

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1139

Session of
1985

INTRODUCED BY SWEET, PICCOLA, PRATT, HAGARTY, MOEHLMANN,
KUKOVICH, GREENWOOD, CORDISCO, PRESSMANN, BALDWIN, McVERRY,
GALLAGHER, HAYES, FREIND AND REBER, MAY 1, 1985

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 13, 1985

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," requiring certain prospective
6 employees of public and private schools to submit certain
7 records with employment applications.

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

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding a
12 section to read:

13 Section 111. Background Checks of Prospective Employees.--(a)
14 This section shall apply to all prospective employees of public
15 and private schools, including independent contractors and their
16 employees, except those employees and independent contractors and
17 their employees who have no direct contact with children.

18 (b) Administrators of public and private schools shall
19 require prospective employees to submit with their employment

1 application a report of criminal history record information from
2 the Pennsylvania State Police or a statement from the
3 Pennsylvania State Police that the central repository contains
4 no such information relating to that person. Such criminal
5 history record information shall be limited to that which is
6 disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to
7 general regulations) and shall be no more than one (1) year old.
8 An applicant may submit a copy of the required information with
9 the application for employment. Administrators shall require
10 each applicant to produce the original document prior to
11 employment.

12 (c) Where the applicant is not a resident of the
13 Commonwealth, administrators shall require the applicant to
14 submit with the application for employment a report of Federal
15 criminal history record information pursuant to the Federal
16 Bureau of Investigation appropriation of Title II of Public Law
17 92-544, 86 Stat. 1115, and the department shall be the
18 intermediary for the purposes of this section.

19 (d) The State Board of Education shall, in the manner
20 provided by law, promulgate the regulations necessary to carry
21 out this section. The regulations shall provide for the
22 confidentiality of criminal history record information obtained
23 pursuant to this act.

24 (E) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO
25 EMPLOYES OF PUBLIC AND PRIVATE SCHOOLS WHO MEET ALL THE
26 FOLLOWING REQUIREMENTS:

27 (1) THE EMPLOYES ARE UNDER TWENTY-ONE (21) YEARS OF AGE.

28 (2) THEY ARE EMPLOYED FOR PERIODS OF NINETY (90) DAYS OR
29 LESS.

30 (3) THEY ARE A PART OF A JOB DEVELOPMENT AND/OR JOB TRAINING

1 PROGRAM FUNDED IN WHOLE OR IN PART BY PUBLIC OR PRIVATE SOURCES.
2 ONCE EMPLOYMENT OF A PERSON WHO MEETS THESE CONDITIONS EXTENDS
3 BEYOND NINETY (90) DAYS, ALL REQUIREMENTS OF THIS SECTION SHALL
4 TAKE EFFECT.

5 Section 2. This act shall take effect January 1, 1986.