



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1816

PRINTERS NO. 4276

PRIME SPONSOR: Tobash

### COST / (SAVINGS)

FUND	FY 2014/15	FY 2015/16
General Fund	\$0	\$0

**SUMMARY:** House Bill 1816 amends the Public School Code concerning employment history reviews of prospective employees and independent contractors of school entities, electronic public safety and criminal justice information, continuing professional development, Pennsylvania school leadership standards, and a baccalaureate certification skills assessment. It would take effect in 60 days.

**ANALYSIS:** House Bill 1816 adds a new section concerning employment history review to the Public School Code. It applies to all positions for employment at school entities and independent contractors of school entities involving direct contact with children. It places additional requirements on the applicants and their prospective, current, and former employers.

Applicants must provide contact information for current and former employers where the applicant had direct contact with children. The applicant must provide written authorization releasing current and former employers from liability for disclosure of employment information. In addition, an applicant must provide a written statement indicating whether the applicant has ever been investigated, discharged, disciplined, or had a license revoked for sexual misconduct.

As prospective employers, school entities must contact current and former employers of all applicants to determine whether the applicant has ever been investigated, discharged, disciplined, or had a license revoked for sexual misconduct. The bill requires past employers to disclose the requested employment information and provides them with immunity from criminal and civil liability related to the disclosure, unless the information provided is knowingly false. The prospective employer must also verify whether the applicant is eligible for employment, holds a valid and active certification or has been the subject of public professional discipline.

This legislation provides that school entities and independent contractors may no longer enter into any contracts or agreements that have the effect of suppressing or expunging information related to employee sexual misconduct, unless after investigation the allegations are found to be false. Review processes and requirements similar to those described above are established by this legislation for substitute employees and independent contractors.

An applicant who has once undergone the employment history review and seeks transfer to another school in the same district, diocese or religious judicatory or organization shall not be required to obtain additional reports before making such transfer.

The Department of Education is given jurisdiction to determine wilful violations of this section and may, following a hearing, assess a civil penalty not to exceed \$10,000. School entities are barred from contracting with an independent contractor who is found to have wilfully violated the provisions of this section. The Department may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the "Educator Discipline Act" against any applicant, employee, independent contractor or school administrator who is subject to the "Educator Discipline Act" for wilful violations of it. The Department must also develop forms for applicants and employers as necessary to carry out the provisions of this legislation.

This legislation also adds a new section to the School Code concerning electronic public safety and criminal justice information. It requires the Pennsylvania Department of Education to monitor public safety and criminal justice information for all educators from any statewide electronic database to the extent such public safety and criminal justice information is available to the Department. The Department must use such information for certification and discipline purposes.

This legislation also amends the Public School Code concerning continuing professional development. It allows a local education agency's continuing professional development plan to include visits by educators to a manufacturing workplace, under which the board of directors approves the professional educator's participation in a site visit to a manufacturing location for orientation and demonstrations to give the professional educator a greater understanding of job opportunities in manufacturing for students.

In addition, HB 1816 requires that Pennsylvania school leadership standards include corollary standards addressing the creation of a culture of teaching and learning in manufacturing and vocational fields.

Finally, HB 1816 requires prospective students to satisfactorily complete a basic skills assessment before entering a Pennsylvania teacher preparation program. No baccalaureate certification program shall admit a student who has not met this requirement by August 1, 2015.

**FISCAL IMPACT:** Enactment of this legislation will have no adverse impact on Commonwealth funds. The Department of Education will be able to fund any additional administrative responsibilities imposed by this legislation within its existing budget.

Enactment of this legislation could have an impact on school entities, which may face additional costs for conducting the extensive employment history reviews on prospective employees. However, the extent of this impact will vary based on the circumstances of each school district.

**PREPARED BY:** Jeff Miller  
House Appropriations Committee (R)

**DATE:** October 14, 2014

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*