

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 886 Session of  
2005

INTRODUCED BY FONTANA, MELLOW, COSTA, LOGAN, ORIE, O'PAKE,  
TARTAGLIONE, RAFFERTY, EARLL, C. WILLIAMS, WOZNIAK, STOUT,  
BOSCOLA AND STACK, SEPTEMBER 28, 2005

REFERRED TO AGING AND YOUTH, SEPTEMBER 28, 2005

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing, in provisions  
3 relating to child abuse of students in public and private  
4 schools, for reports of suspected child abuse by school  
5 employees, for duties of administrators and school employees,  
6 for investigation of such reports, for responsibilities of  
7 county agencies, for information in Statewide central  
8 register and for other related provisions.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Sections 6352(a)(1) and (2), 6353(a) and (b),  
12 6353.1(b)(1) and (3), 6353.2(a) and (b), 6353.3 and 6353.4 of  
13 Title 23 of the Pennsylvania Consolidated Statutes are amended  
14 to read:

15 § 6352. School employees.

16 (a) Requirement.--

17 (1) Except as provided in paragraph (2), a school  
18 employee who has reasonable cause to suspect, on the basis of  
19 professional or other training and experience, that a student  
20 coming before the school employee in the employee's

professional or official capacity is a victim of [serious  
bodily injury or sexual abuse or sexual exploitation] child  
abuse by a school employee shall immediately contact the  
administrator.

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

\* \* \*

§ 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] child abuse  
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] child abuse.

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

\* \* \*

§ 6353.1. Investigation.

\* \* \*

(b) Referral to 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] child abuse committed by a school employee against a student, local law enforcement officials shall notify the county agency in the county where the alleged child abuse [or injury] occurred for the purpose of the agency conducting an investigation of the alleged child abuse [or injury].

\* \* \*

(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] a victim of child abuse committed 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.

\* \* \*

1 § 6353.2. Responsibilities of county agency.

2 (a) Information for the pending complaint file.--Immediately  
3 after receiving a report under section 6311(b) (relating to  
4 persons required to report suspected child abuse), 6312  
5 (relating to persons permitted to report suspected child abuse)  
6 or 6353.1 (relating to investigation), the county agency shall  
7 notify the department of the receipt of the report, which is to  
8 be filed in the pending complaint file as provided in section  
9 6331(1) (relating to establishment of pending complaint file,  
10 Statewide central register and file of unfounded reports). The  
11 oral report shall include the following information:

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

14 (2) Where the suspected child abuse [or injury]  
15 occurred.

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

17 (4) The nature and extent of the suspected child abuse  
18 [or injury].

19 (5) The name and home address of the school employee  
20 alleged to have committed the child abuse [or injury].

21 (6) The relationship of the student to the school  
22 employee alleged to have committed the child abuse [or  
23 injury].

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

25 (8) The actions taken by the county agency, law  
26 enforcement officials, parents, guardians, school officials  
27 or other persons, including the taking of photographs,  
28 medical tests and X-rays.

29 (b) Investigation of reports.--Upon receipt of a report  
30 under section 6311(b), 6312 or 6353.1, the county agency shall

1 commence, within the time frames established in department  
2 regulations, an investigation of the nature, extent and cause of  
3 any alleged child abuse [or injury] enumerated in the report.  
4 The county agency shall coordinate its investigation to the  
5 fullest extent possible with law enforcement officials as  
6 provided in section 6353.1(b).

7 \* \* \*

8 § 6353.3. Information in Statewide central register.

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

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

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

19 (3) The date and the nature and extent of the alleged  
20 child abuse [or injury].

21 (4) The county and state where the child abuse [or  
22 injury] occurred.

23 (5) Factors contributing to the child abuse [or injury].

24 (6) The source of the report.

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

26 (8) Information obtained by the department in relation  
27 to the school employee's request to release, amend or expunge  
28 information retained by the department or the county agency.

29 (9) The progress of any legal proceedings brought on the  
30 basis of the report.

1           (10) Whether a criminal investigation has been  
2       undertaken and the result of the investigation and of any  
3       criminal prosecution.

4   § 6353.4. Other provisions.

5       The following provisions shall apply to the release and  
6       retention of information by the department and the county agency  
7       concerning reports of child abuse [or injury] committed by a  
8       school employee as provided by this subchapter:

9           Section 6336(b) and (c) (relating to information in  
10       Statewide central register).

11          Section 6337 (relating to disposition of unfounded  
12       reports).

13          Section 6338(a) and (b) (relating to disposition of  
14       founded and indicated reports).

15          Section 6339 (relating to confidentiality of reports).

16          Section 6340 (relating to release of information in  
17       confidential reports).

18          Section 6341(a) through (f) (relating to amendment or  
19       expunction of information).

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

21       Section 2. This act shall take effect in 60 days.