

PUBLIC SCHOOL CODE OF 1949 - AMEND EMPLOYMENT CRIMINAL BACKGROUND
CHECKS, STATE REPORT CARD, COLLECTION OF DATA AND HEALTH
RECOMMENDATIONS

Act of Dec. 9, 2002, P.L. 1317, No. 153

Cl. 24

Session of 2002

No. 2002-153

HB 204

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for employment criminal background checks; providing for a State Report Card and for the collection of data; and further providing for health recommendations.

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

Section 1. Section 111(c) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended December 19, 1990 (P.L.1362, No.211), is amended to read:

Section 111. Background Checks of Prospective Employes;
Conviction of Employes 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.

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Section 2. The act is amended by adding a section to read:

Section 220. State Report Card.--(a) The department shall create a State Report Card based on the information collected pursuant to this section. The department:

(1) Shall inform the public of the availability of the State Report Card prior to publication.

(2) Shall publish on its World Wide Web site the State Report Card, providing information at the State, local education agency and school levels.

(3) Shall issue guidelines concerning the collection and submission of data as necessary to ensure continued compliance with Federal and State laws, regulations and standards.

(4) May conduct audits of the data submitted by local education agencies under subsection (b) for the purpose of assuring accuracy and completeness. If the department determines to conduct audits under this paragraph, the department shall issue guidelines for the conduct of such audits, including the percentage of local education agencies to be audited on a yearly basis. In conducting such audits, the department shall coordinate with the Department of the Auditor General. Nothing in this section shall be construed to expand the auditing authority of the Auditor General.

(b) A local education agency shall do all of the following:

(1) Collect data and submit it in a form and manner prescribed by the department. The data shall include:

(i) The information described in section 1111(h)(1)(C) of the No Child Left Behind Act of 2001 as applied to the local education agency as a whole and to each of its schools.

(ii) The information described in section 1111(h)(2)(B)(i) and (ii) of the No Child Left Behind Act of 2001.

(iii) Any other information required to comply with the No Child Left Behind Act of 2001.

(iv) Any information described in 22 Pa. Code § 4.61 (relating to school profiles) that is not included under subparagraph (i), (ii) or (iii).

(2) Disseminate the information collected in paragraph (1) in accordance with the public dissemination requirements of section 1111(h)(2)(E) of the No Child Left Behind Act of 2001.

Nothing in this section shall excuse a local education agency from complying with the requirements of the No Child Left Behind Act of 2001 not specifically referenced in this section.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Department." The Department of Education of the Commonwealth.

"Local education agency." A school district, cyber charter school, charter school, area vocational-technical school or intermediate unit.

"No Child Left Behind Act of 2001." The No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).

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

Section 4. The purpose of section 220 of the act is to provide the taxpayers and the parents of students in this Commonwealth with information related to the performance of school districts, intermediate units, area vocational-technical schools, charter schools and cyber charter schools; to assist taxpayers and parents in making informed decisions about the performance of those school entities; and to hold those school entities accountable to high academic standards.

Section 5. This act shall take effect immediately.

APPROVED--The 9th day of December, A. D. 2002.

MARK S. SCHWEIKER