

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1026 Session of  
2007

INTRODUCED BY STURLA, CALTAGIRONE, BIANCUCCI, DENLINGER, CAUSER,  
DALLY, DeLUCA, FRANKEL, FREEMAN, GOODMAN, HENNESSEY, JOSEPHS,  
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SIPTROTH, SOLOBAY, WALKO, WATSON AND YOUNGBLOOD,  
APRIL 5, 2007

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 5, 2007

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further defining, in child protective  
3 services, "person responsible for the child's welfare" and  
4 "subject of the report"; further providing, in child  
5 protective services, for definitions, for establishment of  
6 pending complaint file, Statewide central register and file  
7 of unfounded reports, for continuous availability of  
8 department, for disposition of complaints received, for  
9 information in pending complaint and unfounded report files,  
10 for disposition of unfounded reports, for disposition of  
11 founded and indicated reports, for release of information in  
12 confidential reports, for amendment or expunction of  
13 information, for cooperation of other agencies and for  
14 reports to Governor and General Assembly; repealing, in child  
15 protective services, provisions relating to students in  
16 public and private schools; and further providing, in child  
17 protective services, for investigation of reports.

18 The General Assembly of the Commonwealth of Pennsylvania  
19 hereby enacts as follows:

20 Section 1. The definitions of "founded report for school  
21 employee," "indicated report for school employee," "person  
22 responsible for the child's welfare" and "subject of the report"  
23 in section 6303(a) of Title 23 of the Pennsylvania Consolidated  
24 Statutes are amended to read:

1 § 6303. Definitions.

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

5 \* \* \*

6 "Founded report for school employee." A report under former  
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 "Indicated report for school employee." A report made under  
16 former Subchapter C.1 (relating to students in public and  
17 private schools) if an investigation by the county agency  
18 determines that substantial evidence of serious bodily injury or  
19 sexual abuse or exploitation exists based on any of the  
20 following:

21 (1) Available medical evidence.

22 (2) The county agency's investigation.

23 (3) An admission of the acts of abuse by the school  
24 employee.

25 \* \* \*

26 "Person responsible for the child's welfare." A person who  
27 provides permanent or temporary care, supervision, mental health  
28 diagnosis or treatment, training or control of a child in lieu  
29 of parental care, supervision and control. The term [does not  
30 include] includes a person who is employed by or provides

1 services or programs in any public or private school,  
2 intermediate unit or area vocational-technical school.

3 \* \* \*

4 "Subject of the report." Any child, parent, guardian or  
5 other person responsible for the welfare of a child or any  
6 alleged or actual perpetrator [or school employee] named in a  
7 report made to the Department of Public Welfare or a county  
8 agency under this chapter.

9 \* \* \*

10 Section 2. Sections 6331, 6333, 6334(c), 6335(a), 6337(c),  
11 6338(a) and (c), 6340(a), 6341(a), (c) and (f), 6346(b) and (c)  
12 and 6347(a) and (b) of Title 23 are amended to read:

13 § 6331. Establishment of pending complaint file, Statewide  
14 central register and file of unfounded reports.

15 There shall be established in the department:

16 (1) A pending complaint file of child abuse reports  
17 under investigation [and a file of reports under  
18 investigation pursuant to Subchapter C.1 (relating to  
19 students in public and private schools)].

20 (2) A Statewide central register of child abuse which  
21 shall consist of founded and indicated reports.

22 (3) A file of unfounded reports awaiting expunction.

23 § 6333. Continuous availability of department.

24 The department shall be capable of receiving oral reports of  
25 child abuse made pursuant to this chapter[, reports under  
26 section 6353.2 (relating to responsibilities of county agency)]  
27 and report summaries of child abuse from county agencies and  
28 shall be capable of immediately identifying prior reports of  
29 child abuse and prior [reports of abuse or injury under  
30 Subchapter C.1 (relating to students in public and private

1 schools)] indicated reports for school employees or founded  
2 reports for school employees in the Statewide central register  
3 and reports under investigation in the pending complaint file  
4 and of monitoring the provision of child protective services 24  
5 hours a day, seven days a week.

6 § 6334. Disposition of complaints received.

7 \* \* \*

8 (c) Recording in pending complaint file.--Upon receipt of a  
9 complaint of suspected child abuse, the department shall  
10 maintain a record of the complaint of suspected child abuse in  
11 the pending complaint file. [Upon receipt of a report under  
12 section 6353.2 (relating to responsibilities of county agency),  
13 the department shall maintain a record of the report in the  
14 report file under section 6331 (relating to establishment of  
15 pending complaint file, Statewide central register and file of  
16 unfounded reports).]

17 \* \* \*

18 § 6335. Information in pending complaint and unfounded report  
19 files.

20 (a) Information authorized.--The information contained in  
21 the pending complaint file shall be limited to the information  
22 required in [sections] section 6313(c) (relating to reporting  
23 procedure) [and 6353.2 (relating to responsibilities of county  
24 agency)]. The information contained in the file for unfounded  
25 reports shall be limited to the information required by section  
26 6336 (relating to information in Statewide central register).

27 \* \* \*

28 § 6337. Disposition of unfounded reports.

29 \* \* \*

30 (c) Expunction of information.--All information identifying

1 the subjects of any report of suspected child abuse [and of any  
2 report under Subchapter C.1 (relating to students in public and  
3 private schools)] determined to be an unfounded report shall be  
4 expunged from the pending complaint file pursuant to this  
5 section. The expunction shall be mandated and guaranteed by the  
6 department.

7 § 6338. Disposition of founded and indicated reports.

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

29 \* \* \*

30 (c) Retention of information.--A subfile shall be

1 established in the Statewide central register to indefinitely  
2 retain the names of perpetrators of child abuse [and school  
3 employees] who are subjects of founded or indicated reports only  
4 if the individual's Social Security number or date of birth is  
5 known to the department. The subfile shall not include  
6 identifying information regarding other subjects of the report.  
7 § 6340. Release of information in confidential reports.

8 (a) General rule.--Reports specified in section 6339  
9 (relating to confidentiality of reports) shall only be made  
10 available to:

11 (1) An authorized official of a county agency, of a  
12 Federal agency that has a need for such information to carry  
13 out its responsibilities under law to protect children from  
14 abuse and neglect or of an agency of another state that  
15 performs protective services analogous to those services  
16 performed by county agencies or the department in the course  
17 of the official's duties, multidisciplinary team members  
18 assigned to the case and duly authorized persons providing  
19 services pursuant to section 6370(a) (relating to voluntary  
20 or court-ordered services; findings of child abuse).

21 (2) A physician examining or treating a child or the  
22 director or a person specifically designated in writing by  
23 the director of any hospital or other medical institution  
24 where a child is being treated when the physician or the  
25 director or the designee of the director suspects the child  
26 of being an abused child or a child alleged to be in need of  
27 protection under this chapter.

28 (3) A guardian ad litem or court designated advocate for  
29 the child.

30 (4) An authorized official or agent of the department in

1 accordance with department regulations or in accordance with  
2 the conduct of a performance audit as authorized by section  
3 6343 (relating to investigating performance of county  
4 agency).

5 (5) A court of competent jurisdiction, including a  
6 magisterial district judge, a judge of the Philadelphia  
7 Municipal Court and a judge of the Pittsburgh Magistrates  
8 Court, pursuant to court order or subpoena in a criminal  
9 matter involving a charge of child abuse under section  
10 6303(b) (relating to definitions). Disclosure through  
11 testimony shall be subject to the restrictions of subsection  
12 (c).

13 (5.1) A court of common pleas in connection with any  
14 matter involving custody of a child. The department shall  
15 provide to the court any reports and files which the court  
16 considers relevant.

17 (6) A standing committee of the General Assembly, as  
18 specified in section 6384 (relating to legislative  
19 oversight).

20 (7) The Attorney General.

21 (8) Federal auditors if required for Federal financial  
22 participation in funding of agencies except that Federal  
23 auditors may not remove identifiable reports or copies  
24 thereof from the department or county agencies.

25 (9) Law enforcement officials of any jurisdiction, as  
26 long as the information is relevant in the course of  
27 investigating cases of:

28 (i) Homicide or other criminal offense set forth in  
29 section 6344(c) (relating to information relating to  
30 prospective child-care personnel), sexual abuse, sexual

1 exploitation, serious bodily injury or serious physical  
2 injury perpetrated by persons whether or not related to  
3 the victim.

4 (ii) Child abuse perpetrated by persons who are not  
5 family members.

6 (iii) Repeated physical injury to a child under  
7 circumstances which indicate that the child's health,  
8 safety or welfare is harmed or threatened.

9 (iv) A missing child report.

10 (10) The district attorney or his designee or other law  
11 enforcement official, as set forth in the county protocols  
12 for investigative teams required in section 6365(c) (relating  
13 to services for prevention, investigation and treatment of  
14 child abuse), shall receive, immediately after the county  
15 agency has ensured the safety of the child, reports of abuse,  
16 either orally or in writing, according to regulations  
17 promulgated by the department, from the county agency in  
18 which the initial report of suspected child abuse or initial  
19 inquiry into the report gives evidence that the abuse is:

20 (i) a criminal offense set forth in section 6344(c),  
21 not including an offense under 18 Pa.C.S. § 4304  
22 (relating to endangering welfare of children) or an  
23 equivalent crime under Federal law or the law of another  
24 state, sexual abuse, sexual exploitation or serious  
25 bodily injury perpetrated by persons, whether or not  
26 related to the victim;

27 (ii) child abuse perpetrated by persons who are not  
28 family members; or

29 (iii) serious physical injury involving extensive  
30 and severe bruising, burns, broken bones, lacerations,



1 internal bleeding, shaken baby syndrome or choking or an  
2 injury that significantly impairs a child's physical  
3 functioning, either temporarily or permanently.

4 (11) Designated county officials, in reviewing the  
5 competence of the county agency or its employees pursuant to  
6 this chapter. Officials under this paragraph are limited to  
7 the following:

8 (i) The board of commissioners in counties other  
9 than counties of the first class.

10 (ii) Mayor in a city of the first class under the  
11 act of April 21, 1949 (P.L.665, No.155), known as the  
12 First Class City Home Rule Act.

13 (iii) An individual serving as a county chief  
14 executive as designated by a county home rule charter or  
15 optional plan form of government pursuant to the act of  
16 April 13, 1972 (P.L.184, No.62), known as the Home Rule  
17 Charter and Optional Plans Law.

18 (12) A mandated reporter of suspected child abuse as  
19 defined in section 6311 (relating to persons required to  
20 report suspected child abuse) who made a report of abuse  
21 involving the subject child, but the information permitted to  
22 be released to the mandated reporter shall be limited to the  
23 following:

24 (i) The final status of the child abuse report  
25 following the investigation, whether it be indicated,  
26 founded or unfounded.

27 (ii) Any services provided, arranged for or to be  
28 provided by the county agency to protect the child.

29 [(13) Persons required to make reports under Subchapter  
30 C.1 (relating to students in public and private schools).

1 Information under this paragraph shall be limited to the  
2 final status of the report following the investigation as to  
3 whether the report is indicated, founded or unfounded.]

4 (14) A prospective adoptive parent, approved by an  
5 adoption agency, when considering adopting an abused child in  
6 the custody of a county agency. The county agency having  
7 custody of the child and the adoption agency shall determine  
8 the scope and detail of information which must be provided so  
9 that the prospective parent may make an informed decision to  
10 adopt.

11 (15) Appropriate officials of another county or state  
12 regarding an investigation related to child abuse or  
13 protective services when a family has moved to that county or  
14 state. Reports under this paragraph shall include general  
15 protective service reports and related information. Reports  
16 and information under this paragraph shall be provided within  
17 seven calendar days. The department shall promulgate  
18 regulations as necessary to carry out the purposes of this  
19 paragraph.

20 (16) Members of citizen review panels convened pursuant  
21 to section 6343.1 (relating to citizen review panels),  
22 provided that such members shall not disclose to any person  
23 or government official any identifying information about any  
24 specific child protective services case with respect to which  
25 the panel is provided information.

26 (17) The employer of a child-care service employee,  
27 service provider, administrator or school employee who has  
28 been determined to be the perpetrator of a founded or  
29 indicated report of child abuse. Information permitted to be  
30 released to an employer under this paragraph shall be limited

1 to the final status of the child abuse report following the  
2 investigation and disposition on appeal, if granted.

3 \* \* \*

4 § 6341. Amendment or expunction of information.

5 (a) General rule.--At any time:

6 (1) The secretary may amend or expunge any record under  
7 this chapter upon good cause shown and notice to the  
8 appropriate subjects of the report.

9 (2) Any person named as a perpetrator[, and any school  
10 employee named,] in an indicated report of child abuse may,  
11 within 45 days of being notified of the status of the report,  
12 request the secretary to amend or expunge an indicated report  
13 on the grounds that it is inaccurate or it is being  
14 maintained in a manner inconsistent with this chapter.

15 \* \* \*

16 (c) Review of refusal of request.--If the secretary refuses  
17 the request under subsection (a)(2) or does not act within a  
18 reasonable time, but in no event later than 30 days after  
19 receipt of the request, the perpetrator [or school employee]  
20 shall have the right to a hearing before the secretary or a  
21 designated agent of the secretary to determine whether the  
22 summary of the indicated report in the Statewide central  
23 register should be amended or expunged on the grounds that it is  
24 inaccurate or that it is being maintained in a manner  
25 inconsistent with this chapter. The perpetrator [or school  
26 employee] shall have 45 days from the date of the letter giving  
27 notice of the decision to deny the request in which to request a  
28 hearing. The appropriate county agency and appropriate law  
29 enforcement officials shall be given notice of the hearing. The  
30 burden of proof in the hearing shall be on the appropriate

1 county agency. The department shall assist the county agency as  
2 necessary.

3 \* \* \*

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

24 § 6346. Cooperation of other agencies.

25 \* \* \*

26 (b) Willful failure to cooperate.--Any agency, school  
27 district or facility or any person acting on behalf of an  
28 agency, school district or facility that violates this section  
29 by willfully failing to cooperate with the department or a  
30 county agency when investigating a report of suspected child

1 abuse [or a report under Subchapter C.1 (relating to students in  
2 public and private schools)] or when assessing risk to a child  
3 commits a summary offense for a first violation and a  
4 misdemeanor of the third degree for subsequent violations.

5 (c) Cooperation of county agency and law enforcement  
6 agencies.--Consistent with the provisions of this chapter, the  
7 county agency and law enforcement agencies shall cooperate and  
8 coordinate, to the fullest extent possible, their efforts to  
9 respond to and investigate reports of suspected child abuse [and  
10 to reports under Subchapter C.1].

11 \* \* \*

12 § 6347. Reports to Governor and General Assembly.

13 (a) General rule.--No later than May 1 of every year, the  
14 secretary shall prepare and transmit to the Governor and the  
15 General Assembly a report on the operations of the central  
16 register of child abuse and child protective services provided  
17 by county agencies. The report shall include a full statistical  
18 analysis of the reports of suspected child abuse made to the  
19 department [and the reports under Subchapter C.1 (relating to  
20 students in public and private schools), together] with a report  
21 on the implementation of this chapter and its total cost to the  
22 Commonwealth, the evaluation of the secretary of services  
23 offered under this chapter and recommendations for repeal or for  
24 additional legislation to fulfill the purposes of this chapter.  
25 All such recommendations should contain an estimate of increased  
26 or decreased costs resulting therefrom. The report shall also  
27 include an explanation of services provided to children who were  
28 the subjects of founded or indicated reports while receiving  
29 child-care services. The department shall also describe its  
30 actions in respect to the perpetrators of the abuse.

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

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

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

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

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

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

\* \* \*

Section 3. Subchapter C.1 of Chapter 63 of Title 23 is repealed:

[SUBCHAPTER C.1

STUDENTS IN PUBLIC AND PRIVATE SCHOOLS

Sec.

6351. Definitions.

6352. School employees.

6353. Administration.

6353.1. Investigation.

6353.2. Responsibilities of county agency.

6353.3. Information in Statewide central register.

1 6353.4. Other provisions.

2 § 6351. Definitions.

3 The following words and phrases when used in this subchapter  
4 shall have the meanings given to them in this section unless the  
5 context clearly indicates otherwise:

6 "Administrator." The person responsible for the  
7 administration of a public or private school, intermediate unit  
8 or area vocational-technical school. The term includes an  
9 independent contractor.

10 § 6352. School employees.

11 (a) Requirement.--

12 (1) Except as provided in paragraph (2), a school  
13 employee who has reasonable cause to suspect, on the basis of  
14 professional or other training and experience, that a student  
15 coming before the school employee in the employee's  
16 professional or official capacity is a victim of serious  
17 bodily injury or sexual abuse or sexual exploitation by a  
18 school employee shall immediately contact the administrator.

19 (2) If the school employee accused of seriously injuring  
20 or sexually abusing or exploiting a student is the  
21 administrator, the school employee who has reasonable cause  
22 to suspect, on the basis of professional or other training  
23 and experience, that a student coming before the school  
24 employee in the employee's professional or official capacity  
25 is a victim of serious bodily injury or sexual abuse or  
26 sexual exploitation shall immediately report to law  
27 enforcement officials and the district attorney under section  
28 6353(a) (relating to administration). If an administrator is  
29 the school employee who suspects injury or abuse, the  
30 administrator shall make a report under section 6353(a).

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

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

(c) Criminal penalty.--

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

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

§ 6353. Administration.

(a) Requirement.--An administrator and a school employee governed by section 6352(a)(2) (relating to school employees) shall report immediately to law enforcement officials and the appropriate district attorney any report of serious bodily injury or sexual abuse or sexual exploitation alleged to have been committed by a school employee against a student.

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

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

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

(3) Name and address of the administrator.

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

(5) Nature of the alleged offense.

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

(c) Immunity.--An administrator who makes a report under



1 subsection (a) shall be immune from civil or criminal liability  
2 arising out of the report.

3 (d) Criminal penalty.--An administrator who willfully  
4 violates subsection (a) commits a misdemeanor of the third  
5 degree.

6 § 6353.1. Investigation.

7 (a) General rule.--Upon receipt of a report under section  
8 6353 (relating to administration), an investigation shall be  
9 conducted by law enforcement officials, in cooperation with the  
10 district attorney, and a determination made as to what criminal  
11 charges, if any, will be filed against the school employee.

12 (b) Referral to county agency.--

13 (1) If local law enforcement officials have reasonable  
14 cause to suspect on the basis of initial review that there is  
15 evidence of serious bodily injury, sexual abuse or sexual  
16 exploitation committed by a school employee against a  
17 student, local law enforcement officials shall notify the  
18 county agency in the county where the alleged abuse or injury  
19 occurred for the purpose of the agency conducting an  
20 investigation of the alleged abuse or injury.

21 (2) To the fullest extent possible, law enforcement  
22 officials and the county agency shall coordinate their  
23 respective investigations. In respect to interviews with the  
24 student, law enforcement officials and the county agency  
25 shall conduct joint interviews. In respect to interviews with  
26 the school employee, law enforcement officials shall be given  
27 an opportunity to interview the school employee prior to the  
28 employee having any contact with the county agency.

29 (3) The county agency and law enforcement officials have  
30 the authority to arrange for photographs, medical tests or X-

1 rays of a student alleged to have been abused or injured by a  
2 school employee. The county agency and law enforcement  
3 officials shall coordinate their efforts in this regard and,  
4 to the fullest extent possible, avoid the duplication of any  
5 photographs, medical tests or X-rays.

6 (4) Law enforcement officials and the county agency  
7 shall advise each other of the status and findings of their  
8 respective investigations on an ongoing basis.

9 § 6353.2. Responsibilities of county agency.

10 (a) Information for the pending complaint file.--Immediately  
11 after receiving a report under section 6353.1 (relating to  
12 investigation), the county agency shall notify the department of  
13 the receipt of the report, which is to be filed in the pending  
14 complaint file as provided in section 6331(1) (relating to  
15 establishment of pending complaint file, Statewide central  
16 register and file of unfounded reports). The oral report shall  
17 include the following information:

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

20 (2) Where the suspected abuse or injury occurred.

21 (3) The age and sex of the student.

22 (4) The nature and extent of the suspected abuse or  
23 injury.

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

26 (6) The relationship of the student to the school  
27 employee alleged to have committed the abuse or injury.

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

29 (8) The actions taken by the county agency, law  
30 enforcement officials, parents, guardians, school officials

or other persons, including the taking of photographs,  
medical tests and X-rays.

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

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

(d) Notice to subject of a report.--Prior to interviewing a subject of the report, the county agency shall orally notify the subject of the report of the existence of the report and the subject's rights under this chapter in regard to amendment or expungement. Within 72 hours following oral notification to the subject, the county agency shall give written notice to the subject. The notice may be reasonably delayed if notification is likely to threaten the safety of the student or the county agency worker, to cause the school employee to abscond or to significantly interfere with the conduct of a criminal investigation.

(e) Reliance on factual investigation.--The county agency may rely on a factual investigation of substantially the same allegations by a law enforcement officials to support the agency's finding. This reliance shall not relieve the county agency of its responsibilities relating to the investigation of

1 reports under this subchapter.

2 (f) Notice to the department of the county agency's  
3 determination.--As soon as the county agency has completed its  
4 investigation, the county agency shall advise the department and  
5 law enforcement officials of its determination of the report as  
6 an indicated report for school employee or an unfounded report.  
7 Supplemental reports shall be made at regular intervals  
8 thereafter in a manner and form the department prescribes by  
9 regulation to the end that the department is kept fully informed  
10 and up-to-date concerning the status of the report.

11 § 6353.3. Information in Statewide central register.

12 The Statewide central register established under section 6331  
13 (relating to establishment of pending complaint file, Statewide  
14 central register and file of unfounded reports) shall retain  
15 only the following information relating to reports of abuse or  
16 injury of a student by a school employee which have been  
17 determined to be a founded report for school employee or an  
18 indicated report for school employee:

19 (1) The names, Social Security numbers, age and sex of  
20 the subjects of the report.

21 (2) The home address of the subjects of the report.

22 (3) The date and the nature and extent of the alleged  
23 abuse or injury.

24 (4) The county and state where the abuse or injury  
25 occurred.

26 (5) Factors contributing to the abuse or injury.

27 (6) The source of the report.

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

29 (8) Information obtained by the department in relation  
30 to the school employee's request to release, amend or expunge

1 information retained by the department or the county agency.

2 (9) The progress of any legal proceedings brought on the  
3 basis of the report.

4 (10) Whether a criminal investigation has been  
5 undertaken and the result of the investigation and of any  
6 criminal prosecution.

7 § 6353.4. Other provisions.

8 The following provisions shall apply to the release and  
9 retention of information by the department and the county agency  
10 concerning reports of abuse or injury committed by a school  
11 employee as provided by this subchapter:

12 Section 6336(b) and (c) (relating to information in  
13 Statewide central register).

14 Section 6337 (relating to disposition of unfounded  
15 reports).

16 Section 6338(a) and (b) (relating to disposition of  
17 founded and indicated reports).

18 Section 6339 (relating to confidentiality of reports).

19 Section 6340 (relating to release of information in  
20 confidential reports).

21 Section 6341(a) through (f) (relating to amendment or  
22 expunction of information).

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

24 Section 4. Section 6368(a.1) of Title 23 is amended and the  
25 section is amended by adding a subsection to read:

26 § 6368. Investigation of reports.

27 \* \* \*

28 (a.1) Investigation of report concerning child-care service  
29 personnel or school employee.--Upon notification that an  
30 investigation involves suspected child abuse perpetrated by

1 child-care service personnel, including a child-care service  
2 employee, service provider [or], administrator or school  
3 employee, the respective child-care service or school must  
4 immediately implement a plan of supervision or alternative  
5 arrangement subject to the county agency's approval for the  
6 individual under investigation to ensure the safety of the child  
7 and other children who are in the care of the child-care  
8 service. The county agency shall provide notice to the employer  
9 of the child-care service employee, service provider,  
10 administrator or school employee that the individual is under  
11 investigation. Such plan of supervision or alternative  
12 arrangement shall be kept on file with the county agency until  
13 such time that the investigation is completed.

14 \* \* \*

15 (e) Notice of founded or indicated report to certain  
16 employers.--Where the county agency determines that a complaint  
17 of suspected abuse is a founded or indicated report involving a  
18 perpetrator who is a child-care service employee, service  
19 provider, administrator or school employee, the county agency  
20 shall notify the employer, if the identity of the employer is  
21 known to the county agency, in writing of the existence of the  
22 founded or indicated report.

23 Section 5. This act shall take effect in 60 days.