

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 395 Session of 2007

INTRODUCED BY WASHINGTON, COSTA, KITCHEN, GREENLEAF, ORIE, MUSTO, STACK, STOUT, TARTAGLIONE, FONTANA AND BROWNE, MARCH 13, 2007

SENATOR RHOADES, EDUCATION, AS AMENDED, MAY 6, 2008

AN ACT

1 ~~Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An~~ <—
2 ~~act relating to the public school system, including certain~~
3 ~~provisions applicable as well to private and parochial~~
4 ~~schools; amending, revising, consolidating and changing the~~
5 ~~laws relating thereto," providing for child abuse~~
6 ~~identification training.~~
7 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN <—
8 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN
9 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL
10 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
11 LAWS RELATING THERETO," PROVIDING FOR ABUSE IDENTIFICATION
12 TRAINING.

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

15 ~~Section 1. The act of March 10, 1949 (P.L.30, No.14), known~~ <—
16 ~~as the Public School Code of 1949, is amended by adding a~~
17 ~~section to read:~~

18 ~~Section 1205.5. Child Abuse Identification Training~~
19 ~~Program. (a) A child abuse identification training program is~~
20 ~~established to provide periodic training in child abuse~~
21 ~~identification for covered employes of a school entity.~~

22 ~~(b) (1) The Department of Public Welfare, in consultation~~

1 ~~with the Department of Education, shall establish the program.~~

2 ~~(2) The program shall include courses of training in child~~
3 ~~abuse identification for covered employes of school entities and~~
4 ~~may include, in the discretion of the department, additional~~
5 ~~courses for the training of additional school employes who are~~
6 ~~not covered employes. Such courses shall contain substantive~~
7 ~~content for such child abuse identification training and shall~~
8 ~~include a listing of suggested methods and media for conducting~~
9 ~~the training.~~

10 ~~(3) (i) The program shall require a school entity to~~
11 ~~provide the covered employes with the opportunity to attend a~~
12 ~~minimum number of hours of course training annually.~~

13 ~~(ii) The program shall require a school entity to provide a~~
14 ~~number of training courses for covered employes sufficient for~~
15 ~~the covered employes to meet the requirements of subsection (d).~~

16 ~~(4) The program shall contain a system of maintaining~~
17 ~~records of training course completion by covered employes. The~~
18 ~~guidelines shall include provisions for reporting by school~~
19 ~~entities and approved providers of course completion. This~~
20 ~~system shall provide for the notification to the Department of~~
21 ~~Education.~~

22 ~~(5) The program shall provide for the specialized training~~
23 ~~of certain covered employes who, if they successfully complete~~
24 ~~the specialized training, may subsequently conduct training~~
25 ~~courses for other covered employes and other school entity~~
26 ~~employes.~~

27 ~~(c) (1) A school entity shall provide covered employes who~~
28 ~~are employed by the school entity with child abuse~~
29 ~~identification training under the program.~~

30 ~~(2) A school entity may elect to offer a voluntary course in~~

~~1 child abuse identification training for those school entity
2 employes who are not covered employes.~~

~~3 (3) A school entity may determine the time and manner in
4 providing the training courses to the covered employes and any
5 other school entity employes.~~

~~6 (4) Where the department has established training courses
7 for school entity employes other than covered employes, a school
8 entity may elect to offer such courses.~~

~~9 (d) (1) All covered employes shall complete the number of
10 hours of course training as herein specified:~~

~~11 (i) For covered employes who are employes of the school
12 entity on the effective date of this section:~~

~~13 (A) two (2) hours of course training within one year of the
14 effective date of this section; and~~

~~15 (B) a minimum of four (4) hours of course training for every
16 two year period beginning on the second year following the
17 effective date of this section.~~

~~18 (ii) For covered employes who are employed by the school
19 entity after the effective date of this section:~~

~~20 (A) two (2) hours of course training within one year of the
21 date of employment of the covered employe; and~~

~~22 (B) a minimum of four (4) hours of course training for every
23 two year period beginning on the second year following the date
24 of employment of the covered employe.~~

~~25 (2) Those covered employes who are professional educators
26 shall complete the course training as a condition to maintain
27 active certification. A maximum of two (2) hours every four
28 years shall be considered credited hours of continuing education
29 for the purposes of section 1205.2.~~

~~30 (c) As used in this section, the following words and phrases~~

1 ~~shall have the meanings given to them in this subsection:~~

2 ~~"Child abuse identification program" or "program" shall mean~~
3 ~~the program for the training of certain school employes in the~~
4 ~~identification of suspected child abuse established under this~~
5 ~~act.~~

6 ~~"Covered employe" shall mean any employe of a school entity~~
7 ~~who, as a mandatory child abuse reporter, is required to report~~
8 ~~suspected child abuse pursuant to 23 Pa.C.S. § 6311 (relating to~~
9 ~~persons required to report suspected child abuse), which~~
10 ~~includes professional educators.~~

11 ~~"Department" shall mean the Department of Public Welfare of~~
12 ~~the Commonwealth.~~

13 ~~"Department of Education" shall mean the Department of~~
14 ~~Education of the Commonwealth.~~

15 ~~"Professional educator" shall mean the same as the meaning~~
16 ~~provided in section 1205.2.~~

17 ~~"School entity" shall mean a school district, intermediate~~
18 ~~unit, joint school district, area vocational technical school,~~
19 ~~charter school, Scotland School for Veterans' Children, Scranton~~
20 ~~School for the Deaf or any of the above acting jointly.~~

21 ~~"Training course" shall mean a course within the program~~
22 ~~consisting of substantive content for employe instruction on~~
23 ~~identifying suspected child abuse.~~

24 ~~Section 2. Section 1732 A(a) of the act, amended June 29,~~
25 ~~2002 (P.L.524, No.88), is amended to read:~~

26 ~~Section 1732 A. Provisions Applicable to Charter Schools.—~~

27 ~~(a) Charter schools shall be subject to the following:~~

28 ~~Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,~~
29 ~~510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753,~~
30 ~~{755,} 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a),~~

1 ~~1205.5, 1301, 1310, 1317, 1317.1, 1317.2, 1318, 1327, 1330,~~
2 ~~1332, 1303 A, 1513, 1517, 1518, 1521, 1523, 1531, 1547, 2014 A,~~
3 ~~Article XIII A and Article XIV.~~

4 ~~Act of July 17, 1961 (P.L.776, No.341), known as the~~
5 ~~"Pennsylvania Fair Educational Opportunities Act."~~

6 ~~Act of July 19, 1965 (P.L.215, No.116), entitled "An act~~
7 ~~providing for the use of eye protective devices by persons~~
8 ~~engaged in hazardous activities or exposed to known dangers in~~
9 ~~schools, colleges and universities."~~

10 ~~Section 4 of the act of January 25, 1966 (1965 P.L.1546,~~
11 ~~No.541), entitled "An act providing scholarships and providing~~
12 ~~funds to secure Federal funds for qualified students of the~~
13 ~~Commonwealth of Pennsylvania who need financial assistance to~~
14 ~~attend postsecondary institutions of higher learning, making an~~
15 ~~appropriation, and providing for the administration of this~~
16 ~~act."~~

17 ~~Act of July 12, 1972 (P.L.765, No.181), entitled "An act~~
18 ~~relating to drugs and alcohol and their abuse, providing for~~
19 ~~projects and programs and grants to educational agencies, other~~
20 ~~public or private agencies, institutions or organizations."~~

21 ~~Act of December 15, 1986 (P.L.1595, No.175), known as the~~
22 ~~"Antihazing Law."~~

23 ~~* * *~~

24 ~~Section 3. This act shall take effect in 60 days.~~

25 SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN ←
26 AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING A
27 SECTION TO READ:

28 SECTION 1205.6. ABUSE IDENTIFICATION TRAINING PROGRAM.--(A)
29 AN ABUSE IDENTIFICATION TRAINING PROGRAM IS ESTABLISHED TO
30 PROVIDE TRAINING IN ABUSE IDENTIFICATION FOR PERSONS EMPLOYED BY

1 OR UNDER CONTRACT WITH A SCHOOL ENTITY.

2 (B) THE FOLLOWING APPLY:

3 (1) THE DEPARTMENT OF PUBLIC WELFARE, IN CONSULTATION WITH
4 THE DEPARTMENT, SHALL ESTABLISH THE PROGRAM.

5 (2) THE PROGRAM SHALL INCLUDE TRAINING IN ABUSE
6 IDENTIFICATION FOR ANY PERSON THAT IS EMPLOYED BY OR UNDER
7 CONTRACT WITH A SCHOOL ENTITY AND THAT IS SUBJECT TO 23 PA.C.S.
8 § 6311 (RELATING TO PERSONS REQUIRED TO REPORT SUSPECTED CHILD
9 ABUSE) OR CH. 63 SUBCH. C.1 (RELATING TO STUDENTS IN PUBLIC AND
10 PRIVATE SCHOOLS).

11 (C) A PERSON UNDER SUBSECTION (B)(2) SHALL COMPLETE THE
12 COURSE TRAINING SPECIFIED BY THE DEPARTMENT OF PUBLIC WELFARE IN
13 CONSULTATION WITH THE DEPARTMENT.

14 (D) A PROFESSIONAL EDUCATOR SHALL RECEIVE CREDIT TOWARD
15 CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS UNDER SECTION
16 1205.2 FOR TRAINING COMPLETED UNDER SUBSECTION (C).

17 (E) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
18 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

19 "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF EDUCATION OF THE
20 COMMONWEALTH.

21 "PROFESSIONAL EDUCATOR" SHALL MEAN THE SAME AS THE MEANING
22 PROVIDED IN SECTION 1205.2(O).

23 "SCHOOL ENTITY" SHALL MEAN A SCHOOL DISTRICT, INTERMEDIATE
24 UNIT, JOINT SCHOOL DISTRICT, AREA VOCATIONAL-TECHNICAL SCHOOL,
25 CHARTER SCHOOL, SCOTLAND SCHOOL FOR VETERANS' CHILDREN, AND
26 SCRANTON SCHOOL FOR THE DEAF.

27 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.