

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 101 Session of 2013

INTRODUCED BY O'BRIEN, CALTAGIRONE, STURLA, YOUNGBLOOD, CARROLL, FRANKEL, R. BROWN, BROWNLEE, COHEN, D. COSTA, DAVIDSON, DAVIS, DONATUCCI, FREEMAN, MAHONEY, MATZIE, MCCARTER, MURT, NEILSON AND SCHLOSSBERG, JANUARY 14, 2013

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 14, 2013

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," further providing for policy relating
6 to bullying.

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

9 Section 1. Section 1303.1-A of act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949, added
11 July 9, 2008 (P.L.846, No.61), is amended to read:

12 Section 1303.1-A. Policy Relating to Bullying.--(a) No
13 later than January 1, 2009, each school entity shall adopt a
14 policy or amend its existing policy relating to bullying and
15 incorporate the policy into the school entity's code of student
16 conduct required under 22 Pa. Code § 12.3(c) (relating to school
17 rules). The policy shall delineate disciplinary consequences for
18 bullying and may provide for prevention, intervention and
19 education programs, provided that no school entity shall be

1 required to establish a new policy under this section if one
2 currently exists and reasonably fulfills the requirements of
3 this section. The policy shall identify the appropriate school
4 staff person to receive reports of incidents of alleged
5 bullying.

6 (a.1) No later than January 1, 2014, each school entity
7 shall amend its existing policy relating to bullying in
8 accordance with the requirements of this section. The school
9 entity shall adopt the policy through a process that includes
10 representation of parents or guardians, school employees,
11 volunteers, students, administrators and community
12 representatives. A school entity shall have local control over
13 the content of the policy, except that the policy shall contain,
14 at a minimum, the following components:

15 (1) a statement prohibiting bullying of a student as defined
16 in subsection (e);

17 (2) a description of the type of behavior expected from each
18 student;

19 (3) consequences and appropriate remedial action for a
20 person who commits an act of harassment, intimidation or
21 bullying;

22 (4) a procedure for reporting an act of bullying, including
23 a provision that permits a person to report an act of bullying
24 anonymously; however, this shall not be construed to permit
25 formal disciplinary action solely on the basis of an anonymous
26 report. All acts of bullying shall be reported verbally to the
27 school principal on the same day when a school employee or
28 contracted service provider witnesses or receives reliable
29 information regarding any such incident. The principal shall
30 inform the parents or guardians of all students involved in the

1 alleged incident and may discuss, as appropriate, the
2 availability of counseling and other intervention services. All
3 acts of bullying shall be reported in writing to the school
4 principal within two school days of when the school employee or
5 contracted service provider witnessed or received reliable
6 information that a student had been subject to bullying;

7 (5) a procedure for prompt investigation of reports of
8 violations and complaints, which procedure shall at a minimum
9 provide that:

10 (i) the investigation shall be initiated by the principal or
11 the principal's designee within one school day of the report of
12 the incident and shall be conducted by a school antibullying
13 specialist. The principal may appoint additional personnel who
14 are not school antibullying specialists to assist in the
15 investigation. The investigation shall be completed as soon as
16 possible, but not later than ten (10) school days from the date
17 of the written report of the incident of bullying. In the event
18 that there is information relative to the investigation that is
19 anticipated but not yet received by the end of the ten-day
20 period, the school antibullying specialist may amend the
21 original report of the results of the investigation to reflect
22 the information;

23 (ii) the results of the investigation shall be reported to
24 the superintendent of schools within two (2) school days of the
25 completion of the investigation, and the superintendent may
26 decide to provide intervention services, establish training
27 programs to reduce bullying and enhance school climate, impose
28 discipline, order counseling as a result of the findings of the
29 investigation or take or recommend other appropriate action;

30 (iii) the results of each investigation shall be reported to

1 the board of school directors no later than the date of the
2 board meeting next following the completion of the
3 investigation, along with information on any services provided,
4 training established, discipline imposed or other action taken
5 or recommended by the superintendent;

6 (iv) parents or guardians of the students who are parties to
7 the investigation shall be entitled to receive information about
8 the investigation, in accordance with Federal or State law and
9 regulation, including the nature of the investigation, whether
10 the district found evidence of bullying or whether discipline
11 was imposed or services provided to address the incident of
12 bullying. This information shall be provided in writing within
13 five (5) school days after the results of the investigation are
14 reported to the board of school directors. A parent or guardian
15 may request a hearing before the board after receiving the
16 information, and the hearing shall be held within ten (10) days
17 of the request. The board shall meet in executive session for
18 the hearing to protect the confidentiality of the students. At
19 the hearing the board may hear from the school antibullying
20 specialist about the incident, recommendations for discipline or
21 services and any programs instituted to reduce such incidents;

22 (v) at the next board of school directors meeting following
23 its receipt of the report, the board of school directors shall
24 issue a decision, in writing, to affirm, reject or modify the
25 superintendent's decision. The board's decision may be appealed
26 to the Department of Education, in accordance with the procedures
27 set forth in law and regulation, no later than the ninety (90)
28 days after the issuance of the board's decision; and

29 (vi) a parent, student, guardian or organization may file a
30 complaint with the Human Relations Commission within one hundred

1 eighty (180) days of the occurrence of any incident of bullying
2 based on membership in a protected group as enumerated in the
3 act of October 27, 1955 (P.L.744, No.222), known as the
4 "Pennsylvania Human Relations Act";

5 (7) the range of ways in which a school will respond once an
6 incident of bullying is identified, which shall be defined by
7 the principal in conjunction with the school antibullying
8 specialist, but shall include an appropriate combination of
9 counseling, support services, intervention services and other
10 programs, as defined by the Department of Education;

11 (8) a statement that prohibits reprisal or retaliation
12 against any person who reports an act of bullying and the
13 consequence and appropriate remedial action for a person who
14 engages in reprisal or retaliation;

15 (9) consequences and appropriate remedial action for a
16 person found to have falsely accused another as a means of
17 retaliation or as a means of bullying;

18 (10) a statement of how the policy is to be publicized,
19 including notice that the policy applies to participation in
20 school-sponsored functions and actions occurring off school
21 grounds;

22 (11) a requirement that the name, school telephone number,
23 school address and school e-mail address of the district
24 antibullying coordinator be listed on the home page of the
25 school entity's Internet website and that on the home page of
26 each school's Internet website the name, school telephone
27 number, school address and school e-mail address of the school
28 antibullying specialist and the district antibullying
29 coordinator be listed. The information concerning the district
30 antibullying coordinator and the school antibullying specialists

1 shall also be maintained on the Department of Education's
2 Internet website.

3 (a.2) To assist school entities in developing policies for
4 the prevention of bullying, the Department of Education shall
5 develop a model policy applicable to grades kindergarten through
6 twelve (12). This model policy shall be issued no later than
7 September 1, 2013. The department shall update the model policy
8 as the department deems necessary.

9 (a.3) Notice of the school entity's policy shall appear in
10 any publication of the school entity that sets forth the
11 comprehensive rules, procedures and standards of conduct for the
12 school entity and in any student handbook.

13 (a.4) Nothing in this section shall prohibit a school entity
14 from adopting a policy that includes components that are more
15 stringent than the components set forth in this section.

16 (b) Each school entity shall make the policy available on
17 its publicly accessible Internet website, if available, and in
18 every classroom. Each school entity shall post the policy at a
19 prominent location within each school building where such
20 notices are usually posted and shall distribute the policy
21 annually to parents and guardians who have children enrolled in
22 the school entity. Each school entity shall ensure that the
23 policy and procedures for reporting bullying incidents are
24 reviewed with students within ninety (90) days after their
25 adoption and thereafter at least once each school year.

26 (c) Each school entity shall review its policy [every three
27 (3) years and annually provide the office with a copy of its
28 policy relating to bullying, including information related to
29 the development and implementation of any bullying prevention,
30 intervention and education programs] annually making any

1 necessary revisions and additions. The school entity shall
2 include input from the school antibullying specialists in
3 conducting its reevaluation, reassessment and review. The school
4 entity shall transmit a copy of the revised policy to the
5 Department of Education within thirty (30) school days of the
6 revision. The information required under this subsection shall
7 be attached to or made part of the annual report required under
8 section 1303-A(b).

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

18 (e) For purposes of this article, "bullying" shall mean an
19 intentional electronic, written, verbal or physical act, or a
20 series of acts:

21 (1) directed at another student or students;

22 (2) which occurs in a school setting or off school grounds
23 that substantially disrupts or interferes with the orderly
24 operation of the school or the rights of other students;

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

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

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

28 (ii) creating a threatening environment; [or]

29 (iii) [substantially disrupting the orderly operation of the
30 school; and] physically or emotionally harming a student or

1 damaging a student's property, or placing a student in
2 reasonable fear of physical or emotional harm to the student's
3 person or property; or

4 (iv) insulting or demeaning any student or group of
5 students; and

6 "school setting" shall mean in the school, on school grounds,
7 in school vehicles, at a designated bus stop or at any activity
8 sponsored, supervised or sanctioned by the school.

9 Section 2. This act shall take effect in 60 days.