

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 44 Session of 2013

INTRODUCED BY D. COSTA, SCHLOSSBERG, NEILSON, HARHAI, STURLA, CONKLIN, MUNDY, RAVENSTAHL, O'BRIEN, BARRAR, FRANKEL, FABRIZIO, KORTZ, V. BROWN, O'NEILL, WHITE, ROEBUCK, BRADFORD, HESS, MCCARTER, MCGEEHAN, THOMAS, READSHAW, FARINA AND CALTAGIRONE, JANUARY 9, 2013

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 9, 2013

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," providing for the definition of
 6 "nonpublic school"; and further providing for policy relating
 7 to bullying.

8 The General Assembly of the Commonwealth of Pennsylvania hereby
 9 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 a definition to read:

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

14 * * *

15 "Nonpublic school" shall mean any school, other than a public
 16 school within the Commonwealth of Pennsylvania, wherein a
 17 resident of this Commonwealth may legally fulfill the compulsory
 18 school attendance requirements of this act.

19 * * *

1 Section 2. Section 1303.1-A of the act, added July 9, 2008
2 (P.L.846, No.61), is amended to read:

3 Section 1303.1-A. Policy Relating to Bullying.--(a) No
4 later than January 1, 2009, each school entity shall adopt a
5 policy or amend its existing policy relating to bullying and
6 incorporate the policy into the school entity's code of student
7 conduct required under 22 Pa. Code § 12.3(c) (relating to school
8 rules). No later than January 1, 2014, each nonpublic school
9 shall adopt a policy or amend its existing policy relating to
10 bullying and make this policy available to students and the
11 public pursuant to subsection (b). The policy shall delineate
12 disciplinary consequences for bullying and may provide for
13 prevention, intervention and education programs, provided that
14 no school entity or nonpublic school shall be required to
15 establish a new policy under this section if one currently
16 exists and reasonably fulfills the requirements of this section.
17 The policy shall identify the appropriate school staff person to
18 receive reports of incidents of alleged bullying.

19 (b) Each school entity and nonpublic school shall make the
20 policy available on its publicly accessible Internet website, if
21 available, and in every classroom. Each school entity and
22 nonpublic school shall post the policy at a prominent location
23 within each school building where such notices are usually
24 posted. Each school entity and nonpublic school shall ensure
25 that the policy and procedures for reporting bullying incidents
26 are reviewed with students within ninety (90) days after their
27 adoption and thereafter at least once each school year.

28 (c) Each school entity and nonpublic school shall review its
29 policy every three (3) years and annually provide the office
30 with a copy of its policy relating to bullying, including

1 information related to the development and implementation of any
2 bullying prevention, intervention and education programs. [The]
3 For school entities, the information required under this
4 subsection shall be attached to or made part of the annual
5 report required under section 1303-A(b).

6 (d) In its policy relating to bullying adopted or maintained
7 under subsection (a), a school entity or nonpublic school shall
8 not be prohibited from defining bullying in such a way as to
9 encompass acts that occur outside a school setting if those acts
10 meet the requirements contained in subsection (e) (1), (3) and
11 (4). If a school entity reports acts of bullying to the office
12 in accordance with section 1303-A(b), it shall report all
13 incidents that qualify as bullying under the entity's adopted
14 definition of that term.

15 (e) For purposes of this article, "bullying" shall mean an
16 intentional electronic, written, verbal or physical act, or a
17 series of acts:

- 18 (1) directed at another student or students;
- 19 (2) which occurs in a school setting;
- 20 (3) that is severe, persistent or pervasive; and
- 21 (4) that has the effect of doing any of the following:
 - 22 (i) substantially interfering with a student's education;
 - 23 (ii) creating a threatening environment; or
 - 24 (iii) substantially disrupting the orderly operation of the
25 school; and

26 "school setting" shall mean in the school, on school grounds,
27 in school vehicles, at a designated bus stop or at any activity
28 sponsored, supervised or sanctioned by the school.

29 Section 3. This act shall take effect in 60 days.