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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2636 Session of  
2012

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INTRODUCED BY TRUITT, COX, CREIGHTON, DALEY, DAVIS, FLECK, HESS,  
HORNAMAN, KNOWLES, MCGEEHAN, ROCK, SAYLOR AND SIMMONS,  
SEPTEMBER 24, 2012

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REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 24, 2012

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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 certification of teachers, further  
6 providing for program of continuing professional education;  
7 in safe schools, further providing for definitions, for  
8 reporting and for policy relating to bullying and providing  
9 for powers and duties of Department of Education; and, in  
10 State System of Higher Education, providing for  
11 antiharassment, bullying and cyberbullying policies and  
12 procedures.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 1205.2(a) of the act of March 10, 1949  
16 (P.L.30, No.14), known as the Public School Code of 1949,  
17 amended July 5, 2012 (P.L.965, No.105), is amended to read:

18 Section 1205.2. Program of Continuing Professional  
19 Education.--(a) A continuing professional education program is  
20 hereby established for professional educators, the satisfactory  
21 completion of which is required to maintain active  
22 certification. Except as provided in subsection (n.1), the

1 continuing professional education program shall require the  
2 satisfactory completion of continuing professional education  
3 every five (5) years, which shall include:

4 (1) six (6) credits of collegiate study;

5 (2) six (6) credits of continuing professional education  
6 courses;

7 (3) one hundred eighty (180) hours of continuing  
8 professional education programs, activities or learning  
9 experiences; or

10 (4) any combination of collegiate studies, continuing  
11 professional education courses, or other programs, activities or  
12 learning experiences equivalent to one hundred eighty (180)  
13 hours.

14 The continuing professional education program shall also include  
15 at least four (4) hours of training on harassment, bullying and  
16 cyberbullying prevention and intervention, including bullying  
17 against specific characteristics of students as specified in  
18 section 1301-A or completion of the online training and  
19 examination programs established in section 1303.2-A(2) and (3).

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21 Section 2. Section 1301-A of the act, amended November 17,  
22 2010 (P.L.996, No.104), is amended to read:

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

24 "Chief school administrator" shall mean the superintendent of  
25 a public school district, superintendent of an area vocational-  
26 technical school, executive director of an intermediate unit or  
27 chief executive officer of a charter school.

28 "Electronic communication" shall mean any form of  
29 communication through an electronic device, including, but not  
30 limited to, a telephone, cellular phone, computer or pager,

1 which form of communication includes, but is not limited to, e-  
2 mail, instant messaging, text messaging, blog, mobile phone,  
3 page, online game and Internet website.

4 "Harassment, bullying or cyberbullying" shall mean any  
5 electronic, written, verbal or physical act or conduct which may  
6 be based on but not limited to any actual or perceived  
7 characteristic, such as race, color, religion, national origin,  
8 ancestry or ethnicity; sexual orientation; physical, mental,  
9 emotional or learning disability; gender, gender identity or  
10 expression; physical appearance or based on an association with  
11 a person who has or is perceived to have one or more such  
12 characteristics, that has or can be reasonably predicted to have  
13 the effect of one or more of the following:

14 (1) placing a reasonable student or students in fear of  
15 physical harm to the student's or students' person or property;

16 (2) causing a substantially detrimental effect on a  
17 reasonable student's or students' physical or mental health;

18 (3) substantially interfering with a reasonable student's or  
19 students' ability to participate in or benefit from the  
20 services, activities or privileges provided by a school.

21 "Office" shall mean the Office for Safe Schools within the  
22 Department of Education.

23 "School entity" shall mean any public school district,  
24 intermediate unit, area vocational-technical school or charter  
25 school.

26 "School-based diversion programs" shall mean programs that,  
27 in partnership with other stakeholders, divert youth out of the  
28 juvenile justice system. These programs include, but are not  
29 limited to, youth aid panels in which a panel of community  
30 members decide an appropriate resolution to hold the student

1 accountable for the student's actions by, among other options,  
2 requiring the student to complete educational activities,  
3 community service, restitution and any other related program or  
4 service.

5 "School property" shall mean any public school grounds, any  
6 school-sponsored activity or any conveyance providing  
7 transportation to a school entity or school-sponsored activity.

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

12 "School-wide positive behavior support" means a school-wide,  
13 evidence-based and data-driven approach to improving school  
14 behavior that seeks to reduce unnecessary student disciplinary  
15 actions and promote a climate of greater productivity, safety  
16 and learning.

17 "Student with a disability" shall mean a student who meets  
18 the definition of "child with a disability" under the  
19 Individuals with Disabilities Education Act (Public Law 91-230,  
20 20 U.S.C. § 1400 et seq.) or who meets the definition of a  
21 "handicapped person" under section 504 of the Rehabilitation Act  
22 of 1973 (Public Law 93-112, 29 U.S.C. § 794) and its  
23 implementing regulations (34 C.F.R. § 104.3(j)). The term  
24 includes a student for whom an evaluation is pending under  
25 either the Individuals with Disabilities Education Act or  
26 Rehabilitation Act.

27 "Weapon" shall include, but not be limited to, any knife,  
28 cutting instrument, cutting tool, nunchaku, firearm, shotgun,  
29 rifle and any other tool, instrument or implement capable of  
30 inflicting serious bodily injury.

1 Section 3. Section 1303-A of the act, amended November 17,  
2 2010 (P.L.996, No.104) and June 30, 2011 (P.L.112, No.24), is  
3 amended to read:

4 Section 1303-A. Reporting.--(a) [The office shall conduct a  
5 one-time survey of all school entities to determine the number  
6 of incidents involving acts of violence on school property and  
7 all cases involving possession of a weapon by any person on  
8 school property which occurred within the last five (5) years.  
9 The survey shall be based on the best available information  
10 provided by school entities] All reporting for incidents  
11 involving acts of violence, possession of a weapon or  
12 possession, use or sale of controlled substances as defined in  
13 section 2 of the act of April 14, 1972 (P.L.233, No.64), known  
14 as "The Controlled Substance, Drug, Device and Cosmetic Act," or  
15 possession, use or sale of alcohol or tobacco by any person on  
16 school property shall be reported pursuant to the procedure in  
17 section 1303.2-A.

18 (b) [Each chief school administrator shall report to the  
19 office by July 31 of each year all new incidents involving acts  
20 of violence, possession of a weapon or possession, use or sale  
21 of controlled substances as defined in the act of April 14, 1972  
22 (P.L.233, No.64), known as "The Controlled Substance, Drug,  
23 Device and Cosmetic Act," or possession, use or sale of alcohol  
24 or tobacco by any person on school property. The incidents to be  
25 reported to the office shall include all incidents involving  
26 conduct that constitutes a criminal offense listed under  
27 paragraphs (4.1) and (4.2). Reports on a form to be developed  
28 and provided by the office shall include] At a minimum, the acts  
29 of violence online interface within the safe schools online  
30 portal shall include areas to enter the following information:

1 (1) Age or grade of student.  
2 (2) Name and address of school.  
3 (3) Circumstances surrounding the incident, including, but  
4 not limited to, type of weapon, controlled substance, alcohol or  
5 tobacco, the date, time and location of the incident, if a  
6 person other than a student is involved in the incident and any  
7 relationship to the school entity.

8 (3.1) Race of student.

9 (3.2) Whether the student has an Individualized Education  
10 Plan under the Individuals with Disabilities Education Act  
11 (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the  
12 type of disability.

13 (4) Sanction imposed by the school.

14 (4.1) A list of criminal offenses which shall, at a minimum,  
15 include:

16 (i) The following offenses under 18 Pa.C.S. (relating to  
17 crimes and offenses):

18 Section 908 (relating to prohibited offensive weapons).

19 Section 912 (relating to possession of weapon on school  
20 property).

21 Chapter 25 (relating to criminal homicide).

22 Section 2702 (relating to aggravated assault).

23 Section 2709.1 (relating to stalking).

24 Section 2901 (relating to kidnapping).

25 Section 2902 (relating to unlawful restraint).

26 Section 3121 (relating to rape).

27 Section 3122.1 (relating to statutory sexual assault).

28 Section 3123 (relating to involuntary deviate sexual  
29 intercourse).

30 Section 3124.1 (relating to sexual assault).

1 Section 3124.2 (relating to institutional sexual assault).

2 Section 3125 (relating to aggravated indecent assault).

3 Section 3126 (relating to indecent assault).

4 Section 3301 (relating to arson and related offenses).

5 Section 3307 (relating to institutional vandalism) when the  
6 penalty is a felony of the third degree.

7 Section 3502 (relating to burglary).

8 Section 3503(a) and (b)(1)(v) (relating to criminal  
9 trespass).

10 Section 5501 (relating to riot).

11 Section 6110.1 (relating to possession of firearm by minor).

12 (ii) The possession, use or sale of a controlled substance  
13 or drug paraphernalia as defined in "The Controlled Substance,  
14 Drug, Device and Cosmetic Act."

15 (iii) Attempts, solicitation or conspiracy to commit any of  
16 the offenses listed in subclauses (i) and (ii).

17 (iv) An offense for which registration is required under 42  
18 Pa.C.S. § 9795.1 (relating to registration).

19 (4.2) The following offenses under 18 Pa.C.S., and any  
20 attempt, solicitation or conspiracy to commit any of these  
21 offenses:

22 Section 2701 (relating to simple assault).

23 Section 2705 (relating to recklessly endangering another  
24 person).

25 Section 2706 (relating to terroristic threats).

26 Section 2709 (relating to harassment).

27 Section 3127 (relating to indecent exposure).

28 Section 3307 (relating to institutional vandalism) when the  
29 penalty is a misdemeanor of the second degree.

30 Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2)

1 (relating to criminal trespass).

2 Chapter 39 (relating to theft and related offenses).

3 Section 5502 (relating to failure of disorderly persons to  
4 disperse upon official order).

5 Section 5503 (relating to disorderly conduct).

6 Section 6305 (relating to sale of tobacco).

7 Section 6306.1 (relating to use of tobacco in schools  
8 prohibited).

9 Section 6308 (relating to purchase, consumption, possession  
10 or transportation of liquor or malt or brewed beverages).

11 (4.3) If the discipline infraction was a violation of the  
12 policy adopted under section 1303.1-A.

13 (5) Notification of law enforcement.

14 (5.1) Law enforcement response.

15 (6) Remedial programs involved.

16 (7) Parental involvement required.

17 (8) Arrests, convictions and adjudications, if known.

18 (b.1) [Prior to submitting the report required under  
19 subsection (b), each chief school administrator] The principal  
20 or designated alternate shall send an acts of violence online  
21 report from the acts of violence online interface within the  
22 safe schools online portal to the police department that has  
23 jurisdiction over the relevant school property on an annual  
24 basis pursuant to section 1303.2-A after it is received from the  
25 Department of Education. Each principal or designated alternate  
26 and each police department having jurisdiction over school  
27 property of the school entity shall [do all of the following]  
28 have the following responsibilities:

29 (1) [No later than thirty (30) days prior to the deadline  
30 for submitting the report to the office required under



1 subsection (b), the chief school administrator] The principal or  
2 designated alternate shall submit the report to the police  
3 department with jurisdiction over the relevant school property.  
4 The police department shall review the report and compare the  
5 data regarding criminal offenses and notification of law  
6 enforcement to determine whether the report accurately reflects  
7 police incident data.

8 (2) No later than [fifteen (15) days prior to the deadline  
9 for the chief school administrator to submit the report required  
10 under subsection (b)] twenty-one (21) days after receiving the  
11 acts of violence report, the police department shall notify the  
12 [chief school administrator] principal or designated alternate,  
13 in writing, whether the report accurately reflects police  
14 incident data. Where the police department determines that the  
15 report accurately reflects police incident data, the chief of  
16 police shall sign the report. Where the police department  
17 determines that the report does not accurately reflect police  
18 incident data, the police department shall indicate any  
19 discrepancies between the report and police incident data.

20 (3) [Prior to submitting the report required under  
21 subsection (b), the chief school administrator and the police  
22 department shall attempt to resolve discrepancies between the  
23 report and police incident data.] Where a discrepancy remains  
24 unresolved, the police department shall notify the [chief school  
25 administrator and the office] principal or designated alternate  
26 in writing.

27 (4) Where a police department fails to take action as  
28 required under paragraph (2) or (3), the [chief school  
29 administrator shall submit the report required under subsection  
30 (b) and indicate that the police department failed to take

1 action as required under paragraph (2) or (3)] principal or  
2 designated alternate shall indicate such by entering the  
3 information in the acts of violence online interface within the  
4 safe schools online portal pursuant to section 1303-A(b).

5 (c) Each [chief school administrator] principal or  
6 designated alternate shall form an advisory committee composed  
7 of relevant school staff, including, but not limited to,  
8 principals, security personnel, school resource officers,  
9 guidance counselors and special education administrators, to  
10 assist in the development of a memorandum of understanding  
11 pursuant to this section. In consultation with the advisory  
12 committee, each [chief school administrator] principal or  
13 designated alternate shall enter into a memorandum of  
14 understanding with police departments having jurisdiction over  
15 school property of the school entity. Each [chief school  
16 administrator] principal or designated alternate shall submit a  
17 copy of the memorandum of understanding to the office by June  
18 30, 2011, and biennially update and re-execute a memorandum of  
19 understanding with local law enforcement and file such  
20 memorandum with the office on a biennial basis. The memorandum  
21 of understanding shall be signed by the [chief school  
22 administrator] principal or designated alternate, the chief of  
23 police of the police department with jurisdiction over the  
24 relevant school property and principals of each school building  
25 of the school entity. The memorandum of understanding shall  
26 comply with the regulations promulgated by the State Board of  
27 Education under section 1302.1-A and shall also include:

28 (1) The procedure for police department review of the annual  
29 report required under subsection (b) [prior to the chief school  
30 administrator filing the report required under subsection (b)

1 with the office].

2 (2) A procedure for the resolution of school violence data  
3 discrepancies in the report [prior to filing the report required  
4 under subsection (b) with the office].

5 (3) Additional matters pertaining to crime prevention agreed  
6 to between the [chief school administrator] principal or  
7 designated alternate and the police department.

8 (d) Pursuant to section 615 of the Individuals with  
9 Disabilities Education Act (Public Law 91-230, 20 U.S.C. §  
10 1415(k)(6)), nothing in section 1302.1-A or this section shall  
11 be construed to prohibit a school entity from reporting a crime  
12 committed by a child with a disability to appropriate  
13 authorities or to prevent State law enforcement and judicial  
14 authorities from exercising their responsibilities with regard  
15 to the application of Federal and State law to crimes committed  
16 by a child with a disability.

17 (e) (1) Notwithstanding any provision of law to the  
18 contrary, the Department of Education may initiate disciplinary  
19 action before the Professional Standards and Practices  
20 Commission pursuant to the act of December 12, 1973 (P.L.397,  
21 No.141), known as the "Professional Educator Discipline Act,"  
22 against a [chief school administrator or] principal or  
23 designated alternate of a school entity who intentionally fails  
24 to submit the report as required under subsection (b) or enter  
25 into the memorandum of understanding with the police department  
26 with jurisdiction over the relevant school property, report an  
27 incident involving an act of violence, possession of a weapon or  
28 an offense listed under subsection (b)(4.1) that occurs on  
29 school property to a police department or submit a copy of the  
30 memorandum of understanding to the office as required under

1 subsection (c) or who intentionally falsifies a report submitted  
2 as required under this section.

3 (2) In addition to any other disciplinary actions set forth  
4 in the "Professional Educator Discipline Act," a [chief school  
5 administrator or] principal or designated alternate of a school  
6 entity who intentionally fails to [submit the report] enter  
7 thorough and accurate information into the acts of violence  
8 online interface as required under subsection (b) or enter into  
9 the memorandum of understanding with the police department with  
10 jurisdiction over the relevant school property, report an  
11 incident involving an act of violence, possession of a weapon or  
12 an offense cited under subsection (b) (4.1) that occurs on school  
13 property to a police department or submit a copy of the  
14 memorandum of understanding to the office as required under  
15 subsection (c) or who intentionally falsifies a report submitted  
16 as required under this section shall be subject to prosecution  
17 for violation of 18 Pa.C.S. § 4904 (relating to unsworn  
18 falsification to authorities). The following civil penalties may  
19 be imposed by the Professional Standards and Practices  
20 Commission for violations of this article:

- 21 (i) for a first violation, \$2,500;
- 22 (ii) for a second violation, \$3,500; or
- 23 (iii) for a third or subsequent violation, \$5,000.

24 Any penalty imposed under this paragraph shall be paid to the  
25 Department of Education and used for the support of the office.

26 Section 4. Section 1303.1-A of the act, added July 9, 2008  
27 (P.L.846, No.61), is amended to read:

28 Section 1303.1-A. Policy Relating to Bullying.--[(a) No  
29 later than January 1, 2009, each school entity shall adopt a  
30 policy or amend its existing policy relating to bullying and

1 incorporate the policy into the school entity's code of student  
2 conduct required under 22 Pa. Code § 12.3(c) (relating to school  
3 rules). The policy shall delineate disciplinary consequences for  
4 bullying and may provide for prevention, intervention and  
5 education programs, provided that no school entity shall be  
6 required to establish a new policy under this section if one  
7 currently exists and reasonably fulfills the requirements of  
8 this section. The policy shall identify the appropriate school  
9 staff person to receive reports of incidents of alleged  
10 bullying.

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

19 (c) Each school entity shall review its policy every three  
20 (3) years and annually provide the office with a copy of its  
21 policy relating to bullying, including information related to  
22 the development and implementation of any bullying prevention,  
23 intervention and education programs. The information required  
24 under this subsection shall be attached to or made part of the  
25 annual report required under section 1303-A(b).

26 (d) In its policy relating to bullying adopted or maintained  
27 under subsection (a), a school entity shall not be prohibited  
28 from defining bullying in such a way as to encompass acts that  
29 occur outside a school setting if those acts meet the  
30 requirements contained in subsection (e) (1), (3) and (4). If a

1 school entity reports acts of bullying to the office in  
2 accordance with section 1303-A(b), it shall report all incidents  
3 that qualify as bullying under the entity's adopted definition  
4 of that term.

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

8 (1) directed at another student or students;

9 (2) which occurs in a school setting;

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

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

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

13 (ii) creating a threatening environment; or

14 (iii) substantially disrupting the orderly operation of the  
15 school; and

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

19 (f) No later than July 1, 2014, each school district shall  
20 adopt the Department of Education's model policy or an  
21 alternative policy that includes at a minimum the requirements  
22 of section 1303.2-A(1) prohibiting harassment, bullying and  
23 cyberbullying. Each school entity shall adopt and follow the  
24 policy that has been established by the school district where  
25 the school entity is located. Each school entity shall  
26 incorporate the policy into the school entity's code of student  
27 conduct required under 22 Pa. Code § 12.3(c) (relating to school  
28 rules). The school district shall involve students, parents,  
29 administrators, school staff, school volunteers and local law  
30 enforcement agencies in the process of adopting an alternative

1 policy, if it chooses not to implement the Department of  
2 Education's model policy related to bullying. The school  
3 district policy shall be implemented in a manner that is ongoing  
4 throughout the school year and integrated with each school  
5 entity's curriculum, discipline policies and other violence  
6 prevention efforts. Any discipline imposed under the policy must  
7 fall within the school entity's authority.

8 (g) This article shall prohibit harassment, bullying and  
9 cyberbullying by students, school staff and volunteers that  
10 takes place:

11 (1) in a school setting; or

12 (2) through use of electronic communication, outside a  
13 school setting, that is directed at a student and is so severe,  
14 persistent or pervasive that it substantially interferes with a  
15 student's ability to participate in or benefit from the  
16 services, activities or privileges provided by a school.

17 (h) A school employe who promptly reports in good faith an  
18 act of harassment, bullying or cyberbullying to the appropriate  
19 school official designated in the school district's policy  
20 established under this section and who makes the report in  
21 compliance with the procedures specified in the policy shall be  
22 immune from a cause of action for damages arising out of the  
23 reporting.

24 (i) Nothing in this article shall be construed:

25 (1) to prevent a target of harassment, bullying or  
26 cyberbullying from seeking redress under any other available law  
27 either civil or criminal; or

28 (2) to infringe upon the right of a school employe or  
29 student to engage in speech or expression protected by the  
30 Constitution of the United States or the Constitution of

1 Pennsylvania.

2 (j) If any provision of this article or the application  
3 thereof to any person or circumstance is held invalid, the  
4 invalidity shall not affect other provisions or applications of  
5 the article which can be given effect without the invalid  
6 provision or application and to this end the provisions of this  
7 article are declared severable.

8 Section 5. The act is amended by adding sections to read:

9 Section 1303.2-A. Powers and Duties of Department of  
10 Education.--(a) The Department of Education shall have the  
11 following responsibilities in accordance with section 1303.1-A:

12 (1) By November 1, 2013, establish, develop and maintain a  
13 secure Internet safe schools online portal which shall be  
14 accessible by the principal or the principal's designated  
15 alternate in each school entity as well as each superintendent  
16 or the superintendent's designated alternate in each school  
17 district. The portal shall include:

18 (i) A bullying interface for school officials to enter and  
19 track bullying incidents and follow-up. At a minimum, the safe  
20 schools online bullying interface updated by the school entity  
21 for any specific incident shall include areas to enter  
22 information related to:

23 (A) All complaints related to the specific incident of  
24 harassment, bullying or cyberbullying.

25 (B) Names of each party involved.

26 (C) Complete and accurate information regarding the  
27 investigation.

28 (D) Complete and accurate information regarding the  
29 resolution of the complaint.

30 (ii) An acts of violence interface to enter and track all



1 incidents involving acts of violence, possession of a weapon or  
2 possession, use or sale of controlled substances as defined in  
3 section 2 of the act of April 14, 1972 (P.L.233, No.64), known  
4 as "The Controlled Substance, Drug, Device and Cosmetic Act," or  
5 possession, use or sale of alcohol or tobacco by any person on  
6 school property. At a minimum, the acts of violence interface  
7 shall include all information required under section 1303-A.

8 (iii) Automatic, periodic generation of appropriate bullying  
9 reports for the individuals listed below in the following  
10 intervals:

11 (A) Each school principal and the principal's designated  
12 alternate, monthly.

13 (B) Each district superintendent and the superintendent's  
14 designated alternate, quarterly.

15 (C) The Secretary of Education and the secretary's  
16 designated alternate, annually.

17 (D) The General Assembly, annually.

18 (iv) Automatic, periodic generation of appropriate acts of  
19 violence reports for the individuals listed below in the  
20 following intervals:

21 (A) Each school principal and the principal's designated  
22 alternate, monthly.

23 (B) Each district superintendent and the superintendent's  
24 designated alternate, quarterly.

25 (C) The Secretary of Education and the secretary's  
26 designated alternate, annually.

27 (D) The General Assembly, annually.

28 (v) Automatic e-mailing of bullying and acts of violence  
29 reports to individuals specified in subparagraph (iii).

30 (vi) Automatic e-mailing of bullying incident deadline

1 reminders to individuals in charge of the investigation.

2 (vii) The online training and examination programs  
3 established in paragraphs (3) and (4).

4 (2) By November 1, 2013, develop an online training program  
5 for the continuing education requirement for harassment,  
6 bullying and cyberbullying established under section 1205.2.

7 (3) By November 1, 2013, develop an online examination  
8 program for the continuing education requirement for harassment,  
9 bullying and cyberbullying established under section 1205.2.

10 (4) No later than January 1, 2014, the department shall  
11 develop and establish a model policy related to bullying. The  
12 policy shall contain, at a minimum, the following components:

13 (i) A statement prohibiting harassment, bullying and  
14 cyberbullying of a student and the scope of the prohibition.

15 (ii) The definition of "harassment, bullying and  
16 cyberbullying" as stated in section 1301-A.

17 (iii) Consequences and appropriate remedial action,  
18 including positive behavior support as defined in 22 Pa. Code §  
19 14.133 (relating to positive behavior support), for a person who  
20 commits an act of harassment, bullying or cyberbullying.

21 Disciplinary consequences for harassment, bullying and  
22 cyberbullying shall be unique to the individual incident and  
23 vary in severity based on the nature of the incident, the  
24 developmental age of the perpetrator and the perpetrator's  
25 history of problem behaviors.

26 (iv) A procedure for students, school employes and school  
27 administrators to report an act of harassment, bullying or  
28 cyberbullying. The procedure shall permit a person to report an  
29 act of harassment, intimidation, bullying or cyberbullying  
30 anonymously, provided that no formal disciplinary action is

1 taken solely on the basis of an anonymous report. The procedure  
2 shall also include the following:

3 (A) All acts of harassment, bullying or cyberbullying shall  
4 be reported to the principal or principal's designee and all  
5 information shall be entered into the safe schools online portal  
6 established under paragraph (5) within forty-eight (48) hours of  
7 when the school employe witnessed or received reliable  
8 information that a student had been subject to harassment,  
9 bullying or cyberbullying.

10 (B) The principal or principal's designee shall inform the  
11 parents or guardians of all students involved in the alleged  
12 incident promptly. Prior to notification of any parent, guardian  
13 or student regarding any incident of harassment, intimidation,  
14 bullying or cyberbullying, school authorities shall consider the  
15 issue of notification as they would any other educationally  
16 relevant decision, considering the age, health, well-being,  
17 safety and privacy of any student involved in the incident. The  
18 principal may discuss, as appropriate, the availability of  
19 counseling and other intervention or protective services.

20 (v) A procedure for prompt investigation of reports of  
21 violations and complaints, which procedure shall, at a minimum,  
22 provide that:

23 (A) The investigation shall be conducted by the principal or  
24 the principal's designee.

25 (B) The investigation shall be completed as soon as  
26 possible, but no later than twenty-one (21) days from the date  
27 the report is entered into the safe schools online portal.

28 (C) The results of any such investigation shall be reported  
29 to the principal, if not directly involved in the investigation,  
30 and superintendent. The principal or superintendent shall decide

1 to further provide intervention services, establish or enhance  
2 training programs to reduce harassment, bullying or  
3 cyberbullying and improve school climate, impose discipline,  
4 order counseling as a result of the findings of the  
5 investigation or take or recommend other appropriate action.

6 (D) The safe schools online portal shall be updated and  
7 finalized with complete and accurate information required under  
8 paragraph (5) by the school entity in charge of the  
9 investigation within forty-eight (48) hours after the  
10 investigation has ended.

11 (E) Students who are parties to the investigation shall be  
12 entitled to receive information about the investigation, in  
13 accordance with Federal and State law and regulation, including  
14 the nature of the investigation, whether the school entity found  
15 evidence of harassment, bullying or cyberbullying or whether  
16 discipline was imposed or services provided to address the  
17 incident of harassment, bullying or cyberbullying. This  
18 information shall be provided in writing within five (5) days if  
19 the involved party requests the information.

20 (F) Any party that is dissatisfied with the outcome of an  
21 investigation and subsequent action taken may appeal to the  
22 board of school directors within thirty (30) days after the  
23 issuance of the written report.

24 (vi) A statement that prohibits reprisal or retaliation  
25 against any person who reports an act of harassment, bullying or  
26 cyberbullying, including a witness or one with reliable  
27 information about such an act, and the consequence and  
28 appropriate remedial action for a person who engages in reprisal  
29 or retaliation.

30 (vii) A statement of the manner in which the policy is to be

1 publicized. The statement shall include:

2 (A) Notice that the policy applies to participation in  
3 school-sponsored functions.

4 (B) A requirement that a link to the policy shall be  
5 prominently posted on the school entity's Internet website and  
6 that each school entity shall post the policy at a prominent  
7 location within each school building where such notices are  
8 usually posted or in each classroom.

9 (C) A requirement that the name, school telephone number,  
10 school address and school e-mail address of school staff  
11 responsible for investigating harassment, bullying and  
12 cyberbullying shall be prominently listed on the school entity's  
13 Internet website.

14 (D) A requirement that the policy shall be distributed  
15 annually to students and their parents, which can be included in  
16 a student Code of Conduct and Family Educational Rights and  
17 Privacy Act statement under the Family Educational Rights and  
18 Privacy Act of 1974 (Pubic Law 90-247, 20 U.S.C. § 1232g).

19 (E) A statement that the school entity shall ensure that the  
20 policy and procedures for reporting bullying are reviewed with  
21 students within ninety (90) days after their adoption and  
22 thereafter at least once per school year.

23 (viii) A statement that the school entity shall review its  
24 policy every three (3) years and annually provide the Department  
25 of Education with a copy of its policy prohibiting harassment,  
26 bullying and cyberbullying if it uses an alternate policy  
27 instead of the department's model policy.

28 (ix) Provisions for the formation of bullying prevention  
29 task forces, programs, associated trainings and other  
30 initiatives involving school staff, pupils, administrators,

1 volunteers, parents, law enforcement, community members and  
2 other stakeholders, as deemed appropriate by the school entity.

3 (x) Annual training for administrators, school employes and  
4 volunteers who have significant contact with students in  
5 preventing, identifying, responding to and reporting incidents  
6 of harassment, bullying or cyberbullying. School entities may  
7 incorporate training into existing training sessions or seminars  
8 for other school matters, if they conduct such existing training  
9 on an annual basis.

10 (5) By January 1, 2014, compile and make available to all  
11 schools a list of programs appropriate for the prevention of  
12 harassment, bullying or cyberbullying of students, including  
13 programs that are available to school districts at free or  
14 reduced costs.

15 (6) Periodically review school district policies, programs,  
16 activities and services to determine whether the school  
17 districts are complying with paragraph (1).

18 Section 2021-A. Antiharassment, Bullying and Cyberbullying  
19 Policies and Procedures.--(a) Each State-related institution or  
20 a member institution of the State System of Higher Education  
21 shall adopt a policy prohibiting harassment, bullying and  
22 cyberbullying by students and employes that takes place:

23 (1) on campus; or

24 (2) through use of electronic communication, whether on or  
25 off campus, that is directed at a student and is so severe,  
26 persistent or pervasive that it substantially interferes with a  
27 student's ability to participate in or benefit from the  
28 services, activities or privileges provided by a school.

29 (b) The institution shall distribute this policy to each  
30 student each semester and shall post the policy on its Internet

1 website.

2 (c) For the purposes of this section, "harassment, bullying,  
3 or cyberbullying" shall mean any electronic, written, verbal or  
4 physical act or conduct which may be based on but not limited to  
5 any actual or perceived characteristic, such as race, color,  
6 religion, national origin, ancestry or ethnicity; sexual  
7 orientation; physical, mental, emotional or learning disability;  
8 gender, gender identity or expression; physical appearance or  
9 based on an association with a person who has or is perceived to  
10 have one or more such characteristics, that has or can be  
11 reasonably predicted to have the effect of one or more of the  
12 following:

13 (i) placing a reasonable student or students in fear of  
14 physical harm to the student's or students' person or property;

15 (ii) causing a substantially detrimental effect on a  
16 reasonable student's or students' physical or mental health;

17 (iii) substantially interfering with a reasonable student's  
18 or students' ability to participate in or benefit from the  
19 services, activities or privileges provided by a school.

20 Section 6. Any regulations of the Department of Education  
21 that are inconsistent with this act are hereby abrogated to the  
22 extent of the inconsistency.

23 Section 7. This act shall take effect in 60 days.