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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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# HOUSE BILL

No. **434** Session of  
2013

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INTRODUCED BY MALONEY, WATSON, AUMENT, GINGRICH, MOUL, STEPHENS,  
SCHLOSSBERG, HICKERNELL, MUNDY, ROCK, KORTZ, SACCONI, MAJOR,  
CUTLER, KAUFFMAN, O'NEILL, BAKER, SWANGER, MILLARD,  
R. MILLER, FLECK, SAYLOR, C. HARRIS, CLYMER, MILNE, MURT,  
DENLINGER, STURLA, EVERETT, QUINN, V. BROWN, FARRY AND  
CALTAGIRONE, FEBRUARY 8, 2013

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SENATOR MENSCH, AGING AND YOUTH, IN SENATE, AS AMENDED,  
MARCH 12, 2014

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## AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in child protective services, further  
3 providing for definitions, for establishment of ~~pending~~ <--  
4 ~~complaint file, Statewide central register and file of~~  
5 ~~unfounded reports, for continuous availability of department,~~  
6 ~~for disposition of complaints received, for information in~~  
7 ~~pending complaint and unfounded report files, for information~~  
8 ~~in Statewide central register, for disposition of unfounded~~  
9 ~~reports, for disposition of founded and indicated reports,~~  
10 ~~for release of information in confidential reports, for~~  
11 ~~amendment or expunction of information, for information~~  
12 ~~relating to prospective child care personnel, for information~~  
13 ~~relating to family day care home residents, for information~~  
14 ~~relating to other persons having contact with children, for~~  
15 ~~cooperation of other agencies and for reports to Governor and~~  
16 ~~General Assembly; and repealing provisions relating to~~  
17 ~~students in public and private schools and for background~~  
18 ~~checks for employment in schools. STATEWIDE DATABASE, FOR <--~~  
19 DISPOSITION OF FOUNDED AND INDICATED REPORTS, FOR EXPUNCTION  
20 OF INFORMATION OF PERPETRATOR UNDER THE AGE OF 18, FOR  
21 AMENDMENT OR EXPUNCTION OF INFORMATION, FOR INFORMATION  
22 RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL, FOR INFORMATION  
23 RELATING TO FAMILY DAY-CARE HOME RESIDENTS, FOR INFORMATION  
24 RELATING TO OTHER PERSONS HAVING CONTACT WITH CHILDREN, FOR  
25 COOPERATION OF OTHER AGENCIES AND FOR REPORTS TO GOVERNOR AND  
26 GENERAL ASSEMBLY; REPEALING PROVISIONS RELATING TO STUDENTS  
27 IN PUBLIC AND PRIVATE SCHOOLS AND FOR BACKGROUND CHECKS FOR  
28 EMPLOYMENT IN SCHOOLS; AND MAKING A RELATED REPEAL.

1 The General Assembly of the Commonwealth of Pennsylvania  
2 hereby enacts as follows:

3 ~~Section 1. The definitions of "child care services,"~~ <--  
4 ~~"founded report for school employee," "indicated report for~~  
5 ~~school employee," "person responsible for the child's welfare,"~~  
6 ~~"school employee," "student" and "subject of the report" in~~  
7 ~~section 6303(a) of Title 23 of the Pennsylvania Consolidated~~  
8 ~~Statutes are amended and the subsection is amended by adding~~  
9 ~~definitions to read:~~

10 SECTION 1. THE DEFINITIONS OF "FOUNDED REPORT FOR SCHOOL <--  
11 EMPLOYEE," "SCHOOL EMPLOYEE," "SERIOUS PHYSICAL NEGLECT" AND  
12 "SUBJECT OF THE REPORT" IN SECTION 6303(A) OF TITLE 23 OF THE  
13 PENNSYLVANIA CONSOLIDATED STATUTES, AMENDED OR ADDED DECEMBER  
14 18, 2013 (P.L.1170, NO.108), ARE AMENDED AND THE SUBSECTION IS  
15 AMENDED BY ADDING A DEFINITION TO READ:

16 § 6303. Definitions.

17 (a) General rule.--The following words and phrases when used  
18 in this chapter shall have the meanings given to them in this  
19 section unless the context clearly indicates otherwise:

20 \* \* \*

21 ~~"Child care services." [Child day care centers, group and <--~~  
22 ~~family day care homes, foster homes, adoptive parents, boarding~~  
23 ~~homes for children, juvenile detention center services or~~  
24 ~~programs for delinquent or dependent children; mental health,~~  
25 ~~mental retardation, early intervention and drug and alcohol~~  
26 ~~services for children; and other child care services which are~~  
27 ~~provided by or subject to approval, licensure, registration or~~  
28 ~~certification by the Department of Public Welfare or a county~~  
29 ~~social services agency or which are provided pursuant to a~~  
30 ~~contract with these departments or a county social services~~

1 ~~agency. The term does not include such services or programs~~  
2 ~~which may be offered by public and private schools, intermediate~~  
3 ~~units or area vocational technical schools.] Include any of the~~  
4 ~~following:~~

5 ~~(1) Child day care centers.~~

6 ~~(2) Group day care homes.~~

7 ~~(3) Family day care homes.~~

8 ~~(4) Foster homes.~~

9 ~~(5) Adoptive parents.~~

10 ~~(6) Boarding homes for children.~~

11 ~~(7) Juvenile detention center services or programs for~~  
12 ~~delinquent or dependent children.~~

13 ~~(8) Mental health services for children.~~

14 ~~(9) Services for children with intellectual~~  
15 ~~disabilities.~~

16 ~~(10) Early intervention services for children.~~

17 ~~(11) Drug and alcohol services for children.~~

18 ~~(12) Day care services or programs that are offered by a~~  
19 ~~school.~~

20 ~~(13) Other comparable services that are provided by or~~  
21 ~~subject to approval, licensure, registration or certification~~  
22 ~~by the Department of Public Welfare or a county social~~  
23 ~~services agency or that are provided pursuant to a contract~~  
24 ~~with the Department of Public Welfare or a county social~~  
25 ~~services agency.~~

26 ~~\* \* \*~~

27 ~~"Direct contact with children." The possibility of care,~~  
28 ~~supervision, guidance or control of children or routine~~  
29 ~~interaction with children.~~

30 ~~\* \* \*~~

1 ["Founded report for school employee." A report under  
2 Subchapter C.1 (relating to students in public and private  
3 schools) if there has been any judicial adjudication based on a  
4 finding that the victim has suffered serious bodily injury or  
5 sexual abuse or exploitation, including the entry of a plea of  
6 guilty or nolo contendere or a finding of guilt to a criminal  
7 charge involving the same factual circumstances involved in the  
8 allegations of the report.]

9 \* \* \*

10 ~~"Independent contractor." An individual who provides a~~ <--  
11 ~~program, activity or service to an agency, institution,~~  
12 ~~organization or other entity, including a school or regularly~~  
13 ~~established religious organization, that is directly responsible~~  
14 ~~for the care, supervision, guidance or control of children. The~~  
15 ~~term excludes an individual who, in his capacity as an~~  
16 ~~independent contractor, has no direct contact with children.~~

17 \* \* \*

18 ~~["Indicated report for school employee." A report made under~~  
19 ~~Subchapter C.1 (relating to students in public and private~~  
20 ~~schools) if an investigation by the county agency determines~~  
21 ~~that substantial evidence of serious bodily injury or sexual~~  
22 ~~abuse or exploitation exists based on any of the following:~~

- 23 (1) ~~Available medical evidence.~~  
24 (2) ~~The county agency's investigation.~~  
25 (3) ~~An admission of the acts of abuse by the school~~  
26 ~~employee.]~~

27 \* \* \*

28 ~~"Person responsible for the child's welfare." A person who~~  
29 ~~provides permanent or temporary care, supervision, mental health~~  
30 ~~diagnosis or treatment, training or control of a child in lieu~~

1 ~~of parental care, supervision and control. [The term does not~~  
2 ~~include a person who is employed by or provides services or~~  
3 ~~programs in any public or private school, intermediate unit or~~  
4 ~~area vocational technical school.]~~

5 \* \* \*

6 ~~"Program, activity or service." A public or private~~  
7 ~~educational, athletic or other pursuit in which children~~  
8 ~~participate. The term includes, but is not limited to, the~~  
9 ~~following:~~

- 10 ~~(1) A youth camp or program.~~
- 11 ~~(2) A recreational camp or program.~~
- 12 ~~(3) A sports or athletic program.~~
- 13 ~~(4) An outreach program.~~
- 14 ~~(5) An enrichment program.~~
- 15 ~~(6) A troop, club or similar organization.~~

16 \* \* \*

17 ~~"School." A facility providing elementary, secondary or~~  
18 ~~post secondary educational services. The term includes every~~  
19 ~~public, nonpublic, private and parochial school, including each~~  
20 ~~of the following:~~

- 21 ~~(1) A school or a class within a school under the~~  
22 ~~supervision of the Department of Education of the~~  
23 ~~Commonwealth.~~
- 24 ~~(2) A State related and State owned college or~~  
25 ~~university.~~
- 26 ~~(3) A public or private college or university.~~
- 27 ~~(4) A community college.~~
- 28 ~~(5) A vocational technical school.~~
- 29 ~~(6) An intermediate unit.~~
- 30 ~~(7) A charter, cyber charter or regional charter school.~~

1 ~~(8) A private school licensed under the act of January~~  
2 ~~28, 1988 (P.L.24, No.11), known as the Private Academic~~  
3 ~~Schools Act.~~

4 ~~(9) A nonprofit school located in this Commonwealth,~~  
5 ~~other than a public school, wherein a resident of this~~  
6 ~~Commonwealth may legally fulfill the compulsory school~~  
7 ~~attendance requirements of the act of March 10, 1949 (P.L.30,~~  
8 ~~No.14), known as the Public School Code of 1949, and which~~  
9 ~~meets the requirements of Title VI of the Civil Rights Act of~~  
10 ~~1964 (Public Law 88-352, 78 Stat. 241).~~

11 "SCHOOL." A FACILITY PROVIDING ELEMENTARY, SECONDARY OR <--  
12 POSTSECONDARY EDUCATIONAL SERVICES. THE TERM INCLUDES THE  
13 FOLLOWING:

14 (1) ANY SCHOOL OF A SCHOOL DISTRICT.

15 (2) AN AREA VOCATIONAL-TECHNICAL SCHOOL.

16 (3) A JOINT SCHOOL.

17 (4) AN INTERMEDIATE UNIT.

18 (5) A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL.

19 (6) A CYBER CHARTER SCHOOL.

20 (7) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF JANUARY  
21 28, 1988 (P.L.24, NO.11), KNOWN AS THE PRIVATE ACADEMIC  
22 SCHOOLS ACT.

23 (8) A PRIVATE SCHOOL ACCREDITED BY AN ACCREDITING  
24 ASSOCIATION APPROVED BY THE STATE BOARD OF EDUCATION.

25 (9) A NONPUBLIC SCHOOL.

26 (10) A COMMUNITY COLLEGE WHICH IS AN INSTITUTION NOW OR  
27 HEREAFTER CREATED PURSUANT TO ARTICLE XIX-A OF THE ACT OF  
28 MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL  
29 CODE OF 1949, OR THE FORMER ACT OF AUGUST 24, 1963 (P.L.1132,  
30 NO.484), KNOWN AS THE COMMUNITY COLLEGE ACT OF 1963.

1           (11) AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION  
2           WHICH IS AN INSTITUTION OF HIGHER EDUCATION WHICH IS OPERATED  
3           NOT-FOR-PROFIT, LOCATED IN AND INCORPORATED OR CHARTERED BY  
4           THE COMMONWEALTH, ENTITLED TO CONFER DEGREES AS SET FORTH IN  
5           24 PA.C.S. § 6505 (RELATING TO POWER TO CONFER DEGREES) AND  
6           ENTITLED TO APPLY TO ITSELF THE DESIGNATION "COLLEGE" OR  
7           "UNIVERSITY" AS PROVIDED FOR BY STANDARDS AND QUALIFICATIONS  
8           PRESCRIBED BY THE STATE BOARD OF EDUCATION PURSUANT TO 24  
9           PA.C.S. CH. 65 (RELATING TO PRIVATE COLLEGES, UNIVERSITIES  
10          AND SEMINARIES).

11          (12) A STATE-OWNED UNIVERSITY.

12          (13) A STATE-RELATED UNIVERSITY.

13          (14) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF DECEMBER  
14          15, 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE LICENSED  
15          SCHOOLS ACT.

16          (15) HIRAM G. ANDREWS CENTER.

17          (16) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION AS  
18          DEFINED IN SECTION 914.1-A(C) OF THE PUBLIC SCHOOL CODE OF  
19          1949.

20          "School employee." An individual who is employed by a  
21 [public or private school, intermediate unit or area vocational-  
22 technical school. The term includes an independent contractor  
23 and employees] school or who provides a program, activity or  
24 service sponsored by a school. The term excludes an individual  
25 who has no direct contact with [students] children.

26          \* \* \*

27          "SERIOUS PHYSICAL NEGLECT." ANY OF THE FOLLOWING WHEN           <--  
28 COMMITTED BY A PERPETRATOR THAT ENDANGERS A CHILD'S LIFE OR  
29 HEALTH, THREATENS A CHILD'S WELL-BEING, CAUSES BODILY INJURY OR  
30 IMPAIRS A CHILD'S HEALTH, DEVELOPMENT OR FUNCTIONING:

1 (1) A REPEATED, PROLONGED OR [UNCONSCIONABLE] EGREGIOUS  
2 FAILURE TO SUPERVISE A CHILD IN A MANNER THAT IS APPROPRIATE  
3 CONSIDERING THE CHILD'S DEVELOPMENTAL AGE AND ABILITIES.

4 (2) THE FAILURE TO PROVIDE A CHILD WITH ADEQUATE  
5 ESSENTIALS OF LIFE, INCLUDING FOOD, SHELTER OR MEDICAL CARE.

6 \* \* \*

7 ~~"Student." [An individual enrolled in a public or private~~ <--  
8 ~~school, intermediate unit or area vocational technical school~~  
9 ~~who is under 18 years of age.] A child who is enrolled in a~~  
10 ~~school or participating in a program, activity or service~~  
11 ~~sponsored by a school.~~

12 "Subject of the report." Any child, parent, guardian or other  
13 person responsible for the welfare of a child or any alleged or  
14 actual perpetrator [or school employee named] in a report made  
15 to the Department of Public Welfare or a county agency under  
16 this chapter.

17 \* \* \*

18 ~~Section 2. Sections 6331, 6333, 6334(c), 6335(a), 6336(a)~~ <--  
19 ~~(11), 6337(c), 6338(a) and (c), 6340(a) (13), 6341(a) (2), (c) and~~  
20 ~~(f), 6344(b) (2), (c) (1), (o) and (p) and 6344.1(b) of Title 23~~  
21 ~~are amended to read:~~

22 ~~§ 6331. Establishment of pending complaint file, Statewide~~  
23 ~~central register and file of unfounded reports.~~

24 ~~There shall be established in the department:~~

25 ~~(1) A pending complaint file of child abuse reports~~  
26 ~~under investigation [and a file of reports under~~  
27 ~~investigation pursuant to Subchapter C.1 (relating to~~  
28 ~~students in public and private schools)].~~

29 ~~(2) A Statewide central register of child abuse which~~  
30 ~~shall consist of founded and indicated reports.~~



1           ~~(3) A file of unfounded reports awaiting expunction.~~

2   ~~§ 6333. Continuous availability of department.~~

3           ~~The department shall be capable of receiving oral reports of~~  
4 ~~child abuse made pursuant to this chapter[, reports under~~  
5 ~~section 6353.2 (relating to responsibilities of county agency)]~~  
6 ~~and report summaries of child abuse from county agencies and~~  
7 ~~shall be capable of immediately identifying prior reports of~~  
8 ~~child abuse [and prior reports of abuse or injury under~~  
9 ~~Subchapter C.1 (relating to students in public and private~~  
10 ~~schools)] in the Statewide central register and reports under~~  
11 ~~investigation in the pending complaint file and of monitoring~~  
12 ~~the provision of child protective services 24 hours a day, seven~~  
13 ~~days a week.~~

14   ~~§ 6334. Disposition of complaints received.~~

15           ~~\* \* \*~~

16           ~~(c) Recording in pending complaint file. Upon receipt of a~~  
17 ~~complaint of suspected child abuse, the department shall~~  
18 ~~maintain a record of the complaint of suspected child abuse in~~  
19 ~~the pending complaint file. [Upon receipt of a report under~~  
20 ~~section 6353.2 (relating to responsibilities of county agency),~~  
21 ~~the department shall maintain a record of the report in the~~  
22 ~~report file under section 6331 (relating to establishment of~~  
23 ~~pending complaint file, Statewide central register and file of~~  
24 ~~unfounded reports).]~~

25           ~~\* \* \*~~

26   ~~§ 6335. Information in pending complaint and unfounded report~~  
27           ~~files.~~

28           ~~(a) Information authorized. The information contained in~~  
29 ~~the pending complaint file shall be limited to the information~~  
30 ~~required in sections 6313(c) (relating to reporting procedure)~~

1 ~~[and 6353.2 (relating to responsibilities of county agency)].~~  
2 ~~The information contained in the file for unfounded reports~~  
3 ~~shall be limited to the information required by section 6336~~  
4 ~~(relating to information in Statewide central register).~~

5 \* \* \*

6 ~~§ 6336. Information in Statewide central register.~~

7 ~~(a) Information authorized. The Statewide central register~~  
8 ~~shall include and shall be limited to the following information:~~

9 \* \* \*

10 ~~(11) Information obtained by the department in relation~~  
11 ~~to a perpetrator's [or school employee's] request to release,~~  
12 ~~amend or expunge information retained by the department or~~  
13 ~~the county agency.~~

14 \* \* \*

15 ~~§ 6337. Disposition of unfounded reports.~~

16 \* \* \*

17 ~~(c) Expunction of information. All information identifying~~  
18 ~~the subjects of any report of suspected child abuse [and of any~~  
19 ~~report under Subchapter C.1 (relating to students in public and~~  
20 ~~private schools)] determined to be an unfounded report shall be~~  
21 ~~expunged from the pending complaint file pursuant to this~~  
22 ~~section. The expunction shall be mandated and guaranteed by the~~  
23 ~~department.~~

24 ~~§ 6338. Disposition of founded and indicated reports.~~

25 ~~(a) General rule. When a report of suspected child abuse~~  
26 ~~for a report under Subchapter C.1 (relating to students in~~  
27 ~~public and private schools)] is determined by the appropriate~~  
28 ~~county agency to be a founded report or an indicated report, the~~  
29 ~~information concerning that report of suspected child abuse~~  
30 ~~shall be expunged immediately from the pending complaint file,~~

1 ~~and an appropriate entry shall be made in the Statewide central~~  
2 ~~register. Notice of the determination must be given to the~~  
3 ~~subjects of the report, other than the abused child, and to the~~  
4 ~~parent or guardian of the affected child or student along with~~  
5 ~~an explanation of the implications of the determination. Notice~~  
6 ~~given to perpetrators of child abuse [and to school employees~~  
7 ~~who are subjects of indicated reports for school employees or~~  
8 ~~founded reports for school employees] shall include notice that~~  
9 ~~their ability to obtain employment in a child care facility or~~  
10 ~~program or a [public or private] school may be adversely~~  
11 ~~affected by entry of the report in the Statewide central~~  
12 ~~register. The notice shall also inform the recipient of his~~  
13 ~~right, within 45 days after being notified of the status of the~~  
14 ~~report, to appeal an indicated report, and his right to a~~  
15 ~~hearing if the request is denied.~~

16 \* \* \*

17 ~~(c) Retention of information. A subfile shall be~~  
18 ~~established in the Statewide central register to indefinitely~~  
19 ~~retain the names of perpetrators of child abuse [and school~~  
20 ~~employees who are subjects of founded or indicated reports] only~~  
21 ~~if the individual's Social Security number or date of birth is~~  
22 ~~known to the department. The subfile shall not include~~  
23 ~~identifying information regarding other subjects of the report.~~  
24 ~~§ 6340. Release of information in confidential reports.~~

25 ~~(a) General rule. Reports specified in section 6339~~  
26 ~~(relating to confidentiality of reports) shall only be made~~  
27 ~~available to:—~~

28 \* \* \*

29 ~~(13) [Persons required to make reports under Subchapter~~  
30 ~~C.1 (relating to students in public and private schools).—~~

1 ~~Information under this paragraph shall be] If the alleged  
2 perpetrator is a school employee, the school administrator  
3 shall receive information limited to the final status of the  
4 report following the investigation as to whether the report  
5 is indicated, founded or unfounded. Information disclosed  
6 pursuant to this paragraph shall be provided to the school  
7 administrator within ten days of the completion of the  
8 investigation.~~

9 \* \* \*

10 ~~§ 6341. Amendment or expunction of information.~~

11 ~~(a) General rule. At any time:~~

12 \* \* \*

13 ~~(2) Any person named as a perpetrator[, and any school~~  
14 ~~employee named,] in an indicated report of child abuse may,~~  
15 ~~within 45 days of being notified of the status of the report,~~  
16 ~~request the secretary to amend or expunge an indicated report~~  
17 ~~on the grounds that it is inaccurate or it is being~~  
18 ~~maintained in a manner inconsistent with this chapter.~~

19 \* \* \*

20 ~~(c) Review of refusal of request. If the secretary refuses~~  
21 ~~the request under subsection (a) (2) or does not act within a~~  
22 ~~reasonable time, but in no event later than 30 days after~~  
23 ~~receipt of the request, the perpetrator [or school employee]~~  
24 ~~shall have the right to a hearing before the secretary or a~~  
25 ~~designated agent of the secretary to determine whether the~~  
26 ~~summary of the indicated report in the Statewide central~~  
27 ~~register should be amended or expunged on the grounds that it is~~  
28 ~~inaccurate or that it is being maintained in a manner~~  
29 ~~inconsistent with this chapter. The perpetrator [or school~~  
30 ~~employee] shall have 45 days from the date of the letter giving~~

1 ~~notice of the decision to deny the request in which to request a~~  
2 ~~hearing. The appropriate county agency and appropriate law~~  
3 ~~enforcement officials shall be given notice of the hearing. The~~  
4 ~~burden of proof in the hearing shall be on the appropriate~~  
5 ~~county agency. The department shall assist the county agency as~~  
6 ~~necessary.~~

7 \* \* \*

8 ~~(f) Notice of expunction. Written notice of an expunction~~  
9 ~~of any child abuse record made pursuant to the provisions of~~  
10 ~~this chapter shall be served upon the subject of the record who~~  
11 ~~was responsible for the abuse or injury and the appropriate~~  
12 ~~county agency. Except as provided in this subsection, the county~~  
13 ~~agency, upon receipt of the notice, shall take appropriate,~~  
14 ~~similar action in regard to the local child abuse [and school~~  
15 ~~employee] records and inform, for the same purpose, the~~  
16 ~~appropriate coroner if that officer has received reports~~  
17 ~~pursuant to section 6367 (relating to reports to department and~~  
18 ~~coroner). Whenever the county agency investigation reveals,~~  
19 ~~within 60 days of receipt of the report of suspected child~~  
20 ~~abuse, that the report is unfounded but that the subjects need~~  
21 ~~services provided or arranged by the county agency, the county~~  
22 ~~agency shall retain those records and shall specifically~~  
23 ~~identify that the report was an unfounded report of suspected~~  
24 ~~child abuse. An unfounded report regarding subjects who receive~~  
25 ~~services shall be expunged no later than 120 days following the~~  
26 ~~expiration of one year after the termination or completion of~~  
27 ~~services provided or arranged by the county agency.~~

28 ~~§ 6344. Information relating to prospective child care~~  
29 ~~personnel.~~

30 \* \* \*

1 ~~(b) Information submitted by prospective employees.~~

2 ~~Administrators of child care services shall require applicants~~  
3 ~~to submit with their applications the following information~~  
4 ~~obtained within the preceding one year period:~~

5 \* \* \*

6 ~~(2) A certification from the department as to whether~~  
7 ~~the applicant is named in the central register as the~~  
8 ~~perpetrator of a founded report of child abuse[, ] or an~~  
9 ~~indicated report of child abuse[, founded report for school~~  
10 ~~employee or indicated report for school employee].~~

11 \* \* \*

12 ~~(c) Grounds for denying employment.~~

13 ~~(1) In no case shall an administrator hire an applicant~~  
14 ~~where the department has verified that the applicant is named~~  
15 ~~in the central register as the perpetrator of a founded~~  
16 ~~report of child abuse committed within the five year period~~  
17 ~~immediately preceding verification pursuant to this section~~  
18 ~~[or is named in the central register as the perpetrator of a~~  
19 ~~founded report for a school employee committed within the~~  
20 ~~five year period immediately preceding verification pursuant~~  
21 ~~to this section].~~

22 \* \* \*

23 ~~(o) Use of information. A foster family care agency may not~~  
24 ~~approve a prospective foster parent if the prospective foster~~  
25 ~~parent or an individual 14 years of age or older who resides for~~  
26 ~~at least 30 days in a calendar year with the prospective foster~~  
27 ~~parent meets either of the following:~~

28 ~~(1) Is named in the central register as the perpetrator~~  
29 ~~of a founded report of child abuse committed within the five~~  
30 ~~year period immediately preceding verification pursuant to~~

1 ~~this section [or is named in the central register as the~~  
2 ~~perpetrator of a founded report for a school employee~~  
3 ~~committed within the five year period immediately preceding~~  
4 ~~verification pursuant to this section].~~

5 ~~(2) Has been found guilty of an offense listed in~~  
6 ~~subsection (c) (2).~~

7 ~~(p) Use of information. A prospective adoptive parent may~~  
8 ~~not be approved if the prospective adoptive parent or an~~  
9 ~~individual [14] 18 years of age or older who resides for at~~  
10 ~~least 30 days in a calendar year with the prospective adoptive~~  
11 ~~parent meets either of the following:~~

12 ~~(1) Is named in the central register as the perpetrator~~  
13 ~~of a founded report of child abuse committed within the five~~  
14 ~~year period immediately preceding verification pursuant to~~  
15 ~~this section [or is named in the central register as the~~  
16 ~~perpetrator of a founded report for a school employee~~  
17 ~~committed within the five year period immediately preceding~~  
18 ~~verification pursuant to this section].~~

19 ~~(2) Has been found guilty of an offense listed in~~  
20 ~~subsection (c) (2).~~

21 ~~§ 6344.1. Information relating to family day care home~~  
22 ~~residents.~~

23 ~~\* \* \*~~

24 ~~(b) Required information. Child abuse record information~~  
25 ~~required under subsection (a) shall include certification by the~~  
26 ~~department as to whether the applicant is named in the central~~  
27 ~~register as the perpetrator of a founded report[, ] or an~~  
28 ~~indicated report[, founded report for school employee or~~  
29 ~~indicated report for school employee].~~

30 SECTION 2. SECTION 6331(4) OF TITLE 23, AMENDED DECEMBER 18, <--

1 2013 (P.L.1201, NO.119), IS AMENDED TO READ:

2 § 6331. ESTABLISHMENT OF STATEWIDE DATABASE.

3 THERE SHALL BE ESTABLISHED IN THE DEPARTMENT A STATEWIDE  
4 DATABASE OF PROTECTIVE SERVICES, WHICH SHALL INCLUDE THE  
5 FOLLOWING, AS PROVIDED BY SECTION 6336 (RELATING TO INFORMATION  
6 IN STATEWIDE CENTRAL REGISTER):

7 \* \* \*

8 (4) FALSE REPORTS OF CHILD ABUSE PURSUANT TO A  
9 CONVICTION UNDER 18 PA.C.S. § 4906.1 (RELATING TO FALSE  
10 REPORTS OF CHILD ABUSE) [AND INVALID GENERAL PROTECTIVE  
11 SERVICES REPORTS THAT A COUNTY AGENCY OR THE DEPARTMENT HAVE  
12 DETERMINED TO BE FALSE,] FOR THE PURPOSE OF IDENTIFYING AND  
13 TRACKING PATTERNS OF INTENTIONALLY FALSE REPORTS.

14 SECTION 3. SECTION 6338(A) OF TITLE 23, AMENDED DECEMBER 18,  
15 2013 (P.L.1170, NO.108), IS AMENDED TO READ:

16 § 6338. DISPOSITION OF FOUNDED AND INDICATED REPORTS.

17 (A) GENERAL RULE.--WHEN A REPORT OF SUSPECTED CHILD ABUSE  
18 [OR A REPORT UNDER SUBCHAPTER C.1 (RELATING TO STUDENTS IN  
19 PUBLIC AND PRIVATE SCHOOLS)] IS DETERMINED BY THE APPROPRIATE  
20 COUNTY AGENCY TO BE A FOUNDED REPORT OR AN INDICATED REPORT, THE  
21 [INFORMATION CONCERNING THAT REPORT OF SUSPECTED CHILD ABUSE  
22 SHALL BE EXPUNGED IMMEDIATELY FROM THE PENDING COMPLAINT FILE,  
23 AND AN APPROPRIATE ENTRY SHALL BE MADE IN THE STATEWIDE CENTRAL  
24 REGISTER] STATUS OF THE REPORT SHALL BE CHANGED FROM PENDING TO  
25 FOUNDED OR INDICATED IN THE STATEWIDE DATABASE. NOTICE OF THE  
26 DETERMINATION THAT A REPORT IS A FOUNDED, INDICATED OR UNFOUNDED  
27 REPORT SHALL BE MADE AS PROVIDED IN SECTION 6368(F) (RELATING TO  
28 INVESTIGATION OF REPORTS).

29 \* \* \*

30 SECTION 4. SECTION 6338.1(A)(1) OF TITLE 23, ADDED DECEMBER



1 18, 2013 (P.L.1195, NO.117), IS AMENDED TO READ:

2 § 6338.1. EXPUNCTION OF INFORMATION OF PERPETRATOR WHO WAS  
3 UNDER 18 YEARS OF AGE WHEN CHILD ABUSE WAS COMMITTED.

4 (A) GENERAL RULE.--THE NAME OF A PERPETRATOR WHO IS THE  
5 SUBJECT OF AN INDICATED REPORT OF CHILD ABUSE AND WHO WAS UNDER  
6 18 YEARS OF AGE WHEN THE INDIVIDUAL COMMITTED CHILD ABUSE SHALL  
7 BE EXPUNGED FROM THE STATEWIDE DATABASE WHEN THE INDIVIDUAL  
8 REACHES 21 YEARS OF AGE OR WHEN FIVE YEARS HAVE ELAPSED SINCE  
9 THE PERPETRATOR'S NAME WAS ADDED TO THE DATABASE, WHICHEVER IS  
10 LATER, IF THE INDIVIDUAL MEETS ALL OF THE FOLLOWING:

11 (1) THE INDIVIDUAL HAS NOT BEEN NAMED AS A PERPETRATOR  
12 IN ANY SUBSEQUENT INDICATED REPORT OF CHILD ABUSE AND IS NOT  
13 [THE SUBJECT OF] NAMED AS AN ALLEGED PERPETRATOR IN A CHILD  
14 ABUSE REPORT PENDING INVESTIGATION.

15 \* \* \*

16 SECTION 5. SECTION 6341 OF TITLE 23, AMENDED OR ADDED  
17 DECEMBER 18, 2013 (P.L.1170, NO.108) AND DECEMBER 18, 2013  
18 (P.L.1201, NO.119), IS REENACTED AND AMENDED TO READ:

19 § 6341. AMENDMENT OR EXPUNCTION OF INFORMATION.

20 (A) GENERAL RULE.--NOTWITHSTANDING SECTION 6338.1 (RELATING  
21 TO EXPUNCTION OF INFORMATION OF PERPETRATOR WHO WAS UNDER 18  
22 YEARS OF AGE WHEN CHILD ABUSE WAS COMMITTED):

23 (1) AT ANY TIME, THE SECRETARY MAY AMEND OR EXPUNGE ANY  
24 RECORD IN THE STATEWIDE DATABASE UNDER THIS CHAPTER UPON GOOD  
25 CAUSE SHOWN AND NOTICE TO THE APPROPRIATE SUBJECTS OF THE  
26 REPORT. THE REQUEST SHALL BE IN WRITING IN A MANNER  
27 PRESCRIBED BY THE DEPARTMENT. FOR PURPOSES OF THIS PARAGRAPH,  
28 GOOD CAUSE SHALL INCLUDE, BUT IS NOT LIMITED TO, THE  
29 FOLLOWING:

30 (I) NEWLY DISCOVERED EVIDENCE THAT AN INDICATED

1 REPORT OF CHILD ABUSE IS INACCURATE OR IS BEING  
2 MAINTAINED IN A MANNER INCONSISTENT WITH THIS CHAPTER.

3 (II) A DETERMINATION THAT THE PERPETRATOR IN AN  
4 INDICATED REPORT OF ABUSE NO LONGER REPRESENTS A RISK OF  
5 CHILD ABUSE AND THAT NO SIGNIFICANT PUBLIC PURPOSE WOULD  
6 BE SERVED BY THE CONTINUED LISTING OF THE PERSON AS A  
7 PERPETRATOR IN THE STATEWIDE DATABASE.

8 (2) ANY PERSON NAMED AS A PERPETRATOR, AND ANY SCHOOL  
9 EMPLOYEE NAMED, IN AN INDICATED REPORT OF CHILD ABUSE MAY,  
10 WITHIN 90 DAYS OF BEING NOTIFIED OF THE STATUS OF THE REPORT,  
11 REQUEST AN ADMINISTRATIVE REVIEW BY, OR APPEAL AND REQUEST A  
12 HEARING BEFORE, THE SECRETARY TO AMEND OR EXPUNGE AN  
13 INDICATED REPORT ON THE GROUNDS THAT IT IS INACCURATE OR IT  
14 IS BEING MAINTAINED IN A MANNER INCONSISTENT WITH THIS  
15 CHAPTER. THE REQUEST SHALL BE IN WRITING IN A MANNER  
16 PRESCRIBED BY THE DEPARTMENT.

17 (3) WITHIN 60 DAYS OF A REQUEST UNDER PARAGRAPH (1) OR A  
18 REQUEST FOR ADMINISTRATIVE REVIEW UNDER PARAGRAPH (2), THE  
19 DEPARTMENT SHALL SEND NOTICE OF THE SECRETARY'S DECISION.

20 (B) REVIEW OF GRANT OF REQUEST.--IF THE SECRETARY GRANTS THE  
21 REQUEST UNDER SUBSECTION (A) (2), THE STATEWIDE DATABASE,  
22 APPROPRIATE COUNTY AGENCY, APPROPRIATE LAW ENFORCEMENT OFFICIALS  
23 AND ALL SUBJECTS SHALL BE SO ADVISED OF THE DECISION. THE COUNTY  
24 AGENCY AND ANY SUBJECT HAVE 90 DAYS IN WHICH TO FILE AN  
25 ADMINISTRATIVE APPEAL WITH THE SECRETARY. IF AN ADMINISTRATIVE  
26 APPEAL IS RECEIVED, THE SECRETARY OR HIS DESIGNATED AGENT SHALL  
27 SCHEDULE A HEARING PURSUANT TO ARTICLE IV OF THE ACT OF JUNE 13,  
28 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE,  
29 ATTENDING DEPARTMENTAL REGULATIONS. IF NO ADMINISTRATIVE APPEAL  
30 IS RECEIVED WITHIN THE DESIGNATED TIME PERIOD, THE STATEWIDE

1 DATABASE SHALL COMPLY WITH THE DECISION OF THE SECRETARY AND  
2 ADVISE THE COUNTY AGENCY TO AMEND OR EXPUNGE THE INFORMATION IN  
3 THEIR RECORDS SO THAT THE RECORDS ARE CONSISTENT AT BOTH THE  
4 STATE AND LOCAL LEVELS.

5 (C) REVIEW OF REFUSAL OF REQUEST.--SUBJECT TO SUBSECTION  
6 (C.1), IF THE SECRETARY REFUSES A REQUEST UNDER SUBSECTION (A)  
7 (1) OR A REQUEST FOR ADMINISTRATIVE REVIEW UNDER SUBSECTION (A)  
8 (2), OR DOES NOT ACT WITHIN THE PRESCRIBED TIME, THE PERPETRATOR  
9 OR SCHOOL EMPLOYEE SHALL HAVE THE RIGHT TO APPEAL AND REQUEST A  
10 HEARING BEFORE THE SECRETARY TO AMEND OR EXPUNGE AN INDICATED  
11 REPORT ON THE GROUNDS THAT IT IS INACCURATE OR IT IS BEING  
12 MAINTAINED IN A MANNER INCONSISTENT WITH THIS CHAPTER. THE  
13 REQUEST FOR HEARING MUST BE MADE WITHIN 90 DAYS OF NOTICE OF THE  
14 [RESULTS OF THE INVESTIGATION] DECISION. THE APPROPRIATE COUNTY  
15 AGENCY AND APPROPRIATE LAW ENFORCEMENT OFFICIALS SHALL BE GIVEN  
16 NOTICE OF THE HEARING. THE BURDEN OF PROOF IN THE HEARING SHALL  
17 BE ON THE APPROPRIATE COUNTY AGENCY. THE DEPARTMENT SHALL ASSIST  
18 THE COUNTY AGENCY AS NECESSARY.

19 (C.1) FOUNDED REPORTS.--A PERSON NAMED AS A PERPETRATOR IN A  
20 FOUNDED REPORT OF CHILD ABUSE MUST PROVIDE TO THE DEPARTMENT A  
21 COURT ORDER INDICATING THAT THE UNDERLYING ADJUDICATION THAT  
22 FORMED THE BASIS OF THE FOUNDED REPORT HAS BEEN REVERSED OR  
23 VACATED.

24 (C.2) HEARING.--A PERSON MAKING AN APPEAL UNDER SUBSECTION  
25 (A) (2) OR (C) SHALL HAVE THE RIGHT TO A TIMELY HEARING TO  
26 DETERMINE THE MERITS OF THE APPEAL. A HEARING SHALL BE SCHEDULED  
27 ACCORDING TO THE FOLLOWING PROCEDURES:

28 (1) WITHIN TEN DAYS OF RECEIPT OF AN APPEAL PURSUANT TO  
29 THIS SECTION, THE DEPARTMENT SHALL SCHEDULE A HEARING ON THE  
30 MERITS OF THE APPEAL.

1           (2) THE DEPARTMENT SHALL MAKE REASONABLE EFFORTS TO  
2 COORDINATE THE HEARING DATE WITH BOTH THE APPELLEE AND  
3 APPELLANT.

4           (3) AFTER REASONABLE EFFORTS REQUIRED BY PARAGRAPH (2)  
5 HAVE BEEN MADE, THE DEPARTMENT SHALL ENTER A SCHEDULING  
6 ORDER, AND PROCEEDINGS BEFORE THE BUREAU OF HEARINGS AND  
7 APPEALS SHALL COMMENCE WITHIN 90 DAYS OF THE DATE THE  
8 SCHEDULING ORDER IS ENTERED, UNLESS ALL PARTIES HAVE AGREED  
9 TO A CONTINUANCE. PROCEEDINGS AND HEARINGS SHALL BE SCHEDULED  
10 TO BE HEARD ON CONSECUTIVE DAYS WHENEVER POSSIBLE, BUT IF NOT  
11 ON CONSECUTIVE DAYS, THEN THE PROCEEDING OR HEARING SHALL BE  
12 CONCLUDED NOT LATER THAN 30 DAYS FROM COMMENCEMENT.

13           (4) THE DEPARTMENT OR COUNTY AGENCY SHALL PROVIDE A  
14 PERSON MAKING AN APPEAL WITH [ALL] EVIDENCE GATHERED DURING  
15 THE CHILD ABUSE INVESTIGATION WITHIN ITS POSSESSION THAT IS  
16 RELEVANT TO THE CHILD ABUSE DETERMINATION, [INCLUDING  
17 POTENTIALLY EXCULPATORY EVIDENCE. THE EVIDENCE SHALL BE  
18 PROVIDED NOT LATER THAN TEN DAYS FOLLOWING THE ENTRY OF A  
19 SCHEDULING ORDER] SUBJECT TO SECTIONS 6339 (RELATING TO  
20 CONFIDENTIALITY OF REPORTS) AND 6340 (RELATING TO RELEASE OF  
21 INFORMATION IN CONFIDENTIAL REPORTS).

22           (5) THE DEPARTMENT OR COUNTY AGENCY SHALL BEAR THE  
23 BURDEN OF PROVING BY SUBSTANTIAL EVIDENCE THAT THE REPORT  
24 SHOULD REMAIN CATEGORIZED AS AN INDICATED REPORT.

25           (C.3) PROMPT DECISION.--THE ADMINISTRATIVE LAW JUDGE'S OR  
26 HEARING OFFICER'S DECISION IN A HEARING UNDER SUBSECTION (C.2)  
27 SHALL BE ENTERED, FILED AND SERVED UPON THE PARTIES WITHIN 45  
28 DAYS OF THE DATE UPON WHICH THE PROCEEDING OR HEARING IS  
29 CONCLUDED UNLESS, WITHIN THAT TIME, THE TRIBUNAL EXTENDS THE  
30 DATE FOR THE DECISION BY ORDER ENTERED OF RECORD SHOWING GOOD

1 CAUSE FOR THE EXTENSION. IN NO EVENT SHALL AN EXTENSION DELAY  
2 THE ENTRY OF THE DECISION MORE THAN 60 DAYS AFTER THE CONCLUSION  
3 OF THE PROCEEDING OR HEARING.

4 (C.4) NOTICE OF DECISION.--NOTICE OF THE DECISION SHALL BE  
5 MADE TO THE STATEWIDE DATABASE, THE APPROPRIATE COUNTY AGENCY,  
6 ANY APPROPRIATE LAW ENFORCEMENT OFFICIALS AND ALL SUBJECTS OF  
7 THE REPORT, EXCEPT FOR THE ABUSED CHILD.

8 (D) STAY OF PROCEEDINGS.--ANY ADMINISTRATIVE APPEAL  
9 PROCEEDING PURSUANT TO SUBSECTION (B) SHALL BE AUTOMATICALLY  
10 STAYED UPON NOTICE TO THE DEPARTMENT BY EITHER OF THE PARTIES  
11 WHEN THERE IS A PENDING CRIMINAL PROCEEDING OR A DEPENDENCY OR  
12 DELINQUENCY PROCEEDING PURSUANT TO 42 PA.C.S. CH. 63 (RELATING  
13 TO JUVENILE MATTERS), INCLUDING ANY APPEAL THEREOF, INVOLVING  
14 THE SAME FACTUAL CIRCUMSTANCES AS THE ADMINISTRATIVE APPEAL.

15 (E) ORDER.--THE SECRETARY OR DESIGNATED AGENT MAY MAKE ANY  
16 APPROPRIATE ORDER RESPECTING THE AMENDMENT OR EXPUNCTION OF SUCH  
17 RECORDS TO MAKE THEM ACCURATE OR CONSISTENT WITH THE  
18 REQUIREMENTS OF THIS CHAPTER.

19 (F) NOTICE OF EXPUNCTION.--WRITTEN NOTICE OF AN EXPUNCTION  
20 OF ANY CHILD ABUSE RECORD MADE PURSUANT TO THE PROVISIONS OF  
21 THIS CHAPTER SHALL BE SERVED UPON THE SUBJECT OF THE RECORD WHO  
22 WAS RESPONSIBLE FOR THE ABUSE OR INJURY AND THE APPROPRIATE  
23 COUNTY AGENCY. EXCEPT AS PROVIDED IN THIS SUBSECTION, THE COUNTY  
24 AGENCY, UPON RECEIPT OF THE NOTICE, SHALL TAKE APPROPRIATE,  
25 SIMILAR ACTION IN REGARD TO THE LOCAL CHILD ABUSE [AND SCHOOL  
26 EMPLOYEE] RECORDS AND INFORM, FOR THE SAME PURPOSE, THE  
27 APPROPRIATE CORONER IF THAT OFFICER HAS RECEIVED REPORTS  
28 PURSUANT TO SECTION 6367 (RELATING TO REPORTS TO DEPARTMENT AND  
29 CORONER). WHENEVER THE COUNTY AGENCY INVESTIGATION REVEALS,  
30 WITHIN 60 DAYS OF RECEIPT OF THE REPORT OF SUSPECTED CHILD

1 ABUSE, THAT THE REPORT IS UNFOUNDED BUT THAT THE SUBJECTS NEED  
2 SERVICES PROVIDED OR ARRANGED BY THE COUNTY AGENCY, THE COUNTY  
3 AGENCY SHALL RETAIN THOSE RECORDS AND SHALL SPECIFICALLY  
4 IDENTIFY THAT THE REPORT WAS AN UNFOUNDED REPORT OF SUSPECTED  
5 CHILD ABUSE. AN UNFOUNDED REPORT REGARDING SUBJECTS WHO RECEIVE  
6 SERVICES SHALL BE EXPUNGED NO LATER THAN 120 DAYS FOLLOWING THE  
7 EXPIRATION OF ONE YEAR AFTER THE TERMINATION OR COMPLETION OF  
8 SERVICES PROVIDED OR ARRANGED BY THE COUNTY AGENCY.

9 (G) RECONSIDERATION AND APPEAL.--PARTIES TO A PROCEEDING OR  
10 HEARING HELD UNDER SUBSECTION (C.2) HAVE 15 CALENDAR DAYS FROM  
11 THE MAILING DATE OF THE FINAL ORDER OF THE BUREAU OF HEARINGS  
12 AND APPEALS TO REQUEST THE SECRETARY TO RECONSIDER THE DECISION  
13 [OR APPEAL TO COMMONWEALTH COURT]. PARTIES TO A PROCEEDING OR  
14 HEARING HELD UNDER THIS SECTION HAVE 30 CALENDAR DAYS FROM THE  
15 MAILING DATE OF THE FINAL ORDER OF THE BUREAU OF HEARINGS AND  
16 APPEALS TO PERFECT AN APPEAL TO COMMONWEALTH COURT. THE FILING  
17 FOR RECONSIDERATION SHALL NOT TOLL THE 30 DAYS PROVIDED.

18 SECTION 6. SECTIONS 6344(B), (C)(1), (O) AND (P) AND  
19 6344.1(B) OF TITLE 23 ARE AMENDED TO READ:

20 § 6344. INFORMATION RELATING TO PROSPECTIVE CHILD-CARE  
21 PERSONNEL.

22 \* \* \*

23 (B) INFORMATION [SUBMITTED BY PROSPECTIVE EMPLOYEES.--  
24 ADMINISTRATORS OF CHILD-CARE SERVICES SHALL REQUIRE APPLICANTS  
25 TO SUBMIT WITH THEIR APPLICATIONS] TO BE SUBMITTED.--AN  
26 INDIVIDUAL IDENTIFIED IN SUBSECTION (A)(6) AT THE TIME THE  
27 INDIVIDUAL MEETS THE DESCRIPTION SET FORTH IN SUBSECTION (A)(6)  
28 AND AN INDIVIDUAL APPLYING TO SERVE IN ANY CAPACITY IDENTIFIED  
29 IN SUBSECTION (A)(1), (2), (3), (4) OR (5) PRIOR TO THE  
30 COMMENCEMENT OF EMPLOYMENT OR SERVICE SHALL BE REQUIRED TO

1 SUBMIT THE FOLLOWING INFORMATION OBTAINED WITHIN THE PRECEDING  
2 ONE-YEAR PERIOD:

3 (1) PURSUANT TO 18 PA.C.S. CH. 91 (RELATING TO CRIMINAL  
4 HISTORY RECORD INFORMATION), A REPORT OF CRIMINAL HISTORY  
5 RECORD INFORMATION FROM THE PENNSYLVANIA STATE POLICE OR A  
6 STATEMENT FROM THE PENNSYLVANIA STATE POLICE THAT THE STATE  
7 POLICE CENTRAL REPOSITORY CONTAINS NO SUCH INFORMATION  
8 RELATING TO THAT PERSON. THE CRIMINAL HISTORY RECORD  
9 INFORMATION SHALL BE LIMITED TO THAT WHICH IS DISSEMINATED  
10 PURSUANT TO 18 PA.C.S. § 9121(B)(2) (RELATING TO GENERAL  
11 REGULATIONS).

12 (2) A CERTIFICATION FROM THE DEPARTMENT AS TO WHETHER  
13 THE APPLICANT IS NAMED IN THE [CENTRAL REGISTER] STATEWIDE  
14 DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT OF CHILD  
15 ABUSE[, ] OR AN INDICATED REPORT OF CHILD ABUSE[, FOUNDED  
16 REPORT FOR SCHOOL EMPLOYEE OR INDICATED REPORT FOR SCHOOL  
17 EMPLOYEE].

18 (3) A REPORT OF FEDERAL CRIMINAL HISTORY RECORD  
19 INFORMATION. THE APPLICANT SHALL SUBMIT A FULL SET OF  
20 FINGERPRINTS IN A MANNER PRESCRIBED BY THE DEPARTMENT. THE  
21 COMMONWEALTH SHALL SUBMIT THE FINGERPRINTS TO THE FEDERAL  
22 BUREAU OF INVESTIGATION IN ORDER TO OBTAIN A REPORT OF  
23 FEDERAL CRIMINAL HISTORY RECORD INFORMATION AND SERVE AS  
24 INTERMEDIARY FOR THE PURPOSES OF THIS SECTION.

25 FOR THE PURPOSES OF THIS SUBSECTION, AN APPLICANT MAY SUBMIT A  
26 COPY OF THE INFORMATION REQUIRED UNDER PARAGRAPHS (1) AND (2)  
27 WITH AN APPLICATION FOR EMPLOYMENT. ADMINISTRATORS SHALL  
28 MAINTAIN A COPY OF THE REQUIRED INFORMATION AND SHALL REQUIRE  
29 APPLICANTS TO PRODUCE THE ORIGINAL DOCUMENT PRIOR TO EMPLOYMENT.

30 (C) GROUNDS FOR DENYING EMPLOYMENT OR PARTICIPATION IN

1 PROGRAM, ACTIVITY OR SERVICE.--

2 (1) IN NO CASE SHALL AN ADMINISTRATOR HIRE OR APPROVE AN  
3 APPLICANT WHERE THE DEPARTMENT HAS VERIFIED THAT THE  
4 APPLICANT IS NAMED IN THE [CENTRAL REGISTER] STATEWIDE  
5 DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT [OF CHILD  
6 ABUSE] COMMITTED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY  
7 PRECEDING VERIFICATION PURSUANT TO THIS SECTION [OR IS NAMED  
8 IN THE CENTRAL REGISTER AS THE PERPETRATOR OF A FOUNDED  
9 REPORT FOR A SCHOOL EMPLOYEE COMMITTED WITHIN THE FIVE-YEAR  
10 PERIOD IMMEDIATELY PRECEDING VERIFICATION PURSUANT TO THIS  
11 SECTION].

12 \* \* \*

13 (O) USE OF INFORMATION.--A FOSTER FAMILY CARE AGENCY MAY NOT  
14 APPROVE A PROSPECTIVE FOSTER PARENT IF THE PROSPECTIVE FOSTER  
15 PARENT OR AN INDIVIDUAL [14] 18 YEARS OF AGE OR OLDER WHO  
16 RESIDES FOR AT LEAST 30 DAYS IN A CALENDAR YEAR WITH THE  
17 PROSPECTIVE FOSTER PARENT MEETS EITHER OF THE FOLLOWING:

18 (1) IS NAMED IN THE [CENTRAL REGISTER] STATEWIDE  
19 DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT [OF CHILD  
20 ABUSE] COMMITTED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY  
21 PRECEDING VERIFICATION PURSUANT TO THIS SECTION [OR IS NAMED  
22 IN THE CENTRAL REGISTER AS THE PERPETRATOR OF A FOUNDED  
23 REPORT FOR A SCHOOL EMPLOYEE COMMITTED WITHIN THE FIVE-YEAR  
24 PERIOD IMMEDIATELY PRECEDING VERIFICATION PURSUANT TO THIS  
25 SECTION].

26 (2) HAS BEEN FOUND GUILTY OF AN OFFENSE LISTED IN  
27 SUBSECTION [(C) (2)] (C).

28 (P) USE OF INFORMATION.--A PROSPECTIVE ADOPTIVE PARENT MAY  
29 NOT BE APPROVED IF THE PROSPECTIVE ADOPTIVE PARENT OR AN  
30 INDIVIDUAL 14 YEARS OF AGE OR OLDER WHO RESIDES FOR AT LEAST 30



1 DAYS IN A CALENDAR YEAR WITH THE PROSPECTIVE ADOPTIVE PARENT  
2 MEETS EITHER OF THE FOLLOWING:

3 (1) IS NAMED IN THE [CENTRAL REGISTER] STATEWIDE  
4 DATABASE AS THE PERPETRATOR OF A FOUNDED REPORT [OF CHILD  
5 ABUSE] COMMITTED WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY  
6 PRECEDING VERIFICATION PURSUANT TO THIS SECTION [OR IS NAMED  
7 IN THE CENTRAL REGISTER AS THE PERPETRATOR OF A FOUNDED  
8 REPORT FOR A SCHOOL EMPLOYEE COMMITTED WITHIN THE FIVE-YEAR  
9 PERIOD IMMEDIATELY PRECEDING VERIFICATION PURSUANT TO THIS  
10 SECTION].

11 (2) HAS BEEN FOUND GUILTY OF AN OFFENSE LISTED IN  
12 SUBSECTION [(C) (2)] (C).

13 § 6344.1. INFORMATION RELATING TO FAMILY DAY-CARE HOME  
14 RESIDENTS.

15 \* \* \*

16 (B) REQUIRED INFORMATION.--CHILD ABUSE RECORD INFORMATION  
17 REQUIRED UNDER SUBSECTION (A) SHALL INCLUDE CERTIFICATION BY THE  
18 DEPARTMENT AS TO WHETHER THE APPLICANT IS NAMED IN THE [CENTRAL  
19 REGISTER] STATEWIDE DATABASE AS THE PERPETRATOR OF A FOUNDED  
20 REPORT[, ] OR AN INDICATED REPORT[, FOUNDED REPORT FOR SCHOOL  
21 EMPLOYEE OR INDICATED REPORT FOR SCHOOL EMPLOYEE] OF CHILD  
22 ABUSE.

23 \* \* \*

24 Section ~~3~~ 7. Section 6344.2(b) of Title 23 is amended and <--  
25 the section is amended by adding a subsection to read:

26 § 6344.2. Information relating to other persons having contact  
27 with children.

28 \* \* \*

29 (a.1) School employees.--This section shall apply to school  
30 employees as follows:

1       (1) School employees governed by the provisions of the  
2 act of March 10, 1949 (P.L.30, No.14), known as the Public  
3 School Code of 1949, shall be subject to the provisions of  
4 section 111 of the Public School Code of 1949, except that  
5 this section shall apply with regard to the information  
6 required under section 6344(b)(2) (relating to information  
7 relating to prospective child-care personnel).

8       (2) School employees not governed by the provisions of  
9 the Public School Code of 1949 shall be governed by this  
10 section.

11       ~~(3) This section shall not apply to any of the~~ <--  
12 ~~following:~~

13               ~~(i) A school employee who is:~~

14                       ~~(A) under 21 years of age;~~

15                       ~~(B) participating in a job development or job~~  
16 ~~training program; and~~

17                       ~~(C) employed for not more than 90 days.~~

18               ~~(ii) A school employee hired on a provisional basis~~  
19 ~~pending receipt of any information required under this~~  
20 ~~section if all of the following apply:~~

21                       ~~(A) The applicant demonstrates application for~~  
22 ~~any information required by this section.~~

23                       ~~(B) The applicant attests in writing by oath or~~  
24 ~~affirmation that the applicant is not disqualified~~  
25 ~~under this chapter.~~

26                       ~~(C) The administrator has no knowledge of~~  
27 ~~information which would disqualify the applicant~~  
28 ~~under this chapter.~~

29                       ~~(D) The administrator requires that the~~  
30 ~~applicant not be permitted to work alone with~~

~~children and the applicant work in the immediate vicinity of a permanent employee.~~

~~(E) The provisional period does not exceed:~~

~~(I) 90 days for an applicant from another state; and~~

~~(II) 30 days for all other applicants.~~

~~(F) The hiring does not take place during a strike under the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act.~~

~~(iii) A school employee who transfers from one position to another in the same school or school district and:~~

~~(A) has, prior to the transfer, already provided any information required by this chapter; and~~

~~(B) is not disqualified from employment under this chapter.~~

(b) Investigation.--Employers, administrators or supervisors

OR OTHER PERSONS RESPONSIBLE FOR EMPLOYMENT DECISIONS OR <--

SELECTION OF VOLUNTEERS shall require an applicant to submit to all requirements set forth in section 6344(b) [(relating to information relating to prospective child-care personnel)]

EXCEPT AS PROVIDED IN SUBSECTION (B.1). An employer, <--

administrator, supervisor or other person responsible for employment decisions OR SELECTION OF VOLUNTEERS regarding an <--

applicable prospective employee OR VOLUNTEER under this section <--

that intentionally fails to require the submissions before hiring that individual commits a misdemeanor of the third degree.

\* \* \*

Section 4 8. Sections 6346(b) and (c) and 6347(a) and (b) of <--

1 Title 23 are amended to read:

2 § 6346. Cooperation of other agencies.

3 \* \* \*

4 (b) Willful failure to cooperate.--Any agency, school  
5 [district] or facility or any person acting on behalf of an  
6 agency, school [district] or facility that violates this section  
7 by willfully failing to cooperate with the department or a  
8 county agency when investigating a report of suspected child  
9 abuse [or a report under Subchapter C.1 (relating to students in  
10 public and private schools)] or when assessing SAFETY OR risk to <--  
11 a child commits a [summary offense] MISDEMEANOR OF THE THIRD <--  
12 DEGREE for a first violation and a misdemeanor of the [third] <--  
13 SECOND degree for subsequent violations.

14 (c) Cooperation of county agency and law enforcement  
15 [agencies] OFFICIALS.--Consistent with the provisions of this <--  
16 chapter, the county agency and law enforcement [agencies] <--  
17 OFFICIALS shall cooperate and coordinate, to the fullest extent  
18 possible, their efforts to respond to and investigate reports of  
19 suspected child abuse [and to reports under Subchapter C.1].

20 \* \* \*

21 § 6347. Reports to Governor and General Assembly.

22 (a) General rule.--No later than May 1 of every year, the  
23 secretary shall prepare and transmit to the Governor and the  
24 General Assembly a report on the operations of the [central <--  
25 register of child] STATEWIDE DATABASE AND abuse and child <--  
26 protective services provided by county agencies. The report  
27 shall include a full statistical analysis of the reports of  
28 suspected child abuse made to the department [and the reports  
29 under Subchapter C.1 (relating to students in public and private  
30 schools)], THE REPORTS OF GENERAL PROTECTIVE SERVICES MADE TO <--

1 THE DEPARTMENT OR COUNTY AGENCIES, together with a report on the  
2 implementation of this chapter and its total cost to the  
3 Commonwealth, the evaluation of the secretary of services  
4 offered under this chapter and recommendations for repeal or for  
5 additional legislation to fulfill the purposes of this chapter.  
6 All such recommendations should contain an estimate of increased  
7 or decreased costs resulting therefrom. The report shall also  
8 include an explanation of services provided to children who were  
9 the subjects of founded or indicated reports while receiving  
10 child-care services. The department shall also describe its  
11 actions in respect to the perpetrators of the abuse.

12 (b) Reports from county agencies.--To assist the department  
13 in preparing its annual report and the quarterly reports  
14 required under subsection (c), each county agency shall submit a  
15 quarterly report to the department, including, at a minimum, the  
16 following information, on an aggregate basis, regarding general  
17 protective services[,] and child protective services [and action  
18 under Subchapter C.1]:

19 (1) The number of referrals received and referrals  
20 accepted.

21 (2) The number of children over whom the agency  
22 maintains continuing supervision.

23 (3) The number of cases which have been closed by the  
24 agency.

25 (4) The services provided to children and their  
26 families.

27 (5) A summary of the findings with nonidentifying  
28 information about each case of child abuse or neglect which  
29 has resulted in a child fatality or near fatality.

30 \* \* \*

1 ~~Section 5. Subchapter C.1 heading of Chapter 63 of Title 23 <--~~  
2 ~~is repealed:~~

3 ~~{SUBCHAPTER C.1~~

4 ~~STUDENTS IN PUBLIC AND PRIVATE SCHOOLS}~~

5 ~~Section 6. Sections 6351, 6352, 6353, 6353.1, 6353.2, 6353.3~~  
6 ~~and 6353.4 of Title 23 are repealed:~~

7 ~~{§ 6351. Definitions.~~

8 ~~The following words and phrases when used in this subchapter~~  
9 ~~shall have the meanings given to them in this section unless the~~  
10 ~~context clearly indicates otherwise:~~

11 ~~"Administrator." The person responsible for the~~  
12 ~~administration of a public or private school, intermediate unit~~  
13 ~~or area vocational technical school. The term includes an~~  
14 ~~independent contractor.~~

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~~  
21 ~~professional or official capacity is a victim of serious~~  
22 ~~bodily injury or sexual abuse or sexual exploitation by a~~  
23 ~~school employee shall immediately contact the administrator.~~

24 ~~(2) If the school employee accused of seriously injuring~~  
25 ~~or sexually abusing or exploiting a student is the~~  
26 ~~administrator, the school employee who has reasonable cause~~  
27 ~~to suspect, on the basis of professional or other training~~  
28 ~~and experience, that a student coming before the school~~  
29 ~~employee in the employee's professional or official capacity~~  
30 ~~is a victim of serious bodily injury or sexual abuse or~~

~~sexual exploitation 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 abuse, the administrator shall make a report under section 6353(a).~~

~~(3) The school employee may not reveal the existence or content of the report to any other person.~~

~~(b) Immunity. A school employee who refers a report under subsection (a) shall be immune from civil and criminal liability arising out of the report.~~

~~(c) Criminal penalty.~~

~~(1) A school employee who willfully violates subsection (a) commits a summary offense.~~

~~(2) A school employee who, after being sentenced under paragraph (1), violates subsection (a) commits a misdemeanor of the third degree.~~

~~§ 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 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.~~

1 ~~(5) Nature of the alleged offense.~~

2 ~~(6) Any specific comments or observations that are~~  
3 ~~directly related to the alleged incident and the individuals~~  
4 ~~involved.~~

5 ~~(c) Immunity. An administrator who makes a report under~~  
6 ~~subsection (a) shall be immune from civil or criminal liability~~  
7 ~~arising out of the report.~~

8 ~~(d) Criminal penalty. An administrator who willfully~~  
9 ~~violates subsection (a) commits a misdemeanor of the third~~  
10 ~~degree.~~

11 ~~§ 6353.1. Investigation.~~

12 ~~(a) General rule. Upon receipt of a report under section~~  
13 ~~6353 (relating to administration), an investigation shall be~~  
14 ~~conducted by law enforcement officials, in cooperation with the~~  
15 ~~district attorney, and a determination made as to what criminal~~  
16 ~~charges, if any, will be filed against the school employee.~~

17 ~~(b) Referral to county agency.~~

18 ~~(1) If local law enforcement officials have reasonable~~  
19 ~~cause to suspect on the basis of initial review that there is~~  
20 ~~evidence of serious bodily injury, sexual abuse or sexual~~  
21 ~~exploitation committed by a school employee against a~~  
22 ~~student, local law enforcement officials shall notify the~~  
23 ~~county agency in the county where the alleged abuse or injury~~  
24 ~~occurred for the purpose of the agency conducting an~~  
25 ~~investigation of the alleged abuse or injury.~~

26 ~~(2) To the fullest extent possible, law enforcement~~  
27 ~~officials and the county agency shall coordinate their~~  
28 ~~respective investigations. In respect to interviews with the~~  
29 ~~student, law enforcement officials and the county agency~~  
30 ~~shall conduct joint interviews. In respect to interviews with~~



1 ~~the school employee, law enforcement officials shall be given~~  
2 ~~an opportunity to interview the school employee prior to the~~  
3 ~~employee having any contact with the county agency.~~

4 ~~(3) The county agency and law enforcement officials have~~  
5 ~~the authority to arrange for photographs, medical tests or X-~~  
6 ~~rays of a student alleged to have been abused or injured by a~~  
7 ~~school employee. The county agency and law enforcement~~  
8 ~~officials shall coordinate their efforts in this regard and,~~  
9 ~~to the fullest extent possible, avoid the duplication of any~~  
10 ~~photographs, medical tests or X-rays.~~

11 ~~(4) Law enforcement officials and the county agency~~  
12 ~~shall advise each other of the status and findings of their~~  
13 ~~respective investigations on an ongoing basis.~~

14 ~~§ 6353.2. Responsibilities of county agency.~~

15 ~~(a) Information for the pending complaint file. Immediately~~  
16 ~~after receiving a report under section 6353.1 (relating to~~  
17 ~~investigation), the county agency shall notify the department of~~  
18 ~~the receipt of the report, which is to be filed in the pending~~  
19 ~~complaint file as provided in section 6331(1) (relating to~~  
20 ~~establishment of pending complaint file, Statewide central~~  
21 ~~register and file of unfounded reports). The oral report shall~~  
22 ~~include the following information:~~

23 ~~(1) The name and address of the student and the~~  
24 ~~student's parent or guardian.~~

25 ~~(2) Where the suspected abuse or injury occurred.~~

26 ~~(3) The age and sex of the student.~~

27 ~~(4) The nature and extent of the suspected abuse or~~  
28 ~~injury.~~

29 ~~(5) The name and home address of the school employee~~  
30 ~~alleged to have committed the abuse or injury.~~

1           ~~(6) The relationship of the student to the school~~  
2           ~~employee alleged to have committed the abuse or injury.~~

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

4           ~~(8) The actions taken by the county agency, law~~  
5           ~~enforcement officials, parents, guardians, school officials~~  
6           ~~or other persons, including the taking of photographs,~~  
7           ~~medical tests and X rays.~~

8           ~~(b) Investigation of reports. Upon receipt of a report~~  
9           ~~under section 6353.1, the county agency shall commence, within~~  
10           ~~the time frames established in department regulations, an~~  
11           ~~investigation of the nature, extent and cause of any alleged~~  
12           ~~abuse or injury enumerated in the report. The county agency~~  
13           ~~shall coordinate its investigation to the fullest extent~~  
14           ~~possible with law enforcement officials as provided in section~~  
15           ~~6353.1(b).~~

16           ~~(c) Completion of investigation. The investigation by the~~  
17           ~~county agency to determine whether the report is an indicated~~  
18           ~~report for school employee or an unfounded report shall be~~  
19           ~~completed within 60 days.~~

20           ~~(d) Notice to subject of a report. Prior to interviewing a~~  
21           ~~subject of the report, the county agency shall orally notify the~~  
22           ~~subject of the report of the existence of the report and the~~  
23           ~~subject's rights under this chapter in regard to amendment or~~  
24           ~~expungement. Within 72 hours following oral notification to the~~  
25           ~~subject, the county agency shall give written notice to the~~  
26           ~~subject. The notice may be reasonably delayed if notification is~~  
27           ~~likely to threaten the safety of the student or the county~~  
28           ~~agency worker, to cause the school employee to abscond or to~~  
29           ~~significantly interfere with the conduct of a criminal~~  
30           ~~investigation.~~

1       ~~(e) Reliance on factual investigation. The county agency~~  
2 ~~may rely on a factual investigation of substantially the same~~  
3 ~~allegations by a law enforcement officials to support the~~  
4 ~~agency's finding. This reliance shall not relieve the county~~  
5 ~~agency of its responsibilities relating to the investigation of~~  
6 ~~reports under this subchapter.~~

7       ~~(f) Notice to the department of the county agency's~~  
8 ~~determination. As soon as the county agency has completed its~~  
9 ~~investigation, the county agency shall advise the department and~~  
10 ~~law enforcement officials of its determination of the report as~~  
11 ~~an indicated report for school employee or an unfounded report.~~  
12 ~~Supplemental reports shall be made at regular intervals~~  
13 ~~thereafter in a manner and form the department prescribes by~~  
14 ~~regulation to the end that the department is kept fully informed~~  
15 ~~and up to date concerning the status of the report.~~

16 ~~§ 6353.3. Information in Statewide central register.~~

17       ~~The Statewide central register established under section 6331~~  
18 ~~(relating to establishment of pending complaint file, Statewide~~  
19 ~~central register and file of unfounded reports) shall retain~~  
20 ~~only the following information relating to reports of abuse or~~  
21 ~~injury of a student by a school employee which have been~~  
22 ~~determined to be a founded report for school employee or an~~  
23 ~~indicated report for school employee:~~

24           ~~(1) The names, Social Security numbers, age and sex of~~  
25           ~~the subjects of the report.~~

26           ~~(2) The home address of the subjects of the report.~~

27           ~~(3) The date and the nature and extent of the alleged~~  
28           ~~abuse or injury.~~

29           ~~(4) The county and state where the abuse or injury~~  
30           ~~occurred.~~

1 ~~(5) Factors contributing to the abuse or injury.~~

2 ~~(6) The source of the report.~~

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

4 ~~(8) Information obtained by the department in relation~~  
5 ~~to the school employee's request to release, amend or expunge~~  
6 ~~information retained by the department or the county agency.~~

7 ~~(9) The progress of any legal proceedings brought on the~~  
8 ~~basis of the report.~~

9 ~~(10) Whether a criminal investigation has been~~  
10 ~~undertaken and the result of the investigation and of any~~  
11 ~~criminal prosecution.~~

12 ~~§ 6353.4. Other provisions.~~

13 ~~The following provisions shall apply to the release and~~  
14 ~~retention of information by the department and the county agency~~  
15 ~~concerning reports of abuse or injury committed by a school~~  
16 ~~employee as provided by this subchapter:~~

17 ~~Section 6336(b) and (c) (relating to information in Statewide~~  
18 ~~central register).~~

19 ~~Section 6337 (relating to disposition of unfounded reports).~~

20 ~~Section 6338(a) and (b) (relating to disposition of founded~~  
21 ~~and indicated reports).~~

22 ~~Section 6339 (relating to confidentiality of reports).~~

23 ~~Section 6340 (relating to release of information in~~  
24 ~~confidential reports).~~

25 ~~Section 6341(a) through (f) (relating to amendment or~~  
26 ~~expunction of information).~~

27 ~~Section 6342 (relating to studies of data in records).]~~

28 ~~Section 7. Subchapter C.2 heading of Chapter 63 of Title 23~~  
29 ~~is repealed:~~

30 ~~{SUBCHAPTER C.2~~

1                   ~~BACKGROUND CHECKS FOR EMPLOYMENT IN SCHOOLS}~~

2           ~~Section 8. Sections 6354, 6355, 6356, 6357 and 6358 are~~  
3 ~~repealed:~~

4 ~~{§ 6354. Definitions.~~

5           ~~The following words and phrases when used in this subchapter~~  
6 ~~shall have the meanings given to them in this section unless the~~  
7 ~~context clearly indicates otherwise:~~

8           ~~"Applicant." An individual who applies for a position as a~~  
9 ~~school employee. The term includes an individual who transfers~~  
10 ~~from one position as a school employee to another position as a~~  
11 ~~school employee.~~

12           ~~"Administrator." The person responsible for the~~  
13 ~~administration of a public or private school, intermediate unit~~  
14 ~~or area vocational technical school. The term includes a person~~  
15 ~~responsible for employment decisions in a school and an~~  
16 ~~independent contractor.~~

17 ~~§ 6355. Requirement.~~

18           ~~(a) Investigation.~~

19           ~~(1) Except as provided in paragraph (2), an~~  
20 ~~administrator shall require each applicant to submit an~~  
21 ~~official clearance statement obtained from the department~~  
22 ~~within the immediately preceding year as to whether the~~  
23 ~~applicant is named as the perpetrator of an indicated or a~~  
24 ~~founded report or is named as the individual responsible for~~  
25 ~~injury or abuse in an indicated report for school employee or~~  
26 ~~a founded report for school employee.~~

27           ~~(2) The official clearance statement under paragraph (1)~~  
28 ~~shall not be required for an applicant who:~~

29           ~~(i) transfers from one position as a school employee~~  
30 ~~to another position as a school employee of the same~~

1 ~~school district or of the same organization; and~~

2 ~~(ii) has, prior to the transfer, already obtained~~  
3 ~~the official clearance statement under paragraph (1).~~

4 ~~(b) Grounds for denying employment. Except as provided in~~  
5 ~~section 6356 (relating to exceptions), an administrator shall~~  
6 ~~not hire an applicant if the department verifies that the~~  
7 ~~applicant is named as the perpetrator of a founded report or is~~  
8 ~~named as the individual responsible for injury or abuse in a~~  
9 ~~founded report for school employee. No individual who is a~~  
10 ~~school employee on the effective date of this subchapter shall~~  
11 ~~be required to obtain an official clearance statement under~~  
12 ~~subsection (a) (1) as a condition of continued employment.~~

13 ~~(c) Penalty. An administrator who willfully violates this~~  
14 ~~section shall be subject to an administrative penalty of \$2,500.~~  
15 ~~An action under this subsection is governed by 2 Pa.C.S. Ch. 5~~  
16 ~~Subch. A (relating to practice and procedure of Commonwealth~~  
17 ~~agencies) and Ch. 7 Subch. A (relating to judicial review of~~  
18 ~~Commonwealth agency action).~~

19 ~~§ 6356. Exceptions.~~

20 ~~Section 6355 (relating to requirement) shall not apply to any~~  
21 ~~of the following:~~

22 ~~(1) A school employee who is:~~

23 ~~(i) under 21 years of age;~~

24 ~~(ii) participating in a job development or job~~  
25 ~~training program; and~~

26 ~~(iii) employed for not more than 90 days.~~

27 ~~(2) A school employee hired on a provisional basis~~  
28 ~~pending receipt of information under section 6355(a) if all~~  
29 ~~of the following apply:~~

30 ~~(i) The applicant demonstrates application for the~~

1 ~~official clearance statement under section 6355(a).~~

2 ~~(ii) The applicant attests in writing by oath or~~  
3 ~~affirmation that the applicant is not disqualified under~~  
4 ~~section 6355(b).~~

5 ~~(iii) The administrator has no knowledge of~~  
6 ~~information which would disqualify the applicant under~~  
7 ~~section 6355(b).~~

8 ~~(iv) The provisional period does not exceed:~~

9 ~~(A) 90 days for an applicant from another state;~~

10 and

11 ~~(B) 30 days for all other applicants.~~

12 ~~(v) The hiring does not take place during a strike~~  
13 ~~under the act of July 23, 1970 (P.L.563, No.195), known~~  
14 ~~as the Public Employe Relations Act.~~

15 ~~§ 6357. Fee.~~

16 ~~The department may charge a fee of not more than \$10 for the~~  
17 ~~official clearance statement required under section 6355(a)~~  
18 ~~(relating to requirement).~~

19 ~~§ 6358. Time limit for official clearance statement.~~

20 ~~The department shall comply with the official clearance~~  
21 ~~statement requests under section 6355(a) (relating to~~  
22 ~~requirement) within 14 days of receipt of the request.]~~

23 ~~Section 9. The following apply:~~

24 ~~(1) The amendment of 23 Pa.C.S. §§ 6331, 6333, 6334(c),~~  
25 ~~6335(a), 6337(c), 6338(c), 6344(b)(2), (c)(1), (o) and (p),~~  
26 ~~6344.1(b), 6346(b) and (c) and 6347(a) and (b) shall not affect~~  
27 ~~any report, complaint, information or record created or~~  
28 ~~initiated prior to the effective date of this section.~~

29 ~~(2) The amendment of 23 Pa.C.S. §§ 6336(a)(11), 6338(c) and~~  
30 ~~6341(a)(2) and (c) is necessary as a result of the repeal of 23~~

1 ~~Pa.C.S. Ch. 63 Subch. C.1. Any reference to "perpetrator" in 23~~  
2 ~~Pa.C.S. §§ 6336(a)(11), 6338(c) and 6341(a)(2) and (c), as~~  
3 ~~amended, is intended to include a school employee who was the~~  
4 ~~subject of an indicated or founded report prior to the effective~~  
5 ~~date of this section.~~

6 ~~(3) The amendment of 23 Pa.C.S. § 6341(f) is necessary as a~~  
7 ~~result of the repeal of 23 Pa.C.S. Ch. 63 Subch. C.1. Any~~  
8 ~~reference to "local child abuse record" in 23 Pa.C.S. § 6341(f),~~  
9 ~~as amended, is intended to include school employee records that~~  
10 ~~included reports of child abuse recorded prior to the effective~~  
11 ~~date of this section.~~

12 ~~(4) The repeal of 23 Pa.C.S. Ch. 63 Subchs. C.1 and C.2 is~~  
13 ~~not intended to affect any procedure, disposition or other~~  
14 ~~action taken or initiated prior to the effective date of this~~  
15 ~~section.~~

16 ~~Section 10. This act shall take effect in 60 days.~~

17 SECTION 9. SUBCHAPTER C.1 HEADING OF CHAPTER 63 OF TITLE 23 <--  
18 IS REPEALED:

19 [SUBCHAPTER C.1  
20 STUDENTS IN PUBLIC AND PRIVATE SCHOOLS]

21 SECTION 10. SECTIONS 6351, 6352, 6353 AND 6353.1 OF TITLE 23  
22 ARE REPEALED:

23 [§ 6351. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 "ADMINISTRATOR." THE PERSON RESPONSIBLE FOR THE  
28 ADMINISTRATION OF A PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT  
29 OR AREA VOCATIONAL-TECHNICAL SCHOOL. THE TERM INCLUDES AN  
30 INDEPENDENT CONTRACTOR.



1 § 6352. SCHOOL EMPLOYEES.

2 (A) REQUIREMENT.--

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

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

22 (3) THE SCHOOL EMPLOYEE MAY NOT REVEAL THE EXISTENCE OR  
23 CONTENT OF THE REPORT TO ANY OTHER PERSON.

24 (B) IMMUNITY.--A SCHOOL EMPLOYEE WHO REFERS A REPORT UNDER  
25 SUBSECTION (A) SHALL BE IMMUNE FROM CIVIL AND CRIMINAL LIABILITY  
26 ARISING OUT OF THE REPORT.

27 (C) CRIMINAL PENALTY.--

28 (1) A SCHOOL EMPLOYEE WHO WILLFULLY VIOLATES SUBSECTION  
29 (A) COMMITS A SUMMARY OFFENSE.

30 (2) A SCHOOL EMPLOYEE WHO, AFTER BEING SENTENCED UNDER

1 PARAGRAPH (1), VIOLATES SUBSECTION (A) COMMITS A MISDEMEANOR  
2 OF THE THIRD DEGREE.

3 § 6353. ADMINISTRATION.

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

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

12 (1) NAME, AGE, ADDRESS AND SCHOOL 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 WHO MAKES A REPORT UNDER  
22 SUBSECTION (A) SHALL BE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY  
23 ARISING OUT OF THE REPORT.

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

1 DISTRICT ATTORNEY, AND A DETERMINATION MADE AS TO WHAT CRIMINAL  
2 CHARGES, IF ANY, WILL BE FILED AGAINST THE SCHOOL EMPLOYEE.

3 (B) REFERRAL TO COUNTY AGENCY.--

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

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

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

27 (4) LAW ENFORCEMENT OFFICIALS AND THE COUNTY AGENCY  
28 SHALL ADVISE EACH OTHER OF THE STATUS AND FINDINGS OF THEIR  
29 RESPECTIVE INVESTIGATIONS ON AN ONGOING BASIS.]

30 SECTION 11. SECTIONS 6353.2 AND 6353.3 OF TITLE 23, AMENDED

1 DECEMBER 18, 2013 (P.L.1201, NO.119), ARE REPEALED:

2 [§ 6353.2. RESPONSIBILITIES OF COUNTY AGENCY.

3 (A) INFORMATION FOR THE PENDING COMPLAINT FILE.--IMMEDIATELY  
4 AFTER RECEIVING A REPORT UNDER SECTION 6353.1 (RELATING TO  
5 INVESTIGATION), THE COUNTY AGENCY SHALL NOTIFY THE DEPARTMENT OF  
6 THE RECEIPT OF THE REPORT, WHICH IS TO BE FILED IN THE PENDING  
7 COMPLAINT FILE AS PROVIDED IN SECTION 6331(1) (RELATING TO  
8 ESTABLISHMENT OF PENDING COMPLAINT FILE, STATEWIDE CENTRAL  
9 REGISTER AND FILE OF UNFOUNDED REPORTS). THE ORAL REPORT SHALL  
10 INCLUDE THE FOLLOWING INFORMATION:

11 (1) THE NAME AND ADDRESS OF THE STUDENT AND THE  
12 STUDENT'S PARENT OR GUARDIAN.

13 (2) WHERE THE SUSPECTED ABUSE OR INJURY OCCURRED.

14 (3) THE AGE AND SEX OF THE STUDENT.

15 (4) THE NATURE AND EXTENT OF THE SUSPECTED ABUSE OR  
16 INJURY.

17 (5) THE NAME AND HOME ADDRESS OF THE SCHOOL EMPLOYEE  
18 ALLEGED TO HAVE COMMITTED THE ABUSE OR INJURY.

19 (6) THE RELATIONSHIP OF THE STUDENT TO THE SCHOOL  
20 EMPLOYEE ALLEGED TO HAVE COMMITTED THE ABUSE OR INJURY.

21 (7) THE SOURCE OF THE REPORT TO THE COUNTY AGENCY.

22 (8) THE ACTIONS TAKEN BY THE COUNTY AGENCY, LAW  
23 ENFORCEMENT OFFICIALS, PARENTS, GUARDIANS, SCHOOL OFFICIALS  
24 OR OTHER PERSONS, INCLUDING THE TAKING OF PHOTOGRAPHS,  
25 MEDICAL TESTS AND X-RAYS.

26 (B) INVESTIGATION OF REPORTS.--UPON RECEIPT OF A REPORT  
27 UNDER SECTION 6353.1, THE COUNTY AGENCY SHALL COMMENCE, WITHIN  
28 THE TIME FRAMES ESTABLISHED IN DEPARTMENT REGULATIONS, AN  
29 INVESTIGATION OF THE NATURE, EXTENT AND CAUSE OF ANY ALLEGED  
30 ABUSE OR INJURY ENUMERATED IN THE REPORT. THE COUNTY AGENCY

1 SHALL COORDINATE ITS INVESTIGATION TO THE FULLEST EXTENT  
2 POSSIBLE WITH LAW ENFORCEMENT OFFICIALS AS PROVIDED IN SECTION  
3 6353.1(B).

4 (C) COMPLETION OF INVESTIGATION.--THE INVESTIGATION BY THE  
5 COUNTY AGENCY TO DETERMINE WHETHER THE REPORT IS AN INDICATED  
6 REPORT FOR SCHOOL EMPLOYEE OR AN UNFOUNDED REPORT SHALL BE  
7 COMPLETED WITHIN 60 DAYS.

8 (D) NOTICE TO SUBJECT OF A REPORT.--PRIOR TO INTERVIEWING A  
9 SUBJECT OF THE REPORT, THE COUNTY AGENCY SHALL ORALLY NOTIFY THE  
10 SUBJECT OF THE REPORT OF THE EXISTENCE OF THE REPORT AND THE  
11 SUBJECT'S RIGHTS UNDER THIS CHAPTER IN REGARD TO AMENDMENT OR  
12 EXPUNGEMENT. WITHIN 72 HOURS FOLLOWING ORAL NOTIFICATION TO THE  
13 SUBJECT, THE COUNTY AGENCY SHALL GIVE WRITTEN NOTICE TO THE  
14 SUBJECT. THE NOTICE MAY BE REASONABLY DELAYED IF NOTIFICATION IS  
15 LIKELY TO THREATEN THE SAFETY OF THE STUDENT OR THE COUNTY  
16 AGENCY WORKER, TO CAUSE THE SCHOOL EMPLOYEE TO ABSCOND OR TO  
17 SIGNIFICANTLY INTERFERE WITH THE CONDUCT OF A CRIMINAL  
18 INVESTIGATION.

19 (E) RELIANCE ON FACTUAL INVESTIGATION.--THE COUNTY AGENCY  
20 MAY RELY ON A FACTUAL INVESTIGATION OF SUBSTANTIALLY THE SAME  
21 ALLEGATIONS BY A LAW ENFORCEMENT OFFICIALS TO SUPPORT THE  
22 AGENCY'S FINDING. THIS RELIANCE SHALL NOT RELIEVE THE COUNTY  
23 AGENCY OF ITS RESPONSIBILITIES RELATING TO THE INVESTIGATION OF  
24 REPORTS UNDER THIS SUBCHAPTER.

25 (F) NOTICE TO THE DEPARTMENT OF THE COUNTY AGENCY'S  
26 DETERMINATION.--AS SOON AS THE COUNTY AGENCY HAS COMPLETED ITS  
27 INVESTIGATION, THE COUNTY AGENCY SHALL ADVISE THE DEPARTMENT AND  
28 LAW ENFORCEMENT OFFICIALS OF ITS DETERMINATION OF THE REPORT AS  
29 AN INDICATED REPORT FOR SCHOOL EMPLOYEE OR AN UNFOUNDED REPORT.  
30 SUPPLEMENTAL REPORTS SHALL BE MADE AT REGULAR INTERVALS

1 THEREAFTER IN A MANNER AND FORM THE DEPARTMENT PRESCRIBES BY  
2 REGULATION TO THE END THAT THE DEPARTMENT IS KEPT FULLY INFORMED  
3 AND UP-TO-DATE CONCERNING THE STATUS OF THE REPORT.

4 § 6353.3. INFORMATION IN STATEWIDE CENTRAL REGISTER.

5 THE STATEWIDE CENTRAL REGISTER ESTABLISHED UNDER SECTION 6331  
6 (RELATING TO ESTABLISHMENT OF PENDING COMPLAINT FILE, STATEWIDE  
7 CENTRAL REGISTER AND FILE OF UNFOUNDED REPORTS) SHALL RETAIN  
8 ONLY THE FOLLOWING INFORMATION RELATING TO REPORTS OF ABUSE OR  
9 INJURY OF A STUDENT BY A SCHOOL EMPLOYEE WHICH HAVE BEEN  
10 DETERMINED TO BE A FOUNDED REPORT FOR SCHOOL EMPLOYEE OR AN  
11 INDICATED REPORT FOR SCHOOL EMPLOYEE:

12 (1) THE NAMES, SOCIAL SECURITY NUMBERS, AGE AND SEX OF  
13 THE SUBJECTS OF THE REPORT.

14 (2) THE HOME ADDRESS OF THE SUBJECTS OF THE REPORT.

15 (3) THE DATE AND THE NATURE AND EXTENT OF THE ALLEGED  
16 ABUSE OR INJURY.

17 (4) THE COUNTY AND STATE WHERE THE ABUSE OR INJURY  
18 OCCURRED.

19 (5) FACTORS CONTRIBUTING TO THE ABUSE OR INJURY.

20 (6) THE SOURCE OF THE REPORT.

21 (7) WHETHER THE REPORT IS A FOUNDED OR INDICATED REPORT.

22 (8) INFORMATION OBTAINED BY THE DEPARTMENT IN RELATION  
23 TO THE SCHOOL EMPLOYEE'S REQUEST TO RELEASE, AMEND OR EXPUNGE  
24 INFORMATION RETAINED BY THE DEPARTMENT OR THE COUNTY AGENCY.

25 (9) THE PROGRESS OF ANY LEGAL PROCEEDINGS BROUGHT ON THE  
26 BASIS OF THE REPORT.

27 (10) WHETHER A CRIMINAL INVESTIGATION HAS BEEN  
28 UNDERTAKEN AND THE RESULT OF THE INVESTIGATION AND OF ANY  
29 CRIMINAL PROSECUTION.]

30 SECTION 12. SECTION 6353.4 OF TITLE 23 IS REPEALED:

1 [§ 6353.4. OTHER PROVISIONS.

2 THE FOLLOWING PROVISIONS SHALL APPLY TO THE RELEASE AND  
3 RETENTION OF INFORMATION BY THE DEPARTMENT AND THE COUNTY AGENCY  
4 CONCERNING REPORTS OF ABUSE OR INJURY COMMITTED BY A SCHOOL  
5 EMPLOYEE AS PROVIDED BY THIS SUBCHAPTER:

6 SECTION 6336(B) AND (C) (RELATING TO INFORMATION IN STATEWIDE  
7 CENTRAL REGISTER).

8 SECTION 6337 (RELATING TO DISPOSITION OF UNFOUNDED REPORTS).

9 SECTION 6338(A) AND (B) (RELATING TO DISPOSITION OF FOUNDED  
10 AND INDICATED REPORTS).

11 SECTION 6339 (RELATING TO CONFIDENTIALITY OF REPORTS).

12 SECTION 6340 (RELATING TO RELEASE OF INFORMATION IN  
13 CONFIDENTIAL REPORTS).

14 SECTION 6341(A) THROUGH (F) (RELATING TO AMENDMENT OR  
15 EXPUNCTION OF INFORMATION).

16 SECTION 6342 (RELATING TO STUDIES OF DATA IN RECORDS).]

17 SECTION 13. SUBCHAPTER C.2 HEADING OF CHAPTER 63 OF TITLE 23  
18 IS REPEALED:

19 [SUBCHAPTER C.2

20 BACKGROUND CHECKS FOR EMPLOYMENT IN SCHOOLS]

21 SECTION 14. SECTIONS 6354, 6355, 6356, 6357 AND 6358 OF  
22 TITLE 23 ARE REPEALED:

23 [§ 6354. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 "APPLICANT." AN INDIVIDUAL WHO APPLIES FOR A POSITION AS A  
28 SCHOOL EMPLOYEE. THE TERM INCLUDES AN INDIVIDUAL WHO TRANSFERS  
29 FROM ONE POSITION AS A SCHOOL EMPLOYEE TO ANOTHER POSITION AS A  
30 SCHOOL EMPLOYEE.

1 "ADMINISTRATOR." THE PERSON RESPONSIBLE FOR THE  
2 ADMINISTRATION OF A PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT  
3 OR AREA VOCATIONAL-TECHNICAL SCHOOL. THE TERM INCLUDES A PERSON  
4 RESPONSIBLE FOR EMPLOYMENT DECISIONS IN A SCHOOL AND AN  
5 INDEPENDENT CONTRACTOR.

6 § 6355. REQUIREMENT.

7 (A) INVESTIGATION.--

8 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN  
9 ADMINISTRATOR SHALL REQUIRE EACH APPLICANT TO SUBMIT AN  
10 OFFICIAL CLEARANCE STATEMENT OBTAINED FROM THE DEPARTMENT  
11 WITHIN THE IMMEDIATELY PRECEDING YEAR AS TO WHETHER THE  
12 APPLICANT IS NAMED AS THE PERPETRATOR OF AN INDICATED OR A  
13 FOUNDED REPORT OR IS NAMED AS THE INDIVIDUAL RESPONSIBLE FOR  
14 INJURY OR ABUSE IN AN INDICATED REPORT FOR SCHOOL EMPLOYEE OR  
15 A FOUNDED REPORT FOR SCHOOL EMPLOYEE.

16 (2) THE OFFICIAL CLEARANCE STATEMENT UNDER PARAGRAPH (1)  
17 SHALL NOT BE REQUIRED FOR AN APPLICANT WHO:

18 (I) TRANSFERS FROM ONE POSITION AS A SCHOOL EMPLOYEE  
19 TO ANOTHER POSITION AS A SCHOOL EMPLOYEE OF THE SAME  
20 SCHOOL DISTRICT OR OF THE SAME ORGANIZATION; AND

21 (II) HAS, PRIOR TO THE TRANSFER, ALREADY OBTAINED  
22 THE OFFICIAL CLEARANCE STATEMENT UNDER PARAGRAPH (1).

23 (B) GROUNDS FOR DENYING EMPLOYMENT.--EXCEPT AS PROVIDED IN  
24 SECTION 6356 (RELATING TO EXCEPTIONS), AN ADMINISTRATOR SHALL  
25 NOT HIRE AN APPLICANT IF THE DEPARTMENT VERIFIES THAT THE  
26 APPLICANT IS NAMED AS THE PERPETRATOR OF A FOUNDED REPORT OR IS  
27 NAMED AS THE INDIVIDUAL RESPONSIBLE FOR INJURY OR ABUSE IN A  
28 FOUNDED REPORT FOR SCHOOL EMPLOYEE. NO INDIVIDUAL WHO IS A  
29 SCHOOL EMPLOYEE ON THE EFFECTIVE DATE OF THIS SUBCHAPTER SHALL  
30 BE REQUIRED TO OBTAIN AN OFFICIAL CLEARANCE STATEMENT UNDER



1 SUBSECTION (A) (1) AS A CONDITION OF CONTINUED EMPLOYMENT.

2 (C) PENALTY.--AN ADMINISTRATOR WHO WILLFULLY VIOLATES THIS  
3 SECTION SHALL BE SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$2,500.  
4 AN ACTION UNDER THIS SUBSECTION IS GOVERNED BY 2 PA.C.S. CH. 5  
5 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH  
6 AGENCIES) AND CH. 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF  
7 COMMONWEALTH AGENCY ACTION).

8 § 6356. EXCEPTIONS.

9 SECTION 6355 (RELATING TO REQUIREMENT) SHALL NOT APPLY TO ANY  
10 OF THE FOLLOWING:

11 (1) A SCHOOL EMPLOYEE WHO IS:

12 (I) UNDER 21 YEARS OF AGE;

13 (II) PARTICIPATING IN A JOB DEVELOPMENT OR JOB  
14 TRAINING PROGRAM; AND

15 (III) EMPLOYED FOR NOT MORE THAN 90 DAYS.

16 (2) A SCHOOL EMPLOYEE HIRED ON A PROVISIONAL BASIS  
17 PENDING RECEIPT OF INFORMATION UNDER SECTION 6355(A) IF ALL  
18 OF THE FOLLOWING APPLY:

19 (I) THE APPLICANT DEMONSTRATES APPLICATION FOR THE  
20 OFFICIAL CLEARANCE STATEMENT UNDER SECTION 6355(A).

21 (II) THE APPLICANT ATTESTS IN WRITING BY OATH OR  
22 AFFIRMATION THAT THE APPLICANT IS NOT DISQUALIFIED UNDER  
23 SECTION 6355(B).

24 (III) THE ADMINISTRATOR HAS NO KNOWLEDGE OF  
25 INFORMATION WHICH WOULD DISQUALIFY THE APPLICANT UNDER  
26 SECTION 6355(B).

27 (IV) THE PROVISIONAL PERIOD DOES NOT EXCEED:

28 (A) 90 DAYS FOR AN APPLICANT FROM ANOTHER STATE;

29 AND

30 (B) 30 DAYS FOR ALL OTHER APPLICANTS.

1 (V) THE HIRING DOES NOT TAKE PLACE DURING A STRIKE  
2 UNDER THE ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN  
3 AS THE PUBLIC EMPLOYE RELATIONS ACT.

4 § 6357. FEE.

5 THE DEPARTMENT MAY CHARGE A FEE OF NOT MORE THAN \$10 FOR THE  
6 OFFICIAL CLEARANCE STATEMENT REQUIRED UNDER SECTION 6355(A)  
7 (RELATING TO REQUIREMENT).

8 § 6358. TIME LIMIT FOR OFFICIAL CLEARANCE STATEMENT.

9 THE DEPARTMENT SHALL COMPLY WITH THE OFFICIAL CLEARANCE  
10 STATEMENT REQUESTS UNDER SECTION 6355(A) (RELATING TO  
11 REQUIREMENT) WITHIN 14 DAYS OF RECEIPT OF THE REQUEST.]

12 SECTION 15. REPEALS ARE AS FOLLOWS:

13 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER  
14 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE REENACTMENT AND  
15 AMENDMENT OF 23 PA.C.S. § 6341.

16 (2) SECTION 6 OF THE ACT OF DECEMBER 18, 2013 (P.L.1201,  
17 NO.119), ENTITLED "AN ACT AMENDING TITLE 23 (DOMESTIC  
18 RELATIONS) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, IN  
19 CHILD PROTECTIVE SERVICES, FURTHER PROVIDING FOR DEFINITIONS,  
20 FOR IMMUNITY FROM LIABILITY, FOR ESTABLISHMENT OF PENDING  
21 COMPLAINT FILE, FOR STATEWIDE CENTRAL REGISTER AND FILE OF  
22 UNFOUNDED REPORTS AND FOR AMENDMENT OR EXPUNCTION OF  
23 INFORMATION; AND MAKING EDITORIAL CHANGES," IS REPEALED.

24 SECTION 16. NOTWITHSTANDING SECTION 7(2) OF THE ACT OF  
25 DECEMBER 18, 2013 (P.L.1201, NO.119), ENTITLED "AN ACT AMENDING  
26 TITLE 23 (DOMESTIC RELATIONS) OF THE PENNSYLVANIA CONSOLIDATED  
27 STATUTES, IN CHILD PROTECTIVE SERVICES, FURTHER PROVIDING FOR  
28 DEFINITIONS, FOR IMMUNITY FROM LIABILITY, FOR ESTABLISHMENT OF  
29 PENDING COMPLAINT FILE, FOR STATEWIDE CENTRAL REGISTER AND FILE  
30 OF UNFOUNDED REPORTS AND FOR AMENDMENT OR EXPUNCTION OF

1 INFORMATION; AND MAKING EDITORIAL CHANGES," THE PROVISIONS OF 23  
2 PA.C.S. § 6341(C.1), (C.2), (C.3), (C.4) AND (G) SHALL APPLY ON  
3 AND AFTER DECEMBER 31, 2014.

4 SECTION 17. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

5 (1) SECTIONS 15 AND 16 OF THIS ACT AND THIS SECTION  
6 SHALL TAKE EFFECT IMMEDIATELY.

7 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT DECEMBER  
8 31, 2014.