

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 279 Session of 2019

INTRODUCED BY DINNIMAN, FONTANA, YUDICHAK, COSTA AND KEARNEY,  
FEBRUARY 8, 2019

REFERRED TO EDUCATION, FEBRUARY 8, 2019

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in school districts, providing for  
6 duty to notify county.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding a  
11 section to read:

12 Section 223.1. Duty to Notify County.--(a) The school  
13 district in which a child resides or the school responsible  
14 under Article XIII to report truancy in the case of a child  
15 enrolled in a public school district, charter school, cyber  
16 charter school, intermediate unit or area vocational-technical  
17 school shall notify the county whenever a child enrolls in a  
18 home school program or cyber charter school, is truant or fails  
19 to register for school upon attaining compulsory school age if:  
20 (1) A child or another child in the child's household has

1 been the subject of a founded report or indicated report or  
2 received general protective services within the last eighteen  
3 months.

4 (2) The parent or other person the child resides with has  
5 been the subject of a founded report or indicated report within  
6 the last eighteen months.

7 (b) Upon receipt of the notice under subsection (a), the  
8 county agency shall promptly perform a safety and risk  
9 assessment. A subsequent safety and risk assessment shall be  
10 performed in six months if the county agency determines that a  
11 risk of abuse exists. If after the six-month safety and risk  
12 assessment it is determined that no risk of abuse exists, no  
13 further assessment may be made, except upon receipt of a report  
14 under 23 Pa.C.S. Ch. 63 Subch. B (relating to provisions and  
15 responsibilities for reporting suspected child abuse).

16 (c) As used in this section, the following words and phrases  
17 shall have the meanings given to them in this subsection unless  
18 the context clearly indicates otherwise:

19 "County agency." The county children and youth social  
20 service agency established under section 405 of the act of June  
21 24, 1937 (P.L.2017, No.396), known as the "County Institution  
22 District Law," or its successor, and supervised by the  
23 Department of Human Services under Article IX of the act of June  
24 13, 1967 (P.L.31, No.21), known as the "Human Services Code."

25 "Founded report." A child abuse report involving a  
26 perpetrator, if any of the following apply:

27 (1) There has been a judicial adjudication based on a  
28 finding that a child who is a subject of the report has been  
29 abused and the adjudication involves the same factual  
30 circumstances involved in the allegation of child abuse. The

1 judicial adjudication may include any of the following:

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

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

4 (iii) A finding of dependency or delinquency under 42

5 Pa.C.S. § 6341 (relating to adjudication).

6 (2) There has been an acceptance into an accelerated  
7 rehabilitative disposition program and the reason for the  
8 acceptance involves the same factual circumstances involved in  
9 the allegation of child abuse.

10 (3) There has been a consent decree entered in a juvenile  
11 proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile  
12 matters) and the decree involves the same factual circumstances  
13 involved in the allegation of child abuse.

14 (4) A final protection from abuse order has been granted  
15 under 23 Pa.C.S. § 6108 (relating to relief), when the child who  
16 is a subject of the report is also one of the individuals  
17 protected under the protection from abuse order and:

18 (i) Only one individual is charged with the abuse in the  
19 protection from abuse action.

20 (ii) Only that individual defends against the charge.

21 (iii) The protection from abuse adjudication finds that the  
22 abuse occurred and prohibits further contact between the  
23 individual and the child.

24 "General protective services." Services and activities  
25 provided by each county agency for non-abuse cases requiring  
26 protective services, as defined by the Department of Human  
27 Services in regulations.

28 "Indicated report." A child abuse report made under 23  
29 Pa.C.S. Ch. 63 (relating to child protective services) if an  
30 investigation by the county agency or the Department of Human

1 Services determines that substantial evidence of the alleged  
2 abuse exists based on any of the following:

3 (1) Available medical evidence.

4 (2) The child protective service investigation.

5 (3) An admission of the acts of abuse by the perpetrator.

6 "Perpetrator." A person who has committed child abuse and  
7 is:

8 (1) A parent of the child.

9 (2) A spouse or former spouse of a parent of the child.

10 (3) A paramour or former paramour of a parent of the child.

11 (4) An individual who is 14 years of age or older and:

12 (i) resides in the same household as the child;

13 (ii) is present when and where the alleged child abuse  
14 occurred; or

15 (iii) is related to the child within the fifth degree of  
16 consanguinity or affinity but does not reside in the same  
17 household as the child.

18 (5) A person responsible for the child's welfare.

19 "Person responsible for the child's welfare." A person who  
20 provides permanent or temporary care, supervision, mental health  
21 diagnosis or treatment, training or control of a child in lieu  
22 of parental care, supervision and control, including an  
23 individual who has direct or regular contact with a child  
24 through any program, activity or service sponsored by a school,  
25 for-profit organization or religious or other not-for-profit  
26 organization. The term does not include a person who is employed  
27 by or provides services or programs in any public or private  
28 school, intermediate unit or area vocational-technical school.

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