

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1291 Session of
2005

INTRODUCED BY CURRY, BAKER, BEBKO-JONES, BENNINGHOFF,
CALTAGIRONE, CIVERA, CORNELL, CORRIGAN, CRAHALLA, CREIGHTON,
DONATUCCI, FRANKEL, GEORGE, GOODMAN, HARHAI, HARPER,
W. KELLER, MUSTIO, PISTELLA, ROEBUCK, SCAVELLO, SHANER,
SHAPIRO, SOLOBAY, STABACK, R. STEVENSON, E. Z. TAYLOR, TIGUE,
WALKO, YOUNGBLOOD, MUNDY AND THOMAS, APRIL 6, 2005

REFERRED TO COMMITTEE ON EDUCATION, APRIL 6, 2005

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 background
6 checks of prospective employees and conviction of certain
7 offenses.

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

10 Section 1. Section 111(a) and (c) of the act of March 10,
11 1949 (P.L.30, No.14), known as the Public School Code of 1949,
12 amended December 19, 1990 (P.L.1362, No.211) and July 4, 2004
13 (P.L.536, No.70), are amended to read:

14 Section 111. Background Checks of Prospective Employees;
15 Conviction of Employees of Certain Offenses.--(a) This section
16 shall apply to all prospective employees of public and private
17 schools, intermediate units and area vocational-technical
18 schools, including teachers, substitutes, janitors, cafeteria

1 workers, bus drivers, independent contractors and their
2 employes, except those employes and independent contractors and
3 their employes who have no direct contact with children.

4 * * *

5 (c) [Where the applicant has not been a resident of this
6 Commonwealth for at least two (2) years immediately preceding
7 the date of application for employment, administrators]

8 Administrators shall require the applicant to submit with the
9 application for employment a set of fingerprints which [may]
10 shall be submitted to the Federal Bureau of Investigation for
11 Federal criminal history record information pursuant to the
12 Federal Bureau of Investigation appropriation of Title II of
13 Public Law 92-544, 86 Stat. 1115 or a copy of such Federal
14 criminal history record. Administrators shall forward the set of
15 fingerprints for the Federal criminal history record to the
16 Department of Education. The Department of Education shall be
17 the intermediary for the purposes of this section. The
18 Department of Education shall return the Federal criminal
19 history record to the applicant. When the applicant provides a
20 copy of the Federal criminal history record, it shall be no more
21 than one (1) year old. Administrators shall maintain a copy of
22 the required information and shall require each applicant to
23 produce a Federal criminal history record that may not be more
24 than one (1) year old at the time of employment. The original
25 Federal criminal history record shall be returned to the
26 applicant.

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