

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 938 Session of 2019

INTRODUCED BY SCHWANK, BOSCOLA, COLLETT, FONTANA, LEACH,
 FARNESE, SANTARSIERO, BREWSTER, LANGERHOLC, MUTH, KILLION,
 COSTA, BLAKE, HUGHES, YUDICHAK, HAYWOOD, TARTAGLIONE AND
 BROWNE, OCTOBER 31, 2019

REFERRED TO EDUCATION, OCTOBER 31, 2019

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 terms and courses of study,
 6 further providing for dating violence education; and, in
 7 sexual violence education at institutions of higher
 8 education, further providing for definitions and for
 9 education program.

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

12 Section 1. Section 1553 of the act of March 10, 1949
 13 (P.L.30, No.14), known as the Public School Code of 1949, is
 14 amended to read:

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

18 (1) Develop, within six (6) months of the effective date of
 19 this section, a model dating violence policy to assist [school
 20 districts] school entities in developing policies for dating

1 violence reporting and response.

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

5 (3) Pursuant to section 1302-A(c)(3), provide grants to
6 school entities for purposes of implementing the provisions of
7 this section, including for costs associated with training under
8 subsection (c) and curriculum changes under subsection (d).

9 (b) (1) Each school [district may] entity shall establish a
10 specific policy to address incidents of dating violence
11 involving students, including incidents that occur at school.

12 (2) The policy [may] shall include, but need not be limited
13 to: a statement that dating violence will not be tolerated;
14 dating violence reporting procedures for students, parents,
15 guardians or third parties; discipline procedures and penalties
16 for students that commit dating violence against other students,
17 including dating violence incidents that occur at school;
18 information related to obtaining a protection from abuse order
19 against a dating partner pursuant to 23 Pa.C.S. Ch. 61 (relating
20 to protection from abuse); and contact information for and
21 resources available through domestic violence programs and rape
22 crisis programs.

23 (3) A school [district that establishes the policy] entity
24 shall:

25 (i) Publish the dating violence policy in any [school
26 district] policy or handbook that specifies the comprehensive
27 rules, procedures and standards of conduct for students [at
28 school] attending the school.

29 (ii) Make the dating violence policy available on its
30 publicly available Internet website[.], if available, and post

1 the policy in every classroom. Each school entity also shall
2 post the policy at a prominent location within each school
3 building where the notices are usually posted. Each school
4 entity shall ensure that the policy and procedures related to
5 dating violence incidents are reviewed with students within
6 ninety (90) days after their adoption and thereafter at least
7 once each school year.

8 (iii) Provide students, parents and guardians with a copy of
9 the dating violence policy.

10 [(4) The State Board of Education shall conduct a study of
11 the benefits and detriments of mandatory dating violence
12 education and shall submit a report of its recommendations to
13 the chairman and minority chairman of the Education Committee of
14 the Senate and the chairman and minority chairman of the
15 Education Committee of the House of Representatives within three
16 (3) years of the effective date of this section.]

17 (c) (1) [A school district may] Each school entity shall
18 provide dating violence training to teachers, coaches, guidance
19 counselors, nurses and mental health staff at the middle school
20 and high school level. [Upon the recommendation of the district
21 superintendent, other staff may be included or may attend the
22 training on a voluntary basis.] The superintendent of a school
23 district, or the equivalent position within a school entity that
24 is not a school district, may require any other individual who
25 is a school entity employe or who provides a program, activity
26 or service sponsored by the school entity and who has direct
27 contact with children to attend dating violence training. The
28 school [district] entity may also provide dating violence
29 training to parents.

30 (2) The dating violence training [may] shall include, but

1 need not be limited to: basic principles of dating violence;
2 warning signs of dating violence; the school district's dating
3 violence policy; appropriate responses to incidents of dating
4 violence, including incidents of dating violence at school;
5 communication protocols between school entities where an
6 incident of dating violence involves students who attend
7 different schools; information related to procedures through
8 which a victim may obtain a protection from abuse order pursuant
9 to 23 Pa.C.S. Ch. 61; and services and resources available
10 through domestic violence programs and rape crisis programs.

11 (d) (1) A school district [may] shall incorporate dating
12 violence education that is age appropriate into the annual
13 health curriculum framework for students in grades [nine (9)]
14 seven (7) through twelve (12). In developing such a policy, the
15 school district shall consult with at least one (1) domestic
16 violence program or rape crisis program that serves the region
17 where the school district is located.

18 (2) Dating violence education [may] shall include, but need
19 not be limited to: defining dating violence and recognizing
20 dating violence warning signs; characteristics of healthy
21 relationships; information regarding peer support and the role
22 friends and peers have in addressing dating violence; and
23 contact information for and the services and resources available
24 through domestic violence centers and rape crisis centers,
25 including detailed information concerning safety planning,
26 availability and [enforcement of] obtaining and enforcing
27 protection from abuse orders and the availability of other
28 services and assistance for students and their families from the
29 school entity or other sources.

30 (3) The department, through its Office for Safe Schools, in

1 consultation with at least one (1) domestic violence center and
2 at least one (1) rape crisis center, shall provide school
3 districts with grade-appropriate educational materials regarding
4 dating violence and healthy relationships for the purpose of
5 assisting school districts in preparing an instructional program
6 on dating violence. The department may use educational materials
7 that are already publicly available for this purpose.

8 (4) A parent or legal guardian of a student who is under
9 eighteen (18) years of age, within a reasonable period of time
10 after the request is made, shall be permitted to examine the
11 dating violence education program instructional materials at the
12 school in which the student is enrolled.

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

18 (e) Nothing in this section shall be construed as preventing
19 a person from seeking judicial relief from dating violence
20 pursuant to 23 Pa.C.S. Ch. 61 or under any other law or as
21 establishing or modifying any civil liability.

22 (f) As used in this section, the following words and phrases
23 shall have the meanings given to them in this subsection:

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

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

30 "Dating violence." Behavior where one person uses threats

1 of, or actually uses, physical, sexual, verbal or emotional
2 abuse to control the person's dating partner.

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

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

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

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

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

17 "School entity." As defined in section 1301-A. The term
18 shall also include a cyber charter school.

19 Section 2. The definition of "sexual violence" in section
20 2002-G of the act is amended to read:

21 Section 2002-G. Definitions.

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

25 * * *

26 "Sexual violence." [An act of sexual violence as defined in
27 42 Pa.C.S. § 6402 (relating to definitions).] Conduct
28 constituting a crime under any of the following provisions:

29 18 Pa.C.S. § 2709.1 (relating to stalking).

30 18 Pa.C.S. Ch. 31 (relating to sexual offenses), except 18

1 Pa.C.S. §§ 3129 (relating to sexual intercourse with animal) and
2 3130 (relating to conduct relating to sex offenders).

3 18 Pa.C.S. § 4302 (relating to incest).

4 * * *

5 Section 3. Section 2003-G(a) of the act is amended to read:

6 Section 2003-G. Education program.

7 (a) General rule.--Institutions of higher education and
8 private licensed schools shall establish a sexual violence
9 awareness educational program. Institutions of higher education
10 and private licensed schools may collaborate with a Statewide
11 nonprofit organization, local rape crisis center or local sexual
12 assault program that arranges for the provision of services to
13 sexual violence and rape victims in the development of a sexual
14 violence awareness education program. Each education program
15 shall provide the following:

16 (1) A discussion of sexual violence.

17 (2) A discussion of consent, including an explanation
18 that the victim is not at fault.

19 (3) A discussion of drug and alcohol-facilitated sexual
20 violence.

21 (4) Information relating to risk education and personal
22 protection.

23 (5) Information on where and how to get assistance,
24 including the importance of medical treatment and evidence
25 collection, [and] how to report sexual violence to campus
26 authorities and local law enforcement[.] and how to obtain a
27 protection from abuse order pursuant to 42 Pa.C.S. Ch. 62A
28 (relating to protection of victims of sexual violence or
29 intimidation).

30 (6) The possibility of pregnancy and transmission of

1 sexual diseases.

2 (7) Introduction of members of the educational community
3 from:

4 (i) Campus police or security and local law
5 enforcement.

6 (ii) Campus health center, women's center and rape
7 crisis center.

8 (iii) Campus counseling service or any service
9 responsible for psychological counseling and student
10 affairs.

11 (8) A promise of discretion and dignity.

12 (9) A promise of confidentiality for victims of sexual
13 assault.

14 * * *

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