

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1293 Session of 2023

INTRODUCED BY O'MARA, SANCHEZ, MADDEN, HOHENSTEIN, M. MACKENZIE, ISAACSON, HILL-EVANS, PASHINSKI, FIEDLER, HARKINS, FLEMING, DEASY, FREEMAN, MARSHALL, DELLOSO, KAZEEM, CEPEDA-FREYTIZ, TAKAC, HANBIDGE, OTTEN AND MADSEN, JUNE 1, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 10, 2024

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 policy relating to bullying.

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

9 Section 1. Section 1303.1-A(a) AND (E) of the act of March <--
10 10, 1949 (P.L.30, No.14), known as the Public School Code of
11 1949, ~~is~~ ARE amended to read: <--

12 Section 1303.1-A. Policy Relating to Bullying.--(a) No
13 later than January 1, 2009, each school entity shall adopt a
14 policy or amend its existing policy relating to bullying and
15 incorporate the policy into the school entity's code of student
16 conduct required under 22 Pa. Code § 12.3(c) (relating to school
17 rules). The policy shall delineate disciplinary consequences for
18 bullying and may provide for prevention, intervention and

1 education programs, provided that no school entity shall be  
2 required to establish a new policy under this section if one  
3 currently exists and reasonably fulfills the requirements of  
4 this section. The policy shall identify the appropriate school  
5 staff person to receive reports of incidents of alleged  
6 bullying. The policy shall include mechanisms to notify parents  
7 and legal guardians of children involved in a bullying incident. <--  
8 OR CYBERBULLYING INCIDENT WITHIN FIVE (5) DAYS OF THE INCIDENT. <--  
9 A SCHOOL ENTITY'S NOTIFICATION TO A PARENT ABOUT AN INCIDENT OR  
10 A REPORT OF BULLYING, CYBERBULLYING OR RETALIATION MUST COMPLY  
11 WITH 20 U.S.C. § 1232G (RELATING TO FAMILY EDUCATIONAL AND  
12 PRIVACY RIGHTS) AND 34 CFR PT. 99 (RELATING TO FAMILY  
13 EDUCATIONAL RIGHTS AND PRIVACY).

14 \* \* \*

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 "CYBERBULLYING" SHALL MEAN A WRITTEN, VERBAL OR PHYSICAL ACT  
27 OR SERIES OF ACTS OF BULLYING THAT ARE COMMITTED DURING SCHOOL  
28 HOURS AND THROUGH THE USE OF DATA OR COMPUTER SOFTWARE ACCESSED  
29 THROUGH A:

- 30 (1) COMPUTER;

1       (2) COMPUTER SYSTEM;

2       (3) COMPUTER NETWORK; OR

3       (4) CELLULAR TELEPHONE OR OTHER WIRELESS OR CELLULAR

4 COMMUNICATIONS DEVICE; AND

5       " SCHOOL SETTING " SHALL MEAN IN THE SCHOOL, ON SCHOOL GROUNDS,  
6 IN SCHOOL VEHICLES, AT A DESIGNATED BUS STOP OR AT ANY ACTIVITY  
7 SPONSORED, SUPERVISED OR SANCTIONED BY THE SCHOOL.

8       Section 2. This act shall take effect in 60 days.