
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1025 Session of
2023

INTRODUCED BY HAYWOOD, SAVAL, TARTAGLIONE, FONTANA, HUGHES,
KANE, COSTA, CAPPELLETTI, KEARNEY AND SCHWANK,
DECEMBER 18, 2023

REFERRED TO EDUCATION, DECEMBER 18, 2023

AN ACT

1 Amending the act of July 17, 1961 (P.L.776, No.341), entitled
2 "An act declaring the policy of the Commonwealth with regard
3 to discriminatory practices in educational institutions based
4 upon race, religion, color, ancestry, national origin or sex;
5 prohibiting such discriminatory practices; providing for
6 procedure and enforcement; providing for judicial review;
7 providing for administration by the Pennsylvania Human
8 Relations Commission in the Department of Labor and Industry;
9 and defining its functions, powers and duties hereunder,"
10 further providing for findings and declaration of policy, for
11 definitions, for unfair educational practices, for powers and
12 duties of the commission and for procedure.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 2 of the act of July 17, 1961 (P.L.776,
16 No.341), known as the Pennsylvania Fair Educational
17 Opportunities Act, is amended by adding a clause to read:

18 Section 2. Findings and Declaration of Policy.--* * *

19 (b.1) Equality of educational opportunities requires that
20 students receive an education from schools and educational
21 institutions and are afforded the opportunity to participate in
22 activities, programs and campus life without a hostile

1 environment or being harassed with regard to race, religion,
2 color, ancestry or national origin.

3 * * *

4 Section 2. Section 3(1) and (3) of the act are amended and
5 the section is amended by adding paragraphs to read:

6 Section 3. Definitions.--As used in this act--

7 (1) "Educational institution" means any institution of post-
8 secondary grade [and], any secretarial, business, vocational or
9 trade school of secondary or post-secondary grade and any school
10 with any grade span of students kindergarten through grade
11 twelve, which is subject to the visitation, examination or
12 inspection of, or is, or may be licensed by the Department of
13 Public Instruction, including any post-secondary school, college
14 or university incorporated or chartered under any general law or
15 special act of the General Assembly, except any religious or
16 denominational educational institution as defined in this act.

17 * * *

18 (3) "Discriminate" includes ["segregate."] but is not
19 limited to "segregate" or "harass."

20 * * *

21 (9) "Facilities" includes, but is not limited to, when a
22 student is harassed at a facility, or there is a presence of a
23 hostile environment at a facility, that is severe and pervasive
24 to the extent that the student deems there is an interference to
25 the student's use of the facility.

26 (10) "Harass" includes conduct or an act, including a verbal
27 act, fighting words, graphic or written statement, drawing,
28 caricature, social media post, cell phone or Internet
29 transmittal or other similar conduct, that is:

30 (i) Physically threatening, harmful, intimidating, causing

1 fear, shame, humiliation or discomfort, pain or suffering toward
2 the actual or perceived race, religion, color, ancestry or
3 national origin of an individual or group.

4 (ii) Severe and pervasive that the conditions of the
5 student's educational opportunities, learning, programs,
6 activities or campus life are altered.

7 (iii) Severe and pervasive that a hostile environment
8 exists.

9 (11) "Hostile environment" includes an environment with
10 intrinsic conduct or acts of discrimination based on race,
11 religion, color, ancestry or national origin that:

12 (i) interferes with or limits a student's ability to
13 participate in or benefit from the services, activities or
14 opportunities offered in any education program; or

15 (ii) destroys the emotional and psychological stability of a
16 minority student or interferes with or limits the ability of a
17 reasonable minority student to participate in or benefit from
18 educational services, activities or privileges.

19 Section 3. Section 4 of the act is amended by adding a
20 subsection to read:

21 Section 4. Unfair Educational Practices.--* * *

22 (b.1) It shall be an unfair educational practice for any
23 school or educational institution to permit, directly or
24 indirectly, student or staff conduct or acts of discrimination
25 that create or foster a hostile environment through any overt
26 act, omission, failure to act or failure to address a violation
27 of this act.

28 * * *

29 Section 4. Section 6(3) of the act is amended and the
30 section is amended by adding a paragraph to read:

1 Section 6. Powers and Duties of the Commission.--Without in
2 anywise detracting from, or in derogation or diminution of the
3 duties of the commission as set forth in the act of October 27,
4 1955 (P.L.744), known as the "Pennsylvania Human Relations Act,"
5 said commission is hereby vested with the following powers and
6 duties--

7 * * *

8 (1.1) To make visits, as the commission deems advisable, to
9 educational institutions within this Commonwealth for the
10 purpose of examining and studying the racial tension and
11 environment perceived by the students and the educational
12 institution.

13 * * *

14 (3) To make whatever studies may be necessary to aid it in
15 carrying out its functions, including studies to determine
16 factually:

17 (i) the total number of students applying each year to
18 educational institutions, except religious or denominational
19 institutions, within the Commonwealth, the number of them
20 finally accepted and the basic factors which determine whether
21 an applicant will be accepted or rejected by such
22 institutions[.]; and

23 (ii) the total number of students each semester not
24 returning to an educational institution, the proportional
25 relationship of those not returning to the race, religion,
26 color, ancestry or national origin of those students not
27 returning and the number of those not returning that experienced
28 discrimination or a hostile environment while attending the
29 educational institution, regardless of if formally or informally
30 reported.

1 * * *

2 Section 5. Section 7 of the act is amended to read:

3 Section 7. Procedure.--(a) The procedure for processing any
4 complaint and the remedies available shall be in accordance with
5 sections 9, 9.2 and 11 of the act of October 27, 1955 (P.L.744,
6 No.222), known as the "Pennsylvania Human Relations Act."

7 (b) Without in anywise detracting from, or in derogation or
8 diminution of, the remedies available as set forth in the act of
9 October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania
10 Human Relations Act," or available under this act, the remedies
11 specifically provided under the Pennsylvania Human Relations Act
12 in those cases alleging a violation of section 5(d), (e) or (h)
13 or 5.3 where the underlying complaint is a violation of section
14 5(h) or 5.3 shall also be available to those cases alleging a
15 violation under the provisions of this act where the underlying
16 complaint is:

17 (i) a violation of section 4(a)(3) or (a.1)(3) when a
18 student was harassed at a facility or a hostile environment
19 exists at a facility; or

20 (ii) a violation of section 4(b.1).

21 Section 6. This act shall take effect in 60 days.