
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1936 Session of
2019

INTRODUCED BY BURNS, ROTHMAN, McCLINTON, HILL-EVANS, READSHAW,
CALTAGIRONE, HOWARD, DeLUCA, FRANKEL AND ROEBUCK,
OCTOBER 15, 2019

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 15, 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 safe schools, further providing
6 for definitions and for policy relating to bullying and
7 providing for parental responsibility in bullying.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 1301-A of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, is
12 amended by adding definitions to read:

13 Section 1301-A. Definitions.--As used in this article,

14 "Bullying" shall mean the following:

15 (1) An intentional electronic, written, verbal or physical
16 act, or a series of acts by a student directed at another
17 student or students that:

18 (i) Is reasonably perceived as being motivated by an actual
19 or perceived characteristic, such as:

20 (A) race, color, religion, ancestry, national origin,

1 gender, sexual orientation, gender identity and expression;

2 (B) a mental, physical or sensory disability; or

3 (C) any other distinguishing characteristic.

4 (ii) Satisfies the following conditions:

5 (A) Occurs in a school setting.

6 (B) Is severe, persistent or pervasive.

7 (C) Has the effect of doing any of the following:

8 (I) substantially interferes with a student's education;

9 (II) creates a threatening environment; or

10 (III) substantially disrupts the orderly operation of the
11 school.

12 (2) Retaliation against a student or school employe by
13 another student or school employe for asserting or alleging an
14 act of bullying.

15 * * *

16 "School setting" shall mean a school, on school grounds, in a
17 school vehicle, at a designated bus stop or at an activity
18 sponsored, supervised or sanctioned by a school.

19 * * *

20 Section 2. Section 1303.1-A(a), (b), (d) and (e) of the act
21 are amended to read:

22 Section 1303.1-A. Policy Relating to Bullying.--(a) No
23 later than January 1, 2009, each school entity shall adopt a
24 policy or amend its existing policy relating to bullying and
25 incorporate the policy into the school entity's code of student
26 conduct required under 22 Pa. Code § 12.3(c) (relating to school
27 rules). The policy shall [delineate]:

28 (1) Delineate disciplinary consequences for bullying and may
29 provide for prevention, intervention and education programs,
30 provided that no school entity shall be required to establish a

1 new policy under this section if one currently exists and
2 reasonably fulfills the requirements of this section. [The
3 policy shall identify]

4 (2) Identify the appropriate school staff person to receive
5 reports of incidents of alleged bullying.

6 (3) Discuss the role of parents and guardians in preventing
7 bullying and bullying remediation and the penalties under this
8 section.

9 (b) Each school entity shall make the policy available on
10 its publicly accessible Internet website, if available, and in
11 every classroom. Each school entity shall post the policy at a
12 prominent location within each school building where such
13 notices are usually posted. Each school entity shall ensure that
14 the policy and procedures for reporting bullying incidents are
15 reviewed with students within ninety (90) days after their
16 adoption and thereafter at least once each school year. Each
17 school entity shall provide a copy of the policy annually to all
18 parents and guardians, including the parental responsibility and
19 potential penalties established under section 1303.2-A.

20 * * *

21 (d) In its policy relating to bullying adopted or maintained
22 under subsection (a), a school entity shall not be prohibited
23 from defining bullying in such a way as to encompass acts that
24 occur outside a school setting if those acts meet the
25 requirements contained in [subsection (e) (1), (3) and (4).]
26 paragraph (1)(ii)(B) or (C) or (2) of the definition of
27 "bullying" in section 1301-A. If a school entity reports acts of
28 bullying to the office in accordance with section 1303-A(b), it
29 shall report all incidents that qualify as bullying under the
30 entity's adopted definition of that term.

1 [(e) For purposes of this article, "bullying" shall mean an
2 intentional electronic, written, verbal or physical act, or a
3 series of acts:

4 (1) directed at another student or students;

5 (2) which occurs in a school setting;

6 (3) that is severe, persistent or pervasive; and

7 (4) that has the effect of doing any of the following:

8 (i) substantially interfering with a student's education;

9 (ii) creating a threatening environment; or

10 (iii) substantially disrupting the orderly operation of the
11 school; and

12 "school setting" shall mean in the school, on school grounds,
13 in school vehicles, at a designated bus stop or at any activity
14 sponsored, supervised or sanctioned by the school.]

15 Section 3. The act is amended by adding a section to read:

16 Section 1303.2-A. Parental Responsibility in Bullying.--(a)

17 (1) Upon receipt of a report or claim of bullying or cyber
18 harassment, the school principal or a designee shall conduct an
19 investigation within five (5) school days. If the principal or a
20 designee determines that bullying or cyber harassment has
21 occurred, the principal or a designee shall:

22 (i) Notify the parents or guardians of the student who
23 committed the bullying or cyber harassment and the parents or
24 guardians of the student against whom such acts were directed.

25 (ii) Outline the actions taken by the school entity to
26 remedy the situation.

27 (2) Nothing in this subsection shall be construed as
28 prohibiting a school principal or designee from reporting an
29 incident to the appropriate law enforcement agency.

30 (b) (1) Upon a second verified act of bullying or cyber

1 harassment by a student against any other student, committed
2 within the same academic year, the parents or guardians of all
3 students involved shall be notified and invited by advanced
4 written notice to attend a bullying resolution conference with
5 the applicable school personnel. The students shall attend the
6 conference.

7 (2) The conference shall occur even if the parents or
8 guardians decline to participate or fail to attend.

9 (3) The outcome of the conference shall be documented in a
10 written bullying action plan and shall detail the actions that
11 will be taken by the student, the parents or guardians and
12 school personnel. The office shall develop a form to be used for
13 the written plan and each school shall use a form substantially
14 similar to the form developed by the office.

15 (4) The parents or guardians of the student who committed
16 the bullying or cyber harassment shall attend at least one
17 instructional course, offered by the school entity, to educate
18 parents on the definitions of bullying and cyber harassment,
19 prevention strategies, ways to talk to children about bullying
20 and evidence-based methods for resolving its underlying causes.

21 (5) The instructional course under paragraph (4) shall be
22 offered at no cost to parents or guardians except in the
23 following circumstances:

24 (i) the parents or guardians fail to attend the bullying
25 resolution conference under paragraph (1); or

26 (ii) the parents or guardians fail to attend the
27 instructional course on bullying or cyber harassment under
28 paragraph (4).

29 (6) If parents or guardians fail to attend the bullying
30 resolution conference under paragraph (1), the instructional

1 course under paragraph (4), or both, the school entity shall
2 charge the parents or guardians a fee equal to the share of the
3 cost of the bullying resolution conference, the instructional
4 course, or both.

5 (7) The student who committed the bullying or cyber
6 harassment shall participate in an age-appropriate antibullying
7 class or workshop designed to educate the student on the impacts
8 of bullying and cyber harassment, address the root causes of
9 bullying and cyber harassment and provide constructive conflict
10 resolution strategies and coping mechanisms.

11 (8) Upon a third or subsequent verified act of bullying or
12 cyber harassment by a student, against any other student,
13 committed within the same academic year, the school entity shall
14 notify the parents or guardians of all students involved and
15 shall file a citation with the appropriate magisterial district
16 judge against the parents or guardians who reside in the same
17 household as the child or who were named in the bullying action
18 plan.

19 (9) Nothing in this subsection shall be construed to require
20 a student, parent or guardian to attend a conference conducted
21 under this subsection.

22 (c) (1) The venue for filing a citation under subsection
23 (b)(8) shall be based on the location of the school in which the
24 child is enrolled. The magisterial district judge shall provide
25 written notice of the citation hearing to the school, the
26 parents or guardians and the student.

27 (2) At the citation hearing, the school has the burden to
28 prove beyond a reasonable doubt that the student repeatedly
29 engaged in bullying or cyber harassment.

30 (3) It shall be an affirmative defense to a citation filed

1 under this section against a parent or guardian that the parent
2 or guardian took every reasonable step to carry out the bullying
3 action plan and to stop the bullying or harassing behavior. An
4 affirmative defense must be proven by a preponderance of the
5 evidence.

6 (4) Before entering a decision, the magisterial district
7 judge shall permit the school, parent or guardian, or the
8 student to present relevant information that will assist the
9 magisterial district judge in making an informed decision
10 regarding the appropriate sentence.

11 (5) The magisterial district judge shall determine whether
12 the evidence has established that a parent or guardian has met
13 their obligation under the school's bullying policy and any
14 written bullying action plan.

15 (d) A parent or guardian found in violation of this section
16 may be sentenced to:

17 (1) Community service benefiting the school at which the
18 child is enrolled.

19 (2) Pay a fine to the school entity in an amount not
20 exceeding \$500 together with court costs, except that, in the
21 case of a second and subsequent offense, the fine may not exceed
22 \$750 together with court costs. The fine shall be used by the
23 school district for the purpose of developing and conducting an
24 instructional course on bullying and cyber harassment under
25 subsection (b) (4).

26 (3) Upon failure of a parent or guardian to satisfy a
27 penalty imposed under this subsection, the parent or guardian
28 may be found in contempt of court and, upon conviction, may be
29 sentenced to up to three (3) days in the county correctional
30 facility. The court shall make the determination based on the

1 specific finding that the parents or guardians had a reasonable
2 ability to comply with the penalty imposed and that
3 noncompliance was wilful.

4 (e) For the purposes of this section, the following words
5 and phrases shall have the meanings given to them in this
6 subsection unless the context clearly indicates otherwise:

7 "Cyber harassment" shall mean activity that constitutes an
8 offense under 18 Pa.C.S. § 2709(a.1) (relating to harassment).

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