

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 524 Session of 2017

INTRODUCED BY TALLMAN, PICKETT, READSHAW, BARRAR, SAYLOR, KAUFFMAN, ROTHMAN, DOWLING, GABLER, SOLOMON, GILLEN, MILNE, DUSH, B. MILLER, JAMES AND BARBIN, FEBRUARY 15, 2017

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 8, 2017

AN ACT

1 Amending the act of June 27, 1991 (P.L.70, No.10), entitled "An
2 act requiring the superintendent of every public school
3 district to make available, upon request, lists of graduating
4 seniors to armed forces recruiters; and providing a penalty
5 for the misuse of any such lists," further providing for
6 title and for legislative intent; providing for short title
7 and for definitions; and further providing for list of
8 seniors to be compiled, for optional compliance by nonpublic
9 schools and for reimbursement of costs.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The title of the act of June 27, 1991 (P.L.70,
13 No.10), entitled "An act requiring the superintendent of every
14 public school district to make available, upon request, lists of
15 graduating seniors to armed forces recruiters; and providing a
16 penalty for the misuse of any such lists," is amended to read:

AN ACT

18 Requiring [the superintendent of every public school district]
19 school entities to make available, upon request, lists of
20 [graduating seniors] secondary school students to armed

1 forces recruiters; and providing a penalty for the misuse of
2 any such lists.

3 Section 2. Section 1 of the act is repealed:

4 [Section 1. Legislative intent.

5 It is the intent of the General Assembly through this
6 legislation to assist armed forces recruiters to achieve
7 additional access to potential recruits by compiling a list of
8 prospective graduating seniors for distribution upon written
9 request to armed forces recruiters for the cost thereof, for
10 recruiting purposes only.]

11 Section 3. The act is amended by adding sections to read:

12 Section 1.1. Short title.

13 This act shall be known and may be cited as the Military
14 Access to Student Recruiting Information Act.

15 Section 1.2. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "School entity." A school district, joint school district,
20 intermediate unit, area vocational-technical school, charter
21 school, regional charter school or cyber charter school and any
22 nonpublic school that receives assistance under the No Child <--
23 Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425)
24 EVERY STUDENT SUCCEEDS ACT (PUBLIC LAW 114-95, 129 STAT. 1802) <--
25 OR ITS SUCCESSOR FEDERAL STATUTE.

26 "Secondary school student." A male or female student in
27 grade eleven or twelve.

28 Section 4. Sections 2, 3 and 5 of the act are amended to
29 read:

30 Section 2. List of [seniors] secondary school students to be

1 compiled.

2 (a) Lists.--Subject to the limitations of subsection (b),
3 [the superintendent of every public school district] a school
4 entity, except as otherwise provided, shall, upon request, make
5 available to all armed forces recruiters for the active
6 component, reserve component and National Guard component of the
7 armed forces the same access to [senior] secondary school
8 students as is available to institutions of higher education
9 [and], trade schools and prospective employers. Access shall
10 include, but not be limited to, a list of [senior male and
11 female] secondary school students by name, home address and[, if <--
12 published, telephone number, who at the end of the respective <--
13 academic year will graduate from the school system] TELEPHONE <--
14 NUMBER. The list shall be compiled within 45 calendar days of
15 the effective date of this act and in succeeding years by the
16 first day of the academic year [in which the senior students
17 will graduate].

18 (b) Notification.--Each school [district] entity shall
19 notify [the] its tenth and, eleventh AND TWELFTH grade students <--
20 and, where the students are under 18 years of age, their parents <--
21 or guardians AND THEIR PARENTS OR GUARDIANS in writing, [prior <--
22 to the end of {their junior] AT THE BEGINNING OF the academic <--
23 year, of the requirements imposed by subsection (a) AND THE <--
24 OPTION TO MAKE A REQUEST UNDER SUBSECTION (C). [Each tenth and <--
25 eleventh grade student and, where the student is under 18 years <--
26 of age, the student's parents or guardians shall be given at
27 least 21 calendar days to request in writing to the
28 {superintendent} school entity exclusion of such student's name, <--
29 home address and telephone number prior to the release of such
30 list.] A school entity shall comply with each request for <--

1 exclusion.

2 (C) OPT-OUT.--A PARENT OR GUARDIAN OF A STUDENT WHO IS UNDER <--
3 18 YEARS OF AGE OR A STUDENT WHO IS 18 YEARS OF AGE OR OLDER MAY
4 REQUEST IN WRITING TO THE SCHOOL ENTITY THAT THE STUDENT'S NAME,
5 HOME ADDRESS AND TELEPHONE NUMBER NOT BE RELEASED UNDER
6 SUBSECTION (A) WITHOUT PRIOR WRITTEN CONSENT FROM THE PARENT OR
7 GUARDIAN OF THE STUDENT WHO IS UNDER 18 YEARS OF AGE OR THE
8 STUDENT WHO IS 18 YEARS OF AGE OR OLDER. THE SCHOOL ENTITY SHALL
9 COMPLY WITH A REQUEST UNDER THIS SUBSECTION.

10 ~~(c)~~ (D) Exception.--The requirements of this section shall <--
11 not apply to a nonpublic school which receives assistance under
12 the ~~No Child Left Behind Act of 2001 (Public Law 107-110, 115- <--~~
13 ~~Stat. 1425)~~ EVERY STUDENT SUCCEEDS ACT (PUBLIC LAW 114-95, 129 <--
14 STAT. 1802) OR ITS SUCCESSOR FEDERAL STATUTE, if the school
15 maintains a religious objection to service in the armed forces
16 that is verifiable through the corporate or other organizational
17 documents or materials of the school.

18 Section 3. Optional compliance by nonpublic schools.

19 The governing body or board of each [parochial, licensed
20 private and] nonpublic school that does not receive assistance
21 under the ~~No Child Left Behind Act of 2001 (Public Law 107-110, <--~~
22 ~~115 Stat. 1425)~~ EVERY STUDENT SUCCEEDS ACT (PUBLIC LAW 114-95, <--
23 129 STAT. 1802) OR ITS SUCCESSOR FEDERAL STATUTE shall determine
24 whether or not to comply with the provisions of this act. If an
25 affirmative determination is made, then the principal of that
26 [parochial, licensed private or] nonpublic school shall comply
27 with the provisions of sections 2 and 4.

28 Section 5. Reimbursement of costs.

29 Any costs incurred by [public and nonpublic schools] a school
30 district, joint school district, intermediate unit, area

1 vocational-technical school, charter school, regional charter
2 school, cyber charter school or nonpublic school in complying
3 with this act will be reimbursed by armed forces recruiters upon
4 written documentation of expenses.

5 Section 5. This act shall take effect in 60 days.