

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1763 Session of
2009

INTRODUCED BY DALLY, BAKER, BARRAR, BEYER, CARROLL, D. COSTA,
CREIGHTON, J. EVANS, FRANKEL, FREEMAN, GEIST, GINGRICH,
GRUCELA, HORNAMAN, LEVDANSKY, MANN, MILLARD, MOUL, MUSTIO,
M. O'BRIEN, PALLONE, PHILLIPS, QUINN, READSHAW, REICHLEY,
ROAE, ROHRER, SONNEY, TRUE, VULAKOVICH AND YOUNGBLOOD,
JUNE 23, 2009

REFERRED TO COMMITTEE ON EDUCATION, JUNE 23, 2009

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," providing for background checks of
6 school directors.

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

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

12 Section 111.1. Background Checks of School Directors.--(a)
13 This section shall apply to all current and prospective school
14 directors.

15 (b) The Department of Education shall require school
16 directors to submit, pursuant to 18 Pa.C.S. Ch. 91 (relating to
17 criminal history record information), a report of criminal
18 history record information from the Pennsylvania State Police or

a statement from the Pennsylvania State Police that the Pennsylvania State Police central repository contains no information relating to that person. The criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general regulations) and shall be not more than one (1) year old. The Department of Education shall determine the time for the filing of the required information. The Department of Education shall maintain a copy of the required information and shall require each school director to produce the original document within fifteen (15) days of providing notice to the school director.

(c) Where the school director has not been a resident of this Commonwealth for at least two (2) years immediately preceding the date of appointment or election, the Department of Education shall require the school director to submit a set of fingerprints which may be submitted to the Federal Bureau of Investigation for Federal criminal history record information pursuant to the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544, 86 Stat. 1115 or a copy of the Federal criminal history record. The Department of Education shall return the Federal criminal history record to the school director. When the school director provides a copy of the Federal criminal history record, it shall be not more than one (1) year old. The Department of Education shall maintain a copy of the required information. The original Federal criminal history record shall be returned to the school director.

(d) The Department of Education shall promulgate regulations necessary to carry out this section. The regulations shall provide for the confidentiality of criminal history record information obtained pursuant to this section.

1 (e) No school director shall be eligible for office where
2 the report of criminal history record information indicates the
3 school director has been convicted, within five (5) years
4 immediately preceding the date of the report, of any of the
5 following offenses:

6 (1) An offense under one or more of the following provisions
7 of Title 18 of the Pennsylvania Consolidated Statutes:

8 Chapter 25 (relating to criminal homicide).

9 Section 2702 (relating to aggravated assault).

10 Former section 2709(b) (relating to stalking).

11 Section 2709.1 (relating to stalking).

12 Section 2901 (relating to kidnapping).

13 Section 2902 (relating to unlawful restraint).

14 Section 3121 (relating to rape).

15 Section 3122.1 (relating to statutory sexual assault).

16 Section 3123 (relating to involuntary deviate sexual
17 intercourse).

18 Section 3124.1 (relating to sexual assault).

19 Section 3125 (relating to aggravated indecent assault).

20 Section 3126 (relating to indecent assault).

21 Section 3127 (relating to indecent exposure).

22 Section 4302 (relating to incest).

23 Section 4303 (relating to concealing death of child).

24 Section 4304 (relating to endangering welfare of
25 children).

26 Section 4305 (relating to dealing in infant children).

27 A felony offense under section 5902(b) (relating to
28 prostitution and related offenses).

29 Section 5903(c) or (d) (relating to obscene and other
30 sexual materials and performances).

1 Section 6301 (relating to corruption of minors).
2 Section 6312 (relating to sexual abuse of children).
3 (2) An offense designated as a felony under the act of April
4 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,
5 Drug, Device and Cosmetic Act."
6 (3) An out-of-State or Federal offense similar in nature to
7 those crimes listed in clauses (1) and (2).
8 Section 2. This act shall take effect in 60 days.