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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1394 Session of  
2015

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INTRODUCED BY SCHWANK, HUGHES, BOSCOLA, BLAKE, KITCHEN, FONTANA,  
TEPLITZ, SABATINA, FARNESE, RAFFERTY, COSTA AND YUDICHAK,  
OCTOBER 20, 2016

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REFERRED TO EDUCATION, OCTOBER 20, 2016

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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 course of study, further  
6 providing for dating violence education; and, in sexual  
7 violence education at institutions of higher education,  
8 further providing for definitions and for education program.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 1553 of the act of March 10, 1949  
12 (P.L.30, No.14), known as the Public School Code of 1949, added  
13 November 17, 2010 (P.L.996, No.104), is amended to read:

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

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

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

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

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

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

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

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

28 (ii) Make the dating violence policy available on its  
29 publicly available Internet website[.], if available, and post  
30 the policy in every classroom. Each school entity also shall

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

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

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

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

29 (2) The dating violence training [may] shall include, but  
30 need not be limited to: basic principles of dating violence;

1 warning signs of dating violence; the school district's dating  
2 violence policy; appropriate responses to incidents of dating  
3 violence, including incidents of dating violence at school;  
4 communication protocols between school entities where an  
5 incident of dating violence involves students who attend  
6 different schools; information related to procedures through  
7 which a victim may obtain a protection from abuse order pursuant  
8 to 23 Pa.C.S. Ch. 61; and services and resources available  
9 through domestic violence programs and rape crisis programs.

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

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

29 (3) The department, through its Office for Safe Schools, in  
30 consultation with at least one (1) domestic violence center and

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

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

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

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

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

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

25 "Dating partner." A person, regardless of gender, involved  
26 in an intimate relationship with another person, primarily  
27 characterized by the expectation of affectionate involvement,  
28 whether casual, serious or long term.

29 "Dating violence." Behavior where one person uses threats  
30 of, or actually uses, physical, sexual, verbal or emotional

1 abuse to control the person's dating partner.

2 "Department." The Department of Education of the  
3 Commonwealth.

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

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

13 "Rape crisis program." 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 "School entity." As defined in section 1301-A. The term  
17 shall also include a cyber charter school.

18 Section 2. The definition of "sexual violence" in section  
19 2002-G of the act, added November 17, 2010 (P.L.996, No.104), is  
20 amended to read:

21 Section 2002-G. Definitions.

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

25 \* \* \*

26 "Sexual violence." [An act of sexual violence as defined in  
27 42 Pa.C.S. § 6402 (relating to definitions).] Conduct  
28 constituting a crime under any of the following provisions:

29 18 Pa.C.S. § 2709.1 (relating to stalking).

30 18 Pa.C.S. Ch. 31 (relating to sexual offenses), except 18

1 Pa.C.S. §§ 3129 (relating to sexual intercourse with animal) and  
2 3130 (relating to conduct relating to sex offenders).

3 18 Pa.C.S. § 4302 (relating to incest).

4 \* \* \*

5 Section 3. Section 2003-G(a) of the act, added November 17,  
6 2010 (P.L.996, No.104), is amended to read:

7 Section 2003-G. Education program.

8 (a) General rule.--Institutions of higher education and  
9 private licensed schools shall establish a sexual violence  
10 awareness educational program. Institutions of higher education  
11 and private licensed schools may collaborate with a Statewide  
12 nonprofit organization, local rape crisis center or local sexual  
13 assault program that arranges for the provision of services to  
14 sexual violence and rape victims in the development of a sexual  
15 violence awareness education program. Each education program  
16 shall provide the following:

17 (1) A discussion of sexual violence.

18 (2) A discussion of consent, including an explanation  
19 that the victim is not at fault.

20 (3) A discussion of drug and alcohol-facilitated sexual  
21 violence.

22 (4) Information relating to risk education and personal  
23 protection.

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

1           (6) The possibility of pregnancy and transmission of  
2 sexual diseases.

3           (7) Introduction of members of the educational community  
4 from:

5           (i) Campus police or security and local law  
6 enforcement.

7           (ii) Campus health center, women's center and rape  
8 crisis center.

9           (iii) Campus counseling service or any service  
10 responsible for psychological counseling and student  
11 affairs.

12           (8) A promise of discretion and dignity.

13           (9) A promise of confidentiality for victims of sexual  
14 assault.

15 \* \* \*

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