
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1779 Session of
2023

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

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 19, 2023

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, for reporting, for policy relating to
7 bullying and for maintenance of records; and, in Safe2Say
8 Program, further providing for intent, for definitions and
9 for Safe2Say Program and providing for reporting and
10 remediating bullying.

11 This act may be referred to as the Anti-bullying Bill of
12 Rights Act.

13 The General Assembly finds and declares as follows:

14 (1) Students in this Commonwealth have a right to learn
15 in a safe space, free from bullying at school, at school
16 activities or on the school bus and to communicate
17 electronically with classmates without harassment.

18 (2) Students and parents have a right to report acts of
19 bullying in a convenient and anonymous manner without the
20 fear of retaliation.

21 (3) Parents have a right to know if their child is a
22 victim of bullying, to receive regular updates about bullying

1 investigations involving their child, to participate in the
2 resolution of bullying and to expect school officials to take
3 meaningful action until the bullying behavior stops.

4 (4) School entities have a right to develop strong anti-
5 bullying policies, to use data to reduce and resolve bullying
6 incidents and to require students and parents to play an
7 active role in eliminating bullying within the school
8 entities.

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

11 Section 1. Section 1301-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 definitions to read:

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

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

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

21 (A) race, color, religion, ancestry, national origin,
22 gender, sexual orientation, gender identity and expression;

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

24 (C) any other distinguishing characteristic.

25 (ii) Satisfies the following conditions:

26 (A) Occurs in a school setting.

27 (B) Is severe, persistent or pervasive.

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

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

30 (II) creates a threatening environment; or

1 (III) substantially disrupts the orderly operation of the
2 school.

3 (2) Retaliation against a student or school employe by
4 another student or school employe for asserting or alleging an
5 act of bullying.

6 * * *

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

10 * * *

11 Section 2. Section 1303-A(b) introductory paragraph and
12 (4.1) and (e) of the act are amended and the section is amended
13 by adding subsections to read:

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

15 (b) [Each] Except as provided under subsections (b.2) and
16 (b.3) (1) and (2), each chief school administrator shall report
17 to the office by July 31 of each year all new incidents
18 involving acts of violence, possession of a weapon or
19 possession, use or sale of controlled substances as defined in
20 the act of April 14, 1972 (P.L.233, No.64), known as "The
21 Controlled Substance, Drug, Device and Cosmetic Act," or
22 possession, use or sale of alcohol or tobacco by any person on
23 school property. The incidents to be reported to the office
24 shall include all incidents involving conduct that constitutes a
25 criminal offense listed under paragraphs (4.1) and (4.2).
26 Reports on a form to be developed and provided by the office
27 shall include:

28 * * *

29 (4.1) A list of criminal offenses which shall, at a minimum,
30 include:

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

3 Section 908 (relating to prohibited offensive weapons).

4 Section 912 (relating to possession of weapon on school
5 property).

6 Chapter 25 (relating to criminal homicide).

7 Section 2702 (relating to aggravated assault).

8 Section 2709(a.1) (relating to harassment).

9 Section 2709.1 (relating to stalking).

10 Section 2901 (relating to kidnapping).

11 Section 2902 (relating to unlawful restraint).

12 Section 3121 (relating to rape).

13 Section 3122.1 (relating to statutory sexual assault).

14 Section 3123 (relating to involuntary deviate sexual
15 intercourse).

16 Section 3124.1 (relating to sexual assault).

17 Section 3124.2 (relating to institutional sexual assault).

18 Section 3125 (relating to aggravated indecent assault).

19 Section 3126 (relating to indecent assault).

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

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

23 Section 3502 (relating to burglary).

24 Section 3503(a) and (b)(1)(v) (relating to criminal
25 trespass).

26 Section 5501 (relating to riot).

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

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

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

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

5 * * *

6 (b.2) All new incidents involving cyber harassment of a
7 child shall be reported to the office by the chief school
8 administrator within thirty (30) days of the initial claim and
9 shall be included in the online database as provided in
10 subsection (b.3) (2).

11 (b.3) (1) The designated anti-bullying specialist for each
12 school entity shall report to the office all new incidents
13 involving acts of bullying reported to school officials that
14 meet the definition of bullying under section 1301-A within
15 thirty (30) days of the initial claim. Reports, on a form to be
16 developed and provided by the office, shall include the
17 following information for both the victim of an incident
18 involving an act of bullying and the perpetrator of the act of
19 bullying:

20 (i) Age or grade of the student.

21 (ii) Name and address of the school.

22 (iii) Circumstances surrounding the incident, including, but
23 not limited to, the date, time and location of the incident,
24 other students who were involved and details of the incident.

25 (iv) Race of the student.

26 (v) Whether the student has an Individualized Education Plan
27 under the Individuals with Disabilities Education Act (Public
28 Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the type of
29 disability.

30 (vi) Sanction imposed by the school.

1 (vii) Parental notification.
2 (viii) Remedial programs involved, including a written
3 bullying action plan.

4 (ix) Prior incidents of bullying or cyber harassment by the
5 student within the same academic year.

6 (2) Incidents reported to the office under this subsection
7 shall be recorded monthly with aggregate data per school entity
8 made available in an online bullying reports database on the
9 office's and school entity's publicly accessible Internet
10 websites.

11 (3) Incidents reported under this subsection and subsection
12 (b.2) shall be reported annually with the criminal offenses as
13 provided in subsection (b).

14 * * *

15 (e) (1) Notwithstanding any provision of law to the
16 contrary, the Department of Education may initiate disciplinary
17 action before the Professional Standards and Practices
18 Commission pursuant to the act of December 12, 1973 (P.L.397,
19 No.141), known as the "Professional Educator Discipline Act,"
20 against a chief school administrator, designated anti-bullying
21 specialist or principal of a school entity who intentionally
22 fails to submit the report as required under subsection (b)
23 [or], (b.2) or (b.3) or fails to enter into the memorandum of
24 understanding with the police department with jurisdiction over
25 the relevant school property, report an incident involving an
26 act of violence, possession of a weapon or an offense listed
27 under subsection (b) (4.1) that occurs on school property to a
28 police department or submit a copy of the memorandum of
29 understanding to the office as required under subsection (c) or
30 who intentionally falsifies a report submitted as required under

1 this section.

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

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

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

24 (f) For the purpose of this section, "cyber harassment"
25 shall mean activity that constitutes an offense under 18 Pa.C.S.
26 § 2709(a.1).

27 Section 3. Sections 1303.1-A(a), (d) and (e) and 1307-A of
28 the act are amended to read:

29 Section 1303.1-A. Policy Relating to Bullying.--(a) No
30 later than January 1, 2009, each school entity shall adopt a

1 policy or amend its existing policy relating to bullying and
2 incorporate the policy into the school entity's code of student
3 conduct required under 22 Pa. Code § 12.3(c) (relating to school
4 rules). The policy shall [delineate]:

5 (1) Delineate disciplinary consequences for bullying and may
6 provide for prevention, intervention and education programs,
7 provided that no school entity shall be required to establish a
8 new policy under this section if one currently exists and
9 reasonably fulfills the requirements of this section. [The
10 policy shall identify]

11 (2) Identify the appropriate school staff person to serve as
12 the designated anti-bullying specialist and to receive reports
13 of incidents of alleged bullying.

14 (3) Explain the ways in which bullying can be reported by
15 students or parents and the phases of verification and
16 investigation that the school will follow.

17 (4) Outline the procedure that the appropriate staff member
18 will use to track verified acts of bullying and transmit reports
19 to the office.

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 1307-A. Maintenance of Records.--All school entities
16 and private schools within this Commonwealth shall maintain
17 updated records of all incidents of violence, incidents
18 involving possession of a weapon, incidents of bullying or cyber
19 harassment and convictions or adjudications of delinquency for
20 acts committed on school property by students enrolled therein
21 on both a district-wide and school-by-school basis. Records
22 maintained under this section shall be contained in a format
23 developed by the Pennsylvania State Police in cooperation with
24 the office within ninety (90) days of the effective date of this
25 section. A statistical summary of these records shall be made
26 accessible to the public for examination by the public during
27 regular business hours.

28 Section 4. Section 1301-D(3) of the act is amended and the
29 section is amended by adding a paragraph to read:

30 Section 1301-D. Intent.

1 The General Assembly finds and declares as follows:

2 * * *

3 (1.1) Incidents of bullying impact students' ability to
4 learn, socialize and thrive. The severity of bullying and
5 cyber harassment can provoke those affected to threaten to
6 take action against themselves or others.

7 * * *

8 (3) It is the intent of the General Assembly that the
9 Safe2Say Program be a one-stop shop for students, teachers
10 and community members to report behavior, including bullying
11 or cyber harassment, perceived to be threatening to an
12 individual or a school entity. Reports made through the
13 anonymous reporting system will be referred to local schools,
14 law enforcement and/or organizations.

15 * * *

16 Section 5. Section 1302-D of the act is amended by adding a
17 definition to read:

18 Section 1302-D. Definitions.

19 The following words and phrases when used in this article
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 * * *

23 "Cyber harassment." An activity that constitutes an offense
24 under 18 Pa.C.S. § 2709(a.1) (relating to harassment).

25 * * *

26 Section 6. Section 1303-D(c) (1) of the act is amended to
27 read:

28 Section 1303-D. Safe2Say Program.

29 * * *

30 (c) Program requirements.--Beginning January 14, 2019, the

1 program shall be responsible for the following:

2 (1) To ensure anonymous reporting concerning bullying or
3 unsafe, potentially harmful, dangerous, violent, intimidating
4 or criminal activities in a school entity or the threat of
5 the activities in a school entity.

6 * * *

7 Section 7. The act is amended by adding a section to read:

8 Section 1303.1-D. Reporting and remediating bullying.

9 (a) Information.--School entities shall gather and maintain
10 the following information on all reported incidents of bullying
11 or cyber harassment:

12 (1) The names of the students involved.

13 (2) The ages and grades of the students involved.

14 (3) The name of the school where the students are
15 enrolled.

16 (4) The address and description of the location of the
17 incident.

18 (5) Details of the incidents, including dates, times,
19 actions and the form of bullying or cyber harassment.

20 (6) Action taken to remediate or resolve the situation.

21 (7) Disciplinary action taken by the school.

22 (8) Either the name of the individual reporting the
23 incident or a placeholder designating an anonymous reporter.

24 (b) Duties.--On receipt of a report of bullying or cyber
25 harassment, the school shall:

26 (1) Promptly investigate the incident and develop a
27 bullying action plan identifying the actions to be taken to
28 remedy and prevent further incidents, provided an
29 investigation and development of a bullying action plan have
30 not already occurred.

1 (2) Notify the parents or guardians of all students
2 involved in the incident and provide a copy of the written
3 bullying action plan.

4 (3) Provide a copy of the bullying action plan to the
5 office within 10 school days.

6 (c) Review.--The office shall review the bullying action
7 plan for an incident reported to the office within 30 days of
8 receipt of the plan to determine whether the parties involved
9 are in compliance with the terms of the plan.

10 (d) Disciplinary action.--Notwithstanding any provision of
11 law to the contrary, the office may initiate disciplinary action
12 before the Professional Standards and Practices Commission under
13 the act of December 12, 1973 (P.L.397, No.141), known as the
14 Educator Discipline Act, against a chief school administrator or
15 principal of a school entity who fails to institute or implement
16 a bullying action plan, or impedes the implementation of a plan
17 under subsection (b).

18 Section 8. This act shall take effect in 60 days.