
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 434 Session of
2013

INTRODUCED BY MALONEY, WATSON, AUMENT, GINGRICH, MOUL, STEPHENS,
SCHLOSSBERG, HICKERNELL, MUNDY, ROCK, KORTZ, SACCONI, MAJOR,
CUTLER, KAUFFMAN, O'NEILL, BAKER, SWANGER, MILLARD,
R. MILLER, FLECK, SAYLOR, C. HARRIS, CLYMER, MILNE, MURT,
DENLINGER, STURLA, EVERETT, QUINN, V. BROWN, FARRY,
CALTAGIRONE AND BISHOP, FEBRUARY 8, 2013

AS AMENDED ON THIRD CONSIDERATION, APRIL 28, 2014

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for definitions, for establishment of ~~pending~~ <--
4 ~~complaint file, Statewide central register and file of~~
5 ~~unfounded reports, for continuous availability of department,~~
6 ~~for disposition of complaints received, for information in~~
7 ~~pending complaint and unfounded report files, for information~~
8 ~~in Statewide central register, for disposition of unfounded~~
9 ~~reports, for disposition of founded and indicated reports,~~
10 ~~for release of information in confidential reports, for~~
11 ~~amendment or expunction of information, for information~~
12 ~~relating to prospective child care personnel, for information~~
13 ~~relating to family day care home residents, for information~~
14 ~~relating to other persons having contact with children, for~~
15 ~~cooperation of other agencies and for reports to Governor and~~
16 ~~General Assembly; and repealing provisions relating to~~
17 ~~students in public and private schools and for background~~
18 ~~checks for employment in schools. STATEWIDE DATABASE, FOR~~ <--
19 DISPOSITION OF FOUNDED AND INDICATED REPORTS, FOR EXPUNCTION
20 OF INFORMATION OF PERPETRATOR UNDER THE AGE OF 18, FOR
21 AMENDMENT OR EXPUNCTION OF INFORMATION, FOR INFORMATION
22 RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL, FOR INFORMATION
23 RELATING TO FAMILY DAY-CARE HOME RESIDENTS, FOR INFORMATION
24 RELATING TO OTHER PERSONS HAVING CONTACT WITH CHILDREN, FOR
25 COOPERATION OF OTHER AGENCIES AND FOR REPORTS TO GOVERNOR AND
26 GENERAL ASSEMBLY; REPEALING PROVISIONS RELATING TO STUDENTS
27 IN PUBLIC AND PRIVATE SCHOOLS AND FOR BACKGROUND CHECKS FOR
28 EMPLOYMENT IN SCHOOLS; AND MAKING A RELATED REPEAL.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 ~~Section 1. The definitions of "child care services,"~~ <--
4 ~~"founded report for school employee," "indicated report for~~
5 ~~school employee," "person responsible for the child's welfare,"~~
6 ~~"school employee," "student" and "subject of the report" in~~
7 ~~section 6303(a) of Title 23 of the Pennsylvania Consolidated~~
8 ~~Statutes are amended and the subsection is amended by adding~~
9 ~~definitions to read:~~

10 ~~SECTION 1. THE DEFINITIONS OF "FOUNDED REPORT FOR SCHOOL~~ <--
11 ~~EMPLOYEE," "SCHOOL EMPLOYEE," "SERIOUS PHYSICAL NEGLECT" AND~~
12 ~~"SUBJECT OF THE REPORT" IN SECTION 6303(A) OF TITLE 23 OF THE~~
13 ~~PENNSYLVANIA CONSOLIDATED STATUTES, AMENDED OR ADDED DECEMBER~~
14 ~~18, 2013 (P.L.1170, NO.108), ARE AMENDED AND THE SUBSECTION IS~~
15 ~~AMENDED BY ADDING A DEFINITION TO READ:~~

16 SECTION 1. THE DEFINITIONS OF "FOUNDED REPORT FOR SCHOOL <--
17 EMPLOYEE," "SERIOUS PHYSICAL NEGLECT" AND "SUBJECT OF THE
18 REPORT" IN SECTION 6303(A) OF TITLE 23 OF THE PENNSYLVANIA
19 CONSOLIDATED STATUTES, ADDED DECEMBER 18, 2013 (P.L.1170,
20 NO.108), ARE AMENDED TO READ:

21 § 6303. Definitions.

22 (a) General rule.--The following words and phrases when used
23 in this chapter shall have the meanings given to them in this
24 section unless the context clearly indicates otherwise:

25 * * *

26 ~~"Child care services." [Child day care centers, group and~~ <--
27 ~~family day care homes, foster homes, adoptive parents, boarding~~
28 ~~homes for children, juvenile detention center services or~~
29 ~~programs for delinquent or dependent children; mental health,~~
30 ~~mental retardation, early intervention and drug and alcohol~~

1 ~~services for children; and other child care services which are~~
2 ~~provided by or subject to approval, licensure, registration or~~
3 ~~certification by the Department of Public Welfare or a county~~
4 ~~social services agency or which are provided pursuant to a~~
5 ~~contract with these departments or a county social services~~
6 ~~agency. The term does not include such services or programs~~
7 ~~which may be offered by public and private schools, intermediate~~
8 ~~units or area vocational technical schools.] Include any of the~~
9 ~~following:~~

- 10 ~~(1) Child day care centers.~~
- 11 ~~(2) Group day care homes.~~
- 12 ~~(3) Family day care homes.~~
- 13 ~~(4) Foster homes.~~
- 14 ~~(5) Adoptive parents.~~
- 15 ~~(6) Boarding homes for children.~~
- 16 ~~(7) Juvenile detention center services or programs for~~
17 ~~delinquent or dependent children.~~
- 18 ~~(8) Mental health services for children.~~
- 19 ~~(9) Services for children with intellectual~~
20 ~~disabilities.~~
- 21 ~~(10) Early intervention services for children.~~
- 22 ~~(11) Drug and alcohol services for children.~~
- 23 ~~(12) Day care services or programs that are offered by a~~
24 ~~school.~~
- 25 ~~(13) Other comparable services that are provided by or~~
26 ~~subject to approval, licensure, registration or certification~~
27 ~~by the Department of Public Welfare or a county social~~
28 ~~services agency or that are provided pursuant to a contract~~
29 ~~with the Department of Public Welfare or a county social~~
30 ~~services agency.~~

1 * * *

2 ~~"Direct contact with children." The possibility of care,~~
3 ~~supervision, guidance or control of children or routine~~
4 ~~interaction with children.~~

5 * * *

6 ["Founded report for school employee." A report under
7 Subchapter C.1 (relating to students in public and private
8 schools) if there has been any judicial adjudication based on a
9 finding that the victim has suffered serious bodily injury or
10 sexual abuse or exploitation, including the entry of a plea of
11 guilty or nolo contendere or a finding of guilt to a criminal
12 charge involving the same factual circumstances involved in the
13 allegations of the report.]

14 * * *

15 ~~"Independent contractor." An individual who provides a~~ <--
16 ~~program, activity or service to an agency, institution,~~
17 ~~organization or other entity, including a school or regularly~~
18 ~~established religious organization, that is directly responsible~~
19 ~~for the care, supervision, guidance or control of children. The~~
20 ~~term excludes an individual who, in his capacity as an~~
21 ~~independent contractor, has no direct contact with children.~~

22 * * *

23 ~~["Indicated report for school employee." A report made under~~
24 ~~Subchapter C.1 (relating to students in public and private~~
25 ~~schools) if an investigation by the county agency determines~~
26 ~~that substantial evidence of serious bodily injury or sexual~~
27 ~~abuse or exploitation exists based on any of the following:~~

- 28 ~~(1) Available medical evidence.~~
29 ~~(2) The county agency's investigation.~~
30 ~~(3) An admission of the acts of abuse by the school~~

1 ~~employee.}~~

2 ~~* * *~~

3 ~~"Person responsible for the child's welfare." A person who~~
4 ~~provides permanent or temporary care, supervision, mental health~~
5 ~~diagnosis or treatment, training or control of a child in lieu~~
6 ~~of parental care, supervision and control. [The term does not~~
7 ~~include a person who is employed by or provides services or~~
8 ~~programs in any public or private school, intermediate unit or~~
9 ~~area vocational technical school.]~~

10 ~~* * *~~

11 ~~"Program, activity or service." A public or private~~
12 ~~educational, athletic or other pursuit in which children~~
13 ~~participate. The term includes, but is not limited to, the~~
14 ~~following:~~

15 ~~(1) A youth camp or program.~~

16 ~~(2) A recreational camp or program.~~

17 ~~(3) A sports or athletic program.~~

18 ~~(4) An outreach program.~~

19 ~~(5) An enrichment program.~~

20 ~~(6) A troop, club or similar organization.~~

21 ~~* * *~~

22 ~~"School." A facility providing elementary, secondary or~~
23 ~~post secondary educational services. The term includes every~~
24 ~~public, nonpublic, private and parochial school, including each~~
25 ~~of the following:-~~

26 ~~(1) A school or a class within a school under the~~
27 ~~supervision of the Department of Education of the~~
28 ~~Commonwealth.~~

29 ~~(2) A State related and State owned college or~~
30 ~~university.~~

- 1 ~~(3) A public or private college or university.~~
2 ~~(4) A community college.~~
3 ~~(5) A vocational technical school.~~
4 ~~(6) An intermediate unit.~~
5 ~~(7) A charter, cyber charter or regional charter school.~~
6 ~~(8) A private school licensed under the act of January~~
7 ~~28, 1988 (P.L.24, No.11), known as the Private Academic~~
8 ~~Schools Act.~~

9 ~~(9) A nonprofit school located in this Commonwealth,~~
10 ~~other than a public school, wherein a resident of this~~
11 ~~Commonwealth may legally fulfill the compulsory school~~
12 ~~attendance requirements of the act of March 10, 1949 (P.L.30,~~
13 ~~No.14), known as the Public School Code of 1949, and which~~
14 ~~meets the requirements of Title VI of the Civil Rights Act of~~
15 ~~1964 (Public Law 88 352, 78 Stat. 241).~~

16 ~~"SCHOOL." A FACILITY PROVIDING ELEMENTARY, SECONDARY OR~~ <--
17 ~~POSTSECONDARY EDUCATIONAL SERVICES. THE TERM INCLUDES THE~~
18 ~~FOLLOWING:~~

- 19 ~~(1) ANY SCHOOL OF A SCHOOL DISTRICT.~~
20 ~~(2) AN AREA VOCATIONAL TECHNICAL SCHOOL.~~
21 ~~(3) A JOINT SCHOOL.~~
22 ~~(4) AN INTERMEDIATE UNIT.~~
23 ~~(5) A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL.~~
24 ~~(6) A CYBER CHARTER SCHOOL.~~
25 ~~(7) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF JANUARY~~
26 ~~28, 1988 (P.L.24, NO.11), KNOWN AS THE PRIVATE ACADEMIC~~
27 ~~SCHOOLS ACT.~~
28 ~~(8) A PRIVATE SCHOOL ACCREDITED BY AN ACCREDITING~~
29 ~~ASSOCIATION APPROVED BY THE STATE BOARD OF EDUCATION.~~
30 ~~(9) A NONPUBLIC SCHOOL.~~

1 ~~(10) A COMMUNITY COLLEGE WHICH IS AN INSTITUTION NOW OR~~
2 ~~HEREAFTER CREATED PURSUANT TO ARTICLE XIX A OF THE ACT OF~~
3 ~~MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL~~
4 ~~CODE OF 1949, OR THE FORMER ACT OF AUGUST 24, 1963 (P.L.1132,~~
5 ~~NO.484), KNOWN AS THE COMMUNITY COLLEGE ACT OF 1963.~~

6 ~~(11) AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION~~
7 ~~WHICH IS AN INSTITUTION OF HIGHER EDUCATION WHICH IS OPERATED~~
8 ~~NOT FOR PROFIT, LOCATED IN AND INCORPORATED OR CHARTERED BY~~
9 ~~THE COMMONWEALTH, ENTITLED TO CONFER DEGREES AS SET FORTH IN~~
10 ~~24 PA.C.S. § 6505 (RELATING TO POWER TO CONFER DEGREES) AND~~
11 ~~ENTITLED TO APPLY TO ITSELF THE DESIGNATION "COLLEGE" OR~~
12 ~~"UNIVERSITY" AS PROVIDED FOR BY STANDARDS AND QUALIFICATIONS~~
13 ~~PRESCRIBED BY THE STATE BOARD OF EDUCATION PURSUANT TO 24~~
14 ~~PA.C.S. CH. 65 (RELATING TO PRIVATE COLLEGES, UNIVERSITIES~~
15 ~~AND SEMINARIES).~~

16 ~~(12) A STATE OWNED UNIVERSITY.~~

17 ~~(13) A STATE RELATED UNIVERSITY.~~

18 ~~(14) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF DECEMBER~~
19 ~~15, 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE LICENSED~~
20 ~~SCHOOLS ACT.~~

21 ~~(15) HIRAM G. ANDREWS CENTER.~~

22 ~~(16) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION AS~~
23 ~~DEFINED IN SECTION 914.1 A(C) OF THE PUBLIC SCHOOL CODE OF~~
24 ~~1949.~~

25 ~~"School employee." An individual who is employed by a~~
26 ~~[public or private school, intermediate unit or area vocational~~
27 ~~technical school. The term includes an independent contractor~~
28 ~~and employees] school or who provides a program, activity or~~
29 ~~service sponsored by a school. The term excludes an individual~~
30 ~~who has no direct contact with [students] children.~~

1 * * *

2 "SERIOUS PHYSICAL NEGLECT." ANY OF THE FOLLOWING WHEN <--
3 COMMITTED BY A PERPETRATOR THAT ENDANGERS A CHILD'S LIFE OR
4 HEALTH, THREATENS A CHILD'S WELL-BEING, CAUSES BODILY INJURY OR
5 IMPAIRS A CHILD'S HEALTH, DEVELOPMENT OR FUNCTIONING:

6 (1) A REPEATED, PROLONGED OR [UNCONSCIONABLE] EGREGIOUS
7 FAILURE TO SUPERVISE A CHILD IN A MANNER THAT IS APPROPRIATE
8 CONSIDERING THE CHILD'S DEVELOPMENTAL AGE AND ABILITIES.

9 (2) THE FAILURE TO PROVIDE A CHILD WITH ADEQUATE
10 ESSENTIALS OF LIFE, INCLUDING FOOD, SHELTER OR MEDICAL CARE.

11 * * *

12 ~~"Student." [An individual enrolled in a public or private <--~~
13 ~~school, intermediate unit or area vocational technical school~~
14 ~~who is under 18 years of age.] A child who is enrolled in a~~
15 ~~school or participating in a program, activity or service~~
16 ~~sponsored by a school.~~

17 "Subject of the report." Any child, parent, guardian or other
18 person responsible for the welfare of a child or any alleged or
19 actual perpetrator [or school employee named] in a report made
20 to the Department of Public Welfare or a county agency under
21 this chapter.

22 * * *

23 ~~Section 2. Sections 6331, 6333, 6334(c), 6335(a), 6336(a) <--~~
24 ~~(11), 6337(c), 6338(a) and (c), 6340(a)(13), 6341(a)(2), (c) and~~
25 ~~(f), 6344(b)(2), (c)(1), (o) and (p) and 6344.1(b) of Title 23~~
26 ~~are amended to read:~~

27 ~~§ 6331. Establishment of pending complaint file, Statewide~~
28 ~~central register and file of unfounded reports.~~

29 ~~There shall be established in the department:~~

30 ~~(1) A pending complaint file of child abuse reports~~

1 ~~under investigation [and a file of reports under~~
2 ~~investigation pursuant to Subchapter C.1 (relating to~~
3 ~~students in public and private schools)].~~

4 ~~(2) A Statewide central register of child abuse which~~
5 ~~shall consist of founded and indicated reports.~~

6 ~~(3) A file of unfounded reports awaiting expunction.~~

7 ~~§ 6333. Continuous availability of department.~~

8 ~~The department shall be capable of receiving oral reports of~~
9 ~~child abuse made pursuant to this chapter[, reports under~~
10 ~~section 6353.2 (relating to responsibilities of county agency)]~~
11 ~~and report summaries of child abuse from county agencies and~~
12 ~~shall be capable of immediately identifying prior reports of~~
13 ~~child abuse [and prior reports of abuse or injury under~~
14 ~~Subchapter C.1 (relating to students in public and private~~
15 ~~schools)] in the Statewide central register and reports under~~
16 ~~investigation in the pending complaint file and of monitoring~~
17 ~~the provision of child protective services 24 hours a day, seven~~
18 ~~days a week.~~

19 ~~§ 6334. Disposition of complaints received.~~

20 ~~* * *~~

21 ~~(c) Recording in pending complaint file. Upon receipt of a~~
22 ~~complaint of suspected child abuse, the department shall~~
23 ~~maintain a record of the complaint of suspected child abuse in~~
24 ~~the pending complaint file. [Upon receipt of a report under~~
25 ~~section 6353.2 (relating to responsibilities of county agency),~~
26 ~~the department shall maintain a record of the report in the~~
27 ~~report file under section 6331 (relating to establishment of~~
28 ~~pending complaint file, Statewide central register and file of~~
29 ~~unfounded reports).]~~

30 ~~* * *~~

1 ~~§ 6335. Information in pending complaint and unfounded report~~
2 ~~files.~~

3 ~~(a) Information authorized. The information contained in~~
4 ~~the pending complaint file shall be limited to the information~~
5 ~~required in sections 6313(c) (relating to reporting procedure)~~
6 ~~[and 6353.2 (relating to responsibilities of county agency)].~~
7 ~~The information contained in the file for unfounded reports~~
8 ~~shall be limited to the information required by section 6336~~
9 ~~(relating to information in Statewide central register).~~

10 ~~* * *~~

11 ~~§ 6336. Information in Statewide central register.~~

12 ~~(a) Information authorized. The Statewide central register~~
13 ~~shall include and shall be limited to the following information:~~

14 ~~* * *~~

15 ~~(11) Information obtained by the department in relation~~
16 ~~to a perpetrator's [or school employee's] request to release,~~
17 ~~amend or expunge information retained by the department or~~
18 ~~the county agency.~~

19 ~~* * *~~

20 ~~§ 6337. Disposition of unfounded reports.~~

21 ~~* * *~~

22 ~~(c) Expunction of information. All information identifying~~
23 ~~the subjects of any report of suspected child abuse [and of any~~
24 ~~report under Subchapter C.1 (relating to students in public and~~
25 ~~private schools)] determined to be an unfounded report shall be~~
26 ~~expunged from the pending complaint file pursuant to this~~
27 ~~section. The expunction shall be mandated and guaranteed by the~~
28 ~~department.~~

29 ~~§ 6338. Disposition of founded and indicated reports.~~

30 ~~(a) General rule. When a report of suspected child abuse~~

1 ~~for a report under Subchapter C.1 (relating to students in~~
2 ~~public and private schools)] is determined by the appropriate~~
3 ~~county agency to be a founded report or an indicated report, the~~
4 ~~information concerning that report of suspected child abuse~~
5 ~~shall be expunged immediately from the pending complaint file,~~
6 ~~and an appropriate entry shall be made in the Statewide central~~
7 ~~register. Notice of the determination must be given to the~~
8 ~~subjects of the report, other than the abused child, and to the~~
9 ~~parent or guardian of the affected child or student along with~~
10 ~~an explanation of the implications of the determination. Notice~~
11 ~~given to perpetrators of child abuse [and to school employees~~
12 ~~who are subjects of indicated reports for school employees or~~
13 ~~founded reports for school employees] shall include notice that~~
14 ~~their ability to obtain employment in a child care facility or~~
15 ~~program or a [public or private] school may be adversely~~
16 ~~affected by entry of the report in the Statewide central~~
17 ~~register. The notice shall also inform the recipient of his~~
18 ~~right, within 45 days after being notified of the status of the~~
19 ~~report, to appeal an indicated report, and his right to a~~
20 ~~hearing if the request is denied.~~

21 ~~* * *~~

22 ~~(c) Retention of information. A subfile shall be~~
23 ~~established in the Statewide central register to indefinitely~~
24 ~~retain the names of perpetrators of child abuse [and school~~
25 ~~employees who are subjects of founded or indicated reports] only~~
26 ~~if the individual's Social Security number or date of birth is~~
27 ~~known to the department. The subfile shall not include~~
28 ~~identifying information regarding other subjects of the report.~~
29 ~~§ 6340. Release of information in confidential reports.~~

30 ~~(a) General rule. Reports specified in section 6339~~

1 ~~(relating to confidentiality of reports) shall only be made~~
2 ~~available to:~~

3 * * *

4 ~~(13) [Persons required to make reports under Subchapter~~
5 ~~C.1 (relating to students in public and private schools).~~
6 ~~Information under this paragraph shall be] If the alleged~~
7 ~~perpetrator is a school employee, the school administrator~~
8 ~~shall receive information limited to the final status of the~~
9 ~~report following the investigation as to whether the report~~
10 ~~is indicated, founded or unfounded. Information disclosed~~
11 ~~pursuant to this paragraph shall be provided to the school~~
12 ~~administrator within ten days of the completion of the~~
13 ~~investigation.~~

14 * * *

15 ~~§ 6341. Amendment or expunction of information.~~

16 ~~(a) General rule. At any time:~~

17 * * *

18 ~~(2) Any person named as a perpetrator[, and any school~~
19 ~~employee named,] in an indicated report of child abuse may,~~
20 ~~within 45 days of being notified of the status of the report,~~
21 ~~request the secretary to amend or expunge an indicated report~~
22 ~~on the grounds that it is inaccurate or it is being~~
23 ~~maintained in a manner inconsistent with this chapter.~~

24 * * *

25 ~~(c) Review of refusal of request. If the secretary refuses~~
26 ~~the request under subsection (a) (2) or does not act within a~~
27 ~~reasonable time, but in no event later than 30 days after~~
28 ~~receipt of the request, the perpetrator [or school employee]~~
29 ~~shall have the right to a hearing before the secretary or a~~
30 ~~designated agent of the secretary to determine whether the~~

1 ~~summary of the indicated report in the Statewide central~~
2 ~~register should be amended or expunged on the grounds that it is~~
3 ~~inaccurate or that it is being maintained in a manner~~
4 ~~inconsistent with this chapter. The perpetrator [or school~~
5 ~~employee] shall have 45 days from the date of the letter giving~~
6 ~~notice of the decision to deny the request in which to request a~~
7 ~~hearing. The appropriate county agency and appropriate law~~
8 ~~enforcement officials shall be given notice of the hearing. The~~
9 ~~burden of proof in the hearing shall be on the appropriate~~
10 ~~county agency. The department shall assist the county agency as~~
11 ~~necessary.~~

12 ~~* * *~~

13 ~~(f) Notice of expunction. Written notice of an expunction~~
14 ~~of any child abuse record made pursuant to the provisions of~~
15 ~~this chapter shall be served upon the subject of the record who~~
16 ~~was responsible for the abuse or injury and the appropriate~~
17 ~~county agency. Except as provided in this subsection, the county~~
18 ~~agency, upon receipt of the notice, shall take appropriate,~~
19 ~~similar action in regard to the local child abuse [and school~~
20 ~~employee] records and inform, for the same purpose, the~~
21 ~~appropriate coroner if that officer has received reports~~
22 ~~pursuant to section 6367 (relating to reports to department and~~
23 ~~coroner). Whenever the county agency investigation reveals,~~
24 ~~within 60 days of receipt of the report of suspected child~~
25 ~~abuse, that the report is unfounded but that the subjects need~~
26 ~~services provided or arranged by the county agency, the county~~
27 ~~agency shall retain those records and shall specifically~~
28 ~~identify that the report was an unfounded report of suspected~~
29 ~~child abuse. An unfounded report regarding subjects who receive~~
30 ~~services shall be expunged no later than 120 days following the~~

1 ~~expiration of one year after the termination or completion of~~
2 ~~services provided or arranged by the county agency.~~

3 ~~§ 6344. Information relating to prospective child care~~
4 ~~personnel.~~

5 ~~***~~

6 ~~(b) Information submitted by prospective employees.~~

7 ~~Administrators of child care services shall require applicants~~
8 ~~to submit with their applications the following information~~
9 ~~obtained within the preceding one year period:~~

10 ~~***~~

11 ~~(2) A certification from the department as to whether~~
12 ~~the applicant is named in the central register as the~~
13 ~~perpetrator of a founded report of child abuse[,] or an~~
14 ~~indicated report of child abuse[, founded report for school~~
15 ~~employee or indicated report for school employee].~~

16 ~~***~~

17 ~~(c) Grounds for denying employment.~~

18 ~~(1) In no case shall an administrator hire an applicant~~
19 ~~where the department has verified that the applicant is named~~
20 ~~in the central register as the perpetrator of a founded~~
21 ~~report of child abuse committed within the five year period~~
22 ~~immediately preceding verification pursuant to this section~~
23 ~~[or is named in the central register as the perpetrator of a~~
24 ~~founded report for a school employee committed within the~~
25 ~~five year period immediately preceding verification pursuant~~
26 ~~to this section].~~

27 ~~***~~

28 ~~(e) Use of information. A foster family care agency may not~~
29 ~~approve a prospective foster parent if the prospective foster~~
30 ~~parent or an individual 14 years of age or older who resides for~~

1 ~~at least 30 days in a calendar year with the prospective foster~~
2 ~~parent meets either of the following:~~

3 ~~(1) Is named in the central register as the perpetrator~~
4 ~~of a founded report of child abuse committed within the five~~
5 ~~year period immediately preceding verification pursuant to~~
6 ~~this section [or is named in the central register as the~~
7 ~~perpetrator of a founded report for a school employee~~
8 ~~committed within the five year period immediately preceding~~
9 ~~verification pursuant to this section].~~

10 ~~(2) Has been found guilty of an offense listed in~~
11 ~~subsection (c) (2).~~

12 ~~(p) Use of information. A prospective adoptive parent may~~
13 ~~not be approved if the prospective adoptive parent or an~~
14 ~~individual [14] 18 years of age or older who resides for at~~
15 ~~least 30 days in a calendar year with the prospective adoptive~~
16 ~~parent meets either of the following:~~

17 ~~(1) Is named in the central register as the perpetrator~~
18 ~~of a founded report of child abuse committed within the five~~
19 ~~year period immediately preceding verification pursuant to~~
20 ~~this section [or is named in the central register as the~~
21 ~~perpetrator of a founded report for a school employee~~
22 ~~committed within the five year period immediately preceding~~
23 ~~verification pursuant to this section].~~

24 ~~(2) Has been found guilty of an offense listed in~~
25 ~~subsection (c) (2).~~

26 ~~§ 6344.1. Information relating to family day care home~~
27 ~~residents.~~

28 ~~***~~

29 ~~(b) Required information. Child abuse record information~~
30 ~~required under subsection (a) shall include certification by the~~

1 ~~department as to whether the applicant is named in the central~~
2 ~~register as the perpetrator of a founded report[,] or an~~
3 ~~indicated report[, founded report for school employee or~~
4 ~~indicated report for school employee].~~

5 ~~SECTION 2. SECTION 6331(4) OF TITLE 23, AMENDED DECEMBER 18, <--~~
6 ~~2013 (P.L.1201, NO.119), IS AMENDED TO READ:~~

7 ~~§ 6331. ESTABLISHMENT OF STATEWIDE DATABASE.~~

8 ~~THERE SHALL BE ESTABLISHED IN THE DEPARTMENT A STATEWIDE~~
9 ~~DATABASE OF PROTECTIVE SERVICES, WHICH SHALL INCLUDE THE~~
10 ~~FOLLOWING, AS PROVIDED BY SECTION 6336 (RELATING TO INFORMATION~~
11 ~~IN STATEWIDE CENTRAL REGISTER):~~

12 ~~* * *~~

13 ~~(4) FALSE REPORTS OF CHILD ABUSE PURSUANT TO A~~
14 ~~CONVICTION UNDER 18 PA.C.S. § 4906.1 (RELATING TO FALSE~~
15 ~~REPORTS OF CHILD ABUSE) [AND INVALID GENERAL PROTECTIVE~~
16 ~~SERVICES REPORTS THAT A COUNTY AGENCY OR THE DEPARTMENT HAVE~~
17 ~~DETERMINED TO BE FALSE,] FOR THE PURPOSE OF IDENTIFYING AND~~
18 ~~TRACKING PATTERNS OF INTENTIONALLY FALSE REPORTS.~~

19 ~~SECTION 3. SECTION 6338(A) OF TITLE 23, AMENDED DECEMBER 18,~~
20 ~~2013 (P.L.1170, NO.108), IS AMENDED TO READ:~~

21 ~~§ 6338. DISPOSITION OF FOUNDED AND INDICATED REPORTS.~~

22 ~~(A) GENERAL RULE. WHEN A REPORT OF SUSPECTED CHILD ABUSE~~
23 ~~{OR A REPORT UNDER SUBCHAPTER C.1 (RELATING TO STUDENTS IN~~
24 ~~PUBLIC AND PRIVATE SCHOOLS)} IS DETERMINED BY THE APPROPRIATE~~
25 ~~COUNTY AGENCY TO BE A FOUNDED REPORT OR AN INDICATED REPORT, THE~~
26 ~~{INFORMATION CONCERNING THAT REPORT OF SUSPECTED CHILD ABUSE~~
27 ~~SHALL BE EXPUNGED IMMEDIATELY FROM THE PENDING COMPLAINT FILE,~~
28 ~~AND AN APPROPRIATE ENTRY SHALL BE MADE IN THE STATEWIDE CENTRAL~~
29 ~~REGISTER] STATUS OF THE REPORT SHALL BE CHANGED FROM PENDING TO~~
30 ~~FOUNDED OR INDICATED IN THE STATEWIDE DATABASE. NOTICE OF THE~~

1 ~~DETERMINATION THAT A REPORT IS A FOUNDED, INDICATED OR UNFOUNDED~~
2 ~~REPORT SHALL BE MADE AS PROVIDED IN SECTION 6368(F) (RELATING TO~~
3 ~~INVESTIGATION OF REPORTS).~~

4 * * *

5 SECTION 2. SECTIONS 6331(11) AND 6338(A) OF TITLE 23, <--
6 AMENDED APRIL 7, 2014 (P.L. , NO.29), ARE AMENDED TO READ:
7 § 6331. ESTABLISHMENT OF STATEWIDE DATABASE.

8 THERE SHALL BE ESTABLISHED IN THE DEPARTMENT A STATEWIDE
9 DATABASE OF PROTECTIVE SERVICES, WHICH SHALL INCLUDE THE
10 FOLLOWING, AS PROVIDED BY SECTION 6336 (RELATING TO INFORMATION
11 IN STATEWIDE DATABASE):

12 * * *

13 (11) FALSE REPORTS OF CHILD ABUSE PURSUANT TO A
14 CONVICTION UNDER 18 PA.C.S. § 4906.1 (RELATING TO FALSE
15 REPORTS OF CHILD ABUSE) [AND INVALID GENERAL PROTECTIVE
16 SERVICES REPORTS THAT A COUNTY AGENCY OR THE DEPARTMENT HAVE
17 DETERMINED TO BE FALSE,] FOR THE PURPOSE OF IDENTIFYING AND
18 TRACKING PATTERNS OF INTENTIONALLY FALSE REPORTS.

19 § 6338. DISPOSITION OF FOUNDED AND INDICATED REPORTS.

20 (A) GENERAL RULE.--WHEN A REPORT OF SUSPECTED CHILD
21 ABUSE [OR A REPORT UNDER SUBCHAPTER C.1 (RELATING TO STUDENTS
22 IN PUBLIC AND PRIVATE SCHOOLS)] IS DETERMINED BY THE
23 APPROPRIATE COUNTY AGENCY TO BE A FOUNDED REPORT OR AN
24 INDICATED REPORT, THE STATUS OF THE REPORT SHALL BE CHANGED
25 FROM PENDING TO FOUNDED OR INDICATED IN THE STATEWIDE
26 DATABASE. NOTICE OF THE DETERMINATION THAT A REPORT IS A
27 FOUNDED, INDICATED OR UNFOUNDED REPORT SHALL BE MADE AS
28 PROVIDED IN SECTION 6368(F) (RELATING TO INVESTIGATION OF
29 REPORTS).

30 * * *

1 SECTION 3. (RESERVED).

2 SECTION 4. SECTION 6338.1(A) (1) OF TITLE 23, ADDED DECEMBER
3 18, 2013 (P.L.1195, NO.117), IS AMENDED TO READ:

4 § 6338.1. EXPUNCTION OF INFORMATION OF PERPETRATOR WHO WAS
5 UNDER 18 YEARS OF AGE WHEN CHILD ABUSE WAS COMMITTED.

6 (A) GENERAL RULE.--THE NAME OF A PERPETRATOR WHO IS THE
7 SUBJECT OF AN INDICATED REPORT OF CHILD ABUSE AND WHO WAS UNDER
8 18 YEARS OF AGE WHEN THE INDIVIDUAL COMMITTED CHILD ABUSE SHALL
9 BE EXPUNGED FROM THE STATEWIDE DATABASE WHEN THE INDIVIDUAL
10 REACHES 21 YEARS OF AGE OR WHEN FIVE YEARS HAVE ELAPSED SINCE
11 THE PERPETRATOR'S NAME WAS ADDED TO THE DATABASE, WHICHEVER IS
12 LATER, IF THE INDIVIDUAL MEETS ALL OF THE FOLLOWING:

13 (1) THE INDIVIDUAL HAS NOT BEEN NAMED AS A PERPETRATOR
14 IN ANY SUBSEQUENT INDICATED REPORT OF CHILD ABUSE AND IS NOT
15 [THE SUBJECT OF] NAMED AS AN ALLEGED PERPETRATOR IN A CHILD
16 ABUSE REPORT PENDING INVESTIGATION.

17 * * *

18 SECTION 5. SECTION 6341 OF TITLE 23, AMENDED OR ADDED
19 DECEMBER 18, 2013 (P.L.1170, NO.108) AND DECEMBER 18, 2013
20 (P.L.1201, NO.119), IS REENACTED AND AMENDED TO READ:

21 § 6341. AMENDMENT OR EXPUNCTION OF INFORMATION.

22 (A) GENERAL RULE.--NOTWITHSTANDING SECTION 6338.1 (RELATING
23 TO EXPUNCTION OF INFORMATION OF PERPETRATOR WHO WAS UNDER 18
24 YEARS OF AGE WHEN CHILD ABUSE WAS COMMITTED):

25 (1) AT ANY TIME, THE SECRETARY MAY AMEND OR EXPUNGE ANY
26 RECORD IN THE STATEWIDE DATABASE UNDER THIS CHAPTER UPON GOOD
27 CAUSE SHOWN AND NOTICE TO THE APPROPRIATE SUBJECTS OF THE
28 REPORT. THE REQUEST SHALL BE IN WRITING IN A MANNER
29 PRESCRIBED BY THE DEPARTMENT. FOR PURPOSES OF THIS PARAGRAPH,
30 GOOD CAUSE SHALL INCLUDE, BUT IS NOT LIMITED TO, THE

1 FOLLOWING:

2 (I) NEWLY DISCOVERED EVIDENCE THAT AN INDICATED
3 REPORT OF CHILD ABUSE IS INACCURATE OR IS BEING
4 MAINTAINED IN A MANNER INCONSISTENT WITH THIS CHAPTER.

5 (II) A DETERMINATION THAT THE PERPETRATOR IN AN
6 INDICATED REPORT OF ABUSE NO LONGER REPRESENTS A RISK OF
7 CHILD ABUSE AND THAT NO SIGNIFICANT PUBLIC PURPOSE WOULD
8 BE SERVED BY THE CONTINUED LISTING OF THE PERSON AS A
9 PERPETRATOR IN THE STATEWIDE DATABASE.

10 (2) ANY PERSON NAMED AS A PERPETRATOR, AND ANY SCHOOL
11 EMPLOYEE NAMED, IN AN INDICATED REPORT OF CHILD ABUSE MAY,
12 WITHIN 90 DAYS OF BEING NOTIFIED OF THE STATUS OF THE REPORT,
13 REQUEST AN ADMINISTRATIVE REVIEW BY, OR APPEAL AND REQUEST A
14 HEARING BEFORE, THE SECRETARY TO AMEND OR EXPUNGE AN
15 INDICATED REPORT ON THE GROUNDS THAT IT IS INACCURATE OR IT
16 IS BEING MAINTAINED IN A MANNER INCONSISTENT WITH THIS
17 CHAPTER. THE REQUEST SHALL BE IN WRITING IN A MANNER
18 PRESCRIBED BY THE DEPARTMENT.

19 (3) WITHIN 60 DAYS OF A REQUEST UNDER PARAGRAPH (1) OR A
20 REQUEST FOR ADMINISTRATIVE REVIEW UNDER PARAGRAPH (2), THE
21 DEPARTMENT SHALL SEND NOTICE OF THE SECRETARY'S DECISION.

22 (B) REVIEW OF GRANT OF REQUEST.--IF THE SECRETARY GRANTS THE
23 REQUEST UNDER SUBSECTION (A) (2), THE STATEWIDE DATABASE,
24 APPROPRIATE COUNTY AGENCY, APPROPRIATE LAW ENFORCEMENT OFFICIALS
25 AND ALL SUBJECTS SHALL BE SO ADVISED OF THE DECISION. THE COUNTY
26 AGENCY AND ANY SUBJECT HAVE 90 DAYS IN WHICH TO FILE AN
27 ADMINISTRATIVE APPEAL WITH THE SECRETARY. IF AN ADMINISTRATIVE
28 APPEAL IS RECEIVED, THE SECRETARY OR HIS DESIGNATED AGENT SHALL
29 SCHEDULE A HEARING PURSUANT TO ARTICLE IV OF THE ACT OF JUNE 13,
30 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE,

1 ATTENDING DEPARTMENTAL REGULATIONS. IF NO ADMINISTRATIVE APPEAL
2 IS RECEIVED WITHIN THE DESIGNATED TIME PERIOD, THE STATEWIDE
3 DATABASE SHALL COMPLY WITH THE DECISION OF THE SECRETARY AND
4 ADVISE THE COUNTY AGENCY TO AMEND OR EXPUNGE THE INFORMATION IN
5 THEIR RECORDS SO THAT THE RECORDS ARE CONSISTENT AT BOTH THE
6 STATE AND LOCAL LEVELS.

7 (C) REVIEW OF REFUSAL OF REQUEST.--SUBJECT TO SUBSECTION
8 (C.1), IF THE SECRETARY REFUSES A REQUEST UNDER SUBSECTION (A)
9 (1) OR A REQUEST FOR ADMINISTRATIVE REVIEW UNDER SUBSECTION (A)
10 (2), OR DOES NOT ACT WITHIN THE PRESCRIBED TIME, THE PERPETRATOR
11 OR SCHOOL EMPLOYEE SHALL HAVE THE RIGHT TO APPEAL AND REQUEST A
12 HEARING BEFORE THE SECRETARY TO AMEND OR EXPUNGE AN INDICATED
13 REPORT ON THE GROUNDS THAT IT IS INACCURATE OR IT IS BEING
14 MAINTAINED IN A MANNER INCONSISTENT WITH THIS CHAPTER. THE
15 REQUEST FOR HEARING MUST BE MADE WITHIN 90 DAYS OF NOTICE OF THE
16 [RESULTS OF THE INVESTIGATION] DECISION. THE APPROPRIATE COUNTY
17 AGENCY AND APPROPRIATE LAW ENFORCEMENT OFFICIALS SHALL BE GIVEN
18 NOTICE OF THE HEARING. THE BURDEN OF PROOF IN THE HEARING SHALL
19 BE ON THE APPROPRIATE COUNTY AGENCY. THE DEPARTMENT SHALL ASSIST
20 THE COUNTY AGENCY AS NECESSARY.

21 (C.1) FOUNDED REPORTS.--A PERSON NAMED AS A PERPETRATOR IN A
22 FOUNDED REPORT OF CHILD ABUSE MUST PROVIDE TO THE DEPARTMENT A
23 COURT ORDER INDICATING THAT THE UNDERLYING ADJUDICATION THAT
24 FORMED THE BASIS OF THE FOUNDED REPORT HAS BEEN REVERSED OR
25 VACATED.

26 (C.2) HEARING.--A PERSON MAKING AN APPEAL UNDER SUBSECTION
27 (A) (2) OR (C) SHALL HAVE THE RIGHT TO A TIMELY HEARING TO
28 DETERMINE THE MERITS OF THE APPEAL. A HEARING SHALL BE SCHEDULED
29 ACCORDING TO THE FOLLOWING PROCEDURES:

30 (1) WITHIN TEN DAYS OF RECEIPT OF AN APPEAL PURSUANT TO

1 THIS SECTION, THE DEPARTMENT SHALL SCHEDULE A HEARING ON THE
2 MERITS OF THE APPEAL.

3 (2) THE DEPARTMENT SHALL MAKE REASONABLE EFFORTS TO
4 COORDINATE THE HEARING DATE WITH BOTH THE APPELLEE AND
5 APPELLANT.

6 (3) AFTER REASONABLE EFFORTS REQUIRED BY PARAGRAPH (2)
7 HAVE BEEN MADE, THE DEPARTMENT SHALL ENTER A SCHEDULING
8 ORDER, AND PROCEEDINGS BEFORE THE BUREAU OF HEARINGS AND
9 APPEALS SHALL COMMENCE WITHIN 90 DAYS OF THE DATE THE
10 SCHEDULING ORDER IS ENTERED, UNLESS ALL PARTIES HAVE AGREED
11 TO A CONTINUANCE. PROCEEDINGS AND HEARINGS SHALL BE SCHEDULED
12 TO BE HEARD ON CONSECUTIVE DAYS WHENEVER POSSIBLE, BUT IF NOT
13 ON CONSECUTIVE DAYS, THEN THE PROCEEDING OR HEARING SHALL BE
14 CONCLUDED NOT LATER THAN 30 DAYS FROM COMMENCEMENT.

15 (4) THE DEPARTMENT OR COUNTY AGENCY SHALL PROVIDE A
16 PERSON MAKING AN APPEAL WITH [ALL] EVIDENCE GATHERED DURING
17 THE CHILD ABUSE INVESTIGATION WITHIN ITS POSSESSION THAT IS
18 RELEVANT TO THE CHILD ABUSE DETERMINATION, [INCLUDING
19 POTENTIALLY EXCULPATORY EVIDENCE. THE EVIDENCE SHALL BE
20 PROVIDED NOT LATER THAN TEN DAYS FOLLOWING THE ENTRY OF A
21 SCHEDULING ORDER] SUBJECT TO SECTIONS 6339 (RELATING TO
22 CONFIDENTIALITY OF REPORTS) AND 6340 (RELATING TO RELEASE OF
23 INFORMATION IN CONFIDENTIAL REPORTS).

24 (5) THE DEPARTMENT OR COUNTY AGENCY SHALL BEAR THE
25 BURDEN OF PROVING BY SUBSTANTIAL EVIDENCE THAT THE REPORT
26 SHOULD REMAIN CATEGORIZED AS AN INDICATED REPORT.

27 (C.3) PROMPT DECISION.--THE ADMINISTRATIVE LAW JUDGE'S OR
28 HEARING OFFICER'S DECISION IN A HEARING UNDER SUBSECTION (C.2)
29 SHALL BE ENTERED, FILED AND SERVED UPON THE PARTIES WITHIN 45
30 DAYS OF THE DATE UPON WHICH THE PROCEEDING OR HEARING IS

1 CONCLUDED UNLESS, WITHIN THAT TIME, THE TRIBUNAL EXTENDS THE
2 DATE FOR THE DECISION BY ORDER ENTERED OF RECORD SHOWING GOOD
3 CAUSE FOR THE EXTENSION. IN NO EVENT SHALL AN EXTENSION DELAY
4 THE ENTRY OF THE DECISION MORE THAN 60 DAYS AFTER THE CONCLUSION
5 OF THE PROCEEDING OR HEARING.

6 (C.4) NOTICE OF DECISION.--NOTICE OF THE DECISION SHALL BE
7 MADE TO THE STATEWIDE DATABASE, THE APPROPRIATE COUNTY AGENCY,
8 ANY APPROPRIATE LAW ENFORCEMENT OFFICIALS AND ALL SUBJECTS OF
9 THE REPORT, EXCEPT FOR THE ABUSED CHILD.

10 (D) STAY OF PROCEEDINGS.--ANY ADMINISTRATIVE APPEAL
11 PROCEEDING PURSUANT TO SUBSECTION (B) SHALL BE AUTOMATICALLY
12 STAYED UPON NOTICE TO THE DEPARTMENT BY EITHER OF THE PARTIES
13 WHEN THERE IS A PENDING CRIMINAL PROCEEDING OR A DEPENDENCY OR
14 DELINQUENCY PROCEEDING PURSUANT TO 42 PA.C.S. CH. 63 (RELATING
15 TO JUVENILE MATTERS), INCLUDING ANY APPEAL THEREOF, INVOLVING
16 THE SAME FACTUAL CIRCUMSTANCES AS THE ADMINISTRATIVE APPEAL.

17 (E) ORDER.--THE SECRETARY OR DESIGNATED AGENT MAY MAKE ANY
18 APPROPRIATE ORDER RESPECTING THE AMENDMENT OR EXPUNCTION OF SUCH
19 RECORDS TO MAKE THEM ACCURATE OR CONSISTENT WITH THE
20 REQUIREMENTS OF THIS CHAPTER.

21 (F) NOTICE OF EXPUNCTION.--WRITTEN NOTICE OF AN EXPUNCTION
22 OF ANY CHILD ABUSE RECORD MADE PURSUANT TO THE PROVISIONS OF
23 THIS CHAPTER SHALL BE SERVED UPON THE SUBJECT OF THE RECORD WHO
24 WAS RESPONSIBLE FOR THE ABUSE OR INJURY AND THE APPROPRIATE
25 COUNTY AGENCY. EXCEPT AS PROVIDED IN THIS SUBSECTION, THE COUNTY
26 AGENCY, UPON RECEIPT OF THE NOTICE, SHALL TAKE APPROPRIATE,
27 SIMILAR ACTION IN REGARD TO THE LOCAL CHILD ABUSE [AND SCHOOL
28 EMPLOYEE] RECORDS AND INFORM, FOR THE SAME PURPOSE, THE
29 APPROPRIATE CORONER IF THAT OFFICER HAS RECEIVED REPORTS
30 PURSUANT TO SECTION 6367 (RELATING TO REPORTS TO DEPARTMENT AND

1 CORONER). WHENEVER THE COUNTY AGENCY INVESTIGATION REVEALS,
2 WITHIN 60 DAYS OF RECEIPT OF THE REPORT OF SUSPECTED CHILD
3 ABUSE, THAT THE REPORT IS UNFOUNDED BUT THAT THE SUBJECTS NEED
4 SERVICES PROVIDED OR ARRANGED BY THE COUNTY AGENCY, THE COUNTY
5 AGENCY SHALL RETAIN THOSE RECORDS AND SHALL SPECIFICALLY
6 IDENTIFY THAT THE REPORT WAS AN UNFOUNDED REPORT OF SUSPECTED
7 CHILD ABUSE. AN UNFOUNDED REPORT REGARDING SUBJECTS WHO RECEIVE
8 SERVICES SHALL BE EXPUNGED NO LATER THAN 120 DAYS FOLLOWING THE
9 EXPIRATION OF ONE YEAR AFTER THE TERMINATION OR COMPLETION OF
10 SERVICES PROVIDED OR ARRANGED BY THE COUNTY AGENCY.

11 (G) RECONSIDERATION AND APPEAL.--PARTIES TO A PROCEEDING OR
12 HEARING HELD UNDER SUBSECTION (C.2) HAVE 15 CALENDAR DAYS FROM
13 THE MAILING DATE OF THE FINAL ORDER OF THE BUREAU OF HEARINGS
14 AND APPEALS TO REQUEST THE SECRETARY TO RECONSIDER THE DECISION
15 [OR APPEAL TO COMMONWEALTH COURT]. PARTIES TO A PROCEEDING OR
16 HEARING HELD UNDER THIS SECTION HAVE 30 CALENDAR DAYS FROM THE
17 MAILING DATE OF THE FINAL ORDER OF THE BUREAU OF HEARINGS AND
18 APPEALS TO PERFECT AN APPEAL TO COMMONWEALTH COURT. THE FILING
19 FOR RECONSIDERATION SHALL NOT TOLL THE 30 DAYS PROVIDED.

20 SECTION 6. SECTIONS 6344(B), (C)(1), (O) AND (P) AND
21 6344.1(B) OF TITLE 23, AMENDED APRIL 7, 2014 (P.L. , NO.29), <--
22 ARE AMENDED TO READ:

23 § 6344. INFORMATION RELATING TO PROSPECTIVE CHILD-CARE
24 PERSONNEL.

25 * * *

26 (B) INFORMATION [SUBMITTED BY PROSPECTIVE EMPLOYEES.--
27 ADMINISTRATORS OF CHILD-CARE SERVICES SHALL REQUIRE APPLICANTS
28 TO SUBMIT WITH THEIR APPLICATIONS] TO BE SUBMITTED.--AN
29 INDIVIDUAL IDENTIFIED IN SUBSECTION (A)(6) AT THE TIME THE
30 INDIVIDUAL MEETS THE DESCRIPTION SET FORTH IN SUBSECTION (A)(6)

1 AND AN INDIVIDUAL APPLYING TO SERVE IN ANY CAPACITY IDENTIFIED
2 IN SUBSECTION (A) (1), (2), (3), (4) OR (5) PRIOR TO THE
3 COMMENCEMENT OF EMPLOYMENT OR SERVICE SHALL BE REQUIRED TO
4 SUBMIT THE FOLLOWING INFORMATION OBTAINED WITHIN THE PRECEDING
5 ONE-YEAR PERIOD:

6 (1) PURSUANT TO 18 PA.C.S. CH. 91 (RELATING TO CRIMINAL
7 HISTORY RECORD INFORMATION), A REPORT OF CRIMINAL HISTORY
8 RECORD INFORMATION FROM THE PENNSYLVANIA STATE POLICE OR A
9 STATEMENT FROM THE PENNSYLVANIA STATE POLICE THAT THE STATE
10 POLICE CENTRAL REPOSITORY CONTAINS NO SUCH INFORMATION
11 RELATING TO THAT PERSON. THE CRIMINAL HISTORY RECORD
12 INFORMATION SHALL BE LIMITED TO THAT WHICH IS DISSEMINATED
13 PURSUANT TO 18 PA.C.S. § 9121(B)(2) (RELATING TO GENERAL
14 REGULATIONS).

15 ~~(2) A CERTIFICATION FROM THE DEPARTMENT AS TO WHETHER <--~~
16 ~~THE APPLICANT IS NAMED IN THE [CENTRAL REGISTER] STATEWIDE~~
17 ~~DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT OF CHILD~~
18 ~~ABUSE[,] OR AN INDICATED REPORT OF CHILD ABUSE[, FOUNDED~~
19 ~~REPORT FOR SCHOOL EMPLOYEE OR INDICATED REPORT FOR SCHOOL~~
20 ~~EMPLOYEE].~~

21 (2) A CERTIFICATION FROM THE DEPARTMENT AS TO WHETHER <--
22 THE APPLICANT IS NAMED IN THE STATEWIDE DATABASE AS THE
23 ALLEGED PERPETRATOR IN A PENDING CHILD ABUSE INVESTIGATION OR
24 AS THE PERPETRATOR OF A FOUNDED REPORT OF CHILD ABUSE[,] OR
25 AN INDICATED REPORT OF CHILD ABUSE[, FOUNDED REPORT FOR
26 SCHOOL EMPLOYEE OR INDICATED REPORT FOR SCHOOL EMPLOYEE].

27 (3) A REPORT OF FEDERAL CRIMINAL HISTORY RECORD
28 INFORMATION. THE APPLICANT SHALL SUBMIT A FULL SET OF
29 FINGERPRINTS IN A MANNER PRESCRIBED BY THE DEPARTMENT. THE
30 COMMONWEALTH SHALL SUBMIT THE FINGERPRINTS TO THE FEDERAL

1 BUREAU OF INVESTIGATION IN ORDER TO OBTAIN A REPORT OF
2 FEDERAL CRIMINAL HISTORY RECORD INFORMATION AND SERVE AS
3 INTERMEDIARY FOR THE PURPOSES OF THIS SECTION.
4 FOR THE PURPOSES OF THIS SUBSECTION, AN APPLICANT MAY SUBMIT A
5 COPY OF THE INFORMATION REQUIRED UNDER PARAGRAPHS (1) AND (2)
6 WITH AN APPLICATION FOR EMPLOYMENT. ADMINISTRATORS SHALL
7 MAINTAIN A COPY OF THE REQUIRED INFORMATION AND SHALL REQUIRE
8 APPLICANTS TO PRODUCE THE ORIGINAL DOCUMENT PRIOR TO EMPLOYMENT.

9 (C) GROUNDS FOR DENYING EMPLOYMENT OR PARTICIPATION IN
10 PROGRAM, ACTIVITY OR SERVICE.--

11 (1) IN NO CASE SHALL AN ADMINISTRATOR HIRE OR APPROVE AN
12 APPLICANT WHERE THE DEPARTMENT HAS VERIFIED THAT THE
13 APPLICANT IS NAMED IN THE [CENTRAL REGISTER] STATEWIDE
14 DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT [OF CHILD
15 ABUSE] COMMITTED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY
16 PRECEDING VERIFICATION PURSUANT TO THIS SECTION [OR IS NAMED
17 IN THE CENTRAL REGISTER AS THE PERPETRATOR OF A FOUNDED
18 REPORT FOR A SCHOOL EMPLOYEE COMMITTED WITHIN THE FIVE-YEAR
19 PERIOD IMMEDIATELY PRECEDING VERIFICATION PURSUANT TO THIS
20 SECTION].

21 * * *

22 (O) USE OF INFORMATION.--A FOSTER FAMILY CARE AGENCY MAY NOT
23 APPROVE A PROSPECTIVE FOSTER PARENT IF THE PROSPECTIVE FOSTER
24 PARENT OR AN INDIVIDUAL [14] 18 YEARS OF AGE OR OLDER WHO
25 RESIDES FOR AT LEAST 30 DAYS IN A CALENDAR YEAR WITH THE
26 PROSPECTIVE FOSTER PARENT MEETS EITHER OF THE FOLLOWING:

27 ~~(1) IS NAMED IN THE [CENTRAL REGISTER] STATEWIDE~~ <--
28 ~~DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT [OF CHILD~~
29 ~~ABUSE] COMMITTED WITHIN THE FIVE YEAR PERIOD IMMEDIATELY~~
30 ~~PRECEDING VERIFICATION PURSUANT TO THIS SECTION [OR IS NAMED~~

1 ~~IN THE CENTRAL REGISTER AS THE PERPETRATOR OF A FOUNDED~~
2 ~~REPORT FOR A SCHOOL EMPLOYEE COMMITTED WITHIN THE FIVE YEAR~~
3 ~~PERIOD IMMEDIATELY PRECEDING VERIFICATION PURSUANT TO THIS~~
4 ~~SECTION].~~

5 (1) IS NAMED IN THE STATEWIDE DATABASE AS THE <--
6 PERPETRATOR OF A FOUNDED REPORT [OF CHILD ABUSE] COMMITTED
7 WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING
8 VERIFICATION PURSUANT TO THIS SECTION [OR IS NAMED IN THE
9 STATEWIDE DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT FOR
10 A SCHOOL EMPLOYEE COMMITTED WITHIN THE FIVE-YEAR PERIOD
11 IMMEDIATELY PRECEDING VERIFICATION PURSUANT TO THIS SECTION].

12 (2) HAS BEEN FOUND GUILTY OF AN OFFENSE LISTED IN
13 SUBSECTION [(C) (2)] (C).

14 (P) USE OF INFORMATION.--A PROSPECTIVE ADOPTIVE PARENT MAY
15 NOT BE APPROVED IF THE PROSPECTIVE ADOPTIVE PARENT OR AN
16 INDIVIDUAL 14 YEARS OF AGE OR OLDER WHO RESIDES FOR AT LEAST 30
17 DAYS IN A CALENDAR YEAR WITH THE PROSPECTIVE ADOPTIVE PARENT
18 MEETS EITHER OF THE FOLLOWING:

19 ~~(1) IS NAMED IN THE [CENTRAL REGISTER] STATEWIDE~~ <--
20 ~~DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT [OF CHILD~~
21 ~~ABUSE] COMMITTED WITHIN THE FIVE YEAR PERIOD IMMEDIATELY~~
22 ~~PRECEDING VERIFICATION PURSUANT TO THIS SECTION [OR IS NAMED~~
23 ~~IN THE CENTRAL REGISTER AS THE PERPETRATOR OF A FOUNDED~~
24 ~~REPORT FOR A SCHOOL EMPLOYEE COMMITTED WITHIN THE FIVE YEAR~~
25 ~~PERIOD IMMEDIATELY PRECEDING VERIFICATION PURSUANT TO THIS~~
26 ~~SECTION].~~

27 (1) IS NAMED IN THE STATEWIDE DATABASE AS THE <--
28 PERPETRATOR OF A FOUNDED REPORT [OF CHILD ABUSE] COMMITTED
29 WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING
30 VERIFICATION PURSUANT TO THIS SECTION [OR IS NAMED IN THE

1 STATEWIDE DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT FOR
2 A SCHOOL EMPLOYEE COMMITTED WITHIN THE FIVE-YEAR PERIOD
3 IMMEDIATELY PRECEDING VERIFICATION PURSUANT TO THIS SECTION].

4 (2) HAS BEEN FOUND GUILTY OF AN OFFENSE LISTED IN
5 SUBSECTION [(C) (2)] (C).

6 § 6344.1. INFORMATION RELATING TO FAMILY DAY-CARE HOME
7 RESIDENTS.

8 * * *

9 ~~(B) REQUIRED INFORMATION. CHILD ABUSE RECORD INFORMATION <--~~
10 ~~REQUIRED UNDER SUBSECTION (A) SHALL INCLUDE CERTIFICATION BY THE~~
11 ~~DEPARTMENT AS TO WHETHER THE APPLICANT IS NAMED IN THE [CENTRAL~~
12 ~~REGISTER] STATEWIDE DATABASE AS THE PERPETRATOR OF A FOUNDED~~
13 ~~REPORT[,] OR AN INDICATED REPORT[, FOUNDED REPORT FOR SCHOOL~~
14 ~~EMPLOYEE OR INDICATED REPORT FOR SCHOOL EMPLOYEE] OF CHILD~~
15 ~~ABUSE.~~

16 (B) REQUIRED INFORMATION.--CHILD ABUSE RECORD INFORMATION <--
17 REQUIRED UNDER SUBSECTION (A) SHALL INCLUDE CERTIFICATION BY THE
18 DEPARTMENT AS TO WHETHER THE APPLICANT IS NAMED IN THE STATEWIDE
19 DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT[,] OR AN
20 INDICATED REPORT[, FOUNDED REPORT FOR SCHOOL EMPLOYEE OR
21 INDICATED REPORT FOR SCHOOL EMPLOYEE] OF CHILD ABUSE.

22 * * *

23 Section ~~3~~ 7. Section 6344.2(b) of Title 23 is amended and <--
24 the section is amended by adding a subsection to read:

25 § 6344.2. Information relating to other persons having contact
26 with children.

27 * * *

28 (a.1) School employees.--This section shall apply to school
29 employees as follows:

30 (1) School employees governed by the provisions of the

1 act of March 10, 1949 (P.L.30, No.14), known as the Public
2 School Code of 1949, shall be subject to the provisions of
3 section 111 of the Public School Code of 1949, except that
4 this section shall apply with regard to the information
5 required under section 6344(b)(2) (relating to information
6 relating to prospective child-care personnel).

7 (2) School employees not governed by the provisions of
8 the Public School Code of 1949 shall be governed by this
9 section.

10 ~~(3) This section shall not apply to any of the~~ <--
11 ~~following:~~

12 ~~(i) A school employee who is:~~

13 ~~(A) under 21 years of age;~~

14 ~~(B) participating in a job development or job~~
15 ~~training program; and~~

16 ~~(C) employed for not more than 90 days.~~

17 ~~(ii) A school employee hired on a provisional basis~~
18 ~~pending receipt of any information required under this~~
19 ~~section if all of the following apply:~~

20 ~~(A) The applicant demonstrates application for~~
21 ~~any information required by this section.~~

22 ~~(B) The applicant attests in writing by oath or~~
23 ~~affirmation that the applicant is not disqualified~~
24 ~~under this chapter.~~

25 ~~(C) The administrator has no knowledge of~~
26 ~~information which would disqualify the applicant~~
27 ~~under this chapter.~~

28 ~~(D) The administrator requires that the~~
29 ~~applicant not be permitted to work alone with~~
30 ~~children and the applicant work in the immediate~~

1 ~~vicinity of a permanent employee.~~

2 ~~(E) The provisional period does not exceed:~~

3 ~~(I) 90 days for an applicant from another~~
4 ~~state; and~~

5 ~~(II) 30 days for all other applicants.~~

6 ~~(F) The hiring does not take place during a~~
7 ~~strike under the act of July 23, 1970 (P.L.563,~~
8 ~~No.195), known as the Public Employe Relations Act.~~

9 ~~(iii) A school employee who transfers from one~~
10 ~~position to another in the same school or school district~~
11 ~~and:~~

12 ~~(A) has, prior to the transfer, already provided~~
13 ~~any information required by this chapter; and~~

14 ~~(B) is not disqualified from employment under~~
15 ~~this chapter.~~

16 (b) Investigation.--Employers, administrators or supervisors
17 OR OTHER PERSONS RESPONSIBLE FOR EMPLOYMENT DECISIONS OR <--
18 SELECTION OF VOLUNTEERS shall require an applicant to submit to
19 all requirements set forth in section 6344(b) [(relating to
20 information relating to prospective child-care personnel)]
21 EXCEPT AS PROVIDED IN SUBSECTION (B.1). An employer, <--
22 administrator, supervisor or other person responsible for
23 employment decisions OR SELECTION OF VOLUNTEERS regarding an <--
24 applicable prospective employee OR VOLUNTEER under this section <--
25 that intentionally fails to require the submissions before
26 hiring that individual commits a misdemeanor of the third
27 degree.

28 * * *

29 Section 4 8. Sections 6346(b) and (c) and 6347(a) and (b) of <--
30 Title 23, AMENDED APRIL 7, 2014 (P.L. , NO.29), are amended to <--

1 read:

2 § 6346. Cooperation of other agencies.

3 * * *

4 ~~(b) Willful failure to cooperate. Any agency, school~~ <--
5 ~~[district] or facility or any person acting on behalf of an~~
6 ~~agency, school [district] or facility that violates this section~~
7 ~~by willfully failing to cooperate with the department or a~~
8 ~~county agency when investigating a report of suspected child~~
9 ~~abuse [or a report under Subchapter C.1 (relating to students in~~
10 ~~public and private schools)] or when assessing SAFETY OR risk to~~ <--
11 ~~a child commits a [summary offense] MISDEMEANOR OF THE THIRD~~ <--
12 ~~DEGREE for a first violation and a misdemeanor of the [third]~~ <--
13 ~~SECOND degree for subsequent violations.~~

14 ~~(c) Cooperation of county agency and law enforcement~~
15 ~~[agencies] OFFICIALS. Consistent with the provisions of this~~ <--
16 ~~chapter, the county agency and law enforcement [agencies]~~ <--
17 ~~OFFICIALS shall cooperate and coordinate, to the fullest extent~~
18 ~~possible, their efforts to respond to and investigate reports of~~
19 ~~suspected child abuse [and to reports under Subchapter C.1].~~

20 * * *

21 § 6347. Reports to Governor and General Assembly.

22 ~~(a) General rule. No later than May 1 of every year, the~~
23 ~~secretary shall prepare and transmit to the Governor and the~~
24 ~~General Assembly a report on the operations of the [central~~ <--
25 ~~register of child] STATEWIDE DATABASE AND abuse and child~~ <--
26 ~~protective services provided by county agencies. The report~~
27 ~~shall include a full statistical analysis of the reports of~~
28 ~~suspected child abuse made to the department [and the reports~~
29 ~~under Subchapter C.1 (relating to students in public and private~~
30 ~~schools)], THE REPORTS OF GENERAL PROTECTIVE SERVICES MADE TO~~ <--

1 ~~THE DEPARTMENT OR COUNTY AGENCIES, together with a report on the~~
2 ~~implementation of this chapter and its total cost to the~~
3 ~~Commonwealth, the evaluation of the secretary of services~~
4 ~~offered under this chapter and recommendations for repeal or for~~
5 ~~additional legislation to fulfill the purposes of this chapter.~~
6 ~~All such recommendations should contain an estimate of increased~~
7 ~~or decreased costs resulting therefrom. The report shall also~~
8 ~~include an explanation of services provided to children who were~~
9 ~~the subjects of founded or indicated reports while receiving~~
10 ~~child care services. The department shall also describe its~~
11 ~~actions in respect to the perpetrators of the abuse.~~

12 (B) WILLFUL FAILURE TO COOPERATE.--ANY AGENCY, SCHOOL <--
13 [DISTRICT] OR FACILITY OR ANY PERSON ACTING ON BEHALF OF AN
14 AGENCY, SCHOOL [DISTRICT] OR FACILITY THAT VIOLATES THIS SECTION
15 BY WILLFULLY FAILING TO COOPERATE WITH THE DEPARTMENT OR A
16 COUNTY AGENCY WHEN INVESTIGATING A REPORT OF SUSPECTED CHILD
17 ABUSE [OR A REPORT UNDER SUBCHAPTER C.1 (RELATING TO STUDENTS IN
18 PUBLIC AND PRIVATE SCHOOLS)] OR WHEN ASSESSING SAFETY OR RISK TO
19 A CHILD COMMITS A MISDEMEANOR OF THE THIRD DEGREE FOR A FIRST
20 VIOLATION AND A MISDEMEANOR OF THE SECOND DEGREE FOR SUBSEQUENT
21 VIOLATIONS.

22 (C) COOPERATION OF COUNTY AGENCY AND LAW ENFORCEMENT
23 OFFICIALS.--CONSISTENT WITH THE PROVISIONS OF THIS CHAPTER, THE
24 COUNTY AGENCY AND LAW ENFORCEMENT OFFICIALS SHALL COOPERATE AND
25 COORDINATE, TO THE FULLEST EXTENT POSSIBLE, THEIR EFFORTS TO
26 RESPOND TO AND INVESTIGATE REPORTS OF SUSPECTED CHILD ABUSE [AND
27 TO REPORTS UNDER SUBCHAPTER C.1].

28 * * *

29 § 6347. REPORTS TO GOVERNOR AND GENERAL ASSEMBLY.

30 (A) GENERAL RULE.--NO LATER THAN MAY 1 OF EVERY YEAR, THE

1 SECRETARY SHALL PREPARE AND TRANSMIT TO THE GOVERNOR AND THE
2 GENERAL ASSEMBLY A REPORT ON THE OPERATIONS OF THE STATEWIDE
3 DATABASE AND PROTECTIVE SERVICES PROVIDED BY COUNTY AGENCIES.
4 THE REPORT SHALL INCLUDE A FULL STATISTICAL ANALYSIS OF THE
5 REPORTS OF SUSPECTED CHILD ABUSE MADE TO THE DEPARTMENT[,] AND
6 THE REPORTS OF GENERAL PROTECTIVE SERVICES MADE TO THE
7 DEPARTMENT OR COUNTY AGENCIES [AND THE REPORTS UNDER SUBCHAPTER
8 C.1 (RELATING TO STUDENTS IN PUBLIC AND PRIVATE SCHOOLS)],
9 TOGETHER WITH A REPORT ON THE IMPLEMENTATION OF THIS CHAPTER AND
10 ITS TOTAL COST TO THE COMMONWEALTH, THE EVALUATION OF THE
11 SECRETARY OF SERVICES OFFERED UNDER THIS CHAPTER AND
12 RECOMMENDATIONS FOR REPEAL OR FOR ADDITIONAL LEGISLATION TO
13 FULFILL THE PURPOSES OF THIS CHAPTER. ALL SUCH RECOMMENDATIONS
14 SHOULD CONTAIN AN ESTIMATE OF INCREASED OR DECREASED COSTS
15 RESULTING THEREFROM. THE REPORT SHALL ALSO INCLUDE AN
16 EXPLANATION OF SERVICES PROVIDED TO CHILDREN WHO WERE THE
17 SUBJECTS OF FOUNDED OR INDICATED REPORTS WHILE RECEIVING CHILD-
18 CARE SERVICES. THE DEPARTMENT SHALL ALSO DESCRIBE ITS ACTIONS IN
19 RESPECT TO THE PERPETRATORS OF THE ABUSE.

20 (b) Reports from county agencies.--To assist the department
21 in preparing its annual report and the quarterly reports
22 required under subsection (c), each county agency shall submit a
23 quarterly report to the department, including, at a minimum, the
24 following information, on an aggregate basis, regarding general
25 protective services[,] and child protective services [and action
26 under Subchapter C.1]:

27 (1) The number of referrals received and referrals
28 accepted.

29 (2) The number of children over whom the agency
30 maintains continuing supervision.

1 (3) The number of cases which have been closed by the
2 agency.

3 (4) The services provided to children and their
4 families.

5 (5) A summary of the findings with nonidentifying
6 information about each case of child abuse or neglect which
7 has resulted in a child fatality or near fatality.

8 * * *

9 ~~Section 5. Subchapter C.1 heading of Chapter 63 of Title 23 <--~~
10 ~~is repealed:~~

11 ~~{SUBCHAPTER C.1~~
12 ~~STUDENTS IN PUBLIC AND PRIVATE SCHOOLS}~~

13 ~~Section 6. Sections 6351, 6352, 6353, 6353.1, 6353.2, 6353.3~~
14 ~~and 6353.4 of Title 23 are repealed:~~

15 ~~{§ 6351. Definitions.~~

16 ~~The following words and phrases when used in this subchapter~~
17 ~~shall have the meanings given to them in this section unless the~~
18 ~~context clearly indicates otherwise:~~

19 ~~"Administrator." The person responsible for the~~
20 ~~administration of a public or private school, intermediate unit~~
21 ~~or area vocational technical school. The term includes an~~
22 ~~independent contractor.~~

23 ~~§ 6352. School employees.~~

24 ~~(a) Requirement.~~

25 ~~(1) Except as provided in paragraph (2), a school~~
26 ~~employee who has reasonable cause to suspect, on the basis of~~
27 ~~professional or other training and experience, that a student~~
28 ~~coming before the school employee in the employee's~~
29 ~~professional or official capacity is a victim of serious~~
30 ~~bodily injury or sexual abuse or sexual exploitation by a~~

1 ~~school employee shall immediately contact the administrator.~~

2 ~~(2) If the school employee accused of seriously injuring~~
3 ~~or sexually abusing or exploiting a student is the~~
4 ~~administrator, the school employee who has reasonable cause~~
5 ~~to suspect, on the basis of professional or other training~~
6 ~~and experience, that a student coming before the school~~
7 ~~employee in the employee's professional or official capacity~~
8 ~~is a victim of serious bodily injury or sexual abuse or~~
9 ~~sexual exploitation shall immediately report to law~~
10 ~~enforcement officials and the district attorney under section~~
11 ~~6353(a) (relating to administration). If an administrator is~~
12 ~~the school employee who suspects injury or abuse, the~~
13 ~~administrator shall make a report under section 6353(a).~~

14 ~~(3) The school employee may not reveal the existence or~~
15 ~~content of the report to any other person.~~

16 ~~(b) Immunity. A school employee who refers a report under~~
17 ~~subsection (a) shall be immune from civil and criminal liability~~
18 ~~arising out of the report.~~

19 ~~(c) Criminal penalty.—~~

20 ~~(1) A school employee who willfully violates subsection~~
21 ~~(a) commits a summary offense.~~

22 ~~(2) A school employee who, after being sentenced under~~
23 ~~paragraph (1), violates subsection (a) commits a misdemeanor~~
24 ~~of the third degree.~~

25 ~~§ 6353. Administration.~~

26 ~~(a) Requirement. An administrator and a school employee~~
27 ~~governed by section 6352(a)(2) (relating to school employees)~~
28 ~~shall report immediately to law enforcement officials and the~~
29 ~~appropriate district attorney any report of serious bodily~~
30 ~~injury or sexual abuse or sexual exploitation alleged to have~~

1 ~~been committed by a school employee against a student.~~

2 ~~(b) Report. A report under subsection (a) shall include the~~
3 ~~following information:~~

4 ~~(1) Name, age, address and school of the student.~~

5 ~~(2) Name and address of the student's parent or~~
6 ~~guardian.~~

7 ~~(3) Name and address of the administrator.~~

8 ~~(4) Name, work and home address of the school employee.~~

9 ~~(5) Nature of the alleged offense.~~

10 ~~(6) Any specific comments or observations that are~~
11 ~~directly related to the alleged incident and the individuals~~
12 ~~involved.~~

13 ~~(c) Immunity. An administrator who makes a report under~~
14 ~~subsection (a) shall be immune from civil or criminal liability~~
15 ~~arising out of the report.~~

16 ~~(d) Criminal penalty. An administrator who willfully~~
17 ~~violates subsection (a) commits a misdemeanor of the third~~
18 ~~degree.~~

19 ~~§ 6353.1. Investigation.~~

20 ~~(a) General rule. Upon receipt of a report under section~~
21 ~~6353 (relating to administration), an investigation shall be~~
22 ~~conducted by law enforcement officials, in cooperation with the~~
23 ~~district attorney, and a determination made as to what criminal~~
24 ~~charges, if any, will be filed against the school employee.~~

25 ~~(b) Referral to county agency.~~

26 ~~(1) If local law enforcement officials have reasonable~~
27 ~~cause to suspect on the basis of initial review that there is~~
28 ~~evidence of serious bodily injury, sexual abuse or sexual~~
29 ~~exploitation committed by a school employee against a~~
30 ~~student, local law enforcement officials shall notify the~~

1 ~~county agency in the county where the alleged abuse or injury~~
2 ~~occurred for the purpose of the agency conducting an~~
3 ~~investigation of the alleged abuse or injury.~~

4 ~~(2) To the fullest extent possible, law enforcement~~
5 ~~officials and the county agency shall coordinate their~~
6 ~~respective investigations. In respect to interviews with the~~
7 ~~student, law enforcement officials and the county agency~~
8 ~~shall conduct joint interviews. In respect to interviews with~~
9 ~~the school employee, law enforcement officials shall be given~~
10 ~~an opportunity to interview the school employee prior to the~~
11 ~~employee having any contact with the county agency.~~

12 ~~(3) The county agency and law enforcement officials have~~
13 ~~the authority to arrange for photographs, medical tests or X-~~
14 ~~rays of a student alleged to have been abused or injured by a~~
15 ~~school employee. The county agency and law enforcement~~
16 ~~officials shall coordinate their efforts in this regard and,~~
17 ~~to the fullest extent possible, avoid the duplication of any~~
18 ~~photographs, medical tests or X-rays.~~

19 ~~(4) Law enforcement officials and the county agency~~
20 ~~shall advise each other of the status and findings of their~~
21 ~~respective investigations on an ongoing basis.~~

22 ~~§ 6353.2. Responsibilities of county agency.~~

23 ~~(a) Information for the pending complaint file. Immediately~~
24 ~~after receiving a report under section 6353.1 (relating to~~
25 ~~investigation), the county agency shall notify the department of~~
26 ~~the receipt of the report, which is to be filed in the pending~~
27 ~~complaint file as provided in section 6331(1) (relating to~~
28 ~~establishment of pending complaint file, Statewide central~~
29 ~~register and file of unfounded reports). The oral report shall~~
30 ~~include the following information:~~

1 ~~(1) The name and address of the student and the~~
2 ~~student's parent or guardian.~~

3 ~~(2) Where the suspected abuse or injury occurred.~~

4 ~~(3) The age and sex of the student.~~

5 ~~(4) The nature and extent of the suspected abuse or~~
6 ~~injury.~~

7 ~~(5) The name and home address of the school employee~~
8 ~~alleged to have committed the abuse or injury.~~

9 ~~(6) The relationship of the student to the school~~
10 ~~employee alleged to have committed the abuse or injury.~~

11 ~~(7) The source of the report to the county agency.~~

12 ~~(8) The actions taken by the county agency, law~~
13 ~~enforcement officials, parents, guardians, school officials~~
14 ~~or other persons, including the taking of photographs,~~
15 ~~medical tests and X rays.~~

16 ~~(b) Investigation of reports. Upon receipt of a report~~
17 ~~under section 6353.1, the county agency shall commence, within~~
18 ~~the time frames established in department regulations, an~~
19 ~~investigation of the nature, extent and cause of any alleged~~
20 ~~abuse or injury enumerated in the report. The county agency~~
21 ~~shall coordinate its investigation to the fullest extent~~
22 ~~possible with law enforcement officials as provided in section~~
23 ~~6353.1(b).~~

24 ~~(c) Completion of investigation. The investigation by the~~
25 ~~county agency to determine whether the report is an indicated~~
26 ~~report for school employee or an unfounded report shall be~~
27 ~~completed within 60 days.~~

28 ~~(d) Notice to subject of a report. Prior to interviewing a~~
29 ~~subject of the report, the county agency shall orally notify the~~
30 ~~subject of the report of the existence of the report and the~~

1 ~~subject's rights under this chapter in regard to amendment or~~
2 ~~expungement. Within 72 hours following oral notification to the~~
3 ~~subject, the county agency shall give written notice to the~~
4 ~~subject. The notice may be reasonably delayed if notification is~~
5 ~~likely to threaten the safety of the student or the county~~
6 ~~agency worker, to cause the school employee to abscond or to~~
7 ~~significantly interfere with the conduct of a criminal~~
8 ~~investigation.~~

9 ~~(e) Reliance on factual investigation. The county agency~~
10 ~~may rely on a factual investigation of substantially the same~~
11 ~~allegations by a law enforcement officials to support the~~
12 ~~agency's finding. This reliance shall not relieve the county~~
13 ~~agency of its responsibilities relating to the investigation of~~
14 ~~reports under this subchapter.~~

15 ~~(f) Notice to the department of the county agency's~~
16 ~~determination. As soon as the county agency has completed its~~
17 ~~investigation, the county agency shall advise the department and~~
18 ~~law enforcement officials of its determination of the report as~~
19 ~~an indicated report for school employee or an unfounded report.~~
20 ~~Supplemental reports shall be made at regular intervals~~
21 ~~thereafter in a manner and form the department prescribes by~~
22 ~~regulation to the end that the department is kept fully informed~~
23 ~~and up to date concerning the status of the report.~~

24 ~~§ 6353.3. Information in Statewide central register.~~

25 ~~The Statewide central register established under section 6331~~
26 ~~(relating to establishment of pending complaint file, Statewide~~
27 ~~central register and file of unfounded reports) shall retain~~
28 ~~only the following information relating to reports of abuse or~~
29 ~~injury of a student by a school employee which have been~~
30 ~~determined to be a founded report for school employee or an~~

1 ~~indicated report for school employee:~~

2 ~~(1) The names, Social Security numbers, age and sex of~~
3 ~~the subjects of the report.~~

4 ~~(2) The home address of the subjects of the report.~~

5 ~~(3) The date and the nature and extent of the alleged~~
6 ~~abuse or injury.~~

7 ~~(4) The county and state where the abuse or injury~~
8 ~~occurred.~~

9 ~~(5) Factors contributing to the abuse or injury.~~

10 ~~(6) The source of the report.~~

11 ~~(7) Whether the report is a founded or indicated report.~~

12 ~~(8) Information obtained by the department in relation~~
13 ~~to the school employee's request to release, amend or expunge~~
14 ~~information retained by the department or the county agency.~~

15 ~~(9) The progress of any legal proceedings brought on the~~
16 ~~basis of the report.~~

17 ~~(10) Whether a criminal investigation has been~~
18 ~~undertaken and the result of the investigation and of any~~
19 ~~criminal prosecution.~~

20 ~~§ 6353.4. Other provisions.~~

21 ~~The following provisions shall apply to the release and~~
22 ~~retention of information by the department and the county agency~~
23 ~~concerning reports of abuse or injury committed by a school~~
24 ~~employee as provided by this subchapter:~~

25 ~~Section 6336(b) and (c) (relating to information in Statewide~~
26 ~~central register).~~

27 ~~Section 6337 (relating to disposition of unfounded reports).~~

28 ~~Section 6338(a) and (b) (relating to disposition of founded~~
29 ~~and indicated reports).~~

30 ~~Section 6339 (relating to confidentiality of reports).~~

1 ~~Section 6340 (relating to release of information in~~
2 ~~confidential reports).~~

3 ~~Section 6341(a) through (f) (relating to amendment or~~
4 ~~expunction of information).~~

5 ~~Section 6342 (relating to studies of data in records).]~~

6 ~~Section 7. Subchapter C.2 heading of Chapter 63 of Title 23~~
7 ~~is repealed:~~

8 ~~{SUBCHAPTER C.2~~

9 ~~BACKGROUND CHECKS FOR EMPLOYMENT IN SCHOOLS}~~

10 ~~Section 8. Sections 6354, 6355, 6356, 6357 and 6358 are~~
11 ~~repealed:~~

12 ~~{§ 6354. Definitions.~~

13 ~~The following words and phrases when used in this subchapter~~
14 ~~shall have the meanings given to them in this section unless the~~
15 ~~context clearly indicates otherwise:~~

16 ~~"Applicant." An individual who applies for a position as a~~
17 ~~school employee. The term includes an individual who transfers~~
18 ~~from one position as a school employee to another position as a~~
19 ~~school employee.~~

20 ~~"Administrator." The person responsible for the~~
21 ~~administration of a public or private school, intermediate unit~~
22 ~~or area vocational technical school. The term includes a person~~
23 ~~responsible for employment decisions in a school and an~~
24 ~~independent contractor.~~

25 ~~§ 6355. Requirement.~~

26 ~~(a) Investigation.~~

27 ~~(1) Except as provided in paragraph (2), an~~
28 ~~administrator shall require each applicant to submit an~~
29 ~~official clearance statement obtained from the department~~
30 ~~within the immediately preceding year as to whether the~~

1 ~~applicant is named as the perpetrator of an indicated or a~~
2 ~~founded report or is named as the individual responsible for~~
3 ~~injury or abuse in an indicated report for school employee or~~
4 ~~a founded report for school employee.~~

5 ~~(2) The official clearance statement under paragraph (1)~~
6 ~~shall not be required for an applicant who:~~

7 ~~(i) transfers from one position as a school employee~~
8 ~~to another position as a school employee of the same~~
9 ~~school district or of the same organization; and~~

10 ~~(ii) has, prior to the transfer, already obtained~~
11 ~~the official clearance statement under paragraph (1).~~

12 ~~(b) Grounds for denying employment. Except as provided in~~
13 ~~section 6356 (relating to exceptions), an administrator shall~~
14 ~~not hire an applicant if the department verifies that the~~
15 ~~applicant is named as the perpetrator of a founded report or is~~
16 ~~named as the individual responsible for injury or abuse in a~~
17 ~~founded report for school employee. No individual who is a~~
18 ~~school employee on the effective date of this subchapter shall~~
19 ~~be required to obtain an official clearance statement under~~
20 ~~subsection (a) (1) as a condition of continued employment.~~

21 ~~(c) Penalty. An administrator who willfully violates this~~
22 ~~section shall be subject to an administrative penalty of \$2,500.~~
23 ~~An action under this subsection is governed by 2 Pa.C.S. Ch. 5~~
24 ~~Subch. A (relating to practice and procedure of Commonwealth~~
25 ~~agencies) and Ch. 7 Subch. A (relating to judicial review of~~
26 ~~Commonwealth agency action).~~

27 ~~§ 6356. Exceptions.~~

28 ~~Section 6355 (relating to requirement) shall not apply to any~~
29 ~~of the following:~~

30 ~~(1) A school employee who is:~~

1 ~~(i) under 21 years of age;~~

2 ~~(ii) participating in a job development or job~~
3 ~~training program; and~~

4 ~~(iii) employed for not more than 90 days.~~

5 ~~(2) A school employee hired on a provisional basis~~
6 ~~pending receipt of information under section 6355(a) if all~~
7 ~~of the following apply:~~

8 ~~(i) The applicant demonstrates application for the~~
9 ~~official clearance statement under section 6355(a).~~

10 ~~(ii) The applicant attests in writing by oath or~~
11 ~~affirmation that the applicant is not disqualified under~~
12 ~~section 6355(b).~~

13 ~~(iii) The administrator has no knowledge of~~
14 ~~information which would disqualify the applicant under~~
15 ~~section 6355(b).~~

16 ~~(iv) The provisional period does not exceed:~~

17 ~~(A) 90 days for an applicant from another state;~~

18 ~~and~~

19 ~~(B) 30 days for all other applicants.~~

20 ~~(v) The hiring does not take place during a strike~~
21 ~~under the act of July 23, 1970 (P.L.563, No.195), known~~
22 ~~as the Public Employe Relations Act.~~

23 ~~§ 6357. Fee.~~

24 ~~The department may charge a fee of not more than \$10 for the~~
25 ~~official clearance statement required under section 6355(a)~~
26 ~~(relating to requirement).~~

27 ~~§ 6358. Time limit for official clearance statement.~~

28 ~~The department shall comply with the official clearance~~
29 ~~statement requests under section 6355(a) (relating to~~
30 ~~requirement) within 14 days of receipt of the request.]~~

1 ~~Section 9. The following apply:~~

2 ~~(1) The amendment of 23 Pa.C.S. §§ 6331, 6333, 6334(e),~~
3 ~~6335(a), 6337(c), 6338(c), 6344(b)(2), (c)(1), (o) and (p),~~
4 ~~6344.1(b), 6346(b) and (c) and 6347(a) and (b) shall not affect~~
5 ~~any report, complaint, information or record created or~~
6 ~~initiated prior to the effective date of this section.~~

7 ~~(2) The amendment of 23 Pa.C.S. §§ 6336(a)(11), 6338(c) and~~
8 ~~6341(a)(2) and (c) is necessary as a result of the repeal of 23~~
9 ~~Pa.C.S. Ch. 63 Subch. C.1. Any reference to "perpetrator" in 23~~
10 ~~Pa.C.S. §§ 6336(a)(11), 6338(c) and 6341(a)(2) and (c), as~~
11 ~~amended, is intended to include a school employee who was the~~
12 ~~subject of an indicated or founded report prior to the effective~~
13 ~~date of this section.~~

14 ~~(3) The amendment of 23 Pa.C.S. § 6341(f) is necessary as a~~
15 ~~result of the repeal of 23 Pa.C.S. Ch. 63 Subch. C.1. Any~~
16 ~~reference to "local child abuse record" in 23 Pa.C.S. § 6341(f),~~
17 ~~as amended, is intended to include school employee records that~~
18 ~~included reports of child abuse recorded prior to the effective~~
19 ~~date of this section.~~

20 ~~(4) The repeal of 23 Pa.C.S. Ch. 63 Subchs. C.1 and C.2 is~~
21 ~~not intended to affect any procedure, disposition or other~~
22 ~~action taken or initiated prior to the effective date of this~~
23 ~~section.~~

24 ~~Section 10. This act shall take effect in 60 days.~~

25 SECTION 9. SUBCHAPTER C.1 HEADING OF CHAPTER 63 OF TITLE 23 <--
26 IS REPEALED:

27 [SUBCHAPTER C.1

28 STUDENTS IN PUBLIC AND PRIVATE SCHOOLS]

29 SECTION 10. SECTIONS 6351, 6352, 6353 AND 6353.1 OF TITLE 23
30 ARE REPEALED:

1 [§ 6351. DEFINITIONS.

2 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
3 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
4 CONTEXT CLEARLY INDICATES OTHERWISE:

5 "ADMINISTRATOR." THE PERSON RESPONSIBLE FOR THE
6 ADMINISTRATION OF A PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT
7 OR AREA VOCATIONAL-TECHNICAL SCHOOL. THE TERM INCLUDES AN
8 INDEPENDENT CONTRACTOR.

9 § 6352. SCHOOL EMPLOYEES.

10 (A) REQUIREMENT.--

11 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A SCHOOL
12 EMPLOYEE WHO HAS REASONABLE CAUSE TO SUSPECT, ON THE BASIS OF
13 PROFESSIONAL OR OTHER TRAINING AND EXPERIENCE, THAT A STUDENT
14 COMING BEFORE THE SCHOOL EMPLOYEE IN THE EMPLOYEE'S
15 PROFESSIONAL OR OFFICIAL CAPACITY IS A VICTIM OF SERIOUS
16 BODILY INJURY OR SEXUAL ABUSE OR SEXUAL EXPLOITATION BY A
17 SCHOOL EMPLOYEE SHALL IMMEDIATELY CONTACT THE ADMINISTRATOR.

18 (2) IF THE SCHOOL EMPLOYEE ACCUSED OF SERIOUSLY INJURING
19 OR SEXUALLY ABUSING OR EXPLOITING A STUDENT IS THE
20 ADMINISTRATOR, THE SCHOOL EMPLOYEE WHO HAS REASONABLE CAUSE
21 TO SUSPECT, ON THE BASIS OF PROFESSIONAL OR OTHER TRAINING
22 AND EXPERIENCE, THAT A STUDENT COMING BEFORE THE SCHOOL
23 EMPLOYEE IN THE EMPLOYEE'S PROFESSIONAL OR OFFICIAL CAPACITY
24 IS A VICTIM OF SERIOUS BODILY INJURY OR SEXUAL ABUSE OR
25 SEXUAL EXPLOITATION SHALL IMMEDIATELY REPORT TO LAW
26 ENFORCEMENT OFFICIALS AND THE DISTRICT ATTORNEY UNDER SECTION
27 6353(A) (RELATING TO ADMINISTRATION). IF AN ADMINISTRATOR IS
28 THE SCHOOL EMPLOYEE WHO SUSPECTS INJURY OR ABUSE, THE
29 ADMINISTRATOR SHALL MAKE A REPORT UNDER SECTION 6353(A).

30 (3) THE SCHOOL EMPLOYEE MAY NOT REVEAL THE EXISTENCE OR

1 CONTENT OF THE REPORT TO ANY OTHER PERSON.

2 (B) IMMUNITY.--A SCHOOL EMPLOYEE WHO REFERS A REPORT UNDER
3 SUBSECTION (A) SHALL BE IMMUNE FROM CIVIL AND CRIMINAL LIABILITY
4 ARISING OUT OF THE REPORT.

5 (C) CRIMINAL PENALTY.--

6 (1) A SCHOOL EMPLOYEE WHO WILLFULLY VIOLATES SUBSECTION
7 (A) COMMITS A SUMMARY OFFENSE.

8 (2) A SCHOOL EMPLOYEE WHO, AFTER BEING SENTENCED UNDER
9 PARAGRAPH (1), VIOLATES SUBSECTION (A) COMMITS A MISDEMEANOR
10 OF THE THIRD DEGREE.

11 § 6353. ADMINISTRATION.

12 (A) REQUIREMENT.--AN ADMINISTRATOR AND A SCHOOL EMPLOYEE
13 GOVERNED BY SECTION 6352 (A) (2) (RELATING TO SCHOOL EMPLOYEES)
14 SHALL REPORT IMMEDIATELY TO LAW ENFORCEMENT OFFICIALS AND THE
15 APPROPRIATE DISTRICT ATTORNEY ANY REPORT OF SERIOUS BODILY
16 INJURY OR SEXUAL ABUSE OR SEXUAL EXPLOITATION ALLEGED TO HAVE
17 BEEN COMMITTED BY A SCHOOL EMPLOYEE AGAINST A STUDENT.

18 (B) REPORT.--A REPORT UNDER SUBSECTION (A) SHALL INCLUDE THE
19 FOLLOWING INFORMATION:

20 (1) NAME, AGE, ADDRESS AND SCHOOL OF THE STUDENT.

21 (2) NAME AND ADDRESS OF THE STUDENT'S PARENT OR
22 GUARDIAN.

23 (3) NAME AND ADDRESS OF THE ADMINISTRATOR.

24 (4) NAME, WORK AND HOME ADDRESS OF THE SCHOOL EMPLOYEE.

25 (5) NATURE OF THE ALLEGED OFFENSE.

26 (6) ANY SPECIFIC COMMENTS OR OBSERVATIONS THAT ARE
27 DIRECTLY RELATED TO THE ALLEGED INCIDENT AND THE INDIVIDUALS
28 INVOLVED.

29 (C) IMMUNITY.--AN ADMINISTRATOR WHO MAKES A REPORT UNDER
30 SUBSECTION (A) SHALL BE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY

1 ARISING OUT OF THE REPORT.

2 (D) CRIMINAL PENALTY.--AN ADMINISTRATOR WHO WILLFULLY
3 VIOLATES SUBSECTION (A) COMMITS A MISDEMEANOR OF THE THIRD
4 DEGREE.

5 § 6353.1. INVESTIGATION.

6 (A) GENERAL RULE.--UPON RECEIPT OF A REPORT UNDER SECTION
7 6353 (RELATING TO ADMINISTRATION), AN INVESTIGATION SHALL BE
8 CONDUCTED BY LAW ENFORCEMENT OFFICIALS, IN COOPERATION WITH THE
9 DISTRICT ATTORNEY, AND A DETERMINATION MADE AS TO WHAT CRIMINAL
10 CHARGES, IF ANY, WILL BE FILED AGAINST THE SCHOOL EMPLOYEE.

11 (B) REFERRAL TO COUNTY AGENCY.--

12 (1) IF LOCAL LAW ENFORCEMENT OFFICIALS HAVE REASONABLE
13 CAUSE TO SUSPECT ON THE BASIS OF INITIAL REVIEW THAT THERE IS
14 EVIDENCE OF SERIOUS BODILY INJURY, SEXUAL ABUSE OR SEXUAL
15 EXPLOITATION COMMITTED BY A SCHOOL EMPLOYEE AGAINST A
16 STUDENT, LOCAL LAW ENFORCEMENT OFFICIALS SHALL NOTIFY THE
17 COUNTY AGENCY IN THE COUNTY WHERE THE ALLEGED ABUSE OR INJURY
18 OCCURRED FOR THE PURPOSE OF THE AGENCY CONDUCTING AN
19 INVESTIGATION OF THE ALLEGED ABUSE OR INJURY.

20 (2) TO THE FULLEST EXTENT POSSIBLE, LAW ENFORCEMENT
21 OFFICIALS AND THE COUNTY AGENCY SHALL COORDINATE THEIR
22 RESPECTIVE INVESTIGATIONS. IN RESPECT TO INTERVIEWS WITH THE
23 STUDENT, LAW ENFORCEMENT OFFICIALS AND THE COUNTY AGENCY
24 SHALL CONDUCT JOINT INTERVIEWS. IN RESPECT TO INTERVIEWS WITH
25 THE SCHOOL EMPLOYEE, LAW ENFORCEMENT OFFICIALS SHALL BE GIVEN
26 AN OPPORTUNITY TO INTERVIEW THE SCHOOL EMPLOYEE PRIOR TO THE
27 EMPLOYEE HAVING ANY CONTACT WITH THE COUNTY AGENCY.

28 (3) THE COUNTY AGENCY AND LAW ENFORCEMENT OFFICIALS HAVE
29 THE AUTHORITY TO ARRANGE FOR PHOTOGRAPHS, MEDICAL TESTS OR X-
30 RAYS OF A STUDENT ALLEGED TO HAVE BEEN ABUSED OR INJURED BY A

1 SCHOOL EMPLOYEE. THE COUNTY AGENCY AND LAW ENFORCEMENT
2 OFFICIALS SHALL COORDINATE THEIR EFFORTS IN THIS REGARD AND,
3 TO THE FULLEST EXTENT POSSIBLE, AVOID THE DUPLICATION OF ANY
4 PHOTOGRAPHS, MEDICAL TESTS OR X-RAYS.

5 (4) LAW ENFORCEMENT OFFICIALS AND THE COUNTY AGENCY
6 SHALL ADVISE EACH OTHER OF THE STATUS AND FINDINGS OF THEIR
7 RESPECTIVE INVESTIGATIONS ON AN ONGOING BASIS.]

8 SECTION 11. SECTIONS 6353.2 AND 6353.3 OF TITLE 23, AMENDED
9 DECEMBER 18, 2013 (P.L.1201, NO.119), ARE REPEALED:

10 [§ 6353.2. RESPONSIBILITIES OF COUNTY AGENCY.

11 (A) INFORMATION FOR THE PENDING COMPLAINT FILE.--IMMEDIATELY
12 AFTER RECEIVING A REPORT UNDER SECTION 6353.1 (RELATING TO
13 INVESTIGATION), THE COUNTY AGENCY SHALL NOTIFY THE DEPARTMENT OF
14 THE RECEIPT OF THE REPORT, WHICH IS TO BE FILED IN THE PENDING
15 COMPLAINT FILE AS PROVIDED IN SECTION 6331(1) (RELATING TO
16 ESTABLISHMENT OF PENDING COMPLAINT FILE, STATEWIDE CENTRAL
17 REGISTER AND FILE OF UNFOUNDED REPORTS). THE ORAL REPORT SHALL
18 INCLUDE THE FOLLOWING INFORMATION:

19 (1) THE NAME AND ADDRESS OF THE STUDENT AND THE
20 STUDENT'S PARENT OR GUARDIAN.

21 (2) WHERE THE SUSPECTED ABUSE OR INJURY OCCURRED.

22 (3) THE AGE AND SEX OF THE STUDENT.

23 (4) THE NATURE AND EXTENT OF THE SUSPECTED ABUSE OR
24 INJURY.

25 (5) THE NAME AND HOME ADDRESS OF THE SCHOOL EMPLOYEE
26 ALLEGED TO HAVE COMMITTED THE ABUSE OR INJURY.

27 (6) THE RELATIONSHIP OF THE STUDENT TO THE SCHOOL
28 EMPLOYEE ALLEGED TO HAVE COMMITTED THE ABUSE OR INJURY.

29 (7) THE SOURCE OF THE REPORT TO THE COUNTY AGENCY.

30 (8) THE ACTIONS TAKEN BY THE COUNTY AGENCY, LAW

1 ENFORCEMENT OFFICIALS, PARENTS, GUARDIANS, SCHOOL OFFICIALS
2 OR OTHER PERSONS, INCLUDING THE TAKING OF PHOTOGRAPHS,
3 MEDICAL TESTS AND X-RAYS.

4 (B) INVESTIGATION OF REPORTS.--UPON RECEIPT OF A REPORT
5 UNDER SECTION 6353.1, THE COUNTY AGENCY SHALL COMMENCE, WITHIN
6 THE TIME FRAMES ESTABLISHED IN DEPARTMENT REGULATIONS, AN
7 INVESTIGATION OF THE NATURE, EXTENT AND CAUSE OF ANY ALLEGED
8 ABUSE OR INJURY ENUMERATED IN THE REPORT. THE COUNTY AGENCY
9 SHALL COORDINATE ITS INVESTIGATION TO THE FULLEST EXTENT
10 POSSIBLE WITH LAW ENFORCEMENT OFFICIALS AS PROVIDED IN SECTION
11 6353.1(B).

12 (C) COMPLETION OF INVESTIGATION.--THE INVESTIGATION BY THE
13 COUNTY AGENCY TO DETERMINE WHETHER THE REPORT IS AN INDICATED
14 REPORT FOR SCHOOL EMPLOYEE OR AN UNFOUNDED REPORT SHALL BE
15 COMPLETED WITHIN 60 DAYS.

16 (D) NOTICE TO SUBJECT OF A REPORT.--PRIOR TO INTERVIEWING A
17 SUBJECT OF THE REPORT, THE COUNTY AGENCY SHALL ORALLY NOTIFY THE
18 SUBJECT OF THE REPORT OF THE EXISTENCE OF THE REPORT AND THE
19 SUBJECT'S RIGHTS UNDER THIS CHAPTER IN REGARD TO AMENDMENT OR
20 EXPUNGEMENT. WITHIN 72 HOURS FOLLOWING ORAL NOTIFICATION TO THE
21 SUBJECT, THE COUNTY AGENCY SHALL GIVE WRITTEN NOTICE TO THE
22 SUBJECT. THE NOTICE MAY BE REASONABLY DELAYED IF NOTIFICATION IS
23 LIKELY TO THREATEN THE SAFETY OF THE STUDENT OR THE COUNTY
24 AGENCY WORKER, TO CAUSE THE SCHOOL EMPLOYEE TO ABSCOND OR TO
25 SIGNIFICANTLY INTERFERE WITH THE CONDUCT OF A CRIMINAL
26 INVESTIGATION.

27 (E) RELIANCE ON FACTUAL INVESTIGATION.--THE COUNTY AGENCY
28 MAY RELY ON A FACTUAL INVESTIGATION OF SUBSTANTIALLY THE SAME
29 ALLEGATIONS BY A LAW ENFORCEMENT OFFICIALS TO SUPPORT THE
30 AGENCY'S FINDING. THIS RELIANCE SHALL NOT RELIEVE THE COUNTY

1 AGENCY OF ITS RESPONSIBILITIES RELATING TO THE INVESTIGATION OF
2 REPORTS UNDER THIS SUBCHAPTER.

3 (F) NOTICE TO THE DEPARTMENT OF THE COUNTY AGENCY'S
4 DETERMINATION.--AS SOON AS THE COUNTY AGENCY HAS COMPLETED ITS
5 INVESTIGATION, THE COUNTY AGENCY SHALL ADVISE THE DEPARTMENT AND
6 LAW ENFORCEMENT OFFICIALS OF ITS DETERMINATION OF THE REPORT AS
7 AN INDICATED REPORT FOR SCHOOL EMPLOYEE OR AN UNFOUNDED REPORT.
8 SUPPLEMENTAL REPORTS SHALL BE MADE AT REGULAR INTERVALS
9 THEREAFTER IN A MANNER AND FORM THE DEPARTMENT PRESCRIBES BY
10 REGULATION TO THE END THAT THE DEPARTMENT IS KEPT FULLY INFORMED
11 AND UP-TO-DATE CONCERNING THE STATUS OF THE REPORT.

12 § 6353.3. INFORMATION IN STATEWIDE CENTRAL REGISTER.

13 THE STATEWIDE CENTRAL REGISTER ESTABLISHED UNDER SECTION 6331
14 (RELATING TO ESTABLISHMENT OF PENDING COMPLAINT FILE, STATEWIDE
15 CENTRAL REGISTER AND FILE OF UNFOUNDED REPORTS) SHALL RETAIN
16 ONLY THE FOLLOWING INFORMATION RELATING TO REPORTS OF ABUSE OR
17 INJURY OF A STUDENT BY A SCHOOL EMPLOYEE WHICH HAVE BEEN
18 DETERMINED TO BE A FOUNDED REPORT FOR SCHOOL EMPLOYEE OR AN
19 INDICATED REPORT FOR SCHOOL EMPLOYEE:

20 (1) THE NAMES, SOCIAL SECURITY NUMBERS, AGE AND SEX OF
21 THE SUBJECTS OF THE REPORT.

22 (2) THE HOME ADDRESS OF THE SUBJECTS OF THE REPORT.

23 (3) THE DATE AND THE NATURE AND EXTENT OF THE ALLEGED
24 ABUSE OR INJURY.

25 (4) THE COUNTY AND STATE WHERE THE ABUSE OR INJURY
26 OCCURRED.

27 (5) FACTORS CONTRIBUTING TO THE ABUSE OR INJURY.

28 (6) THE SOURCE OF THE REPORT.

29 (7) WHETHER THE REPORT IS A FOUNDED OR INDICATED REPORT.

30 (8) INFORMATION OBTAINED BY THE DEPARTMENT IN RELATION

1 TO THE SCHOOL EMPLOYEE'S REQUEST TO RELEASE, AMEND OR EXPUNGE
2 INFORMATION RETAINED BY THE DEPARTMENT OR THE COUNTY AGENCY.

3 (9) THE PROGRESS OF ANY LEGAL PROCEEDINGS BROUGHT ON THE
4 BASIS OF THE REPORT.

5 (10) WHETHER A CRIMINAL INVESTIGATION HAS BEEN
6 UNDERTAKEN AND THE RESULT OF THE INVESTIGATION AND OF ANY
7 CRIMINAL PROSECUTION.]

8 SECTION 12. SECTION 6353.4 OF TITLE 23 IS REPEALED:

9 [§ 6353.4. OTHER PROVISIONS.

10 THE FOLLOWING PROVISIONS SHALL APPLY TO THE RELEASE AND
11 RETENTION OF INFORMATION BY THE DEPARTMENT AND THE COUNTY AGENCY
12 CONCERNING REPORTS OF ABUSE OR INJURY COMMITTED BY A SCHOOL
13 EMPLOYEE AS PROVIDED BY THIS SUBCHAPTER:

14 SECTION 6336(B) AND (C) (RELATING TO INFORMATION IN STATEWIDE
15 CENTRAL REGISTER).

16 SECTION 6337 (RELATING TO DISPOSITION OF UNFOUNDED REPORTS).

17 SECTION 6338(A) AND (B) (RELATING TO DISPOSITION OF FOUNDED
18 AND INDICATED REPORTS).

19 SECTION 6339 (RELATING TO CONFIDENTIALITY OF REPORTS).

20 SECTION 6340 (RELATING TO RELEASE OF INFORMATION IN
21 CONFIDENTIAL REPORTS).

22 SECTION 6341(A) THROUGH (F) (RELATING TO AMENDMENT OR
23 EXPUNCTION OF INFORMATION).

24 SECTION 6342 (RELATING TO STUDIES OF DATA IN RECORDS).]

25 SECTION 13. SUBCHAPTER C.2 HEADING OF CHAPTER 63 OF TITLE 23
26 IS REPEALED:

27 [SUBCHAPTER C.2

28 BACKGROUND CHECKS FOR EMPLOYMENT IN SCHOOLS]

29 SECTION 14. SECTIONS 6354, 6355, 6356, 6357 AND 6358 OF
30 TITLE 23 ARE REPEALED:

1 [§ 6354. DEFINITIONS.

2 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
3 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
4 CONTEXT CLEARLY INDICATES OTHERWISE:

5 "APPLICANT." AN INDIVIDUAL WHO APPLIES FOR A POSITION AS A
6 SCHOOL EMPLOYEE. THE TERM INCLUDES AN INDIVIDUAL WHO TRANSFERS
7 FROM ONE POSITION AS A SCHOOL EMPLOYEE TO ANOTHER POSITION AS A
8 SCHOOL EMPLOYEE.

9 "ADMINISTRATOR." THE PERSON RESPONSIBLE FOR THE
10 ADMINISTRATION OF A PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT
11 OR AREA VOCATIONAL-TECHNICAL SCHOOL. THE TERM INCLUDES A PERSON
12 RESPONSIBLE FOR EMPLOYMENT DECISIONS IN A SCHOOL AND AN
13 INDEPENDENT CONTRACTOR.

14 § 6355. REQUIREMENT.

15 (A) INVESTIGATION.--

16 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN
17 ADMINISTRATOR SHALL REQUIRE EACH APPLICANT TO SUBMIT AN
18 OFFICIAL CLEARANCE STATEMENT OBTAINED FROM THE DEPARTMENT
19 WITHIN THE IMMEDIATELY PRECEDING YEAR AS TO WHETHER THE
20 APPLICANT IS NAMED AS THE PERPETRATOR OF AN INDICATED OR A
21 FOUNDED REPORT OR IS NAMED AS THE INDIVIDUAL RESPONSIBLE FOR
22 INJURY OR ABUSE IN AN INDICATED REPORT FOR SCHOOL EMPLOYEE OR
23 A FOUNDED REPORT FOR SCHOOL EMPLOYEE.

24 (2) THE OFFICIAL CLEARANCE STATEMENT UNDER PARAGRAPH (1)
25 SHALL NOT BE REQUIRED FOR AN APPLICANT WHO:

26 (I) TRANSFERS FROM ONE POSITION AS A SCHOOL EMPLOYEE
27 TO ANOTHER POSITION AS A SCHOOL EMPLOYEE OF THE SAME
28 SCHOOL DISTRICT OR OF THE SAME ORGANIZATION; AND

29 (II) HAS, PRIOR TO THE TRANSFER, ALREADY OBTAINED
30 THE OFFICIAL CLEARANCE STATEMENT UNDER PARAGRAPH (1).

1 (B) GROUNDS FOR DENYING EMPLOYMENT.--EXCEPT AS PROVIDED IN
2 SECTION 6356 (RELATING TO EXCEPTIONS), AN ADMINISTRATOR SHALL
3 NOT HIRE AN APPLICANT IF THE DEPARTMENT VERIFIES THAT THE
4 APPLICANT IS NAMED AS THE PERPETRATOR OF A FOUNDED REPORT OR IS
5 NAMED AS THE INDIVIDUAL RESPONSIBLE FOR INJURY OR ABUSE IN A
6 FOUNDED REPORT FOR SCHOOL EMPLOYEE. NO INDIVIDUAL WHO IS A
7 SCHOOL EMPLOYEE ON THE EFFECTIVE DATE OF THIS SUBCHAPTER SHALL
8 BE REQUIRED TO OBTAIN AN OFFICIAL CLEARANCE STATEMENT UNDER
9 SUBSECTION (A) (1) AS A CONDITION OF CONTINUED EMPLOYMENT.

10 (C) PENALTY.--AN ADMINISTRATOR WHO WILLFULLY VIOLATES THIS
11 SECTION SHALL BE SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$2,500.
12 AN ACTION UNDER THIS SUBSECTION IS GOVERNED BY 2 PA.C.S. CH. 5
13 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH
14 AGENCIES) AND CH. 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF
15 COMMONWEALTH AGENCY ACTION).

16 § 6356. EXCEPTIONS.

17 SECTION 6355 (RELATING TO REQUIREMENT) SHALL NOT APPLY TO ANY
18 OF THE FOLLOWING:

19 (1) A SCHOOL EMPLOYEE WHO IS:

20 (I) UNDER 21 YEARS OF AGE;

21 (II) PARTICIPATING IN A JOB DEVELOPMENT OR JOB
22 TRAINING PROGRAM; AND

23 (III) EMPLOYED FOR NOT MORE THAN 90 DAYS.

24 (2) A SCHOOL EMPLOYEE HIRED ON A PROVISIONAL BASIS
25 PENDING RECEIPT OF INFORMATION UNDER SECTION 6355(A) IF ALL
26 OF THE FOLLOWING APPLY:

27 (I) THE APPLICANT DEMONSTRATES APPLICATION FOR THE
28 OFFICIAL CLEARANCE STATEMENT UNDER SECTION 6355(A).

29 (II) THE APPLICANT ATTESTS IN WRITING BY OATH OR
30 AFFIRMATION THAT THE APPLICANT IS NOT DISQUALIFIED UNDER

1 SECTION 6355 (B) .

2 (III) THE ADMINISTRATOR HAS NO KNOWLEDGE OF
3 INFORMATION WHICH WOULD DISQUALIFY THE APPLICANT UNDER
4 SECTION 6355 (B) .

5 (IV) THE PROVISIONAL PERIOD DOES NOT EXCEED:

6 (A) 90 DAYS FOR AN APPLICANT FROM ANOTHER STATE;
7 AND

8 (B) 30 DAYS FOR ALL OTHER APPLICANTS.

9 (V) THE HIRING DOES NOT TAKE PLACE DURING A STRIKE
10 UNDER THE ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN
11 AS THE PUBLIC EMPLOYE RELATIONS ACT.

12 § 6357. FEE.

13 THE DEPARTMENT MAY CHARGE A FEE OF NOT MORE THAN \$10 FOR THE
14 OFFICIAL CLEARANCE STATEMENT REQUIRED UNDER SECTION 6355 (A)
15 (RELATING TO REQUIREMENT) .

16 § 6358. TIME LIMIT FOR OFFICIAL CLEARANCE STATEMENT.

17 THE DEPARTMENT SHALL COMPLY WITH THE OFFICIAL CLEARANCE
18 STATEMENT REQUESTS UNDER SECTION 6355 (A) (RELATING TO
19 REQUIREMENT) WITHIN 14 DAYS OF RECEIPT OF THE REQUEST.]

20 SECTION 15. REPEALS ARE AS FOLLOWS:

21 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
22 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE REENACTMENT AND
23 AMENDMENT OF 23 PA.C.S. § 6341.

24 (2) SECTION 6 OF THE ACT OF DECEMBER 18, 2013 (P.L.1201,
25 NO.119), ENTITLED "AN ACT AMENDING TITLE 23 (DOMESTIC
26 RELATIONS) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, IN
27 CHILD PROTECTIVE SERVICES, FURTHER PROVIDING FOR DEFINITIONS,
28 FOR IMMUNITY FROM LIABILITY, FOR ESTABLISHMENT OF PENDING
29 COMPLAINT FILE, FOR STATEWIDE CENTRAL REGISTER AND FILE OF
30 UNFOUNDED REPORTS AND FOR AMENDMENT OR EXPUNCTION OF

1 INFORMATION; AND MAKING EDITORIAL CHANGES," IS REPEALED.

2 SECTION 16. NOTWITHSTANDING SECTION 7(2) OF THE ACT OF
3 DECEMBER 18, 2013 (P.L.1201, NO.119), ENTITLED "AN ACT AMENDING
4 TITLE 23 (DOMESTIC RELATIONS) OF THE PENNSYLVANIA CONSOLIDATED
5 STATUTES, IN CHILD PROTECTIVE SERVICES, FURTHER PROVIDING FOR
6 DEFINITIONS, FOR IMMUNITY FROM LIABILITY, FOR ESTABLISHMENT OF
7 PENDING COMPLAINT FILE, FOR STATEWIDE CENTRAL REGISTER AND FILE
8 OF UNFOUNDED REPORTS AND FOR AMENDMENT OR EXPUNCTION OF
9 INFORMATION; AND MAKING EDITORIAL CHANGES," THE PROVISIONS OF 23
10 PA.C.S. § 6341(C.1), (C.2), (C.3), (C.4) AND (G) SHALL APPLY ON
11 AND AFTER DECEMBER 31, 2014.

12 SECTION 17. NOTWITHSTANDING SECTION 4 OF THE ACT OF APRIL <--
13 15, 2014 (P.L. , NO.32), ENTITLED "AN ACT AMENDING TITLE 23
14 (DOMESTIC RELATIONS) OF THE PENNSYLVANIA CONSOLIDATED STATUTES,
15 IN CHILD PROTECTIVE SERVICES, FURTHER PROVIDING FOR PERSONS
16 REQUIRED TO REPORT SUSPECTED CHILD ABUSE; PROVIDING FOR
17 PRIVILEGED COMMUNICATIONS; AND FURTHER PROVIDING FOR PENALTIES
18 FOR FAILURE TO REPORT OR TO REFER," THE AMENDMENT OR ADDITION OF
19 THE FOLLOWING PROVISIONS OF THE ACT OF APRIL 15, 2014 (P.L.,
20 NO.32), SHALL TAKE EFFECT DECEMBER 31, 2014:

21 (1) 23 PA.C.S. § 6311(A) AND (B).

22 (2) 23 PA.C.S. § 6311.1.

23 (3) 23 PA.C.S. § 6319.

24 SECTION ~~17~~ 18. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <--

25 (1) SECTIONS 15 ~~AND~~, 16 AND 17 OF THIS ACT AND THIS <--
26 SECTION SHALL TAKE EFFECT IMMEDIATELY.

27 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT DECEMBER
28 31, 2014.