

August 27, 2012

As part of our commitment to provide you with a legal resource that can offer cogent day-to-day advice and clear strategies for a secure future, we offer our pledge to also be your partner in information. We recognize the need for you to be immediately responsive to the changing requirements of the law, government regulations, and community needs. As such, our office will prepare *Action Papers* in response to the ever-changing laws and regulations affecting public education. Receipt of an Action Paper is an indication that your School District may want to consider changing a practice or policy. It also may indicate that your District is required by law to initiate or discontinue a practice or policy.

RE: CHILD ABUSE TRAINING AND RECOGNITION

As you know, school personnel are required to report suspected child abuse. Although many schools have offered child abuse recognition training, there has been no legal requirement to do so. However, on July 5, 2012, the law changed. On that date, Governor Tom Corbett signed Act 126 of 2012, which now requires schools and independent contractors to provide certain employees with mandatory training on recognizing and reporting child abuse.

The Act assigns the Pennsylvania Department of Education ("PDE") and the Pennsylvania Department of Public Welfare ("DPW") the task of approving training programs for employees who are required to undergo continuing professional education and wish to receive Act 48 credits toward those requirements.

Act 126 takes effect on January 1, 2013. The following is an outline of the new requirements:

CHILD ABUSE RECOGNITION AND REPORTING TRAINING

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The training requirements apply to those employees who have direct contact with children. "Direct contact with children" is defined by the Act as the **possibility** of care, supervision, guidance or control of children, or the routine interaction with children. Beginning January 1, 2013, those employees who have direct contact with children must be provided at least three (3) hours of training every five (5) years on the following topics:

- The recognition of the signs of abuse and sexual misconduct.
- The reporting requirements for suspected abuse and sexual misconduct in the Commonwealth of Pennsylvania.
- Provisions of the Professional Educator Discipline Act, including the mandatory reporting requirements.
- The school's policies relating to the reporting of suspected abuse and sexual misconduct.
- The maintenance of professional and appropriate relationships with students.
- Any other topics related to child abuse recognition and reporting.

Schools are permitted to offer the training through the internet or other distance learning communication systems. If the training program has been approved by PDE in consultation with DPW, employees will receive credit toward their required continuing professional education requirements.

In sum, Act 126 requires schools to review their policies and practices to ensure compliance. Schools should be prepared to take the following actions:

- Prepare to offer the required child abuse and recognition training.
- Determine which programs are approved by PDE for purposes of satisfying continuing professional education requirements.
- Provide school employees information regarding the newly required training program, and ensure that employees comply with the requirements.
- Develop or amend all applicable school policies to reflect the new training requirements.



Please share this action paper with all appropriate personnel. The attorneys at Andrews & Price are prepared to assist you in providing the required training, and otherwise complying with this law. Should you have any questions on child abuse training and recognition, or any other related issues, please contact any one of our attorneys.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amie Thompson", with a stylized flourish at the end.

Amie Thompson

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