

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1030 Session of 2013

INTRODUCED BY CORMAN, FOLMER, SCARNATI, ROBBINS, SMUCKER,  
MENSCH, WARD, WAUGH AND BRUBAKER, JUNE 17, 2013

REFERRED TO EDUCATION, JUNE 17, 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  
19 justification.

20 (b) Except as otherwise provided in this section, nothing

1 contained in this act or in any law of this Commonwealth shall  
2 empower the Commonwealth, any of its officers, agencies or  
3 subdivisions to mandate or approve the course or program  
4 content, curriculum, faculty, staff, training or principles of  
5 religious development or spiritual formation of any religious  
6 educational facility.

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

11 (d) Nothing contained in this section shall prevent the  
12 Commonwealth from:

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

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

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

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

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

17     (f) The terms in this section shall have the following  
18 definitions:

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

26     "Prekindergarten," "preschool," or "nursery school" means a  
27 school which maintains or conducts classes for the purpose of  
28 offering instruction and learning experiences to a minimum of  
29 five (5) pupils for not less than two (2) hours per day nor more  
30 than six (6) hours per day and for at least sixty (60) days per

1 academic calendar year. A prekindergarten, preschool or nursery  
2 school that is affiliated with and is operated on the premises  
3 of a religious kindergarten, elementary school or secondary  
4 school may operate for up to seven (7) hours per day if its  
5 hours of operation coincide with the instructional day of the  
6 school with which it is affiliated. A religious prekindergarten,  
7 preschool or nursery school shall register with the Department  
8 of Education in the same manner as prescribed by regulation for  
9 religious schools that are described in section 1327(b).

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

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

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