
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1025 Session of
2023

INTRODUCED BY FRANKEL, N. NELSON, McNEILL, HANBIDGE, KAZEEM,
PISCIOTTANO, PIELLI, BRIGGS, MADDEN, SANCHEZ, SCHLOSSBERG,
GUENST, HOHENSTEIN, DELLOSO, HILL-EVANS, HARKINS, FLEMING,
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ISAACSON, SCOTT, GIRAL, GALLAGHER, BENHAM, TAKAC, T. DAVIS
AND SMITH-WADE-EL, APRIL 25, 2023

REFERRED TO COMMITTEE ON EDUCATION, APRIL 25, 2023

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 Safe2Say Program, further
6 providing for definitions and for Safe2Say Program; in
7 postsecondary institution sexual harassment and sexual
8 violence policy and online reporting system, further
9 providing for definitions, for policy for postsecondary
10 institution sexual harassment and sexual violence and for
11 online reporting system; and making an editorial change.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 1302-D of the act of March 10, 1949
15 (P.L.30, No.14), known as the Public School Code of 1949, is
16 amended by adding a definition to read:

17 Section 1302-D. Definitions.

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

1 * * *

2 "Hate-based intimidation." A criminal act of inflicting
3 physical injury on another individual, harm to property or other
4 type of injury, which is motivated by hatred toward the actual
5 or perceived race, color, religion, national origin, ancestry,
6 sex, gender, gender identity, gender expression, sexual
7 orientation or disability of another individual or group of
8 individuals with which the other individual is associated.

9 * * *

10 Section 2. Section 1303-D(c) (1) and (2) and (d) of the act
11 are amended and subsection (c) is amended by adding a paragraph
12 to read:

13 Section 1303-D. Safe2Say Program.

14 * * *

15 (c) Program requirements.--Beginning January 14, 2019, the
16 program shall be responsible for the following:

17 (1) To ensure anonymous reporting concerning unsafe,
18 potentially harmful, dangerous, violent [or] and criminal
19 activities, including, but not limited to, the reporting of
20 hate-based intimidation, in a school entity or the threat of
21 the activities in a school entity.

22 (2) To establish protocols and procedures to promptly
23 notify the appropriate law enforcement agency via 911 centers
24 and the Pennsylvania State Police when the program receives
25 an anonymous report of violent [or] and criminal activities,
26 including an anonymous report of hate-based intimidation, in
27 a school entity that poses an immediate threat of violence or
28 criminal activity and creates a substantial risk of serious
29 bodily injury.

30 * * *

1 (11) To train and provide instruction to employees of
2 school entities on how to recognize and report hate-based
3 intimidation.

4 (d) School entity.--Each school entity shall:

5 (1) develop procedures for assessing and responding to
6 reports received from the program[.]; and

7 (2) require each school in the school entity to
8 incorporate into periodic in-service training sessions
9 appropriate instruction in recognizing and reporting conduct,
10 including hate-based intimidation, that poses an immediate
11 threat of violence and creates a substantial risk of serious
12 bodily injury to any person.

13 Section 3. Article XX-J heading of the act is amended to
14 read:

15 ARTICLE XX-J

16 POSTSECONDARY INSTITUTION SEXUAL HARASSMENT [AND], SEXUAL
17 VIOLENCE AND HATE-BASED INTIMIDATION POLICY AND
18 ONLINE REPORTING SYSTEM

19 Section 4. Section 2001-J of the act is amended by adding a
20 definition to read:

21 Section 2001-J. 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 "Hate-based intimidation." A criminal act of inflicting
26 physical injury on another individual, harm to property or other
27 type of injury, which is motivated by hatred toward the actual
28 or perceived race, color, religion, national origin, ancestry,
29 sex, gender, gender identity, gender expression, sexual
30 orientation or disability of another individual or group of

1 individuals with which the other individual is associated.

2 * * *

3 Section 5. Sections 2002-J and 2003-J of the act are amended
4 to read:

5 Section 2002-J. Policy for postsecondary institution sexual
6 harassment [and], sexual violence and hate-based
7 intimidation.

8 (a) Adoption.--A postsecondary institution shall adopt a
9 clear, understandable written policy on sexual harassment [and],
10 sexual violence and hate-based intimidation that informs victims
11 and students of their rights under Federal and State law,
12 including the crime victims bill of rights. No later than June
13 30, 2023, a postsecondary institution shall amend its current
14 policy on sexual harassment and sexual violence to include
15 provisions to govern hate-based intimidation.

16 (b) Report.--

17 (1) The sexual harassment [and], sexual violence and
18 hate-based intimidation policy under subsection (a) shall
19 include a provision that a witness or victim of an incident
20 of sexual harassment [or], sexual violence or hate-based
21 intimidation who reports the incident in good faith will not
22 be sanctioned by the institution for admitting in the report
23 to a violation of the institution's student conduct policy on
24 the personal use of drugs or alcohol.

25 (2) Nothing in this article may be construed to prohibit
26 a postsecondary institution from including a provision in its
27 sexual harassment, sexual violence and hate-based
28 intimidation policy to govern the receipt of reports from the
29 general public, provided that the public reports involve a
30 student of the postsecondary institution.

1 (c) Model policy.--The Department of Education shall develop
2 a model policy and make the model policy available to
3 postsecondary institutions. A postsecondary institution may
4 adopt the model policy as the policy of the institution on
5 sexual harassment [and], sexual violence and hate-based
6 intimidation.

7 Section 2003-J. Online reporting system.

8 (a) Establishment of online reporting system.--A
9 postsecondary institution shall establish and maintain an online
10 reporting system to receive complaints of sexual harassment
11 [and], sexual violence and hate-based intimidation from students
12 and employees. A report shall be investigated through the
13 process established in the postsecondary institution's sexual
14 harassment [and], sexual violence and hate-based intimidation
15 policy. A postsecondary institution may not fail or refuse to
16 investigate an anonymous report because it is anonymous.

17 (b) Anonymous reports.--The online reporting system shall
18 permit anonymous reports, which shall be investigated in
19 accordance with subsection (a).

20 (c) Required information.--A postsecondary institution shall
21 provide students and employees making reports under this section
22 with the following:

23 (1) Information regarding who will receive and have
24 access to the reports filed.

25 (2) How information gathered through the online
26 reporting system will be used.

27 (3) Contact information for on-campus and off-campus
28 organizations serving victims of sexual harassment [and],
29 sexual violence and hate-based intimidation.

30 (d) Statement.--The online reporting system shall

1 prominently post the online system's policy regarding reports
2 and investigations of sexual harassment [and], sexual violence
3 and hate-based intimidation and shall encourage individuals to
4 review the policy for more information about procedures and
5 resources.

6 (e) Access to data.--A postsecondary institution shall limit
7 access to the data collected, created or maintained under
8 subsection (a) to only the data subject and as follows:

9 (1) Only individuals with explicit authorization from a
10 postsecondary institution may enter, update, access, share or
11 disseminate electronic data related to an incident of sexual
12 harassment [or], sexual violence and hate-based intimidation
13 collected, created or maintained under this section.

14 (2) The ability of an authorized individual to enter,
15 update, access, share or disseminate data must be limited
16 through the use of role-based access that corresponds to the
17 official duties or training level of the individual and the
18 institutional authorization that grants access for that
19 purpose.

20 (3) Actions in which the data related to an incident of
21 sexual harassment [or], sexual violence or hate-based
22 intimidation are entered, updated, accessed, shared or
23 disseminated outside the postsecondary institution must be
24 recorded in a data audit trail.

25 (4) An institution shall immediately and permanently
26 revoke the authorization of an individual determined to have
27 willfully entered, updated, accessed, shared or disseminated
28 data in violation of this section.

29 (5) An institution or individual implementing, operating
30 or working for the program may not be compelled to produce a

1 record except pursuant to a court order.

2 Section 6. This act shall take effect immediately.