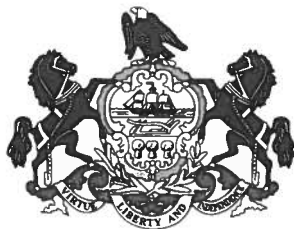


**DAN TRUITT, MEMBER  
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**MEMORANDUM**

**TO:** All House Members  
**FROM:** Representative Dan Trutt  
**DATE:** March 20, 2012  
**RE:** Encourage Volunteerism in Schools

In the near future, I will introduce legislation intended to encourage volunteerism in our public schools. Under current law, prospective employees and volunteers are subjected to three different background checks that are a good means to ensure the safety of our children. Some schools require volunteers to pay for the costs of their own background checks. I feel that this could discourage some families, particularly those of lesser means, from volunteering their time at their child's school. This could minimize the barriers to getting the whole family involved in a child's education and volunteers in our schools would free up valuable resources (like teachers) for other purposes.

My proposed legislation would prohibit schools from requiring volunteers to pay for their own background checks. However, since I don't want to put another "unfunded mandate" on our schools, my proposed legislation also requires the state to reimburse school districts for the cost of these background checks. To get this done, changes are required in ACT 23 and ACT 111. Copies of both bills are enclosed for your reference.

If you would like to co-sponsor these bills please contact Amy Resetar at [aresetar@pahousegop.com](mailto:aresetar@pahousegop.com).  
Thank You.

## 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

1 or area vocational-technical school. The term includes a person  
2 responsible for employment decisions in a school and an  
3 independent contractor.

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

9 § 6355. Requirement.

10 \* \* \*

11 (b) Grounds for denying employment.--

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

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

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

28 \* \* \*

29 § 6357. Fee.

30 (a) General rule.--The department may charge a fee of not

1 more than \$10 for the official clearance statement required  
2 under section 6355(a) (relating to requirement).

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

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

## 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," in preliminary provisions, further  
6 providing for background checks of prospective employees and  
7 conviction of employees of certain offenses.

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

10 Section 1. Section 111 heading of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949,  
12 amended December 19, 1990 (P.L.1362, No.211), is amended and the  
13 section is amended by adding a subsection to read:

14 Section 111. Background Checks of Prospective Employes and  
15 Volunteers; Conviction of Employes of Certain Offenses.--\* \* \*

16 (c.3) (1) If a public or private school, intermediate unit  
17 or area vocational-technical school requires a volunteer to  
18 submit a report of criminal history record information that  
19 satisfies subsection (b) or a set of fingerprints for Federal  
20 criminal history record information that satisfies subsection

1 (c), then the public or private school, intermediate unit or  
2 area vocational-technical school shall reimburse the volunteer  
3 for the cost of obtaining the information.

4 (2) The Department of Education shall, to the extent funds  
5 are appropriated or otherwise made available to the department  
6 for such purpose, pay each public or private school,  
7 intermediate unit or area vocational-technical school for the  
8 costs incurred in obtaining the information specified in  
9 paragraph (1) from volunteers.

10 (3) For purposes of this subsection, a "volunteer" is a  
11 person who provides services to a public or private school,  
12 intermediate unit or area vocational-technical school without  
13 compensation or other remuneration from the public or private  
14 school, intermediate unit or area vocational-technical school  
15 for the services.

16 \* \* \*

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