

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 449 Session of
2011

INTRODUCED BY VANCE, ERICKSON, WARD, BROWNE, FONTANA, SOLOBAY,
RAFFERTY, MENSCH, BOSCOLA, WAUGH, FERLO, LEACH AND FARNESE,
FEBRUARY 7, 2011

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 6, 2012

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 recognition
6 and reporting training.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

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

12 ~~Section 1205.6. Child Abuse Recognition and Reporting~~ ←

13 ~~Training Program. (a) The Department of Public Welfare, in~~
14 ~~consultation with the Department of Education, shall establish a~~
15 ~~child abuse recognition and reporting program.~~

16 ~~(b) Pursuant to 23 Pa.C.S. Ch. 63 (relating to child~~
17 ~~protective services), the Department of Public Welfare shall:~~

18 ~~(1) Administer the program to mandated reporters employed by~~

1 ~~or under contract with a school entity.~~

2 ~~(2) Include training in child abuse recognition and~~
3 ~~reporting requirements.~~

4 ~~(3) Provide opportunities to complete the training through~~
5 ~~the Internet or other distance communication systems.~~

6 ~~(c) Individuals required to take the course under subsection~~
7 ~~(b) shall complete a minimum of three (3) hours of training~~
8 ~~every five (5) years.~~

9 ~~(d) Professional educators who complete the training~~
10 ~~required in this section shall receive credit towards the~~
11 ~~continuing professional education requirements under section~~
12 ~~1205.2.~~

13 ~~(e) Definitions. As used in this section, the following~~
14 ~~words and phrases shall have the meanings given to them in this~~
15 ~~subsection unless the context clearly indicates otherwise:~~

16 ~~"Professional educator" shall mean the same as that term is~~
17 ~~defined in section 1205.2(o).~~

18 ~~"School entity" shall mean a school district, intermediate~~
19 ~~unit, joint school district, area vocational technical school,~~
20 ~~charter school, cyber charter school and private school.~~

21 SECTION 1205.6. CHILD ABUSE RECOGNITION AND REPORTING



22 TRAINING.-- (A) SCHOOL ENTITIES AND INDEPENDENT CONTRACTORS OF
23 SCHOOL ENTITIES SHALL PROVIDE THEIR EMPLOYEES WHO HAVE DIRECT
24 CONTACT WITH CHILDREN WITH MANDATORY TRAINING ON CHILD ABUSE
25 RECOGNITION AND REPORTING. THE FOLLOWING APPLY:

26 (1) TRAINING SHALL ADDRESS, BUT SHALL NOT BE LIMITED TO, THE
27 FOLLOWING TOPICS:

28 (I) RECOGNITION OF THE SIGNS OF ABUSE AND SEXUAL MISCONDUCT
29 AND REPORTING REQUIREMENTS FOR SUSPECTED ABUSE AND SEXUAL
30 MISCONDUCT IN THIS COMMONWEALTH.

1 (II) PROVISIONS OF THE ACT OF DECEMBER 12, 1973 (P.L.397,
2 NO.141), KNOWN AS THE "PROFESSIONAL EDUCATOR DISCIPLINE ACT,"
3 INCLUDING MANDATORY REPORTING REQUIREMENTS.

4 (III) THE SCHOOL ENTITY'S POLICIES RELATED TO REPORTING OF
5 SUSPECTED ABUSE AND SEXUAL MISCONDUCT.

6 (IV) MAINTENANCE OF PROFESSIONAL AND APPROPRIATE
7 RELATIONSHIPS WITH STUDENTS.

8 (2) SCHOOL ENTITIES AND INDEPENDENT CONTRACTORS MAY PROVIDE
9 TRAINING THROUGH THE INTERNET OR OTHER DISTANCE COMMUNICATIONS
10 SYSTEMS.

11 (3) EMPLOYES SHALL COMPLETE A MINIMUM OF THREE (3) HOURS OF
12 TRAINING EVERY FIVE (5) YEARS.

13 (4) EMPLOYES REQUIRED TO UNDERGO CONTINUING PROFESSIONAL
14 EDUCATION UNDER SECTION 1205.2 SHALL RECEIVE CREDIT TOWARD THEIR
15 CONTINUING PROFESSION EDUCATION REQUIREMENTS, IF THE TRAINING
16 PROGRAM HAS BEEN APPROVED BY THE DEPARTMENT OF EDUCATION IN
17 CONSULTATION WITH THE DEPARTMENT OF PUBLIC WELFARE.

18 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
19 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
20 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

21 "ABUSE." CONDUCT THAT FALLS UNDER THE PURVIEW AND REPORTING
22 REQUIREMENTS OF 23 PA.C.S. CH. 63 (RELATING TO CHILD PROTECTIVE
23 SERVICES) AND IS DIRECTED TOWARD OR AGAINST A CHILD OR STUDENT,
24 REGARDLESS OF THE AGE OF THE CHILD OR STUDENT.

25 "DIRECT CONTACT WITH CHILDREN." THE POSSIBILITY OF CARE,
26 SUPERVISION, GUIDANCE OR CONTROL OF CHILDREN OR ROUTINE
27 INTERACTION WITH CHILDREN.

28 "SCHOOL ENTITY." A PUBLIC SCHOOL, CHARTER SCHOOL, CYBER
29 CHARTER SCHOOL, PRIVATE SCHOOL, NONPUBLIC SCHOOL, INTERMEDIATE
30 UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL.

1 "SEXUAL MISCONDUCT." ANY ACT, INCLUDING, BUT NOT LIMITED TO,
2 ANY VERBAL, NONVERBAL, WRITTEN OR ELECTRONIC COMMUNICATION OR
3 PHYSICAL ACTIVITY, DIRECTED TOWARD OR WITH A CHILD OR STUDENT
4 THAT IS DESIGNED TO ESTABLISH A ROMANTIC OR SEXUAL RELATIONSHIP
5 WITH THE CHILD OR STUDENT. SUCH ACTS INCLUDE, BUT ARE NOT
6 LIMITED TO:

7 (1) SEXUAL OR ROMANTIC INVITATION.

8 (2) DATING OR SOLICITING DATES.

9 (3) ENGAGING IN SEXUALIZED OR ROMANTIC DIALOG.

10 (4) MAKING SEXUALLY SUGGESTIVE COMMENTS.

11 (5) SELF-DISCLOSURE OR PHYSICAL EXPOSURE OF A SEXUAL,
12 ROMANTIC OR EROTIC NATURE.

13 (6) ANY SEXUAL, INDECENT, ROMANTIC OR EROTIC CONTACT WITH
14 THE CHILD OR STUDENT.

15 Section 2. This act shall take effect in 180 days.