

## 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 reporting and for policy relating to bullying; and  
7 providing for Department of Education requirements and  
8 responsibilities.

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

11 Section 1. Section 1303-A of the act of March 10, 1949  
12 (P.L.30, No.14), known as the Public School Code of 1949, is  
13 amended by adding a subsection to read:

14 Section 1303-A. Reporting.--\* \* \*

15 (f) Notwithstanding any other provision of this section, the  
16 State Board of Education shall convene and consult with a  
17 Statewide advisory committee to determine whether the mandatory  
18 reporting deadlines in this section shall be revised and to  
19 promulgate final-omitted regulations pursuant to the act of June  
20 25, 1982 (P.L.633, No.181), known as the "Regulatory Review

1 Act," necessary to implement any modifications in mandatory  
2 reporting deadlines deemed necessary by the State Board of  
3 Education. The Statewide advisory committee shall include:

4 (1) A police chief.

5 (2) A juvenile public defender.

6 (3) A school superintendent.

7 (4) A school principal.

8 (5) A district attorney.

9 (6) A school district solicitor.

10 (7) An in-school probation officer.

11 (8) One designee each from:

12 (i) The Department of Education.

13 (ii) The Pennsylvania Commission on Crime and Delinquency.

14 (iii) The Municipal Police Officers' Education and Training

15 Commission.

16 (iv) The Juvenile Court Judges' Commission.

17 (v) The Pennsylvania State Police.

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

20 Section 1303.1-A. Policy Relating to Bullying.--(a) No  
21 later than January 1, [2009] 2014, each school entity shall  
22 [adopt a] adopt the model policy developed by the Department of  
23 Education pursuant to section 1303.2-A(a)(1), adopt its own  
24 policy or amend its existing policy [relating to] prohibiting  
25 bullying and incorporate the policy into the school entity's  
26 code of student conduct required under 22 Pa. Code § 12.3(c)  
27 (relating to school rules). The policy shall delineate  
28 disciplinary consequences for bullying [and may provide for  
29 prevention, intervention and education programs, provided that  
30 no school entity shall be required to establish a new policy

1 under this section if one currently exists and reasonably  
2 fulfills the requirements of this section. The policy shall  
3 identify the appropriate school staff person to receive reports  
4 of incidents of alleged bullying.], retaliation, threats and  
5 intentionally false reports and shall identify by job title the  
6 appropriate school employe to receive reports of alleged  
7 incidents of bullying and the school employe responsible for  
8 ensuring that the policy is implemented. The policy shall be  
9 implemented in a manner that is integrated with the school  
10 entity's discipline policies and other violence prevention  
11 efforts. Any discipline imposed under the policy must be  
12 consistent with the school entity's authority under section 510  
13 and other relevant Federal and State law. The policy shall  
14 contain, at a minimum, the following components:

15 (1) A statement prohibiting bullying in a school setting.  
16 The prohibition includes use of electronic communication,  
17 whether or not originating on school premises, if the electronic  
18 communication:

19 (i) substantially interferes with a student's education;  
20 (ii) creates a threatening school environment; or  
21 (iii) substantially disrupts the orderly operation of the  
22 school.

23 (2) A statement prohibiting retaliation, threats and  
24 intentionally false reports against a student who reports,  
25 witnesses or possesses information about an alleged incident of  
26 bullying.

27 (3) A statement that the school entity shall post the policy  
28 on its publicly accessible Internet website, if available, in  
29 every classroom and at a prominent location within each school  
30 building where such notices are usually posted.

1 (4) A statement that the school entity shall ensure the  
2 policy and procedures for reporting alleged incidents of  
3 bullying are reviewed with students within ninety (90) days  
4 after their adoption and thereafter at least once per school  
5 year.

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

13 (6) A statement that the school entity shall report to the  
14 office and to the police department as follows:

15 (i) All alleged incidents of bullying shall be reported to  
16 the office in the report required under section 1303-A(b).

17 (ii) All alleged incidents of bullying that may constitute  
18 criminal behavior shall be reported to the police department  
19 with jurisdiction over the relevant school property under the  
20 procedures set forth in section 1303-A(b.1) and 22 Pa. Code  
21 Chapter 10 (relating to safe schools).

22 (7) A procedure for providing immediate notification to the  
23 parent or guardian of a target or perpetrator of an alleged  
24 incident of bullying. However, notification to the parent or  
25 guardian of a perpetrator of an alleged incident of bullying  
26 that may constitute criminal behavior shall occur only after  
27 consultation with the investigating law enforcement authorities,  
28 to assist in ensuring the safety of the target of the alleged  
29 incident and to permit law enforcement authorities the  
30 opportunity to conduct an investigation. Before any student

1 accused of bullying is interviewed by the principal or designee,  
2 the accused student's parent or guardian shall be notified of  
3 the allegations and shall have the opportunity to attend any  
4 interviews conducted with the student as part of the  
5 investigation.

6 (8) A procedure for reporting an alleged incident of  
7 bullying, including a provision that permits a person to report  
8 the incident anonymously. No formal disciplinary action shall be  
9 taken solely on the basis of an anonymous report.

10 (9) A procedure for prompt investigation of reports of  
11 alleged incidents of bullying, identifying either the principal  
12 or the principal's designee as the person responsible for the  
13 investigation.

14 (10) Consequences and appropriate remedial action for a  
15 student who commits an incident of bullying, retaliation,  
16 threats or intentionally false reports against another student.

17 (11) A strategy for providing counseling or referral to  
18 appropriate services, including guidance, academic intervention  
19 and protection, to students who are either targets or  
20 perpetrators of bullying.

21 (12) Provisions for the formation of bullying prevention  
22 task forces, programs and other initiatives involving school  
23 employees, students, administrators, volunteers, parents, law  
24 enforcement, community members and other stakeholders, if and to  
25 the extent deemed appropriate by the school entity.

26 (13) Annual training for administrators, school employees and  
27 volunteers who have significant contact with students in the  
28 following: identifying bullying as defined in this section; the  
29 circumstances in which electronic communication constitutes  
30 bullying; and preventing, receiving reports of, reporting,

1 investigating and responding to incidents of bullying, including  
2 necessary parent notification and the interplay between existing  
3 criminal laws and the school entity's bullying policy. Annual  
4 training for administrators and school employes shall be  
5 incorporated into a school entity's professional education plan  
6 required under section 1205.1.

7 (14) An annual educational program for students and parents  
8 concerning the following: the school entity's policy; the  
9 dangers of bullying; how to identify acts that constitute  
10 bullying under the school entity's policy; how to report an  
11 alleged incident of bullying; the disciplinary policy applicable  
12 to bullying, retaliation, threats and intentional false reports;  
13 the criminal liability associated with certain forms of  
14 bullying; and the liability associated with related forms of  
15 criminal behavior, including taking or sending certain types of  
16 photographs. The educational program shall be approved by the  
17 Department of Education or the governing body of the school  
18 entity.

19 (15) A procedure by which students and parents may make  
20 anonymous suggestions to the school entity regarding the  
21 creation of a more positive school climate.

22 [(b) Each school entity shall make the policy available on  
23 its publicly accessible Internet website, if available, and in  
24 every classroom. Each school entity shall post the policy at a  
25 prominent location within each school building where such  
26 notices are usually posted. Each school entity shall ensure that  
27 the policy and procedures for reporting bullying incidents are  
28 reviewed with students within ninety (90) days after their  
29 adoption and thereafter at least once each school year.

30 (c) Each school entity shall review its policy every three

1 (3) years and annually provide the office with a copy of its  
2 policy relating to bullying, including information related to  
3 the development and implementation of any bullying prevention,  
4 intervention and education programs. The information required  
5 under this subsection shall be attached to or made part of the  
6 annual report required under section 1303-A(b).]

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

17 (d.1) A school employe, school volunteer, student, parent or  
18 guardian who reports in good faith an incident of alleged  
19 bullying to the appropriate school official designated in the  
20 school entity's policy established under this section and who  
21 makes this report in compliance with the procedures set forth in  
22 the policy is immune from a cause of action for damages arising  
23 out of the reporting itself or any failure to remedy the  
24 reported incident.

25 (d.2) Nothing in this section shall be construed:

26 (1) to prevent a target of bullying from seeking redress  
27 under any other available civil or criminal law; 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 (e) For purposes of this article[, ]:

3 "bullying" shall mean an intentional electronic, written,  
4 verbal or physical act, or a series of acts by one or more  
5 students:

6 (1) directed at another student or students;

7 (2) which occurs in a school setting;

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

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

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

11 (ii) creating a threatening environment; or

12 (iii) substantially disrupting the orderly operation of the  
13 school; [and]

14 "electronic communication" shall mean any communication  
15 through an electronic device including, but not limited to, a  
16 telephone, cellular telephone, computer or telephone pager,  
17 which communication includes, but is not limited to, e-mail,  
18 instant messaging, text messaging, blogs, online games and  
19 Internet websites; and

20 "school setting" shall mean in the school, on school grounds,  
21 in school buses, in school vehicles, at a designated bus stop or  
22 at any activity or event sponsored, supervised or sanctioned by  
23 the school.

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

25 Section 1303.2-A. Department of Education Requirements and  
26 Responsibilities.--(a) The Department of Education shall have  
27 the following duties to enforce compliance with section  
28 1303.1-A:

29 (1) Develop a model policy that is consistent with section  
30 1303.1-A.



1       (2) Develop training materials on the components that shall  
2 be included in the model policy developed by the Department of  
3 Education pursuant to paragraph (1) or in any school entity  
4 policy developed under section 1303.1-A.

5       (3) Periodically review school entity programs, activities  
6 and services to determine whether school entities are complying  
7 with section 1303.1-A.

8       (4) Establish and maintain a central repository for the  
9 collection and analysis of information regarding bullying.

10       (b) Distribution of safe schools funds to a school entity,  
11 to the extent funds are appropriated by the General Assembly for  
12 this purpose, shall be contingent upon the following:

13       (1) The office's approval of each school entity's policy  
14 established under section 1303.1-A. The office shall approve a  
15 school entity's policy if the policy complies with section  
16 1303.1-A.

17       (2) The school entity's compliance with all reporting  
18 procedures contained in sections 1303-A and 1303.1-A and 22 Pa.  
19 Code Ch. 10 (relating to safe schools).

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