

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1051 Session of  
2009

INTRODUCED BY STURLA, McILVAINE SMITH, FRANKEL, CREIGHTON,  
BRENNAN, BRIGGS, DENLINGER, GOODMAN, HENNESSEY, W. KELLER,  
KORTZ, MAHONEY, MANN, MOUL, QUINN, SCAVELLO, SIPTROTH,  
SONNEY, STABACK, J. TAYLOR, WALKO, WATSON AND HOUGHTON,  
MARCH 23, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 3, 2009

## 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," FURTHER PROVIDING FOR BACKGROUND  
6 CHECKS OF PROSPECTIVE EMPLOYEES AND SPECIFIC CONVICTIONS OF  
7 EMPLOYEES; AND AMENDING Title 23 (Domestic Relations) of the  
8 Pennsylvania Consolidated Statutes, further providing for  
9 release of information in confidential reports and for  
10 investigation of reports of suspected child abuse by county  
11 agencies. ←

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

14 SECTION 1. SECTION 111 OF THE ACT OF MARCH 10, 1949 (P.L.30, ←  
15 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY  
16 ADDING A SUBSECTION TO READ:

17 SECTION 111. BACKGROUND CHECKS OF PROSPECTIVE EMPLOYEES;  
18 CONVICTION OF EMPLOYEES OF CERTAIN OFFENSES.--\* \* \*

19 (E.1) AN INDIVIDUAL MAY NOT BE EMPLOYED IN A PUBLIC OR  
20 PRIVATE SCHOOL, INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL

1 SCHOOL IF THE INDIVIDUAL HAS BEEN IDENTIFIED, WITHIN FIVE (5)  
2 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR  
3 EMPLOYMENT, AS THE PERPETRATOR OF A FOUNDED REPORT UNDER 23  
4 PA.C.S. § 6368 (RELATING TO INVESTIGATION OF REPORTS). AS USED  
5 IN THIS SUBSECTION, THE TERM "FOUNDED REPORT" MEANS A CHILD  
6 ABUSE REPORT UNDER 23 PA.C.S. CH. 63 (RELATING TO CHILD  
7 PROTECTIVE SERVICES) UPON WHICH THERE HAS BEEN A JUDICIAL  
8 ADJUDICATION BASED ON A FINDING THAT THE CHILD WHO IS THE  
9 SUBJECT OF THE REPORT HAS BEEN ABUSED. AS USED IN THIS  
10 DEFINITION, THE TERM "FINDING" INCLUDES A PLEA OF GUILTY OR NO  
11 CONTEST AND A CONVICTION, FOR AN OFFENSE INVOLVING THE SAME  
12 FACTUAL CIRCUMSTANCES AS THE CHILD ABUSE REPORT.

13 \* \* \*

14 Section ± 1.1. Section 6340(a) of Title 23 of the  
15 Pennsylvania Consolidated Statutes is amended by adding  
16 paragraphs to read:

17 § 6340. Release of information in confidential reports.

18 (a) General rule.--Reports specified in section 6339  
19 (relating to confidentiality of reports) shall only be made  
20 available to:

21 \* \* \*

22 (18) The employer of a child-care service employee,  
23 service provider, administrator or school employee who has  
24 been determined to be the perpetrator of a founded report or  
25 an indicated report after final administrative determination  
26 by the department. Information permitted to be released to an  
27 employer under this paragraph shall be limited to facts  
28 related to the employee's suitability in the workplace and to  
29 the protection of the health, safety and welfare of the  
30 children in the employee's workplace.

1       (19) The Secretary of Education or his designee.  
2       Information under this paragraph shall be limited to facts  
3       related to an employee's suitability in the workplace and to  
4       the protection of the health, safety and welfare of the  
5       children in the employee's workplace.

6       \* \* \*

7       Section 2. Section 6368 of Title 23 is amended by adding  
8 subsections to read:

9       § 6368. Investigation of reports.

10      \* \* \*

11      (e) Notice of founded or indicated report to certain  
12 employers.--Where the county agency determines that a complaint  
13 of suspected abuse is a founded or indicated report after final  
14 administrative determination by the department, involving a  
15 perpetrator who is a child-care service employee, service  
16 provider, administrator or school employee, the county agency  
17 shall notify the employer, if the identity of the employer is  
18 known to the county agency, in writing of the information which  
19 may be disclosed under section 6340(a)(17) (relating to release  
20 of information in confidential reports).

21      (f) Notice of founded or indicated report to Secretary of  
22 Education.--Where the county agency determines that a complaint  
23 of suspected abuse is a founded report or an indicated report  
24 after final administrative determination by the department,  
25 involving a perpetrator who is a charter or cyber charter school  
26 staff member or is certified as a teacher, educational  
27 specialist or an administrator in this Commonwealth as defined  
28 in the act of December 12, 1973 (P.L.397, No.141), known as the  
29 Professional Educator Discipline Act, the county agency shall  
30 notify the Secretary of Education or his designee in writing of

1 the information which may be disclosed under section 6340(a)  
2 (18).

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