



Senate Education Committee

Senator Mike Folmer
Chairman

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BILL SUMMARY

Senate Bill 31, Printer's No. 690
Prime Sponsor: Senator Fontana

A. SYNOPSIS:

Senate Bill 31 amends the Child Protective Services Law to require a school employee to report any type of suspected child abuse committed by a school employee against a student. It also requires the school employee immediately report the suspected abuse to the appropriate county agency and notify the person in charge of the school.

B. BILL ANALYSIS:

Senate Bill 31 amends the Child Protective Services Law to require school employees to report any of the types of suspected child abuse committed by a school employee against a student and not just suspected abuse causing serious bodily injury, sexual abuse or exploitation. It also requires school employees to report suspected abuse committed by a school employee against a student directly to the appropriate county agency, while also notifying the person in charge of the school.

It defines "school employee" to include an individual or an independent contractor that provides a program, activity or service in a school, as well as employees of the independent contractor that are directly responsible for the care, supervision, guidance or training of the child.

It expands the definition of a "founded report" of child abuse to clarify that a report based on a judicial adjudication can include not only a finding of guilt to a criminal charge, the entry of a guilty plea or no contest plea, but also, a finding of dependency or delinquency under 42 Pa. C.S. §6341 (relating to adjudication). Founded reports of child abuse can also be based on: (1) acceptance into an accelerated rehabilitative disposition program due to the same facts involved in the allegation of child abuse; (2) a consent decree entered in a juvenile proceeding due to the same facts involved in the allegation of child abuse; and (3) a final protection from abuse order when the child who is the subject of the report is also one of the individuals protected under the protection from abuse order.

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It expands the definition of an “indicated report” of child abuse by permitting a finding of “indicated” regardless of the number of alleged perpetrators or the inability to identify the specific perpetrator. It also deletes the definition of “indicated report for school employee.”

It defines “child with a disability” and revises the information that must be included in the written report prepared by the person required to report abuse to include information such as any specific comments or observations directly related to the alleged incident and those involved; and information regarding a child’s disability status.

This act shall take effect in 60 days.

C. Amendment A02021 to Senate Bill 31:

Amendment A02021 further expands the definitions of “founded report,” “indicated report,” and “school.” The definition of a “founded report” of child abuse is clarified to say that a report can be based on a judicial adjudication that includes a finding of dependency or delinquency where the court has entered a finding that a child who is the subject of the report has been abused. In addition, a report can be based on a judicial adjudication where there has been a consent decree entered in a juvenile proceeding when there is an acknowledgement, admission or finding that a child who is the subject of the report has been abused by the child who is allegedly delinquent.

The amendment adds a requirement to the definition of “indicated report” that a report by a county agency may be indicated only upon the approval of both the county agency administrator and solicitor.

It also makes a technical change and deletes the definition of “founded report for school employee.”