

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1588 Session of 2013

INTRODUCED BY SAYLOR, BLOOM, TALLMAN, AUMENT, BAKER, CUTLER, DENLINGER, DiGIROLAMO, GABLER, GIBBONS, GINGRICH, C. HARRIS, HELM, KAUFFMAN, F. KELLER, KNOWLES, KRIEGER, LUCAS, MARSHALL, MILLARD, MILNE, MIRANDA, QUINN, REGAN, ROCK, SACCONI, SANKEY, STERN, SWANGER, MCGINNIS, MALONEY AND LAWRENCE, JUNE 26, 2013

REFERRED TO COMMITTEE ON EDUCATION, JUNE 26, 2013

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, providing  
6 for religious educational facilities.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
10 as the Public School Code of 1949, is amended by adding a  
11 section to read:

12 Section 1338.3. Religious Educational Facilities.--(a) It  
13 is the policy of the Commonwealth to preserve the primary right  
14 and the obligation of the parent or parents, or person or  
15 persons in loco parentis to a child, to choose the education and  
16 training for such child. It is likewise the policy of the  
17 Commonwealth to avoid imposing substantial burdens on the  
18 religious liberties of educational ministries without compelling

1 justification.

2 (b) Except as otherwise provided in this section, nothing  
3 contained in this act or in any law of this Commonwealth shall  
4 empower the Commonwealth, any of its officers, agencies or  
5 subdivisions to mandate or approve the course or program  
6 content, curriculum, faculty, staff, training or principles of  
7 religious development or spiritual formation of any religious  
8 educational facility.

9 (c) A religious educational facility shall be subject to the  
10 applicable background check and child abuse reporting  
11 requirements of this act and 23 Pa.C.S. Ch. 63 (relating to  
12 child protective services).

13 (d) Nothing contained in this section shall prevent the  
14 Commonwealth from:

15 (1) Adopting or enforcing any regulations which prevent  
16 threats to the physical health or safety of individuals or  
17 unsanitary or dangerous conditions in religious educational  
18 facilities or which prohibit any form of child abuse as defined  
19 in 23 Pa.C.S. Ch. 63.

20 (2) Imposing any staff-child ratio requirements or staff  
21 training requirements that are necessary to prevent threats to  
22 the physical health or safety of individuals or unsanitary or  
23 dangerous conditions in religious educational facilities,  
24 provided that no minimum staffing requirements shall be imposed  
25 on any before-school program or after-school program that is  
26 operated on the premises of a religious school, that is staffed  
27 by the regular classroom teachers or staff members at that  
28 school and that maintains staff-child ratios that are  
29 substantially the same as those maintained during the regular  
30 school day.

1 (3) Requiring that a religious educational facility submit  
2 to annual or emergency inspections as authorized by statute.

3 (4) Requiring that a religious educational facility comply  
4 with all applicable requirements of any statute, regulation or  
5 program guidance under which governmental funding is provided to  
6 the facility, including, but not limited to, Head Start, Pre-K  
7 Counts, child care assistance or child care services or any  
8 other program funded by appropriations made by the General  
9 Assembly.

10 (e) A religious educational facility shall comply with  
11 generally applicable State statutes and regulations relating to  
12 health and safety promulgated by the Department of Agriculture,  
13 the Department of Environmental Protection, the Department of  
14 Health, the Department of Labor and Industry, the Department of  
15 Transportation or by any political subdivision, and with  
16 generally applicable health and safety requirements or generally  
17 applicable building and zoning requirements adopted by a  
18 political subdivision.

19 (f) The terms in this section shall have the following  
20 definitions:

21 "Before-school program" or "after-school program" means a  
22 program for pupils attending a religious kindergarten,  
23 elementary school or secondary school that is operated for no  
24 more than five (5) hours per day on the premises of the  
25 religious school attended by the pupils of that school during  
26 the regular academic year and is staffed by regular classroom  
27 teachers or staff members at that school.

28 "Prekindergarten," "preschool," or "nursery school" means a  
29 school which maintains or conducts classes for the purpose of  
30 offering instruction and learning experiences to a minimum of

1 five (5) pupils for not less than two (2) hours per day nor more  
2 than six (6) hours per day and for at least sixty (60) days per  
3 academic calendar year. A prekindergarten, preschool or nursery  
4 school that is affiliated with and is operated on the premises  
5 of a religious kindergarten, elementary school or secondary  
6 school may operate for up to seven (7) hours per day if its  
7 hours of operation coincide with the instructional day of the  
8 school with which it is affiliated. A religious prekindergarten,  
9 preschool or nursery school shall register with the Department  
10 of Education in the same manner as prescribed by regulation for  
11 religious schools that are described in section 1327(b).

12 "Religious educational facility" means a prekindergarten,  
13 preschool, nursery school, before-school program or after-school  
14 program or school vacation program for children who have  
15 attained two (2) years and seven (7) months of age or older,  
16 operated by any church, association of churches or other  
17 religious order, body or institution which qualifies for  
18 exemption from taxation under section 501(c)(3) or (d) of the  
19 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §  
20 501).

21 "School vacation program" means an instructional program  
22 operated by a religious elementary school or secondary school or  
23 a vacation Bible school or other similar program which  
24 incorporates religious instruction, training, learning  
25 experiences or principles of religious development or spiritual  
26 formation during the days when school is not open.

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