
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 650 Session of
2023

INTRODUCED BY COSTA, HUGHES, COLLETT, BREWSTER, SCHWANK,
SANTARSIERO, KANE, FONTANA, KEARNEY, COMMITTA, MUTH, STREET
AND CAPPELLETTI, MAY 2, 2023

REFERRED TO EDUCATION, MAY 2, 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:

21 * * *

22 "Hate-based intimidation." A criminal act of inflicting

1 physical injury on another individual, harm to property or other
2 type of injury, which is motivated by hatred toward the actual
3 or perceived race, color, religion, national origin, ancestry,
4 sex, gender, gender identity, gender expression, sexual
5 orientation or disability of another individual or group of
6 individuals with which the other individual is associated.

7 * * *

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

11 Section 1303-D. Safe2Say Program.

12 * * *

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

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

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

28 * * *

29 (11) To train and provide instruction to employees of
30 school entities on how to recognize and report hate-based

1 intimidation.

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

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

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

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

13 ARTICLE XX-J

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

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

19 Section 2001-J. Definitions.

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

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

30 * * *

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

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

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

14 (b) Report.--

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

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

29 (c) Model policy.--The Department of Education shall develop
30 a model policy and make the model policy available to

1 postsecondary institutions. A postsecondary institution may
2 adopt the model policy as the policy of the institution on
3 sexual harassment [and], sexual violence and hate-based
4 intimidation.

5 Section 2003-J. Online reporting system.

6 (a) Establishment of online reporting system.--A

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

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

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

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

23 (2) How information gathered through the online
24 reporting system will be used.

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

28 (d) Statement.--The online reporting system shall
29 prominently post the online system's policy regarding reports
30 and investigations of sexual harassment [and], sexual violence

1 and hate-based intimidation and shall encourage individuals to
2 review the policy for more information about procedures and
3 resources.

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

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

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

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

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

27 (5) An institution or individual implementing, operating
28 or working for the program may not be compelled to produce a
29 record except pursuant to a court order.

30 Section 6. This act shall take effect immediately.