
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **1816** Session of
2013

INTRODUCED BY TOBASH, GOODMAN, HEFFLEY, LONGIETTI, KORTZ, ROCK,
SCHLOSSBERG, DAVIDSON, MARSHALL, MURT, DAVIS, KILLION,
GINGRICH, GIBBONS, MACKENZIE, REED, SIMMONS, KIRKLAND,
SCHLEGEL CULVER, EVANKOVICH, FLECK, DAY, PEIFER AND BLOOM,
NOVEMBER 6, 2013

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, OCTOBER 7, 2014

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 EMPLOYMENT HISTORY REVIEW AND FOR ELECTRONIC PUBLIC
7 SAFETY AND CRIMINAL JUSTICE INFORMATION; in certification of
8 teachers, further providing for continuuung professional
9 development ~~and~~; PROVIDING FOR BACCALAUREATE CERTIFICATION <--
10 BASIC SKILLS; AND FURTHER PROVIDING for Pennsylvania School
11 Leadership Standards.

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

14 ~~Section 1. Section 1205.1(c.1) of the act of March 10, 1949 <--~~
15 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
16 ~~amended July 11, 2006 (P.L.1092, No.114), is amended to read:~~

17 SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN <--
18 AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING
19 SECTIONS TO READ:

20 SECTION 111.1. EMPLOYMENT HISTORY REVIEW.-- (A) THIS SECTION

1 SHALL APPLY TO ALL POSITIONS FOR EMPLOYMENT AT SCHOOL ENTITIES
2 AND INDEPENDENT CONTRACTORS OF SCHOOL ENTITIES INVOLVING DIRECT
3 CONTACT WITH CHILDREN.

4 (B) IN ADDITION TO FULFILLING THE REQUIREMENTS OF SECTION
5 111 AND 23 PA.C.S. § 6344.2 (RELATING TO INFORMATION RELATING TO
6 OTHER PERSONS HAVING CONTACT WITH CHILDREN), BEFORE A SCHOOL
7 ENTITY OR INDEPENDENT CONTRACTOR MAY OFFER EMPLOYMENT TO AN
8 APPLICANT WHO WOULD BE EMPLOYED BY OR IN A SCHOOL ENTITY IN A
9 POSITION INVOLVING DIRECT CONTACT WITH CHILDREN, THE SCHOOL
10 ENTITY OR INDEPENDENT CONTRACTOR SHALL:

11 (1) REQUIRE THE APPLICANT TO PROVIDE:

12 (I) A LIST, INCLUDING NAME, ADDRESS, TELEPHONE NUMBER AND
13 OTHER RELEVANT CONTACT INFORMATION OF THE APPLICANT'S:

14 (A) CURRENT EMPLOYER.

15 (B) ALL FORMER EMPLOYERS THAT WERE SCHOOL ENTITIES.

16 (C) ALL FORMER EMPLOYERS WHERE THE APPLICANT WAS EMPLOYED IN
17 POSITIONS THAT INVOLVED DIRECT CONTACT WITH CHILDREN.

18 (II) A WRITTEN AUTHORIZATION THAT CONSENTS TO AND AUTHORIZES
19 DISCLOSURE BY THE APPLICANT'S CURRENT AND FORMER EMPLOYERS UNDER
20 SUBPARAGRAPH (I) OF THE INFORMATION REQUESTED UNDER PARAGRAPH
21 (2) AND THE RELEASE OF RELATED RECORDS AND THAT RELEASES THOSE
22 EMPLOYERS FROM LIABILITY THAT MAY ARISE FROM SUCH DISCLOSURE OR
23 RELEASE OF RECORDS PURSUANT TO SUBSECTION (D) (5).

24 (III) A WRITTEN STATEMENT OF WHETHER THE APPLICANT:

25 (A) HAS BEEN THE SUBJECT OF AN ABUSE OR SEXUAL MISCONDUCT
26 INVESTIGATION BY ANY EMPLOYER, STATE LICENSING AGENCY, LAW
27 ENFORCEMENT AGENCY OR CHILD PROTECTIVE SERVICES AGENCY, UNLESS
28 THE INVESTIGATION RESULTED IN A FINDING THAT THE ALLEGATIONS
29 WERE FALSE;

30 (B) HAS EVER BEEN DISCIPLINED, DISCHARGED, NONRENEWED, ASKED

1 TO RESIGN FROM EMPLOYMENT, RESIGNED FROM OR OTHERWISE SEPARATED
2 FROM ANY EMPLOYMENT WHILE ALLEGATIONS OF ABUSE OR SEXUAL
3 MISCONDUCT AS DESCRIBED IN CLAUSE (A) WERE PENDING OR UNDER
4 INVESTIGATION, OR DUE TO AN ADJUDICATION OR FINDINGS OF ABUSE OR
5 SEXUAL MISCONDUCT AS DESCRIBED IN CLAUSE (A); OR
6 (C) HAS EVER HAD A LICENSE, PROFESSIONAL LICENSE OR
7 CERTIFICATE SUSPENDED, SURRENDERED OR REVOKED WHILE ALLEGATIONS
8 OF ABUSE OR SEXUAL MISCONDUCT AS DESCRIBED IN CLAUSE (A) WERE
9 PENDING OR UNDER INVESTIGATION, OR DUE TO AN ADJUDICATION OR
10 FINDINGS OF ABUSE OR SEXUAL MISCONDUCT AS DESCRIBED IN CLAUSE
11 (A).

12 (2) CONDUCT A REVIEW OF THE EMPLOYMENT HISTORY OF THE
13 APPLICANT BY CONTACTING THOSE EMPLOYERS LISTED BY THE APPLICANT
14 UNDER THE PROVISIONS OF PARAGRAPH (1) (I) AND REQUESTING THE
15 FOLLOWING INFORMATION:

16 (I) THE DATES OF EMPLOYMENT OF THE APPLICANT.

17 (II) A STATEMENT AS TO WHETHER THE APPLICANT:

18 (A) WAS THE SUBJECT OF ANY ABUSE OR SEXUAL MISCONDUCT
19 INVESTIGATION BY ANY EMPLOYER, STATE LICENSING AGENCY, LAW
20 ENFORCEMENT AGENCY OR CHILD PROTECTIVE SERVICES AGENCY, UNLESS
21 SUCH INVESTIGATION RESULTED IN A FINDING THAT THE ALLEGATIONS
22 WERE FALSE;

23 (B) WAS DISCIPLINED, DISCHARGED, NONRENEWED, ASKED TO RESIGN
24 FROM EMPLOYMENT, RESIGNED FROM OR OTHERWISE SEPARATED FROM ANY
25 EMPLOYMENT WHILE ALLEGATIONS OF ABUSE OR SEXUAL MISCONDUCT AS
26 DESCRIBED IN CLAUSE (A) WERE PENDING OR UNDER INVESTIGATION, OR
27 DUE TO AN ADJUDICATION OR FINDINGS OF ABUSE OR SEXUAL MISCONDUCT
28 DESCRIBED IN CLAUSE (A); OR

29 (C) HAS EVER HAD A LICENSE, PROFESSIONAL LICENSE OR
30 CERTIFICATE SUSPENDED, SURRENDERED OR REVOKED WHILE ALLEGATIONS

1 OF ABUSE OR SEXUAL MISCONDUCT AS DESCRIBED IN CLAUSE (A) WERE
2 PENDING OR UNDER INVESTIGATION, OR DUE TO AN ADJUDICATION OR
3 FINDINGS OF ABUSE OR SEXUAL MISCONDUCT AS DESCRIBED IN CLAUSE
4 (A).

5 (3) CHECK THE ELIGIBILITY FOR EMPLOYMENT OR CERTIFICATION
6 STATUS OF ANY APPLICANT FOR A POSITION INVOLVING DIRECT CONTACT
7 WITH CHILDREN TO DETERMINE WHETHER THE APPLICANT HOLDS VALID AND
8 ACTIVE CERTIFICATION APPROPRIATE FOR THE POSITION AND IS
9 OTHERWISE ELIGIBLE FOR EMPLOYMENT AND WHETHER THE APPLICANT HAS
10 BEEN THE SUBJECT OF PUBLIC PROFESSIONAL DISCIPLINE.

11 (4) INQUIRE WHETHER THE DEPARTMENT OF EDUCATION HAS RECEIVED
12 NOTIFICATION OF PENDING CRIMINAL CHARGES AGAINST THE APPLICANT.

13 (C) AN APPLICANT WHO PROVIDES FALSE INFORMATION OR WILFULLY
14 FAILS TO DISCLOSE INFORMATION REQUIRED IN SUBSECTION (B) SHALL
15 BE SUBJECT TO DISCIPLINE UP TO, AND INCLUDING, TERMINATION OR
16 DENIAL OF EMPLOYMENT AND MAY BE SUBJECT TO CRIMINAL PROSECUTION
17 UNDER 18 PA.C.S. § 4904 (RELATING TO UNSWORN FALSIFICATION TO
18 AUTHORITIES), AND MAY BE SUBJECT TO CIVIL PENALTIES AND
19 PROFESSIONAL DISCIPLINE IN ACCORDANCE WITH SUBSECTION (L).

20 (D) (1) NO LATER THAN TWENTY (20) DAYS AFTER RECEIVING A
21 REQUEST FOR INFORMATION REQUIRED UNDER SUBSECTION (B) (2), AN
22 EMPLOYER THAT HAS OR HAD AN EMPLOYMENT RELATIONSHIP WITH THE
23 APPLICANT SHALL DISCLOSE THE INFORMATION REQUESTED.

24 (2) THE EMPLOYER SHALL DISCLOSE THE INFORMATION ON A
25 STANDARDIZED FORM DEVELOPED BY THE DEPARTMENT OF EDUCATION.

26 (3) (I) AFTER REVIEWING THE INFORMATION INITIALLY DISCLOSED
27 UNDER PARAGRAPH (1) AND FINDING AN AFFIRMATIVE RESPONSE TO
28 SUBSECTION (B) (1) (III) (A), (B) OR (C), (2) (II) (A), (B) OR (C)
29 WHERE THE PROSPECTIVE EMPLOYING SCHOOL ENTITY OR CONTRACTOR
30 MAKES A DETERMINATION TO FURTHER CONSIDER THE APPLICANT FOR

1 EMPLOYMENT, THE SCHOOL ENTITY OR CONTRACTOR SHALL REQUEST THAT
2 FORMER EMPLOYERS PROVIDE ADDITIONAL INFORMATION ABOUT THE
3 MATTERS DISCLOSED AND ALL RELATED RECORDS.

4 (II) FORMER EMPLOYERS SHALL PROVIDE THE ADDITIONAL
5 INFORMATION REQUESTED NO LATER THAN SIXTY (60) DAYS AFTER THE
6 PROSPECTIVE EMPLOYER'S REQUEST UNDER THIS PARAGRAPH.

7 (4) (I) INFORMATION RECEIVED UNDER THIS SECTION SHALL NOT
8 BE DEEMED A PUBLIC RECORD FOR THE PURPOSES OF THE ACT OF
9 FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE "RIGHT-TO-KNOW
10 LAW."

11 (II) A SCHOOL ENTITY THAT RECEIVES THE INFORMATION UNDER
12 THIS SUBSECTION MAY USE THE INFORMATION FOR THE PURPOSE OF
13 EVALUATING AN APPLICANT'S FITNESS TO BE HIRED OR FOR CONTINUED
14 EMPLOYMENT AND MAY REPORT THE INFORMATION AS APPROPRIATE TO THE
15 DEPARTMENT OF EDUCATION, A STATE LICENSING AGENCY, LAW
16 ENFORCEMENT AGENCY, CHILD PROTECTIVE SERVICES AGENCY, ANOTHER
17 SCHOOL ENTITY OR PROSPECTIVE EMPLOYER.

18 (5) AN EMPLOYER, SCHOOL ENTITY, SCHOOL ADMINISTRATOR OR
19 INDEPENDENT CONTRACTOR THAT PROVIDES INFORMATION OR RECORDS
20 ABOUT A CURRENT OR FORMER EMPLOYE OR APPLICANT SHALL BE IMMUNE
21 FROM CRIMINAL LIABILITY UNDER 23 PA.C.S. CH. 63 (RELATING TO
22 CHILD PROTECTIVE SERVICES) AND THE ACT OF DECEMBER 12, 1973
23 (P.L.397, NO.141), KNOWN AS THE "EDUCATOR DISCIPLINE ACT," AND
24 CIVIL LIABILITY FOR THE DISCLOSURE OF THE INFORMATION, UNLESS
25 THE INFORMATION OR RECORDS PROVIDED WERE KNOWINGLY FALSE. SUCH
26 IMMUNITY SHALL BE IN ADDITION TO AND NOT IN LIMITATION OF ANY
27 OTHER IMMUNITY PROVIDED BY LAW, OR ANY ABSOLUTE OR CONDITIONAL
28 PRIVILEGES APPLICABLE TO SUCH DISCLOSURES BY VIRTUE OF THE
29 CIRCUMSTANCES OR THE APPLICANT'S CONSENT THERETO.

30 (6) EXCEPT WHERE THE LAWS OF OTHER STATES PREVENT THE

1 RELEASE OF THE INFORMATION OR RECORDS REQUESTED, OR DISCLOSURE
2 IS RESTRICTED BY THE TERMS OF A CONTRACT ENTERED INTO PRIOR TO
3 THE EFFECTIVE DATE OF THIS SECTION, THE WILFUL FAILURE OF A
4 FORMER EMPLOYER, SCHOOL ENTITY, SCHOOL ADMINISTRATOR OR
5 INDEPENDENT CONTRACTOR TO RESPOND OR PROVIDE THE INFORMATION AND
6 RECORDS AS REQUESTED MAY RESULT IN CIVIL PENALTIES, AND
7 PROFESSIONAL DISCIPLINE WHERE APPROPRIATE, IN ACCORDANCE WITH
8 SUBSECTION (L).

9 (7) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, AN
10 EMPLOYER, SCHOOL ENTITY, SCHOOL ADMINISTRATOR, INDEPENDENT
11 CONTRACTOR OR APPLICANT SHALL REPORT AND DISCLOSE IN ACCORDANCE
12 WITH THIS SECTION ALL RELEVANT INFORMATION, RECORDS AND
13 DOCUMENTATION THAT MAY OTHERWISE BE CONFIDENTIAL UNDER 23
14 PA.C.S. CH. 63 AND THE "EDUCATOR DISCIPLINE ACT."

15 (E) (1) A SCHOOL ENTITY OR INDEPENDENT CONTRACTOR MAY NOT
16 HIRE AN APPLICANT WHO DOES NOT PROVIDE THE INFORMATION REQUIRED
17 UNDER SUBSECTION (B) FOR A POSITION INVOLVING DIRECT CONTACT
18 WITH CHILDREN.

19 (2) A SCHOOL ENTITY OR INDEPENDENT CONTRACTOR MAY HIRE AN
20 APPLICANT ON A PROVISIONAL BASIS FOR A PERIOD NOT TO EXCEED
21 NINETY (90) DAYS PENDING THE SCHOOL ENTITY'S OR INDEPENDENT
22 CONTRACTOR'S REVIEW OF INFORMATION AND RECORDS RECEIVED UNDER
23 THIS SECTION, PROVIDED THAT ALL OF THE FOLLOWING ARE SATISFIED:

24 (I) THE APPLICANT HAS PROVIDED ALL OF THE INFORMATION AND
25 SUPPORTING DOCUMENTATION REQUIRED UNDER SUBSECTION (B).

26 (II) THE SCHOOL ADMINISTRATOR HAS NO KNOWLEDGE OF
27 INFORMATION PERTAINING TO THE APPLICANT THAT WOULD DISQUALIFY
28 THE APPLICANT FROM EMPLOYMENT.

29 (III) THE APPLICANT SWEARS OR AFFIRMS THAT THE APPLICANT IS
30 NOT DISQUALIFIED FROM EMPLOYMENT.

1 (IV) THE APPLICANT IS NOT PERMITTED BY THE SCHOOL ENTITY OR
2 INDEPENDENT CONTRACTOR TO WORK ALONE WITH CHILDREN AND IS
3 REQUIRED TO WORK IN THE IMMEDIATE VICINITY OF A PERMANENT
4 EMPLOYEE.

5 (F) ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, A SCHOOL
6 ENTITY OR INDEPENDENT CONTRACTOR MAY NOT ENTER INTO A COLLECTIVE
7 BARGAINING AGREEMENT, AN EMPLOYMENT CONTRACT, AN AGREEMENT FOR
8 RESIGNATION OR TERMINATION, A SEVERANCE AGREEMENT OR ANY OTHER
9 CONTRACT OR AGREEMENT OR TAKE ANY ACTION THAT:

10 (1) HAS THE EFFECT OF SUPPRESSING INFORMATION RELATING TO AN
11 INVESTIGATION RELATED TO A REPORT OF SUSPECTED ABUSE OR SEXUAL
12 MISCONDUCT BY A CURRENT OR FORMER EMPLOYEE;

13 (2) AFFECTS THE ABILITY OF THE SCHOOL ENTITY OR INDEPENDENT
14 CONTRACTOR TO REPORT SUSPECTED ABUSE OR SEXUAL MISCONDUCT TO THE
15 APPROPRIATE AUTHORITIES; OR

16 (3) REQUIRES THE SCHOOL ENTITY OR INDEPENDENT CONTRACTOR TO
17 EXPUNGE INFORMATION ABOUT ALLEGATIONS OR FINDINGS OF SUSPECTED
18 ABUSE OR SEXUAL MISCONDUCT FROM ANY DOCUMENTS MAINTAINED BY THE
19 SCHOOL ENTITY OR INDEPENDENT CONTRACTOR, UNLESS AFTER
20 INVESTIGATION THE ALLEGATIONS ARE FOUND TO BE FALSE.

21 (G) ANY PROVISION OF AN EMPLOYMENT CONTRACT OR AGREEMENT FOR
22 RESIGNATION OR TERMINATION OR A SEVERANCE AGREEMENT THAT IS
23 EXECUTED, AMENDED OR ENTERED INTO AFTER THE EFFECTIVE DATE OF
24 THIS SECTION AND THAT IS CONTRARY TO THIS SECTION SHALL BE VOID
25 AND UNENFORCEABLE.

26 (H) (1) FOR SUBSTITUTE EMPLOYEES, THE EMPLOYMENT HISTORY
27 REVIEW REQUIRED BY THIS SECTION SHALL BE REQUIRED ONLY PRIOR TO
28 THE INITIAL HIRING OF A SUBSTITUTE EMPLOYEE OR PLACEMENT ON THE
29 SCHOOL ENTITY'S APPROVED SUBSTITUTE LIST AND SHALL REMAIN VALID
30 AS LONG AS THE SUBSTITUTE EMPLOYEE CONTINUES TO BE EMPLOYED BY

1 THE SAME SCHOOL ENTITY OR REMAINS ON THE SCHOOL ENTITY'S
2 APPROVED SUBSTITUTE LIST.

3 (2) A SUBSTITUTE EMPLOYE SEEKING TO BE ADDED TO ANOTHER
4 SCHOOL ENTITY'S SUBSTITUTE LIST SHALL UNDERGO A NEW EMPLOYMENT
5 HISTORY REVIEW. EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (3),
6 THE APPEARANCE OF A SUBSTITUTE EMPLOYE ON ONE SCHOOL ENTITY'S
7 SUBSTITUTE LIST DOES NOT RELIEVE ANOTHER SCHOOL ENTITY FROM
8 COMPLIANCE WITH THIS SECTION.

9 (3) AN EMPLOYMENT HISTORY REVIEW CONDUCTED UPON INITIAL
10 HIRING OF A SUBSTITUTE EMPLOYE BY AN INDEPENDENT CONTRACTOR,
11 INTERMEDIATE UNIT OR ANY OTHER ENTITY THAT FURNISHES SUBSTITUTE
12 STAFFING SERVICES TO SCHOOL ENTITIES SHALL SATISFY THE
13 REQUIREMENTS OF THIS SECTION FOR ALL SCHOOL ENTITIES USING THE
14 SERVICES OF THAT INDEPENDENT CONTRACTOR, INTERMEDIATE UNIT OR
15 OTHER ENTITY.

16 (4) AN INDEPENDENT CONTRACTOR, INTERMEDIATE UNIT OR ANY
17 OTHER ENTITY FURNISHING SUBSTITUTE STAFFING SERVICES TO SCHOOL
18 ENTITIES SHALL COMPLY WITH THE PROVISIONS OF SUBSECTION (I) (3)
19 AND (4).

20 (5) FOR PURPOSES OF THIS SUBSECTION, "SUBSTITUTE EMPLOYE"
21 SHALL NOT MEAN SCHOOL BUS DRIVERS EMPLOYED BY AN INDEPENDENT
22 CONTRACTOR.

23 (I) (1) FOR EMPLOYES OF INDEPENDENT CONTRACTORS, THE
24 EMPLOYMENT HISTORY REVIEW REQUIRED BY THIS SECTION SHALL BE
25 PERFORMED, EITHER AT THE TIME OF THE INITIAL HIRING OF THE
26 EMPLOYE OR PRIOR TO THE ASSIGNMENT OF AN EXISTING EMPLOYE TO
27 PERFORM WORK FOR A SCHOOL ENTITY IN A POSITION INVOLVING DIRECT
28 CONTACT WITH CHILDREN. THE REVIEW SHALL REMAIN VALID AS LONG AS
29 THE EMPLOYE REMAINS EMPLOYED BY THE SAME INDEPENDENT CONTRACTOR,
30 EVEN IF ASSIGNED TO PERFORM WORK FOR OTHER SCHOOL ENTITIES.

1 (2) AN INDEPENDENT CONTRACTOR SHALL MAINTAIN RECORDS
2 DOCUMENTING EMPLOYMENT HISTORY REVIEWS FOR ALL EMPLOYEES AS
3 REQUIRED BY THIS SECTION AND, UPON REQUEST, SHALL PROVIDE A
4 SCHOOL ENTITY FOR WHOM AN EMPLOYEE IS ASSIGNED TO PERFORM WORK
5 ACCESS TO THE RECORDS PERTAINING TO THAT EMPLOYEE.

6 (3) PRIOR TO ASSIGNING AN EMPLOYEE TO PERFORM WORK FOR A
7 SCHOOL ENTITY IN A POSITION INVOLVING DIRECT CONTACT WITH
8 CHILDREN, THE INDEPENDENT CONTRACTOR SHALL INFORM THE SCHOOL
9 ENTITY OF ANY INSTANCE KNOWN TO THE INDEPENDENT CONTRACTOR IN
10 WHICH THE EMPLOYEE:

11 (I) WAS THE SUBJECT OF ANY ABUSE OR SEXUAL MISCONDUCT
12 INVESTIGATION BY ANY EMPLOYER, STATE LICENSING AGENCY, LAW
13 ENFORCEMENT AUTHORITY OR CHILD PROTECTIVE SERVICES AGENCY,
14 UNLESS SUCH INVESTIGATION RESULTED IN A FINDING THAT ALLEGATIONS
15 ARE FALSE;

16 (II) HAS EVER BEEN DISCIPLINED, DISCHARGED, NONRENEWED,
17 REMOVED FROM A SUBSTITUTE LIST, ASKED TO RESIGN FROM EMPLOYMENT,
18 RESIGNED FROM OR OTHERWISE SEPARATED FROM ANY EMPLOYMENT WHILE
19 ALLEGATIONS OF ABUSE OR SEXUAL MISCONDUCT AS DESCRIBED IN
20 SUBPARAGRAPH (I) WERE PENDING OR UNDER INVESTIGATION, OR DUE TO
21 AN ADJUDICATION OR FINDINGS OF ABUSE OR SEXUAL MISCONDUCT AS
22 DESCRIBED IN SUBPARAGRAPH (I); OR

23 (III) HAS EVER HAD A LICENSE, PROFESSIONAL LICENSE OR
24 CERTIFICATE SUSPENDED, SURRENDERED OR REVOKED WHILE ALLEGATIONS
25 OF ABUSE OR SEXUAL MISCONDUCT AS DESCRIBED IN SUBPARAGRAPH (I)
26 WERE PENDING OR UNDER INVESTIGATION, OR DUE TO AN ADJUDICATION
27 OR FINDINGS OF ABUSE OR SEXUAL MISCONDUCT AS DESCRIBED IN
28 SUBPARAGRAPH (I).

29 (4) THE INDEPENDENT CONTRACTOR MAY NOT ASSIGN THE EMPLOYEE TO
30 PERFORM WORK FOR THE SCHOOL ENTITY IN A POSITION INVOLVING

1 DIRECT CONTACT WITH CHILDREN WHERE THE SCHOOL ENTITY OBJECTS TO
2 THE ASSIGNMENT AFTER BEING INFORMED OF AN INSTANCE LISTED IN
3 PARAGRAPH (3).

4 (J) AN APPLICANT WHO HAS UNDERGONE THE EMPLOYMENT HISTORY
5 REVIEW REQUIRED UNDER THIS SECTION AND SEEKS TRANSFER TO OR TO
6 PROVIDE SERVICES TO ANOTHER SCHOOL IN THE SAME DISTRICT, DIOCESE
7 OR RELIGIOUS JUDICATORY OR TO ANOTHER SCHOOL ESTABLISHED AND
8 SUPERVISED BY THE SAME ORGANIZATION SHALL NOT BE REQUIRED TO
9 OBTAIN ADDITIONAL REPORTS BEFORE MAKING SUCH TRANSFER.

10 (K) NOTHING IN THIS SECTION SHALL BE CONSTRUED:

11 (1) TO PREVENT A PROSPECTIVE EMPLOYER FROM CONDUCTING
12 FURTHER INVESTIGATIONS OF PROSPECTIVE EMPLOYEES OR FROM REQUIRING
13 APPLICANTS TO PROVIDE ADDITIONAL BACKGROUND INFORMATION OR
14 AUTHORIZATIONS BEYOND WHAT IS REQUIRED UNDER THIS SECTION, NOR
15 TO PREVENT A FORMER EMPLOYER FROM DISCLOSING MORE INFORMATION
16 THAN WHAT IS REQUIRED UNDER THIS SECTION.

17 (2) TO RELIEVE A SCHOOL ENTITY, SCHOOL ADMINISTRATOR OR
18 INDEPENDENT CONTRACTOR OF ITS LEGAL RESPONSIBILITY TO REPORT
19 SUSPECTED INCIDENTS OF ABUSE IN ACCORDANCE WITH THE PROVISIONS
20 OF 23 PA.C.S. CH. 63.

21 (3) TO RELIEVE A SCHOOL ENTITY, SCHOOL ADMINISTRATOR OR
22 INDEPENDENT CONTRACTOR OF ITS LEGAL RESPONSIBILITY TO REPORT
23 SUSPECTED INCIDENTS OF PROFESSIONAL MISCONDUCT IN ACCORDANCE
24 WITH THE "EDUCATOR DISCIPLINE ACT."

25 (4) TO PROHIBIT THE RIGHT OF THE EXCLUSIVE REPRESENTATIVE
26 UNDER A COLLECTIVE BARGAINING AGREEMENT TO GRIEVE AND ARBITRATE
27 THE VALIDITY OF AN EMPLOYEE'S TERMINATION OR DISCIPLINE FOR JUST
28 CAUSE OR FOR THE CAUSES SET FORTH IN THIS ACT.

29 (L) (1) THE DEPARTMENT OF EDUCATION SHALL HAVE JURISDICTION
30 TO DETERMINE WILFUL VIOLATIONS OF THIS SECTION AND MAY,

1 FOLLOWING A HEARING, ASSESS A CIVIL PENALTY NOT TO EXCEED TEN
2 THOUSAND DOLLARS (\$10,000). SCHOOL ENTITIES SHALL BE BARRED FROM
3 CONTRACTING WITH AN INDEPENDENT CONTRACTOR WHO IS FOUND TO HAVE
4 WILFULLY VIOLATED THE PROVISIONS OF THIS SECTION.

5 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
6 THE DEPARTMENT OF EDUCATION MAY INITIATE DISCIPLINARY ACTION
7 BEFORE THE PROFESSIONAL STANDARDS AND PRACTICES COMMISSION
8 PURSUANT TO THE "EDUCATOR DISCIPLINE ACT" AGAINST ANY APPLICANT,
9 EMPLOYEE, INDEPENDENT CONTRACTOR OR SCHOOL ADMINISTRATOR WHO IS
10 SUBJECT TO THE "EDUCATOR DISCIPLINE ACT" FOR WILFUL VIOLATIONS
11 OF THIS SECTION.

12 (M) THE DEPARTMENT OF EDUCATION SHALL DEVELOP THE FORMS FOR
13 APPLICANTS AND EMPLOYERS REQUIRED UNDER SUBSECTION (B) (1) AND
14 (2), AS WELL AS ANY OTHER FORMS NECESSARY TO CARRY OUT THE
15 PROVISIONS OF THIS SECTION.

16 (N) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
17 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

18 "ABUSE." CONDUCT THAT FALLS UNDER THE PURVIEW AND REPORTING
19 REQUIREMENTS OF 23 PA.C.S. CH. 63 (RELATING TO CHILD PROTECTIVE
20 SERVICES) AND IS DIRECTED TOWARD OR AGAINST A CHILD OR A
21 STUDENT, REGARDLESS OF THE AGE OF THE CHILD OR STUDENT.

22 "DIRECT CONTACT WITH CHILDREN." THE POSSIBILITY OF CARE,
23 SUPERVISION, GUIDANCE OR CONTROL OF CHILDREN OR ROUTINE
24 INTERACTION WITH CHILDREN.

25 "SCHOOL ENTITY." ANY PUBLIC SCHOOL, INCLUDING A CHARTER
26 SCHOOL OR CYBER CHARTER SCHOOL, PRIVATE SCHOOL, NONPUBLIC
27 SCHOOL, INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL
28 OPERATING WITHIN THIS COMMONWEALTH.

29 "SEXUAL MISCONDUCT." ANY ACT, INCLUDING, BUT NOT LIMITED TO,
30 ANY VERBAL, NONVERBAL, WRITTEN OR ELECTRONIC COMMUNICATION OR

1 PHYSICAL ACTIVITY, DIRECTED TOWARD OR WITH A CHILD OR A STUDENT
2 REGARDLESS OF THE AGE OF THE CHILD OR STUDENT THAT IS DESIGNED
3 TO ESTABLISH A ROMANTIC OR SEXUAL RELATIONSHIP WITH THE CHILD OR
4 STUDENT. SUCH ACTS INCLUDE, BUT ARE NOT LIMITED TO:

5 (1) SEXUAL OR ROMANTIC INVITATION.

6 (2) DATING OR SOLICITING DATES.

7 (3) ENGAGING IN SEXUALIZED OR ROMANTIC DIALOG.

8 (4) MAKING SEXUALLY SUGGESTIVE COMMENTS.

9 (5) SELF-DISCLOSURE OR PHYSICAL EXPOSURE OF A SEXUAL,
10 ROMANTIC OR EROTIC NATURE.

11 (6) ANY SEXUAL, INDECENT, ROMANTIC OR EROTIC CONTACT WITH
12 THE CHILD OR STUDENT.

13 SECTION 111.2. ELECTRONIC PUBLIC SAFETY AND CRIMINAL JUSTICE
14 INFORMATION.--(A) SUBJECT TO SUBSECTION (B), THE DEPARTMENT OF
15 EDUCATION SHALL OBTAIN AND MONITOR PUBLIC SAFETY AND CRIMINAL
16 JUSTICE INFORMATION, INCLUDING, BUT NOT LIMITED TO, ARREST AND
17 DISPOSITION INFORMATION, FOR ALL EDUCATORS FROM ANY STATEWIDE
18 ELECTRONIC DATABASE TO THE EXTENT SUCH PUBLIC SAFETY AND
19 CRIMINAL JUSTICE INFORMATION IS AVAILABLE TO THE DEPARTMENT OF
20 EDUCATION AND SHALL USE SUCH INFORMATION FOR CERTIFICATION AND
21 DISCIPLINE PURPOSES.

22 (B) FOR PURPOSES OF THIS SECTION, "EDUCATOR" SHALL MEAN ALL
23 OF THE FOLLOWING:

24 (1) ANY PERSON WHO HOLDS A COMMONWEALTH OF PENNSYLVANIA
25 CERTIFICATE, COMMISSION, LETTER OF ELIGIBILITY OR PERMIT ISSUED
26 UNDER THIS ACT OR UNDER THE ACT OF JANUARY 28, 1988 (P.L.24,
27 NO.11), KNOWN AS THE "PRIVATE ACADEMIC SCHOOLS ACT," OR WHO HAS
28 APPLIED FOR A CERTIFICATE, COMMISSION, LETTER OF ELIGIBILITY OR
29 PERMIT.

30 (2) ANY PERSON WHO IS A CHARTER OR CYBER CHARTER SCHOOL

1 STAFF MEMBER OR WHO IS A CONTRACTED EDUCATIONAL PROVIDER OR
2 CONTRACTED EDUCATIONAL PROVIDER STAFF MEMBER AS THOSE TERMS ARE
3 DEFINED IN THE ACT OF DECEMBER 12, 1973 (P.L.397, NO.141), KNOWN
4 AS THE "EDUCATOR DISCIPLINE ACT."

5 (3) ANY PERSON OVER WHOM THE PROFESSIONAL STANDARDS AND
6 PRACTICES COMMISSION HAS DISCIPLINARY AUTHORITY PURSUANT TO THE
7 "EDUCATOR DISCIPLINE ACT."

8 SECTION 2. SECTION 1205.1(C.1) OF THE ACT, AMENDED JULY 11,
9 2006 (P.L.1092, NO.114), IS AMENDED TO READ:

10 Section 1205.1. Continuing Professional Development.--* * *

11 (c.1) The continuing professional education plan shall
12 specify the professional education needs that will be met by
13 completion of each continuing professional education option and
14 how it relates to areas of assignment and certification or
15 potential administrative certification. The options may include,
16 but shall not be limited to:

17 (1) Collegiate studies.

18 (2) Continuing professional education courses taken for
19 credit.

20 (3) Other programs, activities or learning experiences taken
21 for credit or hourly, to include:

22 (i) curriculum development and other program design and
23 delivery activities at the school entity or grade level as
24 determined by the school entity and approved by the board of
25 directors;

26 (ii) participation in professional conferences and
27 workshops;

28 (iii) education in the workplace, where the work relates to
29 the professional educator's area of assignment and is approved
30 by the board of directors;

1 (iv) review, redesign and restructuring of school programs,
2 organizations and functions as determined by the school entity
3 and approved by the board of directors;

4 (v) in-service programs that comply with guidelines
5 established by the department;

6 (vi) early childhood and child development activities for
7 professional educators whose area of assignment includes
8 kindergarten through third grade;

9 (vii) special education activities for professional
10 educators whose area of assignment includes students with
11 special needs;

12 (viii) successful completion of department training for
13 service as a Distinguished Educator if the professional educator
14 participates in and completes at least one assignment in the
15 Distinguished Educators Program; [or]

16 (ix) other continuing professional education courses,
17 programs, activities or learning experiences sponsored by the
18 department[.]; or

19 (x) visits by educators to a manufacturing workplace, under <--
20 which the board of directors approves the professional
21 educator's participation in a site visit to a manufacturing
22 location for orientation and demonstrations to give the
23 professional educator a greater understanding of job
24 opportunities in manufacturing for students.

25 * * *

26 SECTION 2 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <--

27 SECTION 1207.3. BACCALAUREATE CERTIFICATION BASIC SKILLS
28 ASSESSMENT.--(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN
29 ASSESSMENT OF BASIC SKILLS REQUIRED UNDER 22 PA. CODE § 49.18
30 (RELATING TO ASSESSMENT) SHALL BE COMPLETED AND A SATISFACTORY

1 ACHIEVEMENT LEVEL SHALL BE OBTAINED PRIOR TO ENTRY INTO A
2 PENNSYLVANIA BACCALAUREATE TEACHER PREPARATION PROGRAM.

3 (B) AN ASSESSMENT OF BASIC SKILLS SHALL NOT BE REQUIRED FOR
4 ENTRY INTO A PENNSYLVANIA POSTBACCALAUREATE TEACHER PREPARATION
5 PROGRAM OR FOR ANY APPLICANT FOR CERTIFICATION WHO COMPLETES A
6 POSTBACCALAUREATE CERTIFICATION PROGRAM OR HOLDS A
7 POSTBACCALAUREATE DEGREE.

8 (C) NO BACCALAUREATE CERTIFICATION PROGRAM SHALL ADMIT A
9 STUDENT WHO HAS NOT MET THE REQUIREMENTS OF THIS SECTION BY
10 AUGUST 1, 2015.

11 Section ~~2~~ ~~3~~ 4. Section 1217(a) of the act, added July 20, <--
12 2007 (P.L.278, No.45), is amended to read:

13 Section 1217. Pennsylvania School Leadership Standards.--(a)
14 Programs provided under section 1205.5(c) and (d) to prepare
15 school or system leaders and for purposes of issuing
16 administrator certificates or letters of eligibility and
17 approved programs for the induction and continuing professional
18 education of school or system leaders shall address:

19 (1) The following core standards:

20 (i) The knowledge and skills to think and plan strategically
21 to create an organizational vision around personalized student
22 success.

23 (ii) An understanding of standards-based systems theory and
24 design and the ability to transfer that knowledge to the school
25 or system leader's job as the architect of standards-based
26 reform in the school.

27 (iii) The ability to access and use appropriate data to
28 inform decision-making at all levels of the system.

29 (2) The following corollary standards:

30 (i) Creating a culture of teaching and learning with an

1 emphasis on learning, including teaching and learning in
2 manufacturing and vocational fields.

3 (ii) Managing resources for effective results.

4 (iii) Collaborating, communicating, engaging and empowering
5 others inside and outside of the organization to pursue
6 excellence in learning.

7 (iv) Operating in a fair and equitable manner with personal
8 and professional integrity.

9 (v) Advocating for children and public education in the
10 larger political, social, economic, legal and cultural context.

11 (vi) Supporting professional growth of self and others
12 through practice and inquiry.

13 * * *

14 Section ~~3~~ 4 5. This act shall take effect in 60 days.

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