

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1413 Session of  
2012

INTRODUCED BY WARD, SCARNATI, PILEGGI, COSTA, VOGEL, YAW,  
ALLOWAY, McILHINNEY, TOMLINSON, PIPPY, BROWNE, RAFFERTY,  
SOLOBAY, FERLO, ARGALL, MENSCH, SMUCKER, BAKER, ERICKSON,  
D. WHITE, EICHELBERGER, HUGHES, YUDICHAK, WASHINGTON,  
KASUNIC, LEACH, FONTANA, BOSCOLA, STACK, PICCOLA, FARNESE AND  
SCHWANK, FEBRUARY 27, 2012

SENATOR WARD, AGING AND YOUTH, AS AMENDED, JUNE 12, 2012

## AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, ~~in child protective services,~~ further  
3 providing for DEFINITIONS, FOR PERSONS REQUIRED TO REPORT  
4 SUSPECTED CHILD ABUSE, FOR REPORTING PROCEDURE, FOR IMMUNITY  
5 FROM LIABILITY AND FOR penalties for failure to report or to  
6 refer; PROVIDING FOR FALSE REPORTS OF CHILD ABUSE; AND  
7 FURTHER PROVIDING FOR RELEASE OF INFORMATION IN CONFIDENTIAL  
8 REPORTS, FOR SCHOOL EMPLOYEES, FOR ADMINISTRATION, FOR  
9 INVESTIGATION, FOR RESPONSIBILITIES OF COUNTY AGENCY FOR  
10 CHILD PROTECTIVE SERVICES AND FOR INVESTIGATION OF REPORTS.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 ~~Section 1. Section 6319 of Title 23 of the Pennsylvania~~  
14 ~~Consolidated Statutes is amended to read:~~

15 SECTION 1. THE DEFINITIONS OF "FOUNDED REPORT FOR SCHOOL  
16 EMPLOYEE" AND "INDICATED REPORT FOR SCHOOL EMPLOYEE" IN SECTION  
17 6303 OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE  
18 AMENDED TO READ:

19 § 6303. DEFINITIONS.

20 (A) GENERAL RULE.--THE FOLLOWING WORDS AND PHRASES WHEN USED

IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

\* \* \*

"FOUNDED REPORT FOR SCHOOL EMPLOYEE." A REPORT UNDER  
SUBCHAPTER C.1 (RELATING TO STUDENTS IN PUBLIC AND PRIVATE  
SCHOOLS) IF THERE HAS BEEN ANY JUDICIAL ADJUDICATION BASED ON A  
FINDING THAT THE VICTIM HAS SUFFERED SERIOUS PHYSICAL INJURY,  
SERIOUS BODILY INJURY OR SEXUAL ABUSE OR EXPLOITATION, INCLUDING  
THE ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE OR A FINDING OF  
GUILT TO A CRIMINAL CHARGE INVOLVING THE SAME FACTUAL  
CIRCUMSTANCES INVOLVED IN THE ALLEGATIONS OF THE REPORT.

\* \* \*

"INDICATED REPORT FOR SCHOOL EMPLOYEE." A REPORT MADE UNDER  
SUBCHAPTER C.1 (RELATING TO STUDENTS IN PUBLIC AND PRIVATE  
SCHOOLS) IF AN INVESTIGATION BY THE COUNTY AGENCY DETERMINES  
THAT SUBSTANTIAL EVIDENCE OF SERIOUS PHYSICAL INJURY, SERIOUS  
BODILY INJURY OR SEXUAL ABUSE OR EXPLOITATION EXISTS BASED ON  
ANY OF THE FOLLOWING:

(1) AVAILABLE MEDICAL EVIDENCE.

(2) THE COUNTY AGENCY'S INVESTIGATION.

(3) AN ADMISSION OF THE ACTS OF ABUSE BY THE SCHOOL  
EMPLOYEE.

\* \* \*

SECTION 2. SECTIONS 6311(C) AND 6313(A) AND (C) OF TITLE 23  
ARE AMENDED AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS  
TO READ:

§ 6311. PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE.

\* \* \*

(C) STAFF MEMBERS OF INSTITUTIONS, ETC.--WHENEVER A PERSON  
IS REQUIRED TO REPORT UNDER SUBSECTION (B) IN THE CAPACITY AS A

1 MEMBER OF THE STAFF OF A MEDICAL OR OTHER PUBLIC OR PRIVATE  
2 INSTITUTION, SCHOOL, FACILITY OR AGENCY, THAT PERSON SHALL  
3 IMMEDIATELY NOTIFY THE PERSON IN CHARGE OF THE INSTITUTION,  
4 SCHOOL, FACILITY OR AGENCY OR THE DESIGNATED AGENT OF THE PERSON  
5 IN CHARGE. UPON NOTIFICATION, THE PERSON IN CHARGE OR THE  
6 DESIGNATED AGENT, IF ANY, SHALL ASSUME THE RESPONSIBILITY AND  
7 HAVE THE LEGAL OBLIGATION TO REPORT OR CAUSE A REPORT TO BE MADE  
8 IN ACCORDANCE WITH SECTION 6313[.] AND, IF THE REPORT INVOLVES  
9 THE ALLEGED SEXUAL ABUSE OR EXPLOITATION OF A CHILD, SHALL HAVE  
10 THE LEGAL OBLIGATION TO IMMEDIATELY REPORT THE ALLEGED INCIDENT  
11 TO LAW ENFORCEMENT. IN THE EVENT THAT THE PERSON SUSPECTED OF  
12 CHILD ABUSE IS THE PERSON IN CHARGE OR THE DESIGNATED AGENT OF  
13 THE PERSON IN CHARGE, THE STAFF MEMBER REPORTING SHALL HAVE THE  
14 LEGAL OBLIGATION TO REPORT OR CAUSE A REPORT TO BE MADE IN  
15 ACCORDANCE WITH SECTION 6313. THIS CHAPTER DOES NOT REQUIRE MORE  
16 THAN ONE REPORT FROM ANY SUCH INSTITUTION, SCHOOL, FACILITY OR  
17 AGENCY.

18 (C.1) DUTIES OF INSTITUTIONS, ETC.--AN INSTITUTION, SCHOOL,  
19 FACILITY OR AGENCY IDENTIFIED UNDER SUBSECTION (C) SHALL  
20 ANNUALLY NOTIFY ALL EMPLOYEES WHO ARE REQUIRED TO REPORT UNDER  
21 SUBSECTION (B) OF THE DUTY TO REPORT AND OF THE NAME AND CONTACT  
22 INFORMATION OF THE PERSON IN CHARGE OF THE INSTITUTION, SCHOOL,  
23 FACILITY OR AGENCY OR THE DESIGNATED AGENT OF THE PERSON TO WHOM  
24 REPORTS ARE TO BE MADE UNDER SUBSECTION (C). THE INSTITUTION,  
25 SCHOOL, FACILITY OR AGENCY SHALL POST THE INFORMATION  
26 CONSPICUOUSLY ON THE PREMISES OF THE INSTITUTION, SCHOOL,  
27 FACILITY OR AGENCY AND ON ITS INTERNET WEBSITE.

28 \* \* \*

29 § 6313. REPORTING PROCEDURE.

30 (A) GENERAL RULE.--[REPORTS] EXCEPT AS PROVIDED UNDER

1 SUBSECTION (A.1), REPORTS FROM PERSONS REQUIRED TO REPORT UNDER  
2 SECTION 6311 (RELATING TO PERSONS REQUIRED TO REPORT SUSPECTED  
3 CHILD ABUSE) SHALL BE MADE IMMEDIATELY BY TELEPHONE AND IN  
4 WRITING WITHIN 48 HOURS AFTER THE ORAL REPORT.

5 (A.1) REPORTS TO LAW ENFORCEMENT.--REPORTS TO LAW  
6 ENFORCEMENT REQUIRED UNDER SECTION 6311(C) SHALL BE MADE  
7 IMMEDIATELY BY TELEPHONE AND IN WRITING WITHIN 24 HOURS AFTER  
8 THE PERSON REQUIRED TO REPORT IS NOTIFIED UNDER SECTION 6311.

9 \* \* \*

10 (C) WRITTEN REPORTS.--WRITTEN REPORTS FROM PERSONS REQUIRED  
11 TO REPORT UNDER SECTION 6311 SHALL BE MADE TO THE APPROPRIATE  
12 COUNTY AGENCY IN A MANNER AND ON FORMS THE DEPARTMENT PRESCRIBES  
13 BY REGULATION. THE WRITTEN REPORTS SHALL INCLUDE THE FOLLOWING  
14 INFORMATION IF AVAILABLE:

15 (1) THE NAMES AND ADDRESSES OF THE CHILD AND THE PARENTS  
16 OR OTHER PERSON RESPONSIBLE FOR THE CARE OF THE CHILD IF  
17 KNOWN, AND THE CHILD'S DISABILITY STATUS.

18 (2) WHERE THE SUSPECTED ABUSE OCCURRED.

19 (3) THE AGE AND SEX OF THE SUBJECTS OF THE REPORT.

20 (4) THE NATURE AND EXTENT OF THE SUSPECTED CHILD ABUSE,  
21 INCLUDING ANY EVIDENCE OF PRIOR ABUSE TO THE CHILD OR  
22 SIBLINGS OF THE CHILD.

23 (5) THE NAME AND RELATIONSHIP OF THE PERSON OR PERSONS  
24 RESPONSIBLE FOR CAUSING THE SUSPECTED ABUSE, IF KNOWN, AND  
25 ANY EVIDENCE OF PRIOR ABUSE BY THAT PERSON OR PERSONS.

26 (6) FAMILY COMPOSITION.

27 (7) THE SOURCE OF THE REPORT.

28 (8) THE PERSON MAKING THE REPORT AND WHERE THAT PERSON  
29 CAN BE REACHED.

30 (9) THE ACTIONS TAKEN BY THE REPORTING SOURCE, INCLUDING

1 THE TAKING OF PHOTOGRAPHS AND X-RAYS, REMOVAL OR KEEPING OF  
2 THE CHILD OR NOTIFYING THE MEDICAL EXAMINER OR CORONER.

3 (10) ANY OTHER INFORMATION WHICH THE DEPARTMENT MAY  
4 REQUIRE BY REGULATION.

5 \* \* \*

6 SECTION 3. SECTIONS 6318(A) AND 6319 OF TITLE 23 ARE AMENDED  
7 TO READ:

8 § 6318. IMMUNITY FROM LIABILITY.

9 (A) GENERAL RULE.--A PERSON, HOSPITAL, INSTITUTION, SCHOOL,  
10 FACILITY, AGENCY OR AGENCY EMPLOYEE THAT PARTICIPATES IN GOOD  
11 FAITH IN THE MAKING OF A REPORT, WHETHER REQUIRED OR NOT,  
12 COOPERATING WITH AN INVESTIGATION, INCLUDING PROVIDING  
13 INFORMATION TO A CHILD FATALITY OR NEAR FATALITY REVIEW TEAM,  
14 TESTIFYING IN A PROCEEDING ARISING OUT OF AN INSTANCE OF  
15 SUSPECTED CHILD ABUSE, THE TAKING OF PHOTOGRAPHS OR THE REMOVAL  
16 OR KEEPING OF A CHILD PURSUANT TO SECTION 6315 (RELATING TO  
17 TAKING CHILD INTO PROTECTIVE CUSTODY), AND ANY OFFICIAL OR  
18 EMPLOYEE OF A COUNTY AGENCY WHO REFERS A REPORT OF SUSPECTED  
19 ABUSE TO LAW ENFORCEMENT AUTHORITIES OR PROVIDES SERVICES UNDER  
20 THIS CHAPTER, SHALL HAVE IMMUNITY FROM CIVIL AND CRIMINAL  
21 LIABILITY THAT MIGHT OTHERWISE RESULT BY REASON OF THOSE ACTIONS  
22 EXCEPT AS PROVIDED UNDER SECTION 6320 (RELATING TO FALSE REPORTS  
23 OF CHILD ABUSE).

24 \* \* \*

25 § 6319. Penalties for failure to report or to refer.

26 A person or official required by this chapter to report a  
27 case of suspected child abuse or to make a referral to the  
28 appropriate authorities who willfully fails to do so commits a  
29 misdemeanor of the [third] first degree for the first violation  
30 and a [misdemeanor of the second] felony of the third degree for

1 a second or subsequent violation.

2 ~~Section 2. This act shall take effect immediately.~~ ←

3 SECTION 4. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ: ←

4 § 6320. FALSE REPORTS OF CHILD ABUSE.

5 A PERSON WHO KNOWINGLY OR INTENTIONALLY MAKES A REPORT OF  
6 CHILD ABUSE UNDER THIS CHAPTER THAT THE PERSON KNOWS IS FALSE  
7 COMMITTS A MISDEMEANOR OF THE SECOND DEGREE.

8 SECTION 5. SECTION 6340(A) OF TITLE 23 IS AMENDED BY ADDING  
9 PARAGRAPHS TO READ:

10 § 6340. RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS.

11 (A) GENERAL RULE.--REPORTS SPECIFIED IN SECTION 6339  
12 (RELATING TO CONFIDENTIALITY OF REPORTS) SHALL ONLY BE MADE  
13 AVAILABLE TO:

14 \* \* \*

15 (18) THE EMPLOYER OF A CHILD-CARE SERVICE EMPLOYEE,  
16 SERVICE PROVIDER, ADMINISTRATOR OR SCHOOL EMPLOYEE WHO HAS  
17 BEEN DETERMINED TO BE THE PERPETRATOR OF A FOUNDED REPORT OR  
18 AN INDICATED REPORT AFTER FINAL ADMINISTRATIVE DETERMINATION  
19 BY THE DEPARTMENT. INFORMATION PERMITTED TO BE RELEASED TO AN  
20 EMPLOYER UNDER THIS PARAGRAPH SHALL BE LIMITED TO FACTS  
21 RELATED TO THE EMPLOYEE'S SUITABILITY IN THE WORKPLACE AND TO  
22 THE PROTECTION OF THE HEALTH, SAFETY AND WELFARE OF THE  
23 CHILDREN IN THE EMPLOYEE'S WORKPLACE.

24 (19) THE SECRETARY OF EDUCATION OR DESIGNEE. INFORMATION  
25 UNDER THIS PARAGRAPH SHALL BE LIMITED TO FACTS RELATED TO AN  
26 EMPLOYEE'S SUITABILITY IN THE WORKPLACE AND TO THE PROTECTION  
27 OF THE HEALTH, SAFETY AND WELFARE OF THE CHILDREN IN THE  
28 EMPLOYEE'S WORKPLACE.

29 \* \* \*

30 SECTION 6. SECTIONS 6352(A), 6353, 6353.1 AND 6362(C) OF

1 TITLE 23 ARE AMENDED TO READ:

2 § 6352. SCHOOL EMPLOYEES.

3 (A) REQUIREMENT.--

4 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A SCHOOL  
5 EMPLOYEE WHO HAS REASONABLE CAUSE TO SUSPECT, ON THE BASIS OF  
6 PROFESSIONAL OR OTHER TRAINING AND EXPERIENCE, THAT A STUDENT  
7 COMING BEFORE THE SCHOOL EMPLOYEE IN THE EMPLOYEE'S  
8 PROFESSIONAL OR OFFICIAL CAPACITY IS A VICTIM OF SERIOUS  
9 PHYSICAL INJURY, SERIOUS BODILY INJURY OR SEXUAL ABUSE OR  
10 SEXUAL EXPLOITATION BY A SCHOOL EMPLOYEE SHALL IMMEDIATELY  
11 CONTACT THE ADMINISTRATOR. THE ADMINISTRATOR SHALL  
12 IMMEDIATELY MAKE A REPORT UNDER 6353(A) (RELATING TO  
13 ADMINISTRATION).

14 (2) IF THE SCHOOL EMPLOYEE ACCUSED OF INJURING,  
15 SERIOUSLY INJURING OR SEXUALLY ABUSING OR EXPLOITING A  
16 STUDENT IS THE ADMINISTRATOR, THE SCHOOL EMPLOYEE WHO HAS  
17 REASONABLE CAUSE TO SUSPECT, ON THE BASIS OF PROFESSIONAL OR  
18 OTHER TRAINING AND EXPERIENCE, THAT A STUDENT COMING BEFORE  
19 THE SCHOOL EMPLOYEE IN THE EMPLOYEE'S PROFESSIONAL OR  
20 OFFICIAL CAPACITY IS A VICTIM OF SERIOUS PHYSICAL INJURY,  
21 SERIOUS BODILY INJURY OR SEXUAL ABUSE OR SEXUAL EXPLOITATION  
22 SHALL IMMEDIATELY REPORT TO LAW ENFORCEMENT OFFICIALS [AND] AND  
23 THE DISTRICT ATTORNEY AND THE APPROPRIATE COUNTY AGENCY UNDER  
24 SECTION 6353(A) [(RELATING TO ADMINISTRATION)].

25 (3) IF AN ADMINISTRATOR IS THE SCHOOL EMPLOYEE WHO  
26 SUSPECTS INJURY OR ABUSE, THE ADMINISTRATOR SHALL MAKE A  
27 REPORT UNDER SECTION 6353(A).

28 [(3)] (4) THE SCHOOL EMPLOYEE MAY NOT REVEAL THE  
29 EXISTENCE OR CONTENT OF THE REPORT TO ANY OTHER PERSON.

30 \* \* \*

1 § 6353. ADMINISTRATION.

2 (A) REQUIREMENT.--AN ADMINISTRATOR AND A SCHOOL EMPLOYEE  
3 GOVERNED BY SECTION 6352(A) [(2)] (RELATING TO SCHOOL EMPLOYEES)  
4 SHALL REPORT IMMEDIATELY TO LAW ENFORCEMENT OFFICIALS [AND] THE  
5 APPROPRIATE DISTRICT ATTORNEY AND THE APPROPRIATE COUNTY AGENCY  
6 ANY REPORT OF SERIOUS PHYSICAL INJURY, SERIOUS BODILY INJURY OR  
7 SEXUAL ABUSE OR SEXUAL EXPLOITATION ALLEGED TO HAVE BEEN  
8 COMMITTED BY A SCHOOL EMPLOYEE AGAINST A STUDENT.

9 (B) REPORT.--A REPORT UNDER SUBSECTION (A) SHALL INCLUDE THE  
10 FOLLOWING INFORMATION:

11 (1) NAME, AGE, ADDRESS [AND] SCHOOL AND DISABILITY  
12 STATUS OF THE STUDENT.

13 (2) NAME AND ADDRESS OF THE STUDENT'S PARENT OR  
14 GUARDIAN.

15 (3) NAME AND ADDRESS OF THE ADMINISTRATOR.

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

17 (5) NATURE OF THE ALLEGED OFFENSE.

18 (6) ANY SPECIFIC COMMENTS OR OBSERVATIONS THAT ARE  
19 DIRECTLY RELATED TO THE ALLEGED INCIDENT AND THE INDIVIDUALS  
20 INVOLVED.

21 (C) IMMUNITY.--AN ADMINISTRATOR OR SCHOOL EMPLOYEE WHO MAKES  
22 A REPORT UNDER SUBSECTION (A) SHALL BE IMMUNE FROM CIVIL OR  
23 CRIMINAL LIABILITY ARISING OUT OF THE REPORT.

24 (D) CRIMINAL PENALTY.--AN ADMINISTRATOR OR SCHOOL EMPLOYEE  
25 WHO WILLFULLY VIOLATES SUBSECTION (A) COMMITS A MISDEMEANOR OF  
26 THE THIRD DEGREE.

27 § 6353.1. INVESTIGATION.

28 (A) GENERAL RULE.--UPON RECEIPT OF A REPORT UNDER SECTION  
29 6353 (RELATING TO ADMINISTRATION), AN INVESTIGATION SHALL BE  
30 CONDUCTED BY LAW ENFORCEMENT OFFICIALS, IN COOPERATION WITH THE



DISTRICT ATTORNEY[, AND A DETERMINATION MADE AS TO] AND THE  
APPROPRIATE COUNTY AGENCY. LAW ENFORCEMENT OFFICIALS, IN  
COOPERATION WITH THE DISTRICT ATTORNEY SHALL DETERMINE WHAT  
CRIMINAL CHARGES, IF ANY, WILL BE FILED AGAINST THE SCHOOL  
EMPLOYEE.

(B) [REFERRAL TO] COORDINATION WITH COUNTY AGENCY.--

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

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

(3) THE COUNTY AGENCY AND LAW ENFORCEMENT OFFICIALS HAVE  
THE AUTHORITY TO ARRANGE FOR PHOTOGRAPHS, MEDICAL TESTS OR X-  
RAYS OF A STUDENT ALLEGED TO HAVE BEEN ABUSED OR INJURED BY A  
SCHOOL EMPLOYEE. THE COUNTY AGENCY AND LAW ENFORCEMENT  
OFFICIALS SHALL COORDINATE THEIR EFFORTS IN THIS REGARD AND,  
TO THE FULLEST EXTENT POSSIBLE, AVOID THE DUPLICATION OF ANY  
PHOTOGRAPHS, MEDICAL TESTS OR X-RAYS.

(4) LAW ENFORCEMENT OFFICIALS AND THE COUNTY AGENCY

SHALL ADVISE EACH OTHER OF THE STATUS AND FINDINGS OF THEIR  
RESPECTIVE INVESTIGATIONS ON AN ONGOING BASIS.

§ 6362. RESPONSIBILITIES OF COUNTY AGENCY FOR CHILD PROTECTIVE  
SERVICES.

\* \* \*

(C) ACTION BY AGENCIES FOR ABUSE BY AGENTS OR EMPLOYEES.--

WHERE SUSPECTED CHILD ABUSE HAS OCCURRED AND AN EMPLOYEE OR

AGENT OF THE DEPARTMENT OR THE COUNTY AGENCY OR A PRIVATE OR

PUBLIC INSTITUTION OR SCHOOL IS A SUBJECT OF THE REPORT, THE

DEPARTMENT, AGENCY [OR], INSTITUTION OR SCHOOL SHALL BE INFORMED

OF THE INVESTIGATION SO THAT IT MAY TAKE APPROPRIATE ACTION.

WHEN THE SUSPECTED ABUSE CONCERNS A CHILD WITH A DISABILITY, THE

COUNTY AGENCY SHALL ADDITIONALLY INFORM THE STATE PROTECTION AND

ADVOCACY SYSTEM OF THE INVESTIGATION AND THE SUBSTANCE OF THE

COMPLAINT.

\* \* \*

SECTION 7. SECTION 6368 OF TITLE 23 IS AMENDED BY ADDING

SUBSECTIONS TO READ:

§ 6368. INVESTIGATION OF REPORTS.

\* \* \*

(E) NOTICE OF FOUNDED OR INDICATED REPORT TO CERTAIN

EMPLOYERS.--WHERE THE COUNTY AGENCY DETERMINES THAT A COMPLAINT

OF SUSPECTED ABUSE IS A FOUNDED OR INDICATED REPORT AFTER FINAL

ADMINISTRATIVE DETERMINATION BY THE DEPARTMENT, INVOLVING A

PERPETRATOR WHO IS A CHILD-CARE SERVICE EMPLOYEE, SERVICE

PROVIDER, ADMINISTRATOR OR SCHOOL EMPLOYEE, THE COUNTY AGENCY

SHALL NOTIFY THE EMPLOYER, IF THE IDENTITY OF THE EMPLOYER IS

KNOWN TO THE COUNTY AGENCY, IN WRITING OF THE INFORMATION WHICH

MAY BE DISCLOSED UNDER SECTION 6340 (A) (17) (RELATING TO RELEASE

OF INFORMATION IN CONFIDENTIAL REPORTS).

1     (F) NOTICE OF FOUNDED OR INDICATED REPORT TO SECRETARY OF  
2     EDUCATION.--WHERE THE COUNTY AGENCY DETERMINES THAT A COMPLAINT  
3     OF SUSPECTED ABUSE IS A FOUNDED REPORT OR AN INDICATED REPORT  
4     AFTER FINAL ADMINISTRATIVE DETERMINATION BY THE DEPARTMENT,  
5     INVOLVING A PERPETRATOR WHO IS A CHARTER OR CYBER CHARTER SCHOOL  
6     STAFF MEMBER OR IS CERTIFIED AS A TEACHER, EDUCATIONAL  
7     SPECIALIST OR AN ADMINISTRATOR IN THIS COMMONWEALTH AS DEFINED  
8     IN THE ACT OF DECEMBER 12, 1973 (P.L.397, NO.141), KNOWN AS THE  
9     PROFESSIONAL EDUCATOR DISCIPLINE ACT, THE COUNTY AGENCY SHALL  
10    NOTIFY THE SECRETARY OF EDUCATION OR DESIGNEE IN WRITING OF THE  
11    INFORMATION WHICH MAY BE DISCLOSED UNDER SECTION 6340(A)(18).

12       SECTION 8. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

13           (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
14       IMMEDIATELY:

15               (I) THIS SECTION.

16               (II) THE AMENDMENT OF 23 PA.C.S. § 6319.

17           (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 180  
18       DAYS.