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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1778 Session of  
2023

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INTRODUCED BY BURNS, HILL-EVANS, GIRAL, PROBST, DELLOSO,  
SANCHEZ, HADDOCK AND STEELE, OCTOBER 19, 2023

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REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 19, 2023

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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 safe schools, further providing  
6 for definitions and for policy relating to bullying and  
7 providing for parental responsibility in bullying.

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

10 Section 1. Section 1301-A of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949, is  
12 amended by adding definitions to read:

13 Section 1301-A. Definitions.--As used in this article,  
14 "Bullying" shall mean the following:

15 (1) An intentional electronic, written, verbal or physical  
16 act, or a series of acts by a student directed at another  
17 student or students that:

18 (i) Is reasonably perceived as being motivated by an actual  
19 or perceived characteristic, such as:

20 (A) race, color, religion, ancestry, national origin,

1 gender, sexual orientation, gender identity and expression;

2 (B) a mental, physical or sensory disability; or

3 (C) any other distinguishing characteristic.

4 (ii) Satisfies the following conditions:

5 (A) Occurs in a school setting.

6 (B) Is severe, persistent or pervasive.

7 (C) Has the effect of doing any of the following:

8 (I) substantially interferes with a student's education;

9 (II) creates a threatening environment; or

10 (III) substantially disrupts the orderly operation of the  
11 school.

12 (2) Retaliation against a student or school employe by  
13 another student or school employe for asserting or alleging an  
14 act of bullying.

15 \* \* \*

16 "School setting" shall mean a school, on school grounds, in a  
17 school vehicle, at a designated bus stop or at an activity  
18 sponsored, supervised or sanctioned by a school.

19 \* \* \*

20 Section 2. Section 1303.1-A(a), (b), (d) and (e) of the act  
21 are amended to read:

22 Section 1303.1-A. Policy Relating to Bullying.--(a) No  
23 later than January 1, 2009, each school entity shall adopt a  
24 policy or amend its existing policy relating to bullying and  
25 incorporate the policy into the school entity's code of student  
26 conduct required under 22 Pa. Code § 12.3(c) (relating to school  
27 rules). The policy shall [delineate]:

28 (1) Delineate disciplinary consequences for bullying and may  
29 provide for prevention, intervention and education programs,  
30 provided that no school entity shall be required to establish a

1 new policy under this section if one currently exists and  
2 reasonably fulfills the requirements of this section. [The  
3 policy shall identify]

4 (2) Identify the appropriate school staff person to receive  
5 reports of incidents of alleged bullying.

6 (3) Discuss the role of parents and guardians in preventing  
7 bullying and bullying remediation and the penalties under this  
8 section.

9 (b) Each school entity shall make the policy available on  
10 its publicly accessible Internet website, if available, and in  
11 every classroom. Each school entity shall post the policy at a  
12 prominent location within each school building where such  
13 notices are usually posted. Each school entity shall ensure that  
14 the policy and procedures for reporting bullying incidents are  
15 reviewed with students within ninety (90) days after their  
16 adoption and thereafter at least once each school year. Each  
17 school entity shall provide a copy of the policy annually to all  
18 parents and guardians, including the parental responsibility and  
19 potential penalties established under section 1303.2-A.

20 \* \* \*

21 (d) In its policy relating to bullying adopted or maintained  
22 under subsection (a), a school entity shall not be prohibited  
23 from defining bullying in such a way as to encompass acts that  
24 occur outside a school setting if those acts meet the  
25 requirements contained in [subsection (e) (1), (3) and (4).]  
26 paragraph (1)(ii)(B) or (C) or (2) of the definition of  
27 "bullying" in section 1301-A. If a school entity reports acts of  
28 bullying to the office in accordance with section 1303-A(b), it  
29 shall report all incidents that qualify as bullying under the  
30 entity's adopted definition of that term.

1 [(e) For purposes of this article, "bullying" shall mean an  
2 intentional electronic, written, verbal or physical act, or a  
3 series of acts:

4 (1) directed at another student or students;

5 (2) which occurs in a school setting;

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

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

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

9 (ii) creating a threatening environment; or

10 (iii) substantially disrupting the orderly operation of the  
11 school; and

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

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

16 Section 1303.2-A. Parental Responsibility in Bullying.--(a)

17 (1) Upon receipt of a report or claim of bullying or cyber  
18 harassment, the school principal or a designee shall conduct an  
19 investigation within five (5) school days. If the principal or a  
20 designee determines that bullying or cyber harassment has  
21 occurred, the principal or a designee shall:

22 (i) Notify the parents or guardians of the student who  
23 committed the bullying or cyber harassment and the parents or  
24 guardians of the student against whom such acts were directed.

25 (ii) Outline the actions taken by the school entity to  
26 remedy the situation.

27 (2) Nothing in this subsection shall be construed as  
28 prohibiting a school principal or designee from reporting an  
29 incident to the appropriate law enforcement agency.

30 (b) (1) Upon a second verified act of bullying or cyber

1 harassment by a student against any other student, committed  
2 within the same academic year, the parents or guardians of all  
3 students involved shall be notified and invited by advanced  
4 written notice to attend a bullying resolution conference with  
5 the applicable school personnel. The students shall attend the  
6 conference.

7 (2) The conference shall occur even if the parents or  
8 guardians decline to participate or fail to attend.

9 (3) The outcome of the conference shall be documented in a  
10 written bullying action plan and shall detail the actions that  
11 will be taken by the student, the parents or guardians and  
12 school personnel. The office shall develop a form to be used for  
13 the written plan and each school shall use a form substantially  
14 similar to the form developed by the office.

15 (4) The parents or guardians of the student who committed  
16 the bullying or cyber harassment shall attend at least one  
17 instructional course, offered by the school entity, to educate  
18 parents on the definitions of bullying and cyber harassment,  
19 prevention strategies, ways to talk to children about bullying  
20 and evidence-based methods for resolving its underlying causes.

21 (5) The instructional course under paragraph (4) shall be  
22 offered at no cost to parents or guardians except in the  
23 following circumstances:

24 (i) the parents or guardians fail to attend the bullying  
25 resolution conference under paragraph (1); or

26 (ii) the parents or guardians fail to attend the  
27 instructional course on bullying or cyber harassment under  
28 paragraph (4).

29 (6) If parents or guardians fail to attend the bullying  
30 resolution conference under paragraph (1), the instructional

1 course under paragraph (4), or both, the school entity shall  
2 charge the parents or guardians a fee equal to the share of the  
3 cost of the bullying resolution conference, the instructional  
4 course, or both.

5 (7) The student who committed the bullying or cyber  
6 harassment shall participate in an age-appropriate antibullying  
7 class or workshop designed to educate the student on the impacts  
8 of bullying and cyber harassment, address the root causes of  
9 bullying and cyber harassment and provide constructive conflict  
10 resolution strategies and coping mechanisms.

11 (8) Upon a third or subsequent verified act of bullying or  
12 cyber harassment by a student, against any other student,  
13 committed within the same academic year, the school entity shall  
14 notify the parents or guardians of all students involved and  
15 shall file a citation with the appropriate magisterial district  
16 judge against the parents or guardians who reside in the same  
17 household as the child or who were named in the bullying action  
18 plan.

19 (9) Nothing in this subsection shall be construed to require  
20 a student, parent or guardian to attend a conference conducted  
21 under this subsection.

22 (c) (1) The venue for filing a citation under subsection  
23 (b) (8) shall be based on the location of the school in which the  
24 child is enrolled. The magisterial district judge shall provide  
25 written notice of the citation hearing to the school, the  
26 parents or guardians and the student.

27 (2) At the citation hearing, the school has the burden to  
28 prove beyond a reasonable doubt that the student repeatedly  
29 engaged in bullying or cyber harassment.

30 (3) It shall be an affirmative defense to a citation filed

1 under this section against a parent or guardian that the parent  
2 or guardian took every reasonable step to carry out the bullying  
3 action plan and to stop the bullying or harassing behavior. An  
4 affirmative defense must be proven by a preponderance of the  
5 evidence.

6 (4) Before entering a decision, the magisterial district  
7 judge shall permit the school, parent or guardian, or the  
8 student to present relevant information that will assist the  
9 magisterial district judge in making an informed decision  
10 regarding the appropriate sentence.

11 (5) The magisterial district judge shall determine whether  
12 the evidence has established that a parent or guardian has met  
13 their obligation under the school's bullying policy and any  
14 written bullying action plan.

15 (d) A parent or guardian found in violation of this section  
16 may be sentenced to:

17 (1) Community service benefiting the school at which the  
18 child is enrolled.

19 (2) Pay a fine to the school entity in an amount not  
20 exceeding \$500 together with court costs, except that, in the  
21 case of a second and subsequent offense, the fine may not exceed  
22 \$750 together with court costs. The fine shall be used by the  
23 school district for the purpose of developing and conducting an  
24 instructional course on bullying and cyber harassment under  
25 subsection (b) (4).

26 (3) Upon failure of a parent or guardian to satisfy a  
27 penalty imposed under this subsection, the parent or guardian  
28 may be found in contempt of court and, upon conviction, may be  
29 sentenced to up to three (3) days in the county correctional  
30 facility. The court shall make the determination based on the

1 specific finding that the parents or guardians had a reasonable  
2 ability to comply with the penalty imposed and that  
3 noncompliance was wilful.

4 (e) For the purposes of this section, the following words  
5 and phrases shall have the meanings given to them in this  
6 subsection unless the context clearly indicates otherwise:

7 "Cyber harassment" shall mean activity that constitutes an  
8 offense under 18 Pa.C.S. § 2709(a.1) (relating to harassment).

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