

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 219 Session of 2007

INTRODUCED BY VANCE, RHOADES, FOLMER, BOSCOLA, COSTA, EARLL, ERICKSON, O'PAKE, ORIE, PUNT, RAFFERTY, M. WHITE, C. WILLIAMS, WONDERLING AND WAUGH, JANUARY 29, 2007

SENATOR RHOADES, EDUCATION, AS AMENDED, FEBRUARY 6, 2007

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 FOR disqualifications
7 relating to teacher's certificate.

<—

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

10 ~~Section 1. Section 1209 of the act of March 10, 1949~~
11 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
12 ~~amended April 15, 1959 (P.L.41, No.16) and June 24, 1959~~
13 ~~(P.L.485, No.110), is amended to read:~~

<—

14 SECTION 1. SECTION 111(C) AND (C.1) OF THE ACT OF MARCH 10,
15 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,
16 AMENDED OR ADDED JULY 11, 2006 (P.L.1092, NO.114), ARE AMENDED
17 TO READ:

<—

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

20 (C) WHERE THE APPLICANT HAS NOT BEEN A RESIDENT OF THIS

1 COMMONWEALTH FOR AT LEAST TWO (2) YEARS IMMEDIATELY PRECEDING
2 THE DATE OF APPLICATION FOR EMPLOYMENT, ADMINISTRATORS SHALL
3 REQUIRE THE APPLICANT TO SUBMIT WITH THE APPLICATION FOR
4 EMPLOYMENT A SET OF FINGERPRINTS WHICH MAY BE SUBMITTED TO THE
5 FEDERAL BUREAU OF INVESTIGATION FOR FEDERAL CRIMINAL HISTORY
6 RECORD INFORMATION PURSUANT TO THE FEDERAL BUREAU OF
7 INVESTIGATION APPROPRIATION OF TITLE II OF PUBLIC LAW 92-544, 86
8 STAT. [1115] 1306 OR A COPY OF SUCH FEDERAL CRIMINAL HISTORY
9 RECORD. ADMINISTRATORS SHALL FORWARD THE SET OF FINGERPRINTS FOR
10 THE FEDERAL CRIMINAL HISTORY RECORD TO THE DEPARTMENT OF
11 EDUCATION. THE DEPARTMENT OF EDUCATION SHALL BE THE INTERMEDIARY
12 FOR THE PURPOSES OF THIS SECTION. THE DEPARTMENT OF EDUCATION
13 SHALL RETURN THE FEDERAL CRIMINAL HISTORY RECORD TO THE
14 APPLICANT. WHEN THE APPLICANT PROVIDES A COPY OF THE FEDERAL
15 CRIMINAL HISTORY RECORD, IT SHALL BE NO MORE THAN ONE (1) YEAR
16 OLD. ADMINISTRATORS SHALL MAINTAIN A COPY OF THE REQUIRED
17 INFORMATION AND SHALL REQUIRE EACH APPLICANT TO PRODUCE A
18 FEDERAL CRIMINAL HISTORY RECORD THAT MAY NOT BE MORE THAN ONE
19 (1) YEAR OLD AT THE TIME OF EMPLOYMENT. THE ORIGINAL FEDERAL
20 CRIMINAL HISTORY RECORD SHALL BE RETURNED TO THE APPLICANT. THIS
21 SUBSECTION SHALL EXPIRE MARCH 31, 2007.

22 (C.1) (1) BEGINNING APRIL 1, 2007, ADMINISTRATORS SHALL
23 REQUIRE THE APPLICANT TO SUBMIT WITH THE APPLICATION FOR
24 EMPLOYMENT A COPY OF THE FEDERAL CRIMINAL HISTORY RECORD IN A
25 MANNER PRESCRIBED BY THE DEPARTMENT OF EDUCATION.

26 (2) AT A MINIMUM, THE DEPARTMENT OF EDUCATION SHALL
27 PRESCRIBE A METHOD FOR APPLICANTS TO SUBMIT A SET OF
28 FINGERPRINTS TO BE TRANSMITTED TO THE FEDERAL BUREAU OF
29 INVESTIGATION FOR FEDERAL CRIMINAL HISTORY RECORD INFORMATION
30 PURSUANT TO THE FEDERAL BUREAU OF INVESTIGATION APPROPRIATION OF

1 TITLE II OF PUBLIC LAW 92-544, 86 STAT. 1306.

2 (3) WHEN THE APPLICANT PROVIDES A COPY OF THE FEDERAL
3 CRIMINAL HISTORY RECORD, IT SHALL BE NO MORE THAN ONE (1) YEAR
4 OLD. ADMINISTRATORS SHALL MAINTAIN A COPY OF THE REQUIRED
5 INFORMATION AND SHALL REQUIRE EACH APPLICANT TO PRODUCE A
6 FEDERAL CRIMINAL HISTORY RECORD THAT MAY NOT BE MORE THAN ONE
7 (1) YEAR OLD AT THE TIME OF EMPLOYMENT. THE ORIGINAL FEDERAL
8 CRIMINAL HISTORY RECORD SHALL BE RETURNED TO THE APPLICANT.

9 * * *

10 SECTION 2. SECTION 1209 OF THE ACT, AMENDED APRIL 15, 1959
11 (P.L.41, NO.16) AND JUNE 24, 1959 (P.L.485, NO.110), IS AMENDED
12 TO READ:

13 Section 1209. Disqualifications.--No teacher's certificate
14 shall be granted to any person who [has]:

15 (1) Has not submitted, upon a blank furnished by the
16 [Superintendent of Public Instruction] Secretary of Education, a
17 certificate from a physician [legally qualified to practice
18 medicine], certified registered nurse practitioner or physician
19 assistant licensed or certified in this Commonwealth, or in any
20 other state or the District of Columbia, setting forth that
21 [said] the applicant is neither mentally nor physically
22 disqualified[,] by reason of [tuberculosis or any other] a
23 communicable disease or [by reason of] mental disorder from
24 successful performance of the duties of a teacher[; nor to any
25 person who has not].

26 (2) Does not have a good moral character[, or who is].

27 (3) Is in the habit of using opium or other narcotic drugs
28 in any form, or any intoxicating drink as a beverage[, or to any
29 applicant who has].

30 (4) Has a major physical disability or defect, unless [such

1 a] the person submits a certificate signed by an official of the
2 college or university from which [he] the person was graduated
3 or of an appropriate rehabilitation agency, certifying that in
4 the opinion of [such] the official the applicant, by [his] work
5 and activities, has demonstrated that [he] the applicant is
6 sufficiently adjusted, trained and motivated to perform the
7 duties of a teacher, notwithstanding [his] the applicant's
8 impediment.

9 Section 2 3. Any regulations of the Department of Education <—
10 that are inconsistent with ~~this act~~ THE AMENDMENT OF SECTION <—
11 1209 OF THE ACT are hereby abrogated to the extent of the
12 inconsistency.

13 Section 3 4. This act shall take effect in 60 days. <—