

Child Abuse Recognition and Reporting Training – Frequently Asked Questions

On July 5, 2012, Governor Corbett signed into law Act 126 (24 P.S. § 1205.6), which amended the Pennsylvania School Code of 1949 to mandate that all school entities (a public school, charter school, cyber charter school, private school, nonpublic school, intermediate unit or area vocational-technical school) and independent contractors of school entities provide certain training to all employees, including contracted substitute teachers, who have direct contact with children. Direct contact with children has been defined as “the possibility of care, supervision, guidance or control of children or routine interaction with children.” The law went into effect on Jan. 2, 2013.

What is the meaning of “abuse” and “sexual misconduct” within the context of Section 1205.6 of the Pennsylvania School Code?

The law provides the following definitions:

"Abuse – Conduct that falls under the purview and reporting requirements of 23 Pa.C.S. Ch. 63 (relating to child protective services) and is directed toward or against a child or student, regardless of the age of the child or student."

"Sexual misconduct – Any act, including, but not limited to, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or student that is designed to establish a romantic or sexual relationship with the child or student. Such acts include, but are not limited to:

- (1) Sexual or romantic invitation.
- (2) Dating or soliciting dates.
- (3) Engaging in sexualized or romantic dialog.
- (4) Making sexually suggestive comments.
- (5) Self-disclosure or physical exposure of a sexual, romantic or erotic nature.
- (6) Any sexual, indecent, romantic or erotic contact with the child or student."

What training is required?

The mandated training addresses child abuse recognition and reporting and, at a minimum, must include training on the following specific topics:

- (1) Recognition of the signs of abuse, which is defined as conduct that falls within the purview and reporting requirements under the Child Protective Services Law;
- (2) Recognition of the signs of sexual misconduct, as defined in Act 126;
- (3) Reporting requirements for suspected abuse and sexual misconduct in the commonwealth, including those set forth in the Child Protective Services Act and the Educator Discipline Act;
- (4) Provisions of the Educator Discipline Act (24 P.S. § 2070.1a et seq.), including mandatory reporting requirements;
- (5) School entity's policies related to reporting of suspected abuse and sexual misconduct; and
- (6) Maintenance of professional and appropriate relationships with students.

The training may be provided face-to-face, online or via distance communication systems, however, all of the topics listed above must be addressed in the training. Thus, providing a three-hour training on just one or more of the topics listed above **will not satisfy** the clear language of the statute. The emphasis should be placed on covering the mandated topics as a minimum, which may or may not involve more than three hours.

Does the training have to be approved by the Department of Education and/or the Department of Human Services?

While school entities and independent contractors have discretion in determining the type, timing and modality of training, **if the school entity wishes to provide its professional educator staff with Act 48 continuing education credits then the training must be approved by the Department of Education, in consultation with the Department of Human Services.**

Inquiries about approved training program providers should be directed to Joseph Loccisano at jloccisano@pa.gov or Pamela Emery at c-pemery@pa.gov. Please note that school entities and independent contractors are not limited to providing approved programs and, as stated above, retain the discretion to design, configure and/or secure appropriate training for its covered employees so long as it meets the content and duration requirements set forth in Act 126 (24 P.S. § 1205.6). However, school entities that elect to create their own training or to offer outside training programs that have not been approved by the Department of Education must ensure that the training accurately represents all information required under Act 126 in order to avoid misinformation and potential liability.

Who must be trained?

All employees of a school entity (including independent contractors), which is defined as a public school, charter school, cyber charter school, private school, nonpublic school, intermediate unit or area vocational-technical school, **who have direct contact with children.** Direct contact with children is defined as “the possibility of care, supervision, guidance or control of children or routine interaction with children.” While the law does not distinguish between categories of employees, the school entity or independent contractor may elect to tailor the training of the mandated topics to the specific audience. The training, however, must include each topic described above.

Are student teachers and volunteers considered employees?

While Act 126 (24 P.S. § 1205.6) is silent with respect to student teachers and volunteers, it is recommended that these individuals be provided the opportunity to participate in any training provided by the school entity or independent contractor of a school entity. As student teachers and volunteers are treated similar to employees in other sections of the Public School Code of 1949, school entities may wish to consult with their solicitors when determining whether to extend the training to individuals who may not fit squarely within the employee classification.

How often and when do employees have to be trained?

Every employee of a school entity and its independent contractors who have direct contact with children must complete a minimum of three hours of training every five years. The emphasis should not be on the number of hours of training (other than satisfying the minimum three hours). While the law only mandates training within a five year period, it is recommended that school entities and independent contractors provide training for their current employees as soon as reasonably possible during the first five year training cycle. It is also recommended that each school entity and independent contractor develop a training protocol to outline how current employees and prospective employees will be trained.

Training that has been provided by school entities and independent contractors that would satisfy Act 126 (24 P.S. § 1205.6) in whole or in part since July 1, 2012, may be counted towards fulfilling the training mandate notwithstanding that the official effective date of Act 126 is Jan. 2, 2013.

Who or which agency is responsible for monitoring compliance with the requirements of Act 126?

The school entity and independent contractors of school entities are responsible for all training compliance issues.

Must the school entity and independent contractor maintain records of training?

While the law does not specify any recordkeeping or reporting requirements, it is recommended that each school entity and independent contractor develop an accounting system for the training that is provided to each employee so that it can demonstrate compliance with the law.

Should school entities have written protocols for detecting and reporting abuse and sexual misconduct?

It is recommended that all school entities develop and/or review existing policies to ensure that there are written protocols on detecting and reporting abuse and sexual misconduct.

If an individual completes the required training for the first five year period, can that individual continue to accumulate and use any extra hours of approved training to carry over into the subsequent five year period?

No.

Are non-certificated employees or contracted employees (i.e., bus driver, custodian, etc.) required by Act 126 (24 P.S. § 1205.6) to partake in all aspects of the mandated training?

Yes.

If a school entity employs a contracted worker during the summer months or afternoons/early evenings (i.e. a part-time painter) when students are not formally attending school but might be participating in other activities, does such an employee fall under the training requirements of Act 126?

Yes, but only if these individuals have direct contact with children.

If non-contracted individuals, including volunteers from an outside agency (i.e., mental health) come into the school to facilitate a student support group, do they fall under the training requirements of Act 126?

No, since they are not contracted by the school entity. However, since they may have direct contact with students, it is recommended that they receive at a minimum the Child Abuse Recognition and Reporting training component, along with a review of the local school entity's related policies.

What resources are available for school entities and independent contractors to learn about child abuse, reporting responsibilities and educator discipline under the Child Protective Services Law (CSPL) and Educator Discipline Act?

Information concerning child abuse and neglect, and the CSPL can be found on the Pennsylvania Department of Human Services website (www.dpw.state.pa.us) or through the Pennsylvania Family Support Alliance.

Information about educator discipline, appropriate student-teacher relationships, the Educator Discipline Act and the Professional Standards and Practices Commission, which is the independent agency charged with adjudicating educator misconduct cases, can be found on the Pennsylvania Department of Education's website (www.education.state.pa.us/pspc).

Will Act 48 credits be granted to any or all portions of the required Act 126 training? If so, what is the process?

To receive Act 48 credit hours, the Act 126 (24 P.S. § 1205.6) training provider must be approved by the Pennsylvania Department of Education, in consultation with the Pennsylvania Department of Human Services. All school entities with approved professional education plans can upload hours into the PERMS system via roster as they do already for other Act 48 training.

If a school entity wishes to develop its own Child Abuse Recognition and Reporting portion of the training, how would it have its course approved?

The school entity needs to submit, via email, a detailed outline of its proposed course to include any PowerPoint presentations, the script that accompanies each slide of the PowerPoint and other course content materials to the Pennsylvania Department of Education's Office of Safe Schools. The list of requirements for course submission is listed above. The approval process is conducted jointly through the Pennsylvania Department of Education and the Pennsylvania Department of Human Services.

What choices of trainings for the Child Abuse Recognition and Reporting portion will school entities and their independent contractors have and how can they access these approved providers?

School entities and their independent contractors can access a current list of approved training course providers by looking on the Pennsylvania Department of Education's Standard Aligned System (SAS) or the Office of Safe Schools webpage on the Department's website. On the SAS site, (www.pdesas.org), school entities can compare course offerings, costs (if any) and course delivery method. Please note: due to recent changes to the Child Protective Services Law (CPSL) and the Educator Discipline Act (EDA), all previously approved Act 126 providers eligible to provide Act 48 credit are in the process of reviewing, revising and resubmitting their curriculums to the Department to be re-certified to provide Act 126 training. Resubmitted curriculums will address the changes to both the CPSL and EDA.

If a school entity's employees were trained by one of the approved trainers on July 1, 2012 or later, can those employees receive Act 48 credit?

Yes.

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