

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 647 Session of 2005

INTRODUCED BY VANCE, EARLL, O'PAKE, RAFFERTY, WAUGH, M. WHITE, BOSCOLA, WONDERLING AND C. WILLIAMS, APRIL 28, 2005

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 17, 2006

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further providing for BACKGROUND
6 CHECKS OF PROSPECTIVE EMPLOYEES AND FOR disqualifications
7 relating to teacher's certificate. <---

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

10 ~~Section 1. Section 1209 of the act of March 10, 1949~~ <---
11 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
12 ~~amended April 15, 1959 (P.L.41, No.16) and June 24, 1959~~
13 ~~(P.L.485, No.110), is amended to read:~~

14 SECTION 1. SECTION 111(C.1) OF THE ACT OF MARCH 10, 1949 <---
15 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, ADDED
16 JULY 11, 2006 (P.L.1092, NO.114), IS AMENDED TO READ:

17 SECTION 111. BACKGROUND CHECKS OF PROSPECTIVE EMPLOYES;
18 CONVICTION OF EMPLOYES OF CERTAIN OFFENSES.--* * *

19 (C.1) (1) BEGINNING APRIL 1, 2007, ADMINISTRATORS SHALL
20 REQUIRE THE APPLICANT TO SUBMIT WITH THE APPLICATION FOR

1 EMPLOYMENT A COPY OF THE FEDERAL CRIMINAL HISTORY RECORD IN A
2 MANNER PRESCRIBED BY THE DEPARTMENT OF EDUCATION.

3 (2) AT A MINIMUM, THE DEPARTMENT OF EDUCATION SHALL
4 PRESCRIBE A METHOD FOR APPLICANTS TO SUBMIT A SET OF
5 FINGERPRINTS TO BE TRANSMITTED TO THE FEDERAL BUREAU OF
6 INVESTIGATION FOR FEDERAL CRIMINAL HISTORY RECORD INFORMATION
7 PURSUANT TO THE FEDERAL BUREAU OF INVESTIGATION APPROPRIATION OF
8 TITLE II OF PUBLIC LAW 92-544, 86 STAT. § 1115.

9 (3) WHEN THE APPLICANT PROVIDES A COPY OF THE FEDERAL
10 CRIMINAL HISTORY RECORD, IT SHALL BE NO MORE THAN ONE (1) YEAR
11 OLD. ADMINISTRATORS SHALL MAINTAIN A COPY OF THE REQUIRED
12 INFORMATION AND SHALL REQUIRE EACH APPLICANT TO PRODUCE A
13 FEDERAL CRIMINAL HISTORY RECORD THAT MAY NOT BE MORE THAN ONE
14 (1) YEAR OLD AT THE TIME OF EMPLOYMENT. THE ORIGINAL FEDERAL
15 CRIMINAL HISTORY RECORD SHALL BE RETURNED TO THE APPLICANT.

16 * * *

17 SECTION 2. SECTION 1209 OF THE ACT, AMENDED APRIL 15, 1959
18 (P.L.41, NO.16) AND JUNE 24, 1959 (P.L.485, NO.110), IS AMENDED
19 TO READ:

20 Section 1209. Disqualifications.--No teacher's certificate
21 shall be granted to any person who [has]:

22 (1) Has not submitted, upon a blank furnished by the
23 [Superintendent of Public Instruction] Secretary of Education, a
24 certificate from a physician [legally qualified to practice
25 medicine], certified registered nurse practitioner or physician
26 assistant licensed or certified in this Commonwealth, or in any
27 other state or the District of Columbia, setting forth that
28 [said] the applicant is neither mentally nor physically
29 disqualified[,] by reason of [tuberculosis or any other] a
30 communicable disease or [by reason of] mental disorder from

1 successful performance of the duties of a teacher[; nor to any
2 person who has not].

3 (2) Does not have a good moral character[, or who is].

4 (3) Is in the habit of using opium or other narcotic drugs
5 in any form, or any intoxicating drink as a beverage[, or to any
6 applicant who has].

7 (4) Has a major physical disability or defect, unless [such
8 a] the person submits a certificate signed by an official of the
9 college or university from which [he] the person was graduated
10 or of an appropriate rehabilitation agency, certifying that in
11 the opinion of [such] the official the applicant, by [his] work
12 and activities, has demonstrated that [he] the applicant is
13 sufficiently adjusted, trained and motivated to perform the
14 duties of a teacher, notwithstanding [his] the applicant's
15 impediment.

16 Section 2 3. Any regulations of the Department of Education <—
17 that are inconsistent with ~~this act~~ THE AMENDMENT OF SECTION <—
18 1209 OF THE ACT are hereby abrogated to the extent of the
19 inconsistency.

20 Section 3 4. This act shall take effect in 60 days. <—