

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 388 Session of 2023

INTRODUCED BY SCHWANK, KEARNEY, HUGHES, FONTANA, HAYWOOD, KANE, STREET, TARTAGLIONE, SANTARSIERO, COMMITTA, COSTA, L. WILLIAMS, SAVAL AND MUTH, FEBRUARY 21, 2023

REFERRED TO EDUCATION, FEBRUARY 21, 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 terms and courses of study,  
 6 further providing for dating violence education; and, in  
 7 sexual violence, dating violence, domestic violence and  
 8 stalking education, prevention and response at institutions  
 9 of higher education and private licensed schools, further  
 10 providing for definitions and for education program.

11 The General Assembly of the Commonwealth of Pennsylvania  
 12 hereby enacts as follows:

13 Section 1. Section 1553 of the act of March 10, 1949  
 14 (P.L.30, No.14), known as the Public School Code of 1949, is  
 15 amended to read:

16 Section 1553. Dating Violence Education.--(a) The  
 17 department, through its Office for Safe Schools, and in  
 18 consultation with the State Board of Education, shall:

19 (1) Develop, within six (6) months of the effective date of  
 20 this section, a model dating violence policy to assist [school  
 21 districts] school entities in developing policies for dating

1 violence reporting and response.

2 (2) Consult with at least one (1) domestic violence center  
3 and at least one (1) rape crisis center in developing the model  
4 dating violence policy.

5 (3) Under section 1302-A(c)(3), provide grants to school  
6 entities for purposes of implementing the provisions of this  
7 section, including for costs associated with training under  
8 subsection (c) and curriculum changes under subsection (d).

9 (b) (1) Each school [district may] entity shall establish a  
10 specific policy to address incidents of dating violence  
11 involving students, including incidents that occur at school.

12 (2) The policy [may] shall include, but need not be limited  
13 to: a statement that dating violence will not be tolerated;  
14 dating violence reporting procedures for students, parents,  
15 guardians or third parties; discipline procedures and penalties  
16 for students that commit dating violence against other students,  
17 including dating violence incidents that occur at school;  
18 information related to obtaining a protection from abuse order  
19 against a dating partner under 23 Pa.C.S. Ch. 61 (relating to  
20 protection from abuse); and contact information for and  
21 resources available through domestic violence programs and rape  
22 crisis programs.

23 (3) A school [district that establishes the policy] entity  
24 shall:

25 (i) Publish the dating violence policy in any [school  
26 district] policy or handbook that specifies the comprehensive  
27 rules, procedures and standards of conduct for students [at  
28 school] attending the school.

29 (ii) Make the dating violence policy available on its  
30 publicly available Internet website[.], if available, and post

1 the policy in every classroom. Each school entity also shall  
2 post the policy at a prominent location within each school  
3 building where the notices are usually posted. Each school  
4 entity shall ensure that the policy and procedures related to  
5 dating violence incidents are reviewed with students within  
6 ninety (90) days after their adoption and thereafter at least  
7 once each school year.

8 (iii) Provide students, parents and guardians with a copy of  
9 the dating violence policy.

10 [(4) The State Board of Education shall conduct a study of  
11 the benefits and detriments of mandatory dating violence  
12 education and shall submit a report of its recommendations to  
13 the chairman and minority chairman of the Education Committee of  
14 the Senate and the chairman and minority chairman of the  
15 Education Committee of the House of Representatives within three  
16 (3) years of the effective date of this section.]

17 (c) (1) [A school district may] Each school entity shall  
18 provide dating violence training to teachers, coaches, guidance  
19 counselors, nurses and mental health staff at the middle school  
20 and high school [level. Upon the recommendation of the district  
21 superintendent, other staff may be included or may attend the  
22 training on a voluntary basis.] levels. The superintendent of a  
23 school district, or the equivalent position within a school  
24 entity that is not a school district, may require an individual  
25 who is a school entity employe or who provides a program,  
26 activity or service sponsored by the school entity and who has  
27 direct contact with children to attend dating violence training.  
28 The school [district] entity may also provide dating violence  
29 training to parents.

30 (2) The dating violence training [may] shall include, but

1 need not be limited to: basic principles of dating violence;  
2 warning signs of dating violence; the school [district's]  
3 entity's dating violence policy; appropriate responses to  
4 incidents of dating violence, including incidents of dating  
5 violence at school; communication protocols between school  
6 entities where an incident of dating violence involves students  
7 who attend different schools; information related to procedures  
8 through which a victim may obtain a protection from abuse order  
9 pursuant to 23 Pa.C.S. Ch. 61; and services and resources  
10 available through domestic violence programs and rape crisis  
11 programs.

12 (d) (1) A school [district may] entity shall incorporate  
13 dating violence education that is age appropriate into the  
14 annual health curriculum framework for students in grades [nine  
15 (9)] seven (7) through twelve (12). In developing such a policy,  
16 the school [district] entity shall consult with at least one (1)  
17 domestic violence program or rape crisis program that serves the  
18 region where the school [district] entity is located.

19 (2) Dating violence education [may] shall include, but need  
20 not be limited to: defining dating violence and recognizing  
21 dating violence warning signs; characteristics of healthy  
22 relationships; information regarding peer support and the role  
23 friends and peers have in addressing dating violence; and  
24 contact information for and the services and resources available  
25 through domestic violence centers and rape crisis centers,  
26 including detailed information concerning safety planning,  
27 availability and [enforcement of] obtaining and enforcing  
28 protection from abuse orders and the availability of other  
29 services and assistance for students and their families from the  
30 school entity or other sources.

1 (3) The department, through its Office for Safe Schools, in  
2 consultation with at least one (1) domestic violence center and  
3 at least one (1) rape crisis center, shall provide school  
4 [districts] entities with grade-appropriate educational  
5 materials regarding dating violence and healthy relationships  
6 for the purpose of assisting school [districts] entities in  
7 preparing an instructional program on dating violence. The  
8 department may use educational materials that are already  
9 publicly available for this purpose.

10 (4) A parent or legal guardian of a student who is under  
11 eighteen (18) years of age, within a reasonable period of time  
12 after the request is made, shall be permitted to examine the  
13 dating violence education program instructional materials at the  
14 school in which the student is enrolled.

15 (5) At the request of a parent or guardian, a student shall  
16 be excused from all or parts of the dating violence education  
17 program. The principal shall notify all parents or guardians of  
18 their ability to withdraw their children from instruction in the  
19 program by returning a signed opt-out form.

20 (e) Nothing in this section shall be construed as preventing  
21 a person from seeking judicial relief from dating violence  
22 pursuant to 23 Pa.C.S. Ch. 61 or under any other law or as  
23 establishing or modifying any civil liability.

24 (f) As used in this section, the following words and phrases  
25 shall have the meanings given to them in this subsection:

26 "At school." The term shall have the meaning given to school  
27 property as defined in section 1301-A.

28 "Dating partner." A person, regardless of gender, involved  
29 in an intimate relationship with another person, primarily  
30 characterized by the expectation of affectionate involvement,

1 whether casual, serious or long term.

2 "Dating violence." Behavior where one person uses threats  
3 of, or actually uses, physical, sexual, verbal or emotional  
4 abuse to control the person's dating partner.

5 "Department." The Department of Education of the  
6 Commonwealth.

7 "Domestic violence center." The term shall have the meaning  
8 given in section 2333 of the act of April 9, 1929 (P.L.177,  
9 No.175), known as "The Administrative Code of 1929."

10 "Domestic violence program." The term shall have the meaning  
11 given in section 2333 of the act of April 9, 1929 (P.L.177,  
12 No.175), known as "The Administrative Code of 1929."

13 "Rape crisis center." The term shall have the meaning given  
14 in section 2333 of the act of April 9, 1929 (P.L.177, No.175),  
15 known as "The Administrative Code of 1929."

16 "Rape crisis program." The term shall have the meaning given  
17 in section 2333 of the act of April 9, 1929 (P.L.177, No.175),  
18 known as "The Administrative Code of 1929."

19 "School entity." As defined in section 1301-A. The term  
20 shall also include a cyber charter school.

21 Section 2. The definition of "sexual violence" in section  
22 2002-G of the act, amended July 8, 2022 (P.L.620, No.55), is  
23 amended to read:

24 Section 2002-G. Definitions.

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

28 \* \* \*

29 "Sexual violence." [An act of sexual violence as defined in  
30 42 Pa.C.S. § 6402 (relating to definitions).] Conduct

1 constituting a crime under any of the following provisions:

2 18 Pa.C.S. § 2709.1 (relating to stalking).

3 18 Pa.C.S. Ch. 31 (relating to sexual offenses), except

4 18 Pa.C.S. §§ 3129 (relating to sexual intercourse with

5 animal) and 3130 (relating to conduct relating to sex

6 offenders).

7 18 Pa.C.S. § 4302 (relating to incest).

8 \* \* \*

9 Section 3. Section 2003-G(a)(5) of the act, amended July 8,  
10 2022 (P.L.620, No.55), is amended to read:

11 Section 2003-G. Education program.

12 (a) General rule.--Institutions of higher education and  
13 private licensed schools shall establish and implement an  
14 education program for all students. In developing or  
15 implementing an education program, institutions of higher  
16 education and private licensed schools shall consult with a  
17 local rape crisis center and domestic violence program, as  
18 appropriate and if available. The department, in consultation  
19 with the Pennsylvania Coalition Against Rape and the  
20 Pennsylvania Coalition Against Domestic Violence, shall develop  
21 an online clearinghouse of model education programs and other  
22 resources to aid institutions of higher education and private  
23 licensed schools in fulfilling this requirement. Each education  
24 program shall provide the following:

25 \* \* \*

26 (5) Information on where and how to get assistance,  
27 including the importance of medical treatment and evidence  
28 collection, [and] how to report sexual violence to campus  
29 authorities and local law enforcement[.] and how to obtain a  
30 protection from abuse order under 42 Pa.C.S. Ch. 62A

1     (relating to protection of victims of sexual violence or  
2     intimidation).

3             \* \* \*

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