

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 647 Session of
2023

INTRODUCED BY KINSEY, BULLOCK, MADDEN, HILL-EVANS, HANBIDGE,
SANCHEZ, SCHLOSSBERG, PARKER, WARREN AND O'MARA,
MARCH 21, 2023

REFERRED TO COMMITTEE ON EDUCATION, MARCH 21, 2023

AN ACT

1 Establishing the Safe Schools Partnership; conferring powers and
2 imposing duties on the Attorney General and the Secretary of
3 Education; providing for a bullying identification,
4 prevention and intervention model plan; and imposing duties
5 on schools and school districts.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Safe Schools
10 Partnership Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Agency." A unit of State or local government that receives
16 Commonwealth money to provide services, activities or privileges
17 to children or a public or private program or organization
18 concerned with child welfare.

19 "Blog." An Internet website that contains an individual's

1 personal reflections, comments or beliefs and often hyperlinks,
2 videos, photographs and other similar content provided by the
3 individual creator or another person.

4 "Bullying." Notwithstanding any other provision of law, any
5 persistent or pervasive behavior, including through the use of
6 verbal, written or electronic communications or a combination of
7 verbal, written or electronic communications, or a physical act
8 where the behavior or act:

9 (1) May be based on a student's actual or perceived
10 differentiating characteristic or on a student's association
11 with another student or group of students with one or more of
12 the actual or perceived differentiating characteristics.

13 (2) Is intended to have the effect of or the behavior or
14 act would be reasonably likely to have the effect of:

15 (i) Causing harm, fear or distress to a student,
16 including physical, psychological, economic or social
17 harm, or harm to the student's reputation or property.

18 (ii) Interfering with a student's academic
19 performance or school attendance or otherwise creating a
20 hostile school environment for the student.

21 (iii) Interfering with the student's ability to
22 participate in or benefit from the services, activities
23 or privileges provided by an agency.

24 (iv) Materially and substantially disrupting the
25 education process or orderly operation of a school.

26 (3) Constitutes cyberbullying, cyber harassment under 18
27 Pa.C.S. § 2709(a.1) (relating to harassment) or stalking
28 under 18 Pa.C.S. § 2709.1 (relating to stalking).

29 "Burn page." An Internet website created for the purpose of
30 transmitting a message, text message, sound or photograph,

1 image, video or other visual recording.

2 "Children with exceptionalities." As defined in section 1371
3 of the Public School Code of 1949.

4 "Credible impersonation." To knowingly impersonate, with or
5 without the consent of an individual impersonated, an individual
6 for the purpose of bullying or retaliation to the extent that an
7 individual would reasonably believe that the individual is the
8 individual so impersonated.

9 "Cyberbullying." As follows:

10 (1) Bullying through the use of a digital device or
11 other technology, including the sending, posting or sharing
12 of negative, harmful or false content about a student or
13 other individual.

14 (2) The term includes any of the following:

15 (i) The creation of a burn page, webpage or blog in
16 which the student or school employee creates a credible
17 impersonation or assumes the identity of another
18 individual.

19 (ii) The creation of a false profile.

20 (iii) The knowing impersonation of a student or
21 another individual as the author of posted content or
22 messages, if the creation or impersonation creates any of
23 the conditions enumerated in the definition of
24 "bullying."

25 (iv) The distribution of a communication by or
26 through an electronic act to one or more students or
27 other individuals or the posting of material on a burn
28 page, webpage or blog or on social media which may be
29 accessed by one or more students or other individuals,
30 provided that the distribution or posting creates any of

1 the conditions enumerated in the definition of

2 "bullying."

3 "Cyber sexual bullying." As follows:

4 (1) The dissemination of, or the solicitation or
5 incitement to disseminate, a photograph, image, video or
6 other visual recording by a student or school employee to
7 another student or to a school employee by means of an
8 electronic act that is reasonably predicted to have the
9 effect of bullying or retaliation.

10 (2) The term does not include a depiction or portrayal
11 of a photograph, image, video or other visual recording that
12 has serious literary, artistic, educational, political or
13 scientific value or that involves athletic events or school-
14 sanctioned activities.

15 "Department." The Department of Education of the
16 Commonwealth.

17 "Designated school employee." One or more school employees
18 identified in a bullying identification, prevention and
19 intervention plan to receive reports of acts of bullying or
20 retaliation from students, parents or guardians of students,
21 school employees or other individuals.

22 "Differentiating characteristics." The actual or perceived
23 characteristics of a student or other individual, including:

24 (1) Race.

25 (2) Color.

26 (3) Religion.

27 (4) Ancestry or national origin.

28 (5) Socioeconomic status.

29 (6) Homelessness.

30 (7) Academic status.

- 1 (8) Gender identity or expression or sexual orientation.
- 2 (9) Physical appearance.
- 3 (10) Pregnancy or parenting status.
- 4 (11) Mental, physical, developmental or sensory
- 5 disability.
- 6 (12) The association with an individual or group of
- 7 individuals who have or are perceived to have one or more
- 8 differentiating characteristics.

9 "Digital device." As follows:

10 (1) A mobile telephone, computer, laptop or tablet or

11 other device used for personal communications, which may be

12 used to facilitate an electronic act.

13 (2) The term includes a landline telephone.

14 "Electronic act." As follows:

15 (1) For the purpose of bullying or retaliation, a

16 communication transmitted to a student or a group of

17 students, whether initiated or originated on or off school

18 property, through the use of a digital device, including the

19 following means:

20 (i) A message, text message, photograph, sound,

21 video or image.

22 (ii) A post to social media or a website, including:

23 (A) Posting to or creating a burn page, webpage

24 or blog.

25 (B) Creating a credible impersonation of another

26 student for the purpose of bullying or retaliation.

27 (C) Creating a false profile for the purpose of

28 bullying or retaliation.

29 (D) Creating, posting to or using a mobile

30 application for the purpose of bullying or

1 retaliation.

2 (2) Cyber sexual bullying.

3 (3) Notwithstanding paragraphs (1) and (2), the term
4 does not constitute pervasive conduct solely on the basis
5 that the act has been transmitted on the Internet or is
6 currently posted on the Internet.

7 "False profile." A fictitious representation of an actual or
8 fake student's differentiating characteristics, including
9 personal attributes, characteristics, achievements or qualities.

10 "Hostile environment." A school environment permeated with
11 intimidation, ridicule or insult which is caused by an act of
12 bullying or retaliation and which is sufficiently severe or
13 pervasive as to alter the conditions of a student's education.

14 "Internet." An interconnected electronic communications
15 network that allows individuals worldwide to communicate and
16 share information.

17 "Mobile application." A type of application software,
18 commonly referred to as an app, designed to operate on a digital
19 device, such as a smart phone, tablet or other portable
20 telecommunications device.

21 "Partnership." The Safe Schools Partnership established in
22 section 3.

23 "Peer group approach." School-based intervention programs
24 established for or by students to teach skills and strategies
25 developed and designed to change, eliminate or reduce early
26 signs of problematic behavior in students and help students
27 connect with positive peer relationships.

28 "Perpetrator." A student or school employee who engages in
29 bullying or retaliation.

30 "Photograph, image, video or other visual recording." The

1 depiction of a nude, seminude or sexually explicit photograph,
2 image, video or other visual recording of a student or other
3 individual where the student or other individual is identifiable
4 from the photograph, image, video or other visual recording.

5 "Plan." A bullying identification, prevention and
6 intervention plan established under section 4.

7 "Public School Code of 1949." The act of March 10, 1949
8 (P.L.30, No.14), known as the Public School Code of 1949.

9 "Retaliation." An adverse act or action taken against a
10 student or school employee for any of the following:

11 (1) Reporting an act of bullying or retaliation.

12 (2) Supporting a student, a parent or guardian of a
13 student, school employee or any other individual associated
14 with a report of bullying or retaliation.

15 (3) Acting as a witness or otherwise providing
16 information during an investigation of bullying or
17 retaliation.

18 "School." A school entity as defined in section 111.1(n) of
19 the Public School Code of 1949.

20 "School district." As defined in section 102 of the Public
21 School Code of 1949.

22 "School employee." Includes all professional employees,
23 substitutes, temporary professional employees, administrative
24 staff, nonprofessional employees, contractors and other persons
25 employed by or performing a contract for a school.

26 "School grounds." As follows:

27 (1) Property on which a school building or facility is
28 located or property that is owned, leased or used by a school
29 district for a school-sponsored activity, function, program,
30 instruction or training.

(2) The term includes a building, facility or property owned, leased or used by a school.

"School property." As follows:

(1) As defined in section 1301-A of the Public School Code of 1949.

(2) The term includes electronic files and databases of a school.

"Secretary." The Secretary of Education of the Commonwealth.

"Student." As the term "child of school age" is defined in section 1401 of the Public School Code of 1949.

"Victim." A student against whom bullying or retaliation has been perpetrated.

"Webpage." A hyperlink document on the Internet that can incorporate text, graphics, sounds and related files and that is identified by a unique uniform resource locator.

Section 3. Safe Schools Partnership.

(a) Establishment.--The Safe Schools Partnership is established within the Office of Attorney General. The partnership shall be comprised of the following:

(1) The Attorney General, who shall serve as chairperson of the partnership, or a designee.

(2) The secretary or a designee.

(3) A representative of the State Board of Education or a designee.

(4) The Commissioner of Pennsylvania State Police or a designee.

(b) Additional members.--The Attorney General shall collaborate with the secretary to ensure that the partnership includes:

(1) A representative of the Pennsylvania Chiefs of

1 Police Association.

2 (2) A representative of the Pennsylvania District
3 Attorneys Association.

4 (3) One individual who is representative of and
5 appointed by:

6 (i) The Pennsylvania Parent Teacher Association.

7 (ii) The Pennsylvania Association of School
8 Psychologists.

9 (iii) The Pennsylvania Association of School
10 Administrators.

11 (iv) The Pennsylvania School Boards Association.

12 (v) The Pennsylvania School Counselors Association.

13 (vi) The Pennsylvania Principals Association.

14 (vii) The Pennsylvania State Education Association.

15 (viii) The American Federation of Teachers -
16 Pennsylvania.

17 (4) Six students who represent the racial, ethnic,
18 gender and geographic diversity of this Commonwealth.

19 (5) Six parents or guardians of students who represent
20 the racial, ethnic, gender and geographic diversity of this
21 Commonwealth.

22 (c) Ex officio members and designees.--

23 (1) The Secretary of Health, the Secretary of Human
24 Services, the Director of Homeland Security and the Director
25 of the Pennsylvania Emergency Management Agency shall serve
26 as ex officio members of the partnership. Each secretary or
27 director under this section may appoint a designee to
28 represent the respective department, office or agency on the
29 partnership.

30 (2) All individuals appointed to serve as designees

under this section shall be employees of the department,
office or agency making the designation.

(d) Student and parent or guardian members of partnership.--
The Attorney General, in consultation with the secretary, shall
develop procedures for appointing students and parents or
guardians of students to the partnership and any criteria
necessary for a student, parent or guardian to serve on the
partnership. The students and parents and guardians of students
appointed to the partnership under this section shall reflect
the racial, ethnic, gender and geographic diversity of this
Commonwealth.

(e) Duties of partnership.--The duties of the partnership
shall include the following:

(1) Developing a model bullying identification,
prevention and intervention plan to assist schools in
establishing and implementing a school's individual plan. The
following apply:

(i) The model plan shall be consistent with and
address the criteria under section 4.

(ii) Nothing in this paragraph shall preclude a
school from addressing school-specific matters or issues
in the school's plan.

(2) Collaborating with schools, community-based
organizations and public and private sector agencies
concerned with child welfare to develop policies or programs
designed to keep students safe, reduce crime and the fear of
crime and improve behavior in and around a school, cluster of
schools and in the community, and with psychologists and
psychiatrists to develop evidence-based suicide intervention
and prevention programs specifically designed for children.

1 (3) Studying and issuing reports on bullying, drug and
2 alcohol abuse, weapons, violence, including gang violence,
3 and other criminal behaviors that may be present in schools
4 or on school grounds.

5 (4) Studying and determining the adequacy of or the need
6 for zero-tolerance policies in schools and assisting schools
7 with the development of school-specific zero-tolerance
8 policies or, after study, making recommendations for
9 eliminating the policies.

10 (5) Assisting schools in understanding and dealing with
11 students' social, cultural and linguistic differences in
12 school and the community.

13 (6) Sponsoring regional conferences or workshops for
14 schools, agencies concerned with child welfare, community-
15 based organizations and law enforcement agencies to:

16 (i) Review schools' emergency protocols, including
17 protocols governing fire, shelter-in-place, school
18 lockdowns and natural disasters or manmade disasters.

19 (ii) Study and identify best practices and evidence-
20 based programs and techniques that may be used to reduce
21 or prevent bullying and retaliation, school-related
22 crime, gang influence, gang violence, alcohol and
23 substance abuse and child suicide.

24 (7) Compiling lists of bullying prevention and
25 intervention resources, evidence-based curricula, best
26 practices and academic-based research, including resources,
27 curricula, best practices and evidence-based research
28 concerned with suicide intervention and prevention programs
29 for students, which shall be made available to schools. The
30 resources may include:

1 (i) Print, audio, video or digital media.

2 (ii) Subscription-based online services.

3 (iii) On-site or technology-enabled professional
4 development and training sessions.

5 (8) Biennially updating the plan and the information and
6 resources required under paragraph (7) and posting the plan
7 and the information and resources on the department's and
8 partnership's publicly accessible Internet websites.

9 Section 4. Bullying identification, prevention and intervention
10 plan.

11 (a) Development of plan.--Each school shall develop, adhere
12 to and update a plan based on the model plan developed under
13 section 3(e) to address bullying identification, prevention and
14 intervention. The following apply:

15 (1) The plan shall apply to students and school
16 employees as determined by the partnership and may be
17 developed in consultation with schools, school districts,
18 students and parents and guardians of students, community-
19 based organizations, agencies concerned with the welfare of
20 children and law enforcement.

21 (2) The consultation shall include notice and a public
22 comment period.

23 (3) A nonpublic or private school shall only be required
24 to give notice to and provide a comment period for families
25 that have a child attending the nonpublic or private school.

26 (4) The plan shall afford all students in a school
27 district the same protection regardless of their status under
28 law.

29 (5) The plan shall be updated at least biennially.

30 (b) Content of plan.--Each plan shall include the following:

1 (1) Statements prohibiting bullying and retaliation in
2 the school in substantially the following form:

3 "Bullying is prohibited as follows:

4 (1) On school grounds, property immediately
5 adjacent to school grounds, at a school-sponsored or
6 school-related activity, function or program, whether
7 on or off school grounds, at a school bus stop, on a
8 school bus or other vehicle owned, leased or used by
9 a school or the school district and through the use
10 of technology or an electronic device owned, leased,
11 operated or used by a school.

12 (2) At a location, activity, function or program
13 that is not school-related, or through the use of a
14 digital device or other technology that is not owned,
15 leased, operated or used by a school, if the bullying
16 or retaliation creates a hostile environment at a
17 school for the victim, school employee or other
18 student or individual, infringes on the rights of the
19 victim, school employee or other student or
20 individual at a school or materially and
21 substantially creates a hostile school environment.
22 Retaliation is prohibited as follows:

23 Retaliation or any attempt to retaliate against a
24 student, school employee or other individual who
25 reports bullying, provides information during an
26 investigation of bullying or witnesses or has
27 reliable information about bullying is prohibited."

28 (2) A clear and concise procedure for a student, a
29 parent or guardian of a student, a school employee or other
30 individual to report bullying or retaliation, including for

1 anonymous reporting of bullying or retaliation. No formal
2 response may be taken solely on the basis of an anonymous
3 report.

4 (3) A procedure for prompt investigation of reports of
5 bullying or retaliation or of reports of violations of the
6 prohibition against bullying or retaliation, including the
7 name and contact information of the designated school
8 employee responsible for investigating reports.

9 (4) An appeal process for a victim or a perpetrator of
10 bullying or retaliation who is not satisfied with the outcome
11 of an initial investigation.

12 (5) Descriptions of bullying, including cyber sexual
13 bullying, harassment and stalking.

14 (6) Procedures for collecting, maintaining and reporting
15 bullying incident data in accordance with section 5(d).

16 (7) Clear guidelines governing the roles and
17 responsibilities of mental health professionals, community
18 intervention professionals, school counselors, school
19 resource officers and police officers on school grounds, if a
20 school district employs those resources. The guidelines may
21 include primary strategies to create and maintain a positive
22 school climate, promote school safety, increase student
23 achievement and prioritize mental health and intervention
24 services, restorative and transformative justice programs and
25 positive behavior intervention and support for students.

26 (8) The name and contact information of the principal or
27 the designated school employee authorized to receive reports
28 of bullying or retaliation by the school.

29 (9) A provision that reports of bullying or retaliation
30 may be made anonymously, in person or through the use of a

1 secure link on the school's Internet website that is only
2 accessible to students and parents or guardians of students.
3 No disciplinary action may be taken against an alleged
4 perpetrator or school employee based solely on an anonymous
5 report.

6 (10) Clear and concise procedures for promptly
7 receiving, responding to and investigating reports of
8 bullying or retaliation.

9 (11) The range of disciplinary actions that may be taken
10 against a perpetrator for a verified act of bullying or
11 retaliation. Disciplinary actions may be devised in a manner
12 that balances the need for accountability with the need to
13 teach appropriate behavior.

14 (12) Clear and concise procedures for restoring a sense
15 of safety for a victim and assessing the victim's needs for
16 protection, including the use of the peer group approach to
17 work with the victim and the perpetrator, when deemed
18 appropriate, and assist with the development of bullying
19 identification, intervention and prevention strategies.

20 (13) Strategies for protecting a student, school
21 employee or other individual who reports bullying or
22 retaliation, who provides information during an investigation
23 of bullying or retaliation or who witnesses or has reliable
24 information about an act of bullying or retaliation.

25 (14) As follows:

26 (i) Procedures for promptly notifying the parents or
27 guardians of the victim and the perpetrator in accordance
28 with section 5. The parents or guardians of a victim
29 shall also be notified of the action taken, or to be
30 taken, to prevent any further acts of bullying or

1 retaliation. The procedures for notification of a parent
2 or guardian shall include provisions which shall
3 disclose:

4 (A) The nature of the activity that resulted in
5 harm to the victim.

6 (B) The harm to the victim.

7 (C) The steps taken to protect the victim's
8 safety, including the nature of any disciplinary
9 measures taken, or that may be taken, in response to
10 the activity.

11 (D) The supports that will be provided for the
12 victim in response to the harm that resulted from the
13 activity.

14 (ii) A provision that a principal or designated
15 school employee shall not notify a parent or guardian of
16 a student under subparagraph (i) if, in the opinion of
17 the principal or designated school employee, there is
18 reason to believe that notification would put the student
19 at risk of harm from a parent or guardian of the student
20 and the notification would not be in the student's best
21 interest.

22 (iii) A provision that a principal or designated
23 school employee shall not disclose the name of or any
24 other identifying or personal information about the
25 perpetrator unless the disclosure is necessary to
26 facilitate compliance with subparagraph (i).

27 (15) Procedures for notifying law enforcement when an
28 act of bullying or retaliation is unlawful and criminal
29 charges may be warranted against the perpetrator and that
30 notification of law enforcement shall be made by the

1 principal or other designated school employee.

2 (16) A strategy and guidelines to govern notification to
3 social media providers of acts of bullying or retaliation
4 which occur on a social media provider's social media
5 platform. The guidelines may include the following:

6 (i) A requirement that social media notification may
7 only be made by the principal or law enforcement when
8 appropriate.

9 (ii) Uniform criteria and procedures for requesting
10 a social media provider to deactivate or suspend a
11 perpetrator's social media account, which shall be
12 developed in consultation with law enforcement.

13 (iii) Specific circumstances under which a school or
14 law enforcement may request from a social media provider
15 messages, text messages or other such communications
16 directed at a victim from a perpetrator's social media
17 account.

18 (17) A provision that a student who knowingly makes a
19 false accusation of bullying or retaliation shall be subject
20 to disciplinary action or, if determined appropriate,
21 referred to law enforcement.

22 (18) A strategy for providing counseling or referral to
23 appropriate services, including mental health services, for
24 victims and perpetrators and, if deemed appropriate, for
25 other students and family members of victims or perpetrators.

26 (19) Procedures for students, parents or guardians of
27 students or other individuals to report incidents of bullying
28 or retaliation involving a school employee directly to the
29 principal.

30 (c) Equal protection.--The plan shall afford all students

1 the same protection regardless of their status under the law.

2 (d) Recognition of children with exceptionalities.--Each
3 plan shall:

4 (1) Recognize that certain children with
5 exceptionalities may be more vulnerable to becoming a target
6 of bullying or retaliation based on actual or perceived
7 differentiating characteristics.

8 (2) Include the specific steps that each school must
9 take to support children with exceptionalities and to provide
10 all students with the skills, knowledge and strategies needed
11 to prevent or respond to bullying or retaliation. The
12 following apply:

13 (i) A school may establish separate discrimination
14 or harassment policies that include additional categories
15 of students.

16 (ii) Nothing in this section shall alter the
17 obligations of a school to remediate discrimination or
18 harassment based on a person's membership in a legally
19 protected category under Federal, State or local law.

20 (e) Professional development.--The following apply:

21 (1) The plan developed by or for a school shall include
22 a provision for ongoing professional development to build the
23 skills of all school employees to prevent, identify and
24 respond to bullying or retaliation. The content of the
25 professional development shall include:

26 (i) Developmentally appropriate strategies to
27 prevent incidents of bullying and retaliation.

28 (ii) Developmentally appropriate strategies for
29 immediate, effective identification of and interventions
30 to stop bullying incidents.

1 (iii) Information regarding the complex interaction
2 and power differential that can take place between and
3 among a victim, perpetrator and witnesses to bullying or
4 retaliation.

5 (iv) Research findings on bullying that contain
6 information about students, including children with
7 exceptionalities, who have been shown to be particularly
8 at risk for bullying or retaliation in the school
9 environment.

10 (v) Information on the incidence and nature of
11 cyberbullying, including cyber sexual bullying.

12 (vi) Internet safety issues related to cyberbullying
13 and cyber sexual bullying over the Internet, including on
14 social media platforms and through the use of a mobile
15 application.

16 (vii) Annual training of school employees on the
17 content of the plan.

18 (2) The department shall identify and offer information
19 on alternative methods for fulfilling the professional
20 development requirements of this subsection. At least one of
21 the alternative methods shall be available at no cost to
22 schools.

23 (f) Plan implementation.--The principal of each school in a
24 school district shall be responsible for the implementation and
25 oversight of the plan.

26 Section 5. Duties of schools.

27 (a) Bullying curriculum.--Notwithstanding any provision of
28 the Public School Code of 1949, beginning with the 2024-2025
29 school year and each school year thereafter, each school shall
30 provide mandatory age-appropriate instruction in bullying and

1 retaliation identification, prevention and intervention to each
2 student in kindergarten through grade 12, which shall be
3 incorporated into the health curriculum, or another appropriate
4 curriculum, of the school. The curriculum shall be evidence-
5 based.

6 (b) Parental notification of curriculum.--

7 (1) Each school shall notify parents or guardians of
8 students of the school's bullying curriculum at the beginning
9 of each school year and on a periodic basis throughout the
10 school year. The notice shall include:

11 (i) Systematic procedures or techniques parents and
12 guardians may use to reinforce the curriculum at home and
13 in the community to support the plan.

14 (ii) The dynamics of bullying and retaliation.

15 (iii) Information on Internet safety, including
16 social media, cyberbullying and mobile applications
17 software.

18 (iv) A description of the school's bullying plan,
19 including a summary of the notification requirements
20 under section 4(b)(14) and the name and contact
21 information of the principal and designated school
22 employee.

23 (2) A school may fulfill the periodic parental
24 notification required under paragraph (1) through the use of
25 a link on the school's publicly accessible Internet website
26 that is dedicated to the school's bullying identification,
27 prevention and intervention efforts. The parents and
28 guardians of students shall be notified periodically during
29 the school year of the link on the school's publicly
30 accessible Internet website.

1 (c) Notice of plan provisions.--

2 (1) Each school shall:

3 (i) Provide written notice to students and parents
4 or guardians of the students specifying the student-
5 related provisions of the plan. Written notice of the
6 student-related provisions shall be provided on an annual
7 basis and shall be written in age-appropriate terms and
8 in languages which are most prevalent among the students
9 and parents or guardians.

10 (ii) Annually provide written notice of the plan to
11 all school employees.

12 (2) The provisions of the plan relating to the duties of
13 school employees shall be included in the school district or
14 school employee handbook.

15 (3) Post the plan, including all updates or supplements
16 to the plan, on the school's publicly accessible Internet
17 website.

18 (d) Data collection and reports.--

19 (1) Each school shall collect and maintain bullying and
20 retaliation incident data and shall annually report the data
21 to the department in a form and manner and at a time
22 established by the department, in consultation with the
23 partnership. The data shall include:

24 (i) The number of reported allegations of bullying
25 or retaliation.

26 (ii) The number and nature of substantiated
27 incidents of bullying or retaliation, including the
28 number and nature of incidents of bullying or retaliation
29 made through social media platforms, including data on
30 the number and nature of contacts made by the school or

1 law enforcement to social media providers.

2 (iii) The number of students disciplined for
3 engaging in bullying or retaliation.

4 (iv) The number of reports of bullying or
5 retaliation made to law enforcement.

6 (v) Other information recommended by the
7 partnership.

8 (2) To minimize the cost of the data reporting
9 requirements under paragraph (1), the department may:

10 (i) Use existing data collection and reporting
11 mechanisms to collect the information.

12 (ii) Provide an electronic means for schools to
13 report bullying or retaliation incident data through a
14 secure link on the department's publicly accessible
15 Internet website.

16 (3) The department shall analyze the bullying incident
17 data and shall publish an annual report containing aggregate
18 Statewide information on the frequency and nature of bullying
19 and retaliation in schools. The report shall be published in
20 the Pennsylvania Bulletin and made available to the public on
21 the department's publicly accessible Internet website.

22 Section 6. Reports and investigations.

23 (a) Reports.--The following apply:

24 (1) A student who is the target of an act of bullying or
25 retaliation or a student who witnesses or becomes aware of an
26 act of bullying or retaliation shall immediately report the
27 act to the principal or the designated school employee.

28 (2) A school employee who receives a report of bullying
29 or retaliation from a student, who witnesses an act of
30 bullying or retaliation or who becomes aware of an alleged

1 act of bullying or retaliation shall immediately make a
2 report of the act or alleged act to the principal or the
3 designated school employee identified in the plan to receive
4 the reports.

5 (b) Investigation.--Upon receipt of a report under
6 subsection (a), the principal or designated school employee
7 shall promptly conduct an investigation. If the results of the
8 investigation find that an act of bullying or retaliation has
9 occurred, the principal or designated school employee shall:

10 (1) Notify the parents or guardians of the perpetrator.

11 (2) Notify the parents or guardians of the victim and,
12 to the extent consistent with Federal and State law, notify
13 the parents or guardians of the action taken, or to be taken,
14 to prevent further acts of bullying or retaliation.

15 (3) Take appropriate disciplinary action.

16 (4) Notify the local law enforcement agency if the
17 principal or designated school employee believes that
18 criminal charges may be pursued against the perpetrator.

19 (c) Incidents involving more than one school.--If an
20 incident of bullying or retaliation involves students from more
21 than one school, the school first informed of the bullying or
22 retaliation shall, consistent with Federal and State law,
23 promptly notify the appropriate administrator of the other
24 school so that both schools may take appropriate action,
25 including initiating a joint investigation.

26 (d) Former students.--If an act of bullying or retaliation
27 occurs on school grounds and involves a student who is no longer
28 enrolled in a school in the school district, the school informed
29 of the bullying or retaliation shall contact law enforcement.

30 (e) School employees.--Notwithstanding section 4(b)(8), a

1 student or a parent or guardian of a student shall report an
2 alleged incident of bullying or retaliation involving a school
3 employee directly to the principal of the school.

4 (f) Secondary investigation.--

5 (1) A student or the parents or guardians of a student
6 who is not satisfied with the outcome of an investigation
7 conducted under subsection (b) may request a secondary
8 investigation by submitting a written request to the
9 principal within 30 days of the conclusion of the
10 investigation. The secondary investigation shall be initiated
11 and completed within 30 days of receipt of the written
12 request, unless:

13 (i) Circumstances require additional time to
14 complete a thorough investigation.

15 (ii) The principal provides a written explanation of
16 the circumstances identified under this paragraph to the
17 student or the parents or guardians of the student making
18 the request for a secondary investigation.

19 (iii) The additional time for conducting a secondary
20 investigation does not exceed 15 days.

21 (2) If a secondary investigation finds that an act of
22 bullying or retaliation occurred, the principal shall inform
23 the student and the parents or guardians of the student of
24 the findings and actions the school will institute to address
25 the findings of the investigation.

26 (g) Construction.--Nothing in this section shall be
27 construed to supersede or replace existing rights or remedies
28 under other provisions of law or regulation or to create a
29 private right of action.

30 Section 7. Duties of department.

1 (a) Investigations.--The department may investigate certain
2 incidents of bullying or retaliation. If, upon completion of an
3 investigation by the department, a school is found to not have
4 properly implemented the school's plan, the department may
5 require that school to properly implement the plan or take other
6 actions to address the findings of the department's
7 investigation.

8 (b) Surveys.--

9 (1) The department shall develop a student survey to
10 assess school climate and the prevalence, nature and severity
11 of bullying and retaliation in schools. The survey shall be
12 administered by each school at least once every four years.
13 The survey shall be designed to protect student privacy and
14 allow for anonymous participation by students.

15 (2) The principal or the designated school employee
16 identified in the plan as responsible for receiving reports
17 of bullying or retaliation shall verify the completion of the
18 student surveys. All completed surveys shall be forwarded to
19 the department.

20 (3) The department shall use the survey results to help
21 assess the effectiveness of a school's bullying prevention
22 curricula and instruction developed and administered under
23 this act.

24 (4) The department shall collect and analyze the student
25 survey data to:

26 (i) Compare the survey results with the bullying
27 incident data reported under section 5(d).

28 (ii) Identify long-term trends and areas in need of
29 improvement.

30 (iii) Monitor bullying identification, prevention

1 and intervention efforts in schools over time.

2 (5) The department shall make the department's findings
3 available to the partnership and to schools, and post the
4 findings on the department's publicly accessible Internet
5 website.

6 Section 8. Guidelines.

7 The Attorney General and the secretary, in consultation with
8 the members of the partnership under section 3(a)(1), shall
9 promulgate guidelines to administer and enforce the provisions
10 of this act. The Attorney General and the secretary shall seek
11 advice from the ex officio members appointed under section 3(c)
12 to develop the guidelines.

13 Section 9. Effective date.

14 This act shall take effect immediately.