AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in safe schools, further providing for Office for Safe Schools; and, in terms and courses of study, further providing for dating violence education.

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

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

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

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

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(7) Development and implementation of research-based
violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying, dating violence and sexual harassment.

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

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

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

(b) [(1) Each school district may establish a specific policy to address incidents of dating violence involving students at school.] (1.1) Each school district shall establish a specific policy to address incidents of dating violence and sexual harassment involving students within one (1) year of the effective date of this paragraph. Each school district shall verify compliance with the department on an annual basis through the annual school health report.

(2) The policy shall include, but need not be limited to: a statement that dating violence and sexual harassment will not be tolerated; dating violence and sexual harassment reporting procedures; discipline procedures for students that commit dating violence or sexual harassment against others; and contact information for and resources available through domestic violence programs and rape crisis programs.
and sexual harassment programs.

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

(3) Each school district shall:

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

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

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

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

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

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

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

(c) (1) A school district shall provide dating violence and sexual harassment training to all administrators,
teachers, guidance counselors, nurses and mental health staff at the middle school and high school level. Upon the recommendation of the district superintendent, other staff may be included or may attend the training on a voluntary basis. The school district may also provide dating violence and sexual harassment training to parents.

(2) The dating violence and sexual harassment training may include, but need not be limited to: basic principles of dating violence and sexual harassment; warning signs of dating violence and sexual harassment; the school district's dating violence and sexual harassment policy; appropriate responses to incidents of dating violence at school and sexual harassment; and services and resources available through domestic violence programs and rape crisis programs and sexual harassment programs.

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

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

(c.1) A school district shall inform the students' parents or legal guardians of the school district's dating violence and sexual harassment policy. If requested, the school district shall provide the parents or legal guardians with the school district's dating violence and sexual harassment policy and...
relevant information. The school district may provide parent awareness training.

(d) (1) A school district shall incorporate dating violence and sexual harassment education and peer support training that is age appropriate into the annual health curriculum framework for students in grades nine (9) through twelve (12). In developing such a policy, the school district shall consult with each domestic violence program, rape crisis program and sexual harassment program that serves the region where the school district is located.

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

(2.1) Peer support training shall include, but need not be limited to: information regarding the role friends and peers have in addressing dating violence and sexual harassment and bystander intervention and reporting strategies in dating violence and sexual harassment situations.
(3) The department, through its Office for Safe Schools, in consultation with at least one (1) domestic violence center and at least one (1) rape crisis center, shall provide school districts with grade-appropriate educational materials regarding dating violence [and healthy relationships for the purpose of assisting school districts in preparing an instructional program on dating violence. The department may use educational materials that are already publicly available for this purpose,] and sexual harassment and peer support training and shall prepare model grade-appropriate topics relating to dating violence and sexual harassment, healthy relationships and peer support training for the purpose of assisting school entities in preparing an instructional program on dating violence and sexual harassment.

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

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

(e) Nothing in this section shall be construed as preventing a person from seeking judicial relief from dating violence or sexual harassment under any other law or as establishing or modifying any civil liability.
(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

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

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

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

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

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

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

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

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

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

"Sexual harassment program." A program that has as its primary purpose the provision of direct services to victims of sexual harassment.
sexual harassment, including, but not limited to, counseling, information and referral, as well as education and prevention programs on sexual harassment.

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