

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1999 Session of 2024

INTRODUCED BY TAKAC, HOHENSTEIN, GUENST, SMITH-WADE-EL, KHAN, HILL-EVANS, MADDEN, BOROWSKI, SCHLOSSBERG, McANDREW, SANCHEZ, STURLA, OTTEN, DELLOSO, BRIGGS, FIEDLER, WEBSTER, T. DAVIS, BOYD, KRAJEWSKI, CERRATO AND WAXMAN, JANUARY 31, 2024

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 31, 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, providing for policy
 6 against gender-based bullying.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
 10 as the Public School Code of 1949, is amended by adding a
 11 section to read:

12 Section 1303.2-A. Policy Against Gender-Based Bullying.--(a)
 13 Beginning with the 2024-2025 school year, a school entity shall
 14 adopt a policy or amend its existing policy relating to bullying
 15 and incorporate the policy into the school entity's code of
 16 student conduct required under 22 Pa. Code § 12.3(c) (relating
 17 to school rules). The policy shall delineate disciplinary
 18 consequences for bullying against a student based on the
 19 student's actual or perceived sex, sexual orientation, gender

1 identity or gender expression and shall provide for prevention,
2 intervention and education programs.

3 (b) For a nonbinary or transgender student transitioning to
4 their stated gender identity, the policy shall establish best
5 practices and guidelines for student and family support during
6 the student's transitioning period, respect the student's
7 privacy of the transition from other students, school faculty,
8 and parents and include the student's stated gender identity and
9 pronouns when the student is being addressed.

10 (c) A school entity shall include the policy in the school
11 entity's student handbook and make the policy available on its
12 publicly accessible Internet website, if available, and in every
13 classroom. A school entity shall post the policy at a prominent
14 location within each school building where public notices are
15 usually posted. A school entity shall ensure that the policy and
16 procedures for reporting bullying incidents are reviewed with
17 students within ninety (90) days after being adopted and
18 thereafter at least once each school year.

19 (d) A school entity shall review its policy adopted under
20 this section every three (3) years and annually provide the
21 office with a copy of the policy relating to bullying, including
22 information related to the development and implementation of any
23 gender-based bullying prevention, intervention and education
24 programs. The information required under this subsection shall
25 be attached to or made part of the annual report required under
26 section 1303-A(b).

27 (e) In its policy relating to bullying adopted or maintained
28 under subsection (a), a school entity shall not be prohibited
29 from defining bullying in such a way as to encompass an act that
30 occurs outside a school setting if the act meets the

1 requirements contained in paragraphs (1), (3) and (4) of the
2 definition of "bullying" in subsection (f). If a school entity
3 reports an act of bullying to the office in accordance with
4 section 1303-A(b), the school entity shall report all incidents
5 that qualify as bullying under the school entity's adopted
6 definition of the term.

7 (f) For purposes of this section:

8 "Bullying" shall mean an intentional electronic, written,
9 verbal or physical act, or a series of acts:

10 (1) directed at another student or students;

11 (2) which occurs in or out of a school setting;

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

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

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

15 (ii) creating a threatening environment; or

16 (iii) substantially disrupting the orderly operation of the
17 school.

18 "Gender identity or expression" shall mean an individual's
19 gender-related identity, appearance, mannerisms, expression or
20 other gender-related characteristics, regardless of the
21 individual's designated or perceived sex.

22 "Nonbinary" shall mean an individual who does not identify
23 solely, or at all, as either male or female.

24 "School setting" shall mean in a school, on school grounds,
25 in a school vehicle, at a designated bus stop or at any activity
26 sponsored, supervised or sanctioned by the school entity.

27 "Sexual orientation" shall mean an individual's physical,
28 romantic or emotional attraction to individuals of the same or
29 different gender.

30 "Transgender" shall mean an individual whose gender identity

1 or expression is different from that traditionally associated
2 with the individual's assigned sex at birth.

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