

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 354 Session of 2021

INTRODUCED BY SCHWANK, HUGHES, KEARNEY, STREET, FONTANA,
COLLETT, TARTAGLIONE, SANTARSIERO, BOSCOLA, BREWSTER, COSTA,
KANE AND MUTH, MARCH 10, 2021

REFERRED TO EDUCATION, MARCH 10, 2021

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
21 violence reporting and response.

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

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

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

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

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

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

28 (ii) Make the dating violence policy available on its
29 publicly available Internet website[.], if available, and post
30 the policy in every classroom. Each school entity also shall

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

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

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

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

29 (2) The dating violence training [may] shall include, but
30 need not be limited to: basic principles of dating violence;

1 warning signs of dating violence; the school district's dating
2 violence policy; appropriate responses to incidents of dating
3 violence, including incidents of dating violence at school;
4 communication protocols between school entities where an
5 incident of dating violence involves students who attend
6 different schools; information related to procedures through
7 which a victim may obtain a protection from abuse order pursuant
8 to 23 Pa.C.S. Ch. 61; and services and resources available
9 through domestic violence programs and rape crisis programs.

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

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

29 (3) The department, through its Office for Safe Schools, in
30 consultation with at least one (1) domestic violence center and

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

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

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

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

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

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

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

29 "Dating violence." Behavior where one person uses threats
30 of, or actually uses, physical, sexual, verbal or emotional

1 abuse to control the person's dating partner.

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

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

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

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

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

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

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

20 Section 2002-G. Definitions.

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

24 * * *

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

28 18 Pa.C.S. § 2709.1 (relating to stalking).

29 18 Pa.C.S. Ch. 31 (relating to sexual offenses), except 18
30 Pa.C.S. §§ 3129 (relating to sexual intercourse with animal) and

1 3130 (relating to conduct relating to sex offenders).

2 18 Pa.C.S. § 4302 (relating to incest).

3 * * *

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

5 Section 2003-G. Education program.

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

15 (1) A discussion of sexual violence.

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

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

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

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

29 (6) The possibility of pregnancy and transmission of
30 sexual diseases.

1 (7) Introduction of members of the educational community

2 from:

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

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

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

10 (8) A promise of discretion and dignity.

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

13 * * *

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