

TINA DAVIS, MEMBER

106 EAST WING
P.O. BOX 202141
HARRISBURG, PENNSYLVANIA 17120-2141
(717) 783-4903
FAX: (717) 783-0682

3611 GREEN LANE
LEVITTOWN, PENNSYLVANIA 19057
(215) 943-8669
FAX: (215) 943-2434

WEBSITE: WWW.PAHOUSE.COM/DAVIS



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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Memorandum

TO: All Members of the House of Representatives

FROM: Representative Tina Davis *Tina Davis*

DATE: April 3, 2012 *Tina*

SUBJECT: Co-sponsorship of Legislation – Older Student Protection

In the near future, I will introduce legislation to amend Title 23 Pa. C.S. (Domestic Relations) to require school employees to report alleged cases of abuse of older school students who suffer from serious mental or learning disabilities and have been placed in an individualized education program (IEP). It is my sincere hope you will join me in this effort.

As you may know, the Child Protective Services Law requires school employees to report cases of alleged abuse of students under the age of eighteen, with no exception based on school setting or student disability. With this in mind, there are instances in which students over the age of eighteen are enrolled in schools throughout the Commonwealth, especially students who suffer from serious mental or learning disabilities and have been assigned an IEP, and unfortunately have been victims of abuse. To help address this problem, my legislation will amend Title 23 by adding a new chapter, Chapter 64 – Older Student Protection.

Under this chapter, a student will be defined as an individual who is enrolled in a public or private school and is eighteen years of age or older, suffers from serious mental or learning disabilities, and has been placed in an individualized education program. My legislation will require a school employee who has reasonable cause to suspect, on the basis of professional or other training and experience, that an older school student is a victim of sexual abuse, serious injury, or serious bodily injury, to notify the administrator of the school. In turn, the administrator shall immediately report the suspected abuse to law enforcement officials. School employees and administrators who fail to report the suspected abuse commit a misdemeanor of the third degree.

Protecting all students in this Commonwealth should be of the utmost concern for us as elected officials, particularly students who suffer from serious disabilities and may have difficulty reporting instances of abuse. If you would like to co-sponsor this important piece of legislation, please contact Debbie Brady in my Harrisburg office at 717-783-4903 or dbrady@pahouse.net.