sexual harassment and peer support training
10 and shall prepare model grade-appropriate topics relating to
11 dating violence and sexual harassment, healthy relationships and
12 peer support training for the purpose of assisting school
13 entities in preparing an instructional program on dating
14 violence and sexual harassment.

15 (4) [A] Upon written request to the school principal, a
16 parent or legal guardian of a student who is under eighteen (18)
17 years of age, within a reasonable period of time after the
18 request is made, shall be permitted to examine the dating
19 violence and sexual harassment education program instructional
20 materials at the school in which the student is enrolled.

21 (5) At the request of a parent or guardian, a student shall
22 be excused from all or parts of the dating violence and sexual
23 harassment education program. The principal shall notify all
24 parents or guardians of their ability to withdraw their children
25 from instruction in the program by returning a signed opt-out
26 form.

27 (e) Nothing in this section shall be construed as preventing
28 a person from seeking judicial relief from dating violence or
29 sexual harassment under any other law or as establishing or
30 modifying any civil liability.

1 (f) As used in this section, the following words and phrases
2 shall have the meanings given to them in this subsection:

3 "At school." The term shall have the meaning given to school
4 property as defined in section 1301-A.

5 "Dating partner." A person, regardless of gender, involved
6 in an intimate relationship with another person, primarily
7 characterized by the expectation of affectionate involvement,
8 whether casual, serious or long term.

9 "Dating violence." Behavior where one person uses threats
10 of, or actually uses, physical, sexual, verbal or emotional
11 abuse to control the person's dating partner.

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

14 "Domestic violence center." The term shall have the meaning
15 given in section 2333 of the act of April 9, 1929 (P.L.177,
16 No.175), known as "The Administrative Code of 1929."

17 "Domestic violence program." The term shall have the meaning
18 given in section 2333 of the act of April 9, 1929 (P.L.177,
19 No.175), known as "The Administrative Code of 1929."

20 "Rape crisis center." The term shall have the meaning given
21 in section 2333 of the act of April 9, 1929 (P.L.177, No.175),
22 known as "The Administrative Code of 1929."

23 "Rape crisis program." The term shall have the meaning given
24 in section 2333 of the act of April 9, 1929 (P.L.177, No.175),
25 known as "The Administrative Code of 1929."

26 "Sexual harassment." Unwelcome conduct of a sexual nature,
27 including unwelcome sexual advances, requests for sexual favors
28 and other verbal, nonverbal or physical sexual conduct.

29 "Sexual harassment program." A program that has as its
30 primary purpose the provision of direct services to victims of

1 sexual harassment, including, but not limited to, counseling,
2 information and referral, as well as education and prevention
3 programs on sexual harassment.

4 Section 2. This act shall take effect July 1, 2019, or
5 immediately, whichever is later.