

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 219 Session of 2007

INTRODUCED BY VANCE, RHOADES, FOLMER, BOSCOLA, COSTA, EARLL, ERICKSON, O'PAKE, ORIE, PUNT, RAFFERTY, M. WHITE, C. WILLIAMS, WONDERLING AND WAUGH, JANUARY 29, 2007

AS AMENDED ON THIRD CONSIDERATION, MARCH 12, 2007

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 111(c) and (c.1) of the act of March 10, <—~~
11 ~~1949 (P.L.30, No.14), known as the Public School Code of 1949,~~
12 ~~amended or added July 11, 2006 (P.L.1092, No.114), are amended~~
13 ~~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) Where the applicant has not been a resident of this <—~~
20 ~~Commonwealth for at least two (2) years immediately preceding~~

1 ~~the date of application for employment, administrators shall~~
2 ~~require the applicant to submit with the application for~~
3 ~~employment a set of fingerprints which may be submitted to the~~
4 ~~Federal Bureau of Investigation for Federal criminal history~~
5 ~~record information pursuant to the Federal Bureau of~~
6 ~~Investigation appropriation of Title II of Public Law 92-544, 86~~
7 ~~Stat. [1115] 1306 or a copy of such Federal criminal history~~
8 ~~record. Administrators shall forward the set of fingerprints for~~
9 ~~the Federal criminal history record to the Department of~~
10 ~~Education. The Department of Education shall be the intermediary~~
11 ~~for the purposes of this section. The Department of Education~~
12 ~~shall return the Federal criminal history record to the~~
13 ~~applicant. When the applicant provides a copy of the Federal~~
14 ~~criminal history record, it shall be no more than one (1) year~~
15 ~~old. Administrators shall maintain a copy of the required~~
16 ~~information and shall require each applicant to produce a~~
17 ~~Federal criminal history record that may not be more than one~~
18 ~~(1) year old at the time of employment. The original Federal~~
19 ~~criminal history record shall be returned to the applicant. This~~
20 ~~subsection shall expire March 31, 2007.~~

21 (c.1) (1) Beginning April 1, 2007, administrators shall
22 require the applicant to submit with the application for
23 employment a copy of the Federal criminal history record in a
24 manner prescribed by the Department of Education.

25 (2) At a minimum, the Department of Education shall
26 prescribe a method for applicants to submit a set of
27 fingerprints to be transmitted to the Federal Bureau of
28 Investigation for Federal criminal history record information
29 pursuant to the Federal Bureau of Investigation appropriation of
30 Title II of Public Law 92-544, 86 Stat. 1306 1115.

<—

1 (3) When the applicant provides a copy of the Federal
2 criminal history record, it shall be no more than one (1) year
3 old. Administrators shall maintain a copy of the required
4 information and shall require each applicant to produce a
5 Federal criminal history record that may not be more than one
6 (1) year old at the time of employment. The original Federal
7 criminal history record shall be returned to the applicant.

8 * * *

9 Section 2. Section 1209 of the act, amended April 15, 1959
10 (P.L.41, No.16) and June 24, 1959 (P.L.485, No.110), is amended
11 to read:

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

14 (1) Has not submitted, upon a blank furnished by the
15 [Superintendent of Public Instruction] Secretary of Education, a
16 certificate from a physician [legally qualified to practice
17 medicine], certified registered nurse practitioner or physician
18 assistant licensed or certified in this Commonwealth, or in any
19 other state or the District of Columbia, setting forth that
20 [said] the applicant is neither mentally nor physically
21 disqualified[,] by reason of [tuberculosis or any other] a
22 communicable disease or [by reason of] mental disorder from
23 successful performance of the duties of a teacher[; nor to any
24 person who has not].

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

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

29 (4) Has a major physical disability or defect, unless [such
30 a] the person submits a certificate signed by an official of the

1 college or university from which [he] the person was graduated
2 or of an appropriate rehabilitation agency, certifying that in
3 the opinion of [such] the official the applicant, by [his] work
4 and activities, has demonstrated that [he] the applicant is
5 sufficiently adjusted, trained and motivated to perform the
6 duties of a teacher, notwithstanding [his] the applicant's
7 impediment.

8 Section 3. Any regulations of the Department of Education
9 that are inconsistent with the amendment of section 1209 of the
10 act are hereby abrogated to the extent of the inconsistency.

11 Section 4. This act shall take effect in 60 days.