

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1156 Session of 2015

INTRODUCED BY SABATINA, VULAKOVICH, RAFFERTY, SCHWANK, COSTA, FOLMER, FONTANA, BARTOLOTTA, RESCHENTHALER, TARTAGLIONE, KITCHEN, BREWSTER, BROWNE, HUGHES AND BOSCOLA, MARCH 22, 2016

SENATOR CORMAN, RULES AND EXECUTIVE NOMINATIONS, RE-REPORTED AS AMENDED, MAY 10, 2016

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for definitions, for disposition and expunction of
4 unfounded reports and general protective services reports,
5 for employees having contact with children and adoptive and
6 foster parents, for volunteers having contact with children
7 and for recertification.

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

10 Section 1. The definitions of "institution of higher
11 education," "matriculated student" and "school" in section
12 6303(a) of Title 23 of the Pennsylvania Consolidated Statutes,
13 amended or added July 1, 2015 (P.L.94, No.15), are amended and
14 subsection (a) is amended by adding a definition to read:

15 § 6303. Definitions.

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

19 * * *

1 "Health care personnel." Includes any of the following:

2 (1) A health care provider, including a health care
3 provider who provides health care services in a health care
4 facility.

5 (2) An employee of a health care facility.

6 ~~(3) An emergency medical services vehicle operator as~~ <--
7 ~~defined in 35 Pa.C.S. § 8103 (relating to definitions).~~

8 ~~(4) An emergency medical services provider as defined in~~
9 ~~35 Pa.C.S. § 8103.~~

10 ~~(5) An ambulance attendant as defined in 35 Pa.C.S. §~~
11 ~~8103.~~

12 The term does not apply to services provided by administrative
13 or other support personnel unless the administrative or other
14 support personnel have direct contact with children.

15 * * *

16 "Institution of [higher] postsecondary education." Any of
17 the following:

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

23 (2) An independent institution of higher education which
24 is an institution of higher education located in and
25 incorporated or chartered by the Commonwealth, entitled to
26 confer degrees as set forth in 24 Pa.C.S. § 6505 (relating to
27 power to confer degrees) and entitled to apply to itself the
28 designation "college," "university" or "seminary" as provided
29 for by standards and qualifications prescribed by the State
30 Board of Education under 24 Pa.C.S. Ch. 65.

- 1 (3) A State-owned institution.
- 2 (4) A State-related institution.
- 3 (5) An education enterprise.
- 4 (6) A private school licensed under the act of December
5 15, 1986 (P.L.1585, No.174), known as the Private Licensed
6 Schools Act.

7 * * *

8 "Matriculated student." A student who is enrolled in an
9 institution of [higher] postsecondary education and pursuing a
10 program of study that results in a postsecondary credential,
11 such as a certificate, diploma or degree.

12 * * *

13 "School." A facility providing elementary, secondary or
14 postsecondary educational services. The term includes the
15 following:

- 16 (1) Any school of a school district.
- 17 (2) An area vocational-technical school.
- 18 (3) A joint school.
- 19 (4) An intermediate unit.
- 20 (5) A charter school or regional charter school.
- 21 (6) A cyber charter school.
- 22 (7) A private school licensed under the act of January
23 28, 1988 (P.L.24, No.11), known as the Private Academic
24 Schools Act.
- 25 (8) A private school accredited by an accrediting
26 association approved by the State Board of Education.
- 27 (9) A nonpublic school.
- 28 (10) An institution of [higher] postsecondary education.
- 29 [(14) A private school licensed under the act of
30 December 15, 1986 (P.L.1585, No.174), known as the Private

1 Licensed Schools Act.]

2 (15) The Hiram G. Andrews Center.

3 (16) A private residential rehabilitative institution as
4 defined in section 914.1-A(c) of the Public School Code of
5 1949.

6 * * *

7 Section 2. Section 6337(d) of Title 23 is amended to read:

8 § 6337. Disposition and expunction of unfounded reports and
9 general protective services reports.

10 * * *

11 (d) Expunction of valid general protective services
12 reports.--Information concerning valid general protective
13 services reports shall be maintained in the Statewide database
14 as follows:

15 (1) Reports that are assessed by the county agency and
16 are determined to be valid, but are not accepted for
17 services, shall be reported to the department and entered
18 into the Statewide database. The reports shall be maintained
19 for a period of [five] 10 years or until the child who is the
20 subject of the report attains 23 years of age, whichever
21 occurs first. Following the expiration of [five] 10 years
22 after the date the report was received by the department or
23 when the child who is the subject of the report attains 23
24 years of age, whichever occurs first, the report shall be
25 expunged from the Statewide database as soon as possible, but
26 no later than 120 days after the [five-year] 10-year period
27 following the date the report was received by the department
28 or 120 days after the child who is the subject of the report
29 attains 23 years of age, whichever occurs first.

30 (2) Reports that are assessed by the county agency and

1 accepted for services shall be reported to the department and
2 entered into the Statewide database. The reports shall be
3 maintained for a period of [five] 10 years after the closure
4 of services by the county agency or until the child who is
5 the subject of the report attains 23 years of age, whichever
6 occurs first. Following the expiration of [five] 10 years
7 after the closure of services by the county agency or when
8 the child who is the subject of the report attains 23 years
9 of age, whichever occurs first, the report shall be expunged
10 from the Statewide database as soon as possible, but no later
11 than 120 days after the [five-year] 10-year period following
12 the closure of services by the county agency or 120 days
13 after the child who is the subject of the report attains 23
14 years of age, whichever occurs first.

15 (3) The expunction of information on general protective
16 services under this subsection shall be mandated and
17 guaranteed by the department.

18 * * *

19 Section 3. Section 6344(a.1)(2), (b) and (b.1) of Title 23,
20 amended July 1, 2015 (P.L.94, No.15), are amended and subsection
21 (a) is amended by adding paragraphs to read:

22 § 6344. Employees having contact with children; adoptive and
23 foster parents.

24 (a) Applicability.--Beginning December 31, 2014, this
25 section applies to the following individuals:

26 * * *

27 (9) An individual 18 years of age or older who is
28 applying for or holding a paid position as health care
29 personnel and is a person responsible for the child's welfare
30 or having direct contact with children.

1 (10) An individual who is a member of the clergy and is
2 a person responsible for the child's welfare or having direct
3 contact with children.

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

6 * * *

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

10 (ii) This paragraph shall not apply to an employee
11 of an institution of [higher] postsecondary education
12 whose direct contact with children, in the course of
13 employment, is limited to either:

14 (A) prospective students visiting a campus
15 operated by the institution of [higher] postsecondary
16 education; or

17 (B) matriculated students who are enrolled with
18 the institution.

19 (iii) The exemption under subparagraph (ii) (B) shall
20 not apply to students who are enrolled in a secondary
21 school.

22 * * *

23 (b) Information to be submitted.--An individual identified
24 in subsection (a) (7) or (8) at the time the individual meets the
25 description set forth in subsection (a) (7) or (8) and an
26 individual identified in subsection (a) (1), (2), (3), (4), (5)
27 [or], (6), (9) or (10), (a.1) or (a.2) prior to the commencement
28 of employment or service or in accordance with section 6344.4
29 shall be required to submit the following information to an
30 employer, administrator, supervisor or other person responsible

1 for employment decisions or involved in the selection of
2 volunteers:

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 Statewide database as the
14 alleged perpetrator in a pending child abuse investigation or
15 as the perpetrator of a founded report or an indicated
16 report.

17 (3) A report of Federal criminal history record
18 information. The applicant shall submit a full set of
19 fingerprints to the Pennsylvania State Police for the purpose
20 of a record check, and the Pennsylvania State Police or its
21 authorized agent shall submit the fingerprints to the Federal
22 Bureau of Investigation for the purpose of verifying the
23 identity of the applicant and obtaining a current record of
24 any criminal arrests and convictions.

25 (b.1) Required documentation to be maintained and
26 produced.--The employer, administrator, supervisor or other
27 person responsible for employment decisions or acceptance of the
28 individual to serve in any capacity identified in subsection (a)
29 (1), (2), (3), (4), (5) [or], (6), (9) or (10), (a.1) or (a.2)
30 shall maintain a copy of the required information and require

1 the individual to submit the required documents prior to
2 employment or acceptance to serve in any such capacity or as
3 required in section 6344.4, except as allowed under subsection
4 (m).

5 * * *

6 Section 4. Section 6344.2(a) of Title 23, amended July 1,
7 2015 (P.L.94, No.15), is amended to read:

8 § 6344.2. Volunteers having contact with children.

9 (a) Applicability.--This section applies to an adult
10 applying for or holding an unpaid position as a volunteer as
11 health care personnel or with a child-care service, a school or
12 a program, activity or service, as a person responsible for the
13 child's welfare or having direct volunteer contact with
14 children.

15 * * *

16 Section 5. Section 6344.4(1) introductory paragraph and (i)
17 of Title 23, amended July 1, 2015 (P.L.94, No.15), is amended
18 and the section is amended by adding a paragraph to read:

19 § 6344.4. Recertification.

20 New certifications shall be obtained in accordance with the
21 following:

22 (1) [Effective] Except as provided in paragraph (4),
23 effective December 31, 2014:

24 (i) [Except as provided in subparagraph (v), a] A
25 person identified in section 6344 (relating to employees
26 having contact with children; adoptive and foster
27 parents) shall be required to obtain the certifications
28 required by this chapter every 60 months.

29 * * *

30 (4) Effective August 1, 2016:

1 (i) A person identified in section 6344(a)(9) or
2 (10) and health care personnel under section 6344.2(a)
3 shall be required to obtain the certifications required
4 by this chapter every 60 months.

5 (ii) Any person identified in section 6344(a)(9) or
6 (10) and health care personnel under section 6344.2(a)
7 with a current certification issued prior to the
8 effective date of this paragraph shall be required to
9 obtain the certifications required by this chapter within
10 60 months from the date of the person's oldest
11 certification or, if the current certification is older
12 than 60 months, no later than December 31, 2016.

13 (iii) A person identified in section 6344(a)(9) or
14 (10) and health care personnel under section 6344.2(a)
15 without a certification, including a person who was
16 previously not required to have a certification, shall be
17 required to obtain the certifications required by this
18 chapter no later than December 31, 2016.

19 Section 6. This act shall take effect immediately.