

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 31 Session of 2013

INTRODUCED BY FONTANA, FOLMER, WASHINGTON, ERICKSON, STACK, BREWSTER, FERLO, TEPLITZ, BAKER, RAFFERTY, YUDICHAK, KASUNIC, TARTAGLIONE, WILLIAMS, SMITH, FARNESE, WAUGH, MENSCH, HUGHES, BROWNE, WARD, VANCE, PILEGGI, BOSCOLA, COSTA, ALLOWAY, SCHWANK, DINNIMAN AND BLAKE, MARCH 15, 2013

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 15, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for definitions, for persons required to report
4 suspected child abuse and for reporting procedure; and
5 repealing provisions relating to definitions, school
6 employees, administration, investigation, responsibilities of
7 county agency for child protective services and report
8 information.

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

11 Section 1. The definitions of "founded report," "founded
12 report for school employee," "general protective services,"
13 "indicated report," "indicated report for school employee,"
14 "individual residing in the same home as the child," "near
15 fatality" and "school employee" in section 6303(a) of Title 23
16 of the Pennsylvania Consolidated Statutes are amended and the
17 subsection is amended by adding definitions to read:

18 § 6303. Definitions.

19 (a) General rule.--The following words and phrases when used

1 in this chapter shall have the meanings given to them in this
2 section unless the context clearly indicates otherwise:

3 * * *

4 "Bodily injury." Impairment of physical condition or
5 substantial pain.

6 * * *

<--

7 "Child with a disability." A child:

8 (1) who meets the definition of child with a disability
9 under the Individuals with Disabilities Education Act (Public
10 Law 91-230, 20 U.S.C. § 1400 et seq.);

11 (2) who meets the definition of handicapped person under
12 section 504 of the Rehabilitation Act of 1973 (Public Law 93-
13 112, 29 U.S.C. § 794) and its implementing regulations at 34
14 CFR § 104.3 (relating to definitions);

15 (3) for whom an evaluation is pending under either the
16 Individuals with Disabilities Education Act or the
17 Rehabilitation Act of 1973; or

18 (4) who is not yet eligible for special education and
19 related services as described in section 615(k)(5)(A) of the
20 Individuals with Disabilities Education Act (20 U.S.C. § 1415-
21 (k)(5)(A)).

22 * * *

23 "Disability." The term shall have the same meaning as the
24 term is given in section 3 of the Americans with Disabilities
25 Act of 1990 (Public Law 101-336, 42 U.S.C. § 12102(2)).

26 * * *

27 "Founded report." [A child abuse report made pursuant to
28 this chapter if there has been any judicial adjudication based
29 on a finding that a child who is a subject of the report has
30 been abused, including the entry of a plea of guilty or nolo

1 contendere or a finding of guilt to a criminal charge involving
2 the same factual circumstances involved in the allegation of
3 child abuse.] A child abuse report involving a perpetrator that
4 is made pursuant to this chapter, if any of the following
5 applies:

6 (1) There has been a judicial adjudication based on a
7 finding that a child who is a subject of the report has been
8 abused and the adjudication involves the same factual
9 circumstances involved in the allegation of child abuse. The
10 judicial adjudication may include any of the following:

11 (i) The entry of a plea of guilty or nolo
12 contendere.

13 (ii) A finding of guilt to a criminal charge.

14 (iii) A finding of dependency under 42 Pa.C.S. §
15 6341 (relating to adjudication) if the court has entered
16 a finding that a child who is the subject of the report
17 has been abused.

18 (iv) A finding of delinquency under 42 Pa.C.S. §
19 6341 if the court has entered a finding that the child
20 who is the subject of the report has been abused by the
21 child who was found to be delinquent.

22 (2) There has been an acceptance into an accelerated
23 rehabilitative disposition program and the reason for the
24 acceptance involves the same factual circumstances involved
25 in the allegation of child abuse.

26 (3) There has been a consent decree entered in a
27 juvenile proceeding under 42 Pa.C.S. Ch. 63 (relating to
28 juvenile matters), the decree involves the same factual
29 circumstances involved in the allegation of child abuse, and
30 the terms and conditions thereof include an acknowledgment,

1 admission or finding that a child who is the subject of the
2 report has been abused by the child who is alleged to be
3 delinquent.

4 (4) A final protection from abuse order has been granted
5 under section 6108 (relating to relief), when the child who
6 is a subject of the report is also one of the individuals
7 protected under the protection from abuse order and:

8 (i) only one individual is charged with the abuse in
9 the protection from abuse action;

10 (ii) only that individual defends against the
11 charge; and

12 (iii) the protection from abuse adjudication finds
13 that the abuse occurred and RESTRICTS VISITATION TO <--
14 INCLUDE SUPERVISED CUSTODY OR prohibits further contact
15 between the individual and the child.

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

24 "General protective services." Those services and activities
25 provided by each county agency for [nonabuse] cases requiring
26 protective services, as defined by the [Department of Public
27 Welfare] department in regulations.

28 "Indicated report." [A child abuse report made pursuant to
29 this chapter if an investigation by the county agency or the
30 Department of Public Welfare determines that substantial

1 evidence of the alleged abuse exists based on any of the
2 following:

- 3 (1) Available medical evidence.
- 4 (2) The child protective service investigation.
- 5 (3) An admission of the acts of abuse by the
6 perpetrator.]

7 (1) Subject to paragraphs (2) and (3), a report of child
8 abuse made pursuant to this chapter if an investigation by
9 the department or county agency determines that substantial
10 evidence of the alleged abuse by a perpetrator exists based
11 on any of the following:

- 12 (i) Available medical evidence.
- 13 (ii) The child protective service investigation.
- 14 (iii) An admission of the acts of abuse by the
15 perpetrator.

16 (2) A report may be indicated under paragraph (1)(i) or
17 (ii) for any child in need of child protective services,
18 regardless of the number of alleged perpetrators or the
19 inability to identify the specific perpetrator among two or
20 more alleged perpetrators.

21 (3) A report may be indicated by a county agency under
22 paragraph (1) only upon the approval of the county agency
23 administrator, or designee, and a county agency solicitor.

24 (4) A report may be indicated by the department under
25 paragraph (1) only upon approval of the secretary, or
26 designee, and legal counsel for the department.

27 ["Indicated report for school employee." A report made under
28 Subchapter C.1 (relating to students in public and private
29 schools) if an investigation by the county agency determines
30 that substantial evidence of serious bodily injury or sexual

1 abuse or exploitation exists based on any of the following:

- 2 (1) Available medical evidence.
- 3 (2) The county agency's investigation.
- 4 (3) An admission of the acts of abuse by the school
- 5 employee.

6 "Individual residing in the same home as the child." An
7 individual who is 14 years of age or older and who resides in
8 the same home as the child.]

9 "INDEPENDENT CONTRACTOR." AN INDIVIDUAL WHO PROVIDES A <--
10 PROGRAM, ACTIVITY OR SERVICE TO AN AGENCY, INSTITUTION,
11 ORGANIZATION OR OTHER ENTITY, INCLUDING A SCHOOL OR REGULARLY
12 ESTABLISHED RELIGIOUS ORGANIZATION, THAT IS RESPONSIBLE FOR THE
13 CARE, SUPERVISION, GUIDANCE OR CONTROL OF CHILDREN. THE TERM
14 DOES NOT INCLUDE AN INDIVIDUAL WHO HAS NO DIRECT CONTACT WITH
15 CHILDREN.

16 "Mandated reporter." A person who is required by this
17 chapter to make a report of suspected child abuse.

18 "Near fatality." [An act that, as certified by a physician,
19 places a child in serious or critical condition.] A child's
20 serious or critical condition, as certified by a physician,
21 where that child is a subject of the report of child abuse.

22 * * *

23 "School." A facility providing elementary, secondary or
24 postsecondary educational services. The term includes the
25 following:

- 26 (1) Any school of a school district.
- 27 (2) An area vocational-technical school.
- 28 (3) A joint school.
- 29 (4) An intermediate unit.
- 30 (5) A charter school or regional charter school.

1 (6) A cyber charter school.

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

5 (8) A private school accredited by an accrediting
6 association approved by the State Board of Education.

7 (9) A nonpublic school.

8 (10) A community college which is an institution now or
9 hereafter created pursuant to Article XIX-A of the act of
10 March 10, 1949 (P.L.30, No.14), known as the Public School
11 Code of 1949, or the former act of August 24, 1963 (P.L.1132,
12 No.484), known as the Community College Act of 1963.

13 (11) An independent institution of higher education
14 which is an institution of higher education which is operated
15 not for profit, located in and incorporated or chartered by
16 the Commonwealth, entitled to confer degrees as set forth in
17 24 Pa.C.S. § 6505 (relating to power to confer degrees) and
18 entitled to apply to itself the designation "college" or
19 "university" as provided for by standards and qualifications
20 prescribed by the State Board of Education pursuant to 24
21 Pa.C.S. Ch. 65 (relating to private colleges, universities
22 and seminaries).

23 (12) A State-owned university.

24 (13) A State-related university.

25 (14) A private school licensed under the act of December
26 15, 1986 (P.L.1585, No.174), known as the Private Licensed
27 Schools Act.

28 (15) Hiram G. Andrews Center.

29 (16) A private residential rehabilitative institution as
30 defined in section 914.1-A(c) of the Public School Code of

1 1949.

2 "School employee." An individual who is employed by a
3 [public or private school, intermediate unit or area vocational-
4 technical] school or who provides a program, activity or service
5 in a school. The term includes an independent contractor ~~that~~ <--
6 ~~provides a program, activity or service in a school and the~~
7 ~~employees of the independent contractor that is directly~~
8 ~~responsible for the care, supervision, guidance or training of~~
9 ~~the child~~ [AND EMPLOYEES]. [The term excludes an individual who <--
10 has no direct contact with students.]

11 * * *

12 Section 2. Section 6311 of Title 23 is amended to read:

13 § 6311. [Persons required to report suspected child abuse.

14 (a) General rule.--A person who, in the course of
15 employment, occupation or practice of a profession, comes into
16 contact with children shall report or cause a report to be made
17 in accordance with section 6313 (relating to reporting
18 procedure) when the person has reasonable cause to suspect, on
19 the basis of medical, professional or other training and
20 experience, that a child under the care, supervision, guidance
21 or training of that person or of an agency, institution,
22 organization or other entity with which that person is
23 affiliated is a victim of child abuse, including child abuse by
24 an individual who is not a perpetrator. Except with respect to
25 confidential communications made to a member of the clergy which
26 are protected under 42 Pa.C.S. § 5943 (relating to confidential
27 communications to clergymen), and except with respect to
28 confidential communications made to an attorney which are
29 protected by 42 Pa.C.S. § 5916 (relating to confidential
30 communications to attorney) or 5928 (relating to confidential

1 communications to attorney), the privileged communication
2 between any professional person required to report and the
3 patient or client of that person shall not apply to situations
4 involving child abuse and shall not constitute grounds for
5 failure to report as required by this chapter.

6 (b) Enumeration of persons required to report.--Persons
7 required to report under subsection (a) include, but are not
8 limited to, any licensed physician, osteopath, medical examiner,
9 coroner, funeral director, dentist, optometrist, chiropractor,
10 podiatrist, intern, registered nurse, licensed practical nurse,
11 hospital personnel engaged in the admission, examination, care
12 or treatment of persons, Christian Science practitioner, member
13 of the clergy, school administrator, school teacher, school
14 nurse, social services worker, day-care center worker or any
15 other child-care or foster-care worker, mental health
16 professional, peace officer or law enforcement official.

17 (c) Staff members of institutions, etc.--Whenever a person
18 is required to report under subsection (b) in the capacity as a
19 member of the staff of a medical or other public or private
20 institution, school, facility or agency, that person shall
21 immediately notify the person in charge of the institution,
22 school, facility or agency or the designated agent of the person
23 in charge. Upon notification, the person in charge or the
24 designated agent, if any, shall assume the responsibility and
25 have the legal obligation to report or cause a report to be made
26 in accordance with section 6313. This chapter does not require
27 more than one report from any such institution, school, facility
28 or agency.

29 (d) Civil action for discrimination against person filing
30 report.--Any person who, under this section, is required to

1 report or cause a report of suspected child abuse to be made and
2 who, in good faith, makes or causes the report to be made and,
3 as a result thereof, is discharged from his employment or in any
4 other manner is discriminated against with respect to
5 compensation, hire, tenure, terms, conditions or privileges of
6 employment, may commence an action in the court of common pleas
7 of the county in which the alleged unlawful discharge or
8 discrimination occurred for appropriate relief. If the court
9 finds that the person is an individual who, under this section,
10 is required to report or cause a report of suspected child abuse
11 to be made and who, in good faith, made or caused to be made a
12 report of suspected child abuse and, as a result thereof, was
13 discharged or discriminated against with respect to
14 compensation, hire, tenure, terms, conditions or privileges of
15 employment, it may issue an order granting appropriate relief,
16 including, but not limited to, reinstatement with back pay. The
17 department may intervene in any action commenced under this
18 subsection.] (Reserved).

19 Section 2.1. Title 23 is amended by adding a section to
20 read:

21 § 6311.1. Mandated Reporters.

22 The following adults shall make a report of suspected child
23 abuse if the person has reasonable cause to suspect that a child
24 is a victim of child abuse:

25 (1) A person licensed or certified to practice in any
26 health-related field under the jurisdiction of the Department
27 of State.

28 (2) A medical examiner, coroner or funeral director.

29 (3) An employee of a health care facility or provider
30 licensed by the Department of Health engaged in the

1 admission, examination, care or treatment of individuals.

2 (4) A school administrator, teacher, nurse, guidance
3 counselor, coach or other school employee.

4 (5) A child-care services provider.

5 (6) A clergyman, priest, rabbi, minister, Christian
6 Science practitioner, religious healer or spiritual leader of
7 any regularly established church or other religious
8 organization.

9 (7) An individual paid or unpaid, who, on the basis of
10 the individual's role as an integral part of a regularly
11 scheduled program, activity or service, accepts
12 responsibility for a child.

13 (8) A social services worker.

14 (9) A peace officer or law enforcement official.

15 (10) An emergency medical services provider certified by
16 the Department of Health.

17 (11) An individual supervised or managed by a person
18 listed under paragraph (1), (2), (3), (4), (5), (6), (7),
19 (8), (9) or (10), who has direct contact with children in the
20 course of employment.

21 (12) An independent contractor.

22 Section 2.2. Section 6313 of Title 23 is amended to read:

23 § 6313. Reporting procedure.

24 [(a) General rule.--Reports from persons required to report
25 under section 6311 (relating to persons required to report
26 suspected child abuse) shall be made immediately by telephone
27 and in writing within 48 hours after the oral report.

28 (b) Oral reports.--Oral reports shall be made to the
29 department pursuant to Subchapter C (relating to powers and
30 duties of department) and may be made to the appropriate county

1 agency. When oral reports of suspected child abuse are initially
2 received at the county agency, the protective services staff
3 shall, after seeing to the immediate safety of the child and
4 other children in the home, immediately notify the department of
5 the receipt of the report, which is to be held in the pending
6 complaint file as provided in Subchapter C. The initial child
7 abuse report summary shall be supplemented with a written report
8 when a determination is made as to whether a report of suspected
9 child abuse is a founded report, an unfounded report or an
10 indicated report.

11 (c) Written reports.--Written reports from persons required
12 to report under section 6311 shall be made to the appropriate
13 county agency in a manner and on forms the department prescribes
14 by regulation. The written reports shall include the following
15 information if available:

16 (1) The names and addresses of the child and the parents
17 or other person responsible for the care of the child if
18 known.

19 (2) Where the suspected abuse occurred.

20 (3) The age and sex of the subjects of the report.

21 (4) The nature and extent of the suspected child abuse,
22 including any evidence of prior abuse to the child or
23 siblings of the child.

24 (5) The name and relationship of the person or persons
25 responsible for causing the suspected abuse, if known, and
26 any evidence of prior abuse by that person or persons.

27 (6) Family composition.

28 (7) The source of the report.

29 (8) The person making the report and where that person
30 can be reached.

1 (9) The actions taken by the reporting source, including
2 the taking of photographs and X-rays, removal or keeping of
3 the child or notifying the medical examiner or coroner.

4 (10) Any other information which the department may
5 require by regulation.

6 (d) Failure to confirm oral report.--The failure of a person
7 reporting cases of suspected child abuse to confirm an oral
8 report in writing within 48 hours shall not relieve the county
9 agency from any duties prescribed by this chapter. In such
10 event, the county agency shall proceed as if a written report
11 were actually made.]

12 (a) Report by mandated reporter.--

13 (1) A mandated reporter shall immediately make an oral
14 or written report, which may be submitted electronically, of <--
15 suspected child abuse to the department. REPORT OF SUSPECTED <--
16 CHILD ABUSE TO THE DEPARTMENT VIA THE STATEWIDE TOLL-FREE
17 TELEPHONE NUMBER UNDER SECTION 6332 (RELATING TO
18 ESTABLISHMENT OF STATEWIDE TOLL-FREE TELEPHONE NUMBER) OR A
19 WRITTEN REPORT USING ELECTRONIC TECHNOLOGIES UNDER SECTION
20 6304 (RELATING TO ELECTRONIC REPORTING).

21 (2) A mandated reporter making an oral report under
22 paragraph (1) of suspected child abuse shall also make a
23 written report, which may be submitted electronically, within
24 48 hours to the department or county agency assigned to the
25 case in a manner and format prescribed by the department.

26 (3) The failure of the mandated reporter to file the
27 report under paragraph (2) shall not relieve the county
28 agency from any duty under this chapter, and the county
29 agency shall proceed as though the mandated reporter complied
30 with paragraph (2).

1 (4) A mandated reporter making a report shall notify
2 IMMEDIATELY THEREAFTER the person in charge of the
3 institution, school, facility or agency or the designated
4 agent of the person in charge.

5 (b) Contents of report.--A written report of suspected child
6 abuse, which may be submitted electronically, shall include the
7 following information, if known:

8 (1) The names and addresses of the child, the child's
9 parents and any other person responsible for the child's
10 welfare.

11 (2) Where the suspected abuse occurred.

12 (3) The age and sex of each subject of the report.

13 (4) The nature and extent of the suspected child abuse,
14 including any evidence of prior abuse to the child or any
15 sibling of the child.

16 (5) The name and relationship of each individual
17 responsible for causing the suspected abuse and any evidence
18 of prior abuse by each individual.

19 (6) Family composition.

20 (7) The source of the report.

21 (8) The person making the report and where that person
22 can be reached.

23 (9) The actions taken by the person making the report,
24 including those actions taken under section 6314 (relating to
25 photographs, medical tests and X-rays of child subject to
26 report), 6315 (relating to taking child into protective
27 custody), 6316 (relating to admission to private and public
28 hospitals) or 6317 (relating to mandatory reporting and
29 postmortem investigation of deaths).

30 (10) Any other information required by Federal law or

1 regulation.

2 (11) Any other information that the department requires
3 by regulation.

4 Section 3. Subchapter C.1 of Chapter 63 of Title 23 is
5 repealed:

6 [SUBCHAPTER C.1
7 STUDENTS IN PUBLIC AND PRIVATE SCHOOLS
8 Sec.

9 6351. Definitions.

10 6352. School employees.

11 6353. Administration.

12 6353.1. Investigation.

13 6353.2. Responsibilities of county agency.

14 6353.3. Information in Statewide central register.

15 6353.4. Other provisions.

16 § 6351. Definitions.

17 The following words and phrases when used in this subchapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 "Administrator." The person responsible for the
21 administration of a public or private school, intermediate unit
22 or area vocational-technical school. The term includes an
23 independent contractor.

24 § 6352. School employees.

25 (a) Requirement.--

26 (1) Except as provided in paragraph (2), a school
27 employee who has reasonable cause to suspect, on the basis of
28 professional or other training and experience, that a student
29 coming before the school employee in the employee's
30 professional or official capacity is a victim of serious

1 bodily injury or sexual abuse or sexual exploitation by a
2 school employee shall immediately contact the administrator.

3 (2) If the school employee accused of seriously injuring
4 or sexually abusing or exploiting a student is the
5 administrator, the school employee who has reasonable cause
6 to suspect, on the basis of professional or other training
7 and experience, that a student coming before the school
8 employee in the employee's professional or official capacity
9 is a victim of serious bodily injury or sexual abuse or
10 sexual exploitation shall immediately report to law
11 enforcement officials and the district attorney under section
12 6353(a) (relating to administration). If an administrator is
13 the school employee who suspects injury or abuse, the
14 administrator shall make a report under section 6353(a).

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

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

20 (c) Criminal penalty.--

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

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

26 § 6353. Administration.

27 (a) Requirement.--An administrator and a school employee
28 governed by section 6352(a)(2) (relating to school employees)
29 shall report immediately to law enforcement officials and the
30 appropriate district attorney any report of serious bodily

1 injury or sexual abuse or sexual exploitation alleged to have
2 been committed by a school employee against a student.

3 (b) Report.--A report under subsection (a) shall include the
4 following information:

5 (1) Name, age, address and school of the student.

6 (2) Name and address of the student's parent or
7 guardian.

8 (3) Name and address of the administrator.

9 (4) Name, work and home address of the school employee.

10 (5) Nature of the alleged offense.

11 (6) Any specific comments or observations that are
12 directly related to the alleged incident and the individuals
13 involved.

14 (c) Immunity.--An administrator who makes a report under
15 subsection (a) shall be immune from civil or criminal liability
16 arising out of the report.

17 (d) Criminal penalty.--An administrator who willfully
18 violates subsection (a) commits a misdemeanor of the third
19 degree.

20 § 6353.1. Investigation.

21 (a) General rule.--Upon receipt of a report under section
22 6353 (relating to administration), an investigation shall be
23 conducted by law enforcement officials, in cooperation with the
24 district attorney, and a determination made as to what criminal
25 charges, if any, will be filed against the school employee.

26 (b) Referral to county agency.--

27 (1) If local law enforcement officials have reasonable
28 cause to suspect on the basis of initial review that there is
29 evidence of serious bodily injury, sexual abuse or sexual
30 exploitation committed by a school employee against a

1 student, local law enforcement officials shall notify the
2 county agency in the county where the alleged abuse or injury
3 occurred for the purpose of the agency conducting an
4 investigation of the alleged abuse or injury.

5 (2) To the fullest extent possible, law enforcement
6 officials and the county agency shall coordinate their
7 respective investigations. In respect to interviews with the
8 student, law enforcement officials and the county agency
9 shall conduct joint interviews. In respect to interviews with
10 the school employee, law enforcement officials shall be given
11 an opportunity to interview the school employee prior to the
12 employee having any contact with the county agency.

13 (3) The county agency and law enforcement officials have
14 the authority to arrange for photographs, medical tests or X-
15 rays of a student alleged to have been abused or injured by a
16 school employee. The county agency and law enforcement
17 officials shall coordinate their efforts in this regard and,
18 to the fullest extent possible, avoid the duplication of any
19 photographs, medical tests or X-rays.

20 (4) Law enforcement officials and the county agency
21 shall advise each other of the status and findings of their
22 respective investigations on an ongoing basis.

23 § 6353.2. Responsibilities of county agency.

24 (a) Information for the pending complaint file.--Immediately
25 after receiving a report under section 6353.1 (relating to
26 investigation), the county agency shall notify the department of
27 the receipt of the report, which is to be filed in the pending
28 complaint file as provided in section 6331(1) (relating to
29 establishment of pending complaint file, Statewide central
30 register and file of unfounded reports). The oral report shall

1 include the following information:

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

4 (2) Where the suspected abuse or injury occurred.

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

6 (4) The nature and extent of the suspected abuse or
7 injury.

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

10 (6) The relationship of the student to the school
11 employee alleged to have committed the abuse or injury.

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

13 (8) The actions taken by the county agency, law
14 enforcement officials, parents, guardians, school officials
15 or other persons, including the taking of photographs,
16 medical tests and X-rays.

17 (b) Investigation of reports.--Upon receipt of a report
18 under section 6353.1, the county agency shall commence, within
19 the time frames established in department regulations, an
20 investigation of the nature, extent and cause of any alleged
21 abuse or injury enumerated in the report. The county agency
22 shall coordinate its investigation to the fullest extent
23 possible with law enforcement officials as provided in section
24 6353.1(b).

25 (c) Completion of investigation.--The investigation by the
26 county agency to determine whether the report is an indicated
27 report for school employee or an unfounded report shall be
28 completed within 60 days.

29 (d) Notice to subject of a report.--Prior to interviewing a
30 subject of the report, the county agency shall orally notify the

1 subject of the report of the existence of the report and the
2 subject's rights under this chapter in regard to amendment or
3 expungement. Within 72 hours following oral notification to the
4 subject, the county agency shall give written notice to the
5 subject. The notice may be reasonably delayed if notification is
6 likely to threaten the safety of the student or the county
7 agency worker, to cause the school employee to abscond or to
8 significantly interfere with the conduct of a criminal
9 investigation.

10 (e) Reliance on factual investigation.--The county agency
11 may rely on a factual investigation of substantially the same
12 allegations by a law enforcement officials to support the
13 agency's finding. This reliance shall not relieve the county
14 agency of its responsibilities relating to the investigation of
15 reports under this subchapter.

16 (f) Notice to the department of the county agency's
17 determination.--As soon as the county agency has completed its
18 investigation, the county agency shall advise the department and
19 law enforcement officials of its determination of the report as
20 an indicated report for school employee or an unfounded report.
21 Supplemental reports shall be made at regular intervals
22 thereafter in a manner and form the department prescribes by
23 regulation to the end that the department is kept fully informed
24 and up-to-date concerning the status of the report.

25 § 6353.3. Information in Statewide central register.

26 The Statewide central register established under section 6331
27 (relating to establishment of pending complaint file, Statewide
28 central register and file of unfounded reports) shall retain
29 only the following information relating to reports of abuse or
30 injury of a student by a school employee which have been

1 determined to be a founded report for school employee or an
2 indicated report for school employee:

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

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

6 (3) The date and the nature and extent of the alleged
7 abuse or injury.

8 (4) The county and state where the abuse or injury
9 occurred.

10 (5) Factors contributing to the abuse or injury.

11 (6) The source of the report.

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

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

16 (9) The progress of any legal proceedings brought on the
17 basis of the report.

18 (10) Whether a criminal investigation has been
19 undertaken and the result of the investigation and of any
20 criminal prosecution.

21 § 6353.4. Other provisions.

22 The following provisions shall apply to the release and
23 retention of information by the department and the county agency
24 concerning reports of abuse or injury committed by a school
25 employee as provided by this subchapter:

26 Section 6336(b) and (c) (relating to information in Statewide
27 central register).

28 Section 6337 (relating to disposition of unfounded reports).

29 Section 6338(a) and (b) (relating to disposition of founded
30 and indicated reports).

1 Section 6339 (relating to confidentiality of reports).

2 Section 6340 (relating to release of information in
3 confidential reports).

4 Section 6341(a) through (f) (relating to amendment or
5 expunction of information).

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

7 Section 4. This act shall take effect January 1, 2014.