

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2303 Session of
2012

INTRODUCED BY TRUITT, CREIGHTON, DAVIDSON, GEIST, KAUFFMAN,
KNOWLES, MOUL, PAYTON, ROCK AND ROSS, APRIL 4, 2012

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 4, 2012

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in background checks for employment in
3 schools, further providing for definitions, for requirement
4 relating to administrators and for fee.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Sections 6354, 6355(b) and 6357 of Title 23 of
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 6354. Definitions.

10 The following words and phrases when used in this subchapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Applicant." An individual who applies for a position as a
14 school employee or as a volunteer. The term includes an
15 individual who transfers from one position as a school employee
16 to another position as a school employee.

17 "Administrator." The person responsible for the
18 administration of a public or private school, intermediate unit
19 or area vocational-technical school. The term includes a person

1 responsible for employment decisions in a school and an
2 independent contractor.

3 "Volunteer." A person who provides services to a public or
4 private school, intermediate unit or area vocational-technical
5 school without compensation or other remuneration from the
6 public or private school, intermediate unit or area vocational-
7 technical school for the services.

8 § 6355. Requirement.

9 * * *

10 (b) Grounds for denying employment.--

11 (1) Except as provided in section 6356 (relating to
12 exceptions), an administrator shall not hire an applicant or
13 permit a volunteer to perform services if the department
14 verifies that the applicant is named as the perpetrator of a
15 founded report or is named as the individual responsible for
16 injury or abuse in a founded report for school employee.

17 (2) No individual who is a school employee on the
18 effective date of this subchapter shall be required to obtain
19 an official clearance statement under subsection (a)(1) as a
20 condition of continued employment.

21 (3) No individual who is a volunteer on the effective
22 date of this paragraph shall be required to obtain an
23 official clearance statement under subsection (a)(1) as a
24 condition of providing continued services as a volunteer,
25 unless the board of directors of the school district
26 expressly authorizes such condition.

27 * * *

28 § 6357. Fee.

29 (a) General rule.--The department may charge a fee of not
30 more than \$10 for the official clearance statement required

1 under section 6355(a) (relating to requirement).

2 (b) Exception.--The department may not charge a fee to an
3 administrator or volunteer for obtaining an official clearance
4 statement required under section 6355(a) that relates to the
5 volunteer.

6 Section 2. This act shall take effect in 60 days.