

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 412 Session of
2001

INTRODUCED BY KAISER, PERZEL, DeWEESE, GEORGE, ARMSTRONG,
CAPPABIANCA, YOUNGBLOOD, GORDNER, DERMODY, MELIO, BELARDI,
ALLEN, READSHAW, CORRIGAN, ORIE, MANDERINO, FAIRCHILD,
DeLUCA, MANN, LAUGHLIN, SOLOBAY, BELFANTI, WOGAN, GRUITZA,
TIGUE, PETRONE, TRICH, STABACK, WOJNAROSKI, HENNESSEY,
MARKOSEK, BISHOP, PISTELLA, YUDICHAK, TANGRETTI,
E. Z. TAYLOR, HARHAI, MICHLOVIC, CURRY, FRANKEL, SAMUELSON,
COSTA, M. COHEN, LEVDANSKY, FREEMAN, BEBKO-JONES,
C. WILLIAMS, PIPPY, JOSEPHS, HORSEY, TRELLO, McCALL, SAINATO,
CIVERA, BROWNE, GRUCELA AND NAILOR, JANUARY 31, 2001

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 28, 2002

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 EMPLOYMENT <—
6 CRIMINAL BACKGROUND CHECKS, for health recommendations, FOR <—
7 HIGH SCHOOL CERTIFICATES AND FOR MANDATED WAIVERS FOR CHARTER <—
8 SCHOOLS; AND MAKING A REPEAL. <—

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

11 ~~Section 1. Section 1406 of the act of March 10, 1949~~ <—
12 ~~(P.L.30, No.14), known as the Public School Code of 1949, added~~
13 ~~July 15, 1957 (P.L.937, No.404), is amended to read:~~

14 SECTION 1. SECTION 111(C) OF THE ACT OF MARCH 10, 1949 <—
15 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,
16 AMENDED DECEMBER 19, 1990 (P.L.1362, NO.211) IS AMENDED TO READ:

SECTION 111. BACKGROUND CHECKS OF PROSPECTIVE EMPLOYEES;
CONVICTION OF EMPLOYEES OF CERTAIN OFFENSES.--* * *

(C) WHERE THE APPLICANT [IS] HAS NOT BEEN A RESIDENT OF
[THE] THIS COMMONWEALTH FOR AT LEAST TWO (2) YEARS IMMEDIATELY
PRECEDING THE DATE OF APPLICATION FOR EMPLOYMENT, ADMINISTRATORS
SHALL REQUIRE THE APPLICANT TO SUBMIT WITH THE APPLICATION FOR
EMPLOYMENT A REPORT OF FEDERAL CRIMINAL HISTORY RECORD
INFORMATION PURSUANT TO THE FEDERAL BUREAU OF INVESTIGATION
APPROPRIATION OF TITLE II OF PUBLIC LAW 92-544, 86 STAT. 1115,
AND THE DEPARTMENT SHALL BE THE INTERMEDIARY FOR THE PURPOSES OF
THIS SECTION.

* * *

SECTION 2. SECTION 1406 OF THE ACT, ADDED JULY 15, 1957
(P.L.937, NO.404), IS AMENDED TO READ:

Section 1406. Recommendations.--(a) Recommendations as to
medical, surgical or dental care shall be sent to each parent or
guardian and to the family physician or family dentist on forms
prepared or approved by the Secretary of Health with
instructions to the parent or guardian to consult the family
physician or family dentist and to notify the school authorities
of the action taken with respect to the recommendations.

(b) School physicians or school nurses shall inform teachers
of the health conditions of pupils which may affect behavior,
appearance or scholastic performance.

(c) Notice of the existence of and eligibility for the
program under Article XXIII of the act of May 17, 1921 (P.L.682,
No.284), known as "The Insurance Company Law of 1921," shall be
prepared by, paid for and provided to each school district in
Pennsylvania by the Insurance Department annually, not later
than the fifteenth day of August, in sufficient quantities to

1 provide the parent or legal guardian of every school student
2 enrolled in the district with such notice. The school district
3 shall provide such notice to the parent or guardian of each
4 student enrolled in the district during the school year. The
5 Insurance Department shall provide sufficient copies of the
6 notice to nonpublic schools upon request.

7 SECTION 3. SECTION 1613(A) OF THE ACT, AMENDED JUNE 22, 2001 <—
8 (P.L.530, NO.35), IS AMENDED TO READ:

9 SECTION 1613. HIGH SCHOOL CERTIFICATES.--(A) THE BOARD OF
10 SCHOOL DIRECTORS, JOINT BOARD [OF] OR JOINT SCHOOL COMMITTEE
11 OPERATING ANY HIGH SCHOOL SHALL ISSUE A CERTIFICATE TO EACH
12 PUPIL SATISFACTORILY COMPLETING THE PRESCRIBED COURSE OF
13 INSTRUCTION IN THE HIGH SCHOOL AND SHALL HAVE THE SOLE AUTHORITY
14 TO DETERMINE WHAT SHALL BE AFFIXED OR DENOTED ON DIPLOMAS AND
15 TRANSCRIPTS.

16 * * *

17 SECTION ~~2~~ 4. SECTION 1714-B(G) OF THE ACT, ADDED MAY 10, <—
18 2000 (P.L.44, NO.16), IS AMENDED TO READ:

19 SECTION 1714-B. MANDATE WAIVER PROGRAM.--* * *

20 (G) THE FOLLOWING PROVISIONS OF THIS ACT SHALL NOT BE
21 SUBJECT TO WAIVER PURSUANT TO THIS SECTION: SECTIONS 108, 110,
22 111, 321, 322, 323, 324, 325, 326, 327, 431, 436, 437, 440.1,
23 443, 510, 513, 518, 527, 701.1, 708, 736, 737, 738, 739, 740,
24 741, 751, 751.1, 752, 753, 755, 771, 776, 777, 808, 809, 810,
25 1303(A), 1310, 1317, 1317.1, 1317.2, 1318, 1327, 1327.1, 1330,
26 1332, 1361, 1366, 1501, 1502, 1513, 1517, 1518, 1521, 1523, 1546
27 AND 1547; PROVISIONS PROHIBITING DISCRIMINATION; ARTICLES VI,
28 XI, XI-A, XII, XIII-A, XIV AND XVII-A AND THIS ARTICLE.

29 * * *

30 ~~Section 2 3. This act shall take effect in 60 days.~~ <—

1 SECTION 5. ARTICLE XII-A OF THE ACT IS REPEALED.

2 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

3 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
4 IMMEDIATELY:

5 (I) SECTION 5 OF THIS ACT.

6 (II) THIS SECTION.

7 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
8 DAYS.