
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 191 Session of
2011

INTRODUCED BY WASHINGTON, ARGALL, COSTA, FERLO, BREWSTER,
HUGHES, KITCHEN, SOLOBAY, STACK, WILLIAMS, WOZNIAK, YUDICHAK
AND FARNESE, APRIL 8, 2011

REFERRED TO EDUCATION, APRIL 8, 2011

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," providing for antibullying bill of
6 rights.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 1303.2-A. Antibullying Bill of Rights.--(a) The
13 policy adopted by each school entity pursuant to section
14 1303.1-A shall include provisions for appropriate responses to
15 harassment, intimidation or bullying that occurs off school
16 grounds in cases in which a school employe is made aware of such
17 actions and such actions create a hostile environment at school
18 for the student, infringe on the rights of the student at school
19 or disrupt the education process or orderly operation of a

1 school. The responses to harassment, intimidation or bullying
2 that occur off school grounds shall be consistent with the State
3 Board of Education's code of student conduct and other
4 provisions of the board's policy on harassment, intimidation or
5 bullying.

6 (b) (1) The principal in each school in a school entity
7 shall appoint a school antibullying specialist. When a school
8 guidance counselor, school psychologist or another individual
9 similarly trained is currently employed in the school, the
10 principal shall appoint that individual to be the school
11 antibullying specialist. If no individual meeting this criteria
12 is currently employed in the school, the principal shall appoint
13 a school antibullying specialist from currently employed school
14 personnel. The school antibullying specialist shall:

15 (i) Chair the school safety team as provided in subsection
16 (c).

17 (ii) Lead the investigation of incidents of harassment,
18 intimidation and bullying in the school.

19 (iii) Act as the primary school official responsible for
20 preventing, identifying and addressing incidents of harassment,
21 intimidation and bullying in the school.

22 (2) The chief school administrator shall appoint a school
23 entity antibullying coordinator. The chief school administrator
24 shall make every effort to appoint an employe of the school
25 entity to this position. The school entity antibullying
26 coordinator shall:

27 (i) Be responsible for coordinating and strengthening the
28 school entity's policies to prevent, identify and address
29 harassment, intimidation and bullying of students.

30 (ii) Collaborate with school antibullying specialists in the

1 school entity, the State Board of Education and the chief school
2 administrator to prevent, identify and respond to harassment,
3 intimidation and bullying of students in the school entity.

4 (iii) Provide data, in collaboration with the chief school
5 administrator, to the Department of Education regarding
6 harassment, intimidation and bullying of students.

7 (iv) Execute such other duties related to school harassment,
8 intimidation and bullying as requested by the chief school
9 administrator.

10 (3) The school entity's antibullying coordinator shall meet
11 at least twice a school year, once in the first semester and
12 once in the second semester, with the school antibullying
13 specialists in the school entity to discuss and strengthen
14 procedures and policies to prevent, identify and address
15 harassment, intimidation and bullying in the school entity.

16 (c) (1) Each school entity shall form a school safety team
17 in each school entity to develop, foster and maintain a positive
18 school climate by focusing on the ongoing, systemic process and
19 practices in the school and to address school climate issues
20 such as harassment, intimidation or bullying. A school safety
21 team shall meet at least two times per school year, once in the
22 first semester and once in the second semester.

23 (2) A school safety team shall consist of the principal or
24 his designee who, if possible, shall be a senior administrator
25 in the school and the following appointees of the principal: a
26 teacher in the school; a school antibullying specialist; a
27 parent of a student in the school; and other members to be
28 determined by the principal. The school antibullying specialist
29 shall serve as the chair of the school safety team.

30 (3) The school safety team shall:

1 (i) Receive any complaints of harassment, intimidation or
2 bullying of students that have been reported to the principal.

3 (ii) Receive copies of any report prepared after an
4 investigation of an incident of harassment, intimidation or
5 bullying.

6 (iii) Identify and address patterns of harassment,
7 intimidation or bullying of students in the school.

8 (iv) Review and strengthen school climate and the policies
9 of the school in order to prevent and address harassment,
10 intimidation or bullying of students.

11 (v) Educate the community, including students, teachers,
12 administrative staff and parents to prevent and address
13 harassment, intimidation or bullying of students.

14 (vi) Participate in training which the principal or the
15 school entity antibullying coordinator may request.

16 (vii) Collaborate with the school entity's antibullying
17 coordinator in the collection of the entire school entity's data
18 and in the development of school entity policies to prevent and
19 address harassment, intimidation or bullying of students.

20 (viii) Execute such other duties related to harassment,
21 intimidation and bullying as requested by the principal or
22 school entity antibullying coordinator.

23 (4) The members of a school safety team shall be provided
24 professional development opportunities that address effective
25 practices of successful school climate programs or approaches.

26 (d) (1) Beginning with the 2011-2012 school year, all
27 candidates for teaching certification shall satisfactorily
28 complete a program on harassment, intimidation and bullying
29 prevention.

30 (2) The State Board of Education shall establish the

1 appropriate requirements of the program on harassment,
2 intimidation and bullying prevention.

3 (3) The Department of Education shall, as part of the
4 professional development requirement established by the State
5 Board of Education for public school teachers, require each
6 public school teacher to complete at least two hours of
7 instruction on harassment, intimidation or bullying prevention
8 in each professional development period.

9 (e) Beginning with the 2011-2012 school year, all candidates
10 for administrative certification shall satisfactorily complete a
11 program on harassment, intimidation and bullying prevention.

12 (f) (1) The Department of Education, in consultation with
13 the office, shall develop a guidance document for use by parents
14 or guardians, students and school entities to assist in
15 resolving complaints concerning student harassment, intimidation
16 or bullying behaviors by school entities. The document shall
17 include:

18 (i) A school entity's obligations under section 1301.1-A.

19 (ii) Best practices for the prevention, intervention and
20 remediation of harassment, intimidation or bullying in schools,
21 including methods to identify and assist student populations at
22 high risk for harassment, intimidation or bullying.

23 (iii) A clear explanation of the procedures for petitioning
24 the Secretary of Education to hear and decide disputes
25 concerning section 1303.1-A.

26 (iv) A clear explanation of the police department's
27 jurisdiction and services in regard to specific types of
28 harassment, intimidation or bullying.

29 (v) A clear explanation of the process for appealing final
30 agency determinations to the Commonwealth Court.

1 (2) The guidance document shall be available on the
2 Department of Education's Internet website and on every school
3 entity's Internet website at an easily accessible location.

4 (g) (1) The Secretary of Education shall establish a formal
5 protocol pursuant to which the office of the chief school
6 administrator shall investigate a complaint that documents an
7 allegation of a violation of section 1303.1-A by a school entity
8 located within the county, when the complaint has not been
9 adequately addressed on the local level. The office of the chief
10 school administrator shall report its findings and, if
11 appropriate, issue an order for the school entity to develop and
12 implement corrective actions that are specific to the facts of
13 the case.

14 (2) The Secretary of Education shall ensure that the
15 personnel of the office of the chief school administrator who
16 are responsible for conducting the investigations receive
17 training and technical support on the use of the complaint
18 investigation protocol.

19 (h) (1) The Secretary of Education, in consultation with
20 recognized experts in school bullying from a cross-section of
21 academia, child advocacy organizations, nonprofit organizations,
22 professional associations and government agencies, shall
23 establish in-service workshops and training programs to train
24 selected public school employes to act as school entity
25 antibullying coordinators and school antibullying specialists in
26 accordance with the provisions of this section. The secretary
27 shall seek to make the workshops and training programs available
28 and administered online through the department's Internet
29 website or other existing online resources. The secretary shall
30 evaluate the effectiveness of the consulting group on an annual

1 basis. The in-service training programs may utilize the offices
2 of the executive county superintendent of schools or such other
3 institutions, agencies or persons as the secretary deems
4 appropriate. Each school entity shall provide time for the in-
5 service training during the usual school schedule in order to
6 ensure that appropriate personnel are prepared to act in the
7 school entity as antibullying coordinators and school
8 antibullying specialists.

9 (2) Upon completion of the initial in-service training
10 program, the Secretary of Education shall ensure that programs
11 and workshops that reflect the most current information on
12 harassment, intimidation and bullying in schools are prepared
13 and made available to school entity antibullying coordinators
14 and school antibullying specialists at regular intervals.

15 (i) The Secretary of Education shall develop, in
16 consultation with the Office of Attorney General, and make
17 available on the Department of Education's Internet website, an
18 online tutorial on harassment, intimidation and bullying. The
19 online tutorial shall, at a minimum, include best practices in
20 the prevention of harassment, intimidation and bullying,
21 applicable laws and such other information that the secretary
22 determines to be appropriate. The online tutorial shall be
23 accompanied by a test to assess a person's understanding of the
24 information provided in the tutorial.

25 (j) There is created a special fund in the Department of
26 Education which shall be designated the Bullying Prevention
27 Fund. The fund shall be maintained in a separate account and
28 administered by the Secretary of Education to carry out the
29 provisions of this act. The fund shall consist of:

30 (1) Any monies appropriated by the Commonwealth for the

1 purposes of the fund.

2 (2) Any monies donated for the purposes of the fund.

3 (3) All interest and investment earnings received on monies
4 in the fund.

5 The fund shall be used to offer grants to school entities to
6 provide training on harassment, intimidation and bullying
7 prevention and on the effective creation of positive school
8 climates.

9 (k) Throughout the school year the school entity shall
10 provide ongoing age-appropriate instruction on preventing
11 harassment, intimidation and bullying in accordance with the
12 core curriculum content standards.

13 (l) Nothing contained in this section shall be construed as
14 affecting the provisions of any collective bargaining agreement
15 or individual contract of employment.

16 (m) (1) A public institution of higher education shall
17 adopt a policy to be included in its student code of conduct
18 prohibiting harassment, intimidation or bullying. The policy
19 shall contain, at a minimum:

20 (i) A statement prohibiting harassment, intimidation or
21 bullying.

22 (ii) Disciplinary actions which may result if a student
23 commits an act of harassment, intimidation or bullying.

24 (iii) A definition of harassment, intimidation or bullying
25 that, at a minimum, includes any gesture, any written, verbal or
26 physical act or any electronic communication that is reasonably
27 perceived as being motivated either by any actual or perceived
28 characteristic, such as race, color, religion, ancestry,
29 national origin, gender, sexual orientation, gender identity and
30 expression, or a mental, physical or sensory disability, or by

1 any other distinguishing characteristic, that takes place on the
2 property of the institution of higher education or at any
3 function sponsored by the institution of higher education and
4 that:

5 (A) a reasonable person should know, under the
6 circumstances, will have the effect of physically or emotionally
7 harming a student or damaging the student's property, or placing
8 a student in reasonable fear of physical or emotional harm to
9 his person or damage to his property;

10 (B) has the effect of insulting or demeaning any student or
11 group of students in such a way as to cause disruption in, or
12 interference with, the orderly operation of the institution of
13 higher education;

14 (C) creates a hostile environment for the student at the
15 institution of higher education; or

16 (D) infringes on the rights of the student at the
17 institution of higher education.

18 (2) The institution shall distribute the policy by e-mail to
19 each student within seven days of the start of each semester and
20 shall post the policy on its Internet website.

21 Section 2. This act shall take effect August 1, 2012.