



Senate Aging & Youth Committee

Senator Bob Mensch

Chairman

Matthew D. Azeles, Executive Director

Room 459 Capitol Building • Senate Box 203024, Harrisburg, Pennsylvania 17120-3024 • 717-787-3110 • Fax: 717-787-8004

Summary of House Bill 434, P.N. 2009 **Prime Sponsor: Representative Maloney**

A. Synopsis:

This legislation amends Title 23 (Domestic Relations) to eliminate the separate reporting requirements of suspect child abuse by school employees.

B. Bill Summary:

This legislation amends Title 23 (Domestic Relations) to eliminate the separate reporting requirements of suspect child abuse by school employees.

This bill would add the following definitions to Chapter 63:

- “Direct contact with children” – possibility of care, supervision, guidance or control of children or routine interaction with children;
- “Independent contractor” – an individual who provides a program, activity or service that is directly responsible for the care, supervision, guidance or control of children. The term excludes an individual who has no direct contact with children;
- “Program,” “activity,” or “service” – a public or private educational, athletic or other pursuit in which children participate;
- “School” – a facility providing elementary, secondary or post-secondary educational services;
- “School employee” – an individual who is employed by a school or who provides a program, activity, or service sponsored by a school; and,
- “Student” – a child enrolled in a school or participating in a program, activity or service sponsored by a school.

The bill would repeal the definitions of: “founded reports for school employees” and “indicated reports for school employees.” School employees would now fit into the definitions of founded and indicated reports with all other mandated reporters.

The bill would repeal numerous references to Subchapter C.1, which pertains to the reporting of suspected child abuse for school employees. School employees would now be held to the same standard as all other mandated reporters.

The bill would require an indicated or founded report of suspected child abuse by a school employee to be provided to the school administration within 10 days of completion.

The bill would keep the current background check provisions and exclusions. School employee background checks are governed by the Public School Code. Included in the exclusions are those individuals who are under 21, participating in a job training program, and employed for no more than 90 days.

The bill would repeal Subchapter C.1, pertaining to Students in Public and Private Schools, and also Subchapter C.2, pertaining to Background Checks for Employment in Schools.

This bill would take effect in 60 days.

Comments

The arrest of Jerry Sandusky in November 2011 prompted a lot of attention to the current Child Protective Services law in Pennsylvania. As a result of that criticism, the General Assembly passed a Resolution setting up a Child Protection Task Force. Over the course of a year, the Task Force took testimony and reviewed current law, as well as laws of other states. In November 2012, the Task Force put out a complete report.

On June 20, 2013, the House passed this bill as amended by a vote of 190 – 0.

C. Analysis of Amendment #A05958 to House Bill 434, P.N. 2009

Amendment Sponsor: Senator Mensch

This amendment is the result of meetings between the House, Senate, Department of Public Welfare, and various other stakeholders.

This amendment would remove the definition of child-care services, independent contractor, indicated report for school employee, person responsible for the child's welfare, student, and program, activity or service. This amendment would expand the definition of school to include all grade levels.

This amendment would clean up various technical fixes left by the first package of Child Protection legislation.

This amendment would reenact the section 6341 of Title 23, which was enacted in HB726 and SB30 in December 2013 to correct an effective date issue.

This amendment would remove the current exception from Child Abuse Clearances for student teachers.

This amendment would increase the penalty for willfully failing to cooperate with a child abuse investigation to a third degree misdemeanor for a first offense and a second degree misdemeanor for a second or subsequent offense.

This amendment would change the effective date to December 31, 2014.