

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 158 Session of 2015

INTRODUCED BY PEIFER, MILLARD, LONGIETTI, O'NEILL, GROVE, MURT, TALLMAN, SAYLOR, M. K. KELLER, CARROLL, READSHAW, MAJOR, TOPPER, PHILLIPS-HILL, R. BROWN, GIBBONS, KORTZ, DAVIS AND BRIGGS, JANUARY 22, 2015

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JANUARY 19, 2016

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, FURTHER <--
6 PROVIDING FOR CRIMINAL HISTORY OF EMPLOYEES AND PROSPECTIVE
7 EMPLOYEES AND CONVICTION OF CERTAIN OFFENSES; AND, in terms
8 and courses of study, providing for secretary declaration of
9 emergencies.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

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

15 SECTION 1. SECTION 111(B) AND (C.1) OF THE ACT OF MARCH 10, <--
16 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,
17 AMENDED OR ADDED JULY 9, 2008 (P.L.846, NO.61), ARE AMENDED AND
18 THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

19 SECTION 111. CRIMINAL HISTORY OF EMPLOYES AND PROSPECTIVE
20 EMPLOYES; CONVICTION OF CERTAIN OFFENSES.--

1 \* \* \*

2 (B) ADMINISTRATORS OF PUBLIC AND PRIVATE SCHOOLS,  
3 INTERMEDIATE UNITS AND AREA VOCATIONAL-TECHNICAL SCHOOLS SHALL  
4 REQUIRE PROSPECTIVE EMPLOYES TO SUBMIT WITH THEIR EMPLOYMENT  
5 APPLICATION, PURSUANT TO 18 PA.C.S. CH.91 (RELATING TO CRIMINAL  
6 HISTORY RECORD INFORMATION), A REPORT OF CRIMINAL HISTORY RECORD  
7 INFORMATION FROM THE PENNSYLVANIA STATE POLICE OR A STATEMENT  
8 FROM THE PENNSYLVANIA STATE POLICE THAT THE STATE POLICE CENTRAL  
9 REPOSITORY CONTAINS NO SUCH INFORMATION RELATING TO THAT PERSON.  
10 SUCH REPORT OF CRIMINAL HISTORY RECORD INFORMATION SHALL BE NO  
11 MORE THAN [ONE (1) YEAR] FIVE (5) YEARS OLD. AN APPLICANT MAY  
12 SUBMIT A COPY OF THE REQUIRED INFORMATION WITH THE APPLICATION  
13 FOR EMPLOYMENT. ADMINISTRATORS SHALL MAINTAIN A COPY OF THE  
14 REQUIRED INFORMATION. ADMINISTRATORS SHALL REQUIRE CONTRACTORS  
15 TO PRODUCE A REPORT OF CRIMINAL HISTORY RECORD INFORMATION FOR  
16 EACH PROSPECTIVE EMPLOYEE OF SUCH CONTRACTOR PRIOR TO EMPLOYMENT.  
17 A COPY OF THE REPORT OF CRIMINAL HISTORY RECORD INFORMATION FROM  
18 THE PENNSYLVANIA STATE POLICE SHALL BE MADE AVAILABLE TO THE  
19 APPLICANT IN A MANNER PRESCRIBED BY THE DEPARTMENT OF EDUCATION.

20 (C.1) BEGINNING APRIL 1, 2007, ADMINISTRATORS SHALL MAINTAIN  
21 ON FILE WITH THE APPLICATION FOR EMPLOYMENT A COPY OF THE  
22 FEDERAL CRIMINAL HISTORY RECORD IN A MANNER PRESCRIBED BY THE  
23 DEPARTMENT OF EDUCATION. AT A MINIMUM, THE DEPARTMENT OF  
24 EDUCATION SHALL PRESCRIBE A METHOD FOR APPLICANTS TO SUBMIT A  
25 SET OF FINGERPRINTS TO BE TRANSMITTED TO THE FEDERAL BUREAU OF  
26 INVESTIGATION FOR FEDERAL CRIMINAL HISTORY RECORD INFORMATION  
27 PURSUANT TO THE APPLICABLE FEDERAL LAW. THE FEDERAL CRIMINAL  
28 HISTORY RECORD INFORMATION REPORT SHALL BE NO MORE THAN [ONE (1)  
29 YEAR] FIVE (5) YEARS OLD. ADMINISTRATORS SHALL MAINTAIN A COPY  
30 OF THE REQUIRED INFORMATION AND SHALL REQUIRE EACH APPLICANT TO

1 SECURE A FEDERAL CRIMINAL HISTORY RECORD INFORMATION REPORT THAT  
2 MAY NOT BE MORE THAN [ONE (1) YEAR] FIVE (5) YEARS OLD AT THE  
3 TIME OF EMPLOYMENT. A COPY OF THE FEDERAL CRIMINAL HISTORY  
4 RECORD INFORMATION REPORT SHALL BE MADE AVAILABLE TO THE  
5 APPLICANT IN A MANNER PRESCRIBED BY THE DEPARTMENT OF EDUCATION.

6 \* \* \*

7 (C.3) IN ACCORDANCE WITH 23 PA.C.S. § 6344.4 (RELATING TO  
8 RECERTIFICATION), ADMINISTRATORS SHALL REQUIRE THE PERSONS  
9 SUBJECT TO THIS SECTION TO OBTAIN THE REPORTS DESCRIBED IN  
10 SUBSECTIONS (B) AND (C.1) AND UNDER 23 PA.C.S. § 6344(B)(2)  
11 (RELATING TO EMPLOYEES HAVING CONTACT WITH CHILDREN; ADOPTIVE  
12 AND FOSTER PARENTS) ON A RENEWED BASIS EVERY SIXTY (60) MONTHS.  
13 ANY PERSON SUBJECT TO THIS SECTION WHO HAS PREVIOUSLY NOT BEEN  
14 REQUIRED TO OBTAIN THE REPORTS REQUIRED BY SUBSECTIONS (B) AND  
15 (C.1) AND UNDER 23 PA.C.S. § 6344(B)(2) ON ACCOUNT OF SERVICE  
16 PRIOR TO APRIL 1, 2007, SHALL BE REQUIRED TO OBTAIN SUCH REPORTS  
17 NO LATER THAN DECEMBER 31, 2015. THE ADMINISTRATOR SHALL REVIEW  
18 THE REPORTS AND DETERMINE IF THE REPORTS DISCLOSE INFORMATION  
19 THAT MAY REQUIRE FURTHER ACTION. THE ADMINISTRATOR SHALL  
20 MAINTAIN A COPY OF THE REQUIRED REPORTS.

21 (C.4) TO THE EXTENT PERMITTED BY 23 PA.C.S. § 6344.3(F)  
22 (RELATING TO CONTINUED EMPLOYMENT OR PARTICIPATION IN PROGRAM,  
23 ACTIVITY OR SERVICE), AN ADMINISTRATOR MAY ACCEPT THE REPORTS  
24 IDENTIFIED IN 23 PA.C.S. § 6344(B)(1) AND (3) OBTAINED FOR  
25 EMPLOYMENT REQUIREMENTS PURSUANT TO 23 PA.C.S. § 6344 IN  
26 SATISFACTION OF THE REQUIREMENTS OF SUBSECTIONS (B) AND (C.1),  
27 PROVIDED THE REPORTS ARE NOT MORE THAN SIXTY (60) MONTHS OLD AND  
28 THE APPLICANT PROVIDES THE ADMINISTRATOR WITH THE REPORT  
29 DESCRIBED IN SUBSECTION (J)(1) INDICATING THAT THE INDIVIDUAL  
30 HAS NOT BEEN DISQUALIFIED FROM EMPLOYMENT PURSUANT TO SUBSECTION

1 (E) OR (F.1). THE APPLICANT SHALL ALSO PROVIDE AN ATTESTATION  
2 THAT THE APPLICANT HAS NOT BEEN DISQUALIFIED FOR EMPLOYMENT  
3 UNDER 23 PA.C.S. § 6344(C)(1). THE ADMINISTRATOR SHALL REVIEW  
4 THE REPORTS AND DETERMINE IF THE REPORTS DISCLOSE INFORMATION  
5 THAT MAY REQUIRE FURTHER ACTION AND SHALL MAINTAIN A COPY OF THE  
6 REQUIRED REPORTS.

7 \* \* \*

8 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

9 Section 1505. Secretary Declaration of Emergencies.--(a)  
10 Beginning in the 2015-2016 school year and in each school year  
11 thereafter, the Secretary of Education may issue a weather-  
12 related, safety-related or health-related emergency declaration  
13 on a school entity, charter school entity, county or Statewide  
14 basis under which:

15 (1) A school entity may satisfy the one hundred eighty (180)  
16 instructional day per school year requirement in section 1501 of  
17 this act by one or more of the following options:

18 (i) Approving, by majority vote of the governing board of  
19 the school entity, a school year with a minimum of nine hundred  
20 (900) hours of instruction at the elementary level and nine  
21 hundred ninety (990) hours of instruction at the secondary level  
22 in lieu of one hundred eighty (180) instructional days.

23 (ii) Approving, by majority vote of the governing board of  
24 the school entity, the scheduling of additional instructional  
25 days on Saturdays to complete one hundred eighty (180)  
26 instructional days or nine hundred (900) hours of instruction at  
27 the elementary level and nine hundred ninety (990) hours of  
28 instruction at the secondary level: Provided, however, that a  
29 school entity shall not schedule more than one Saturday per  
30 month as an instructional day and shall not schedule tests or

1 other examinations on a Saturday. Where a school entity chooses  
2 to schedule an instructional day on Saturday under the  
3 provisions of this subparagraph, the following shall apply:

4 (A) The school entity may schedule a regular instructional  
5 day on the following Monday.

6 (B) The school entity shall, upon the written request of a  
7 parent or guardian, excuse a student from school attendance if  
8 the student has the opportunity to receive a program of advanced  
9 instruction, to participate in academic or skills competition or  
10 to engage in leadership development activities. The request  
11 shall identify and describe the instruction, competition or  
12 leadership development activities and the dates and hours for  
13 which the absence is requested. The parent or guardian shall,  
14 following each such absence, furnish in writing to the school  
15 entity a statement attesting to the student's participation,  
16 including the dates and hours of such participation.

17 (C) The school entity shall, upon the written notification  
18 of a parent or guardian, excuse a student from school attendance  
19 to observe or participate in a religious activity or function. A  
20 student's absence from school pursuant to this clause shall be  
21 considered an instructional day and shall not be recorded as an  
22 absence on the student's attendance record or on the record of  
23 any group or class of which the student is a member. There shall  
24 be no penalty attached for any such absences pursuant to this  
25 clause.

26 (2) A charter school entity may satisfy the one hundred  
27 eighty (180) instructional day per school year or nine hundred  
28 (900) hours of instruction at the elementary level or nine  
29 hundred ninety (990) hours of instruction at the secondary level  
30 per school year requirement in section 1715-A through compliance

1 with paragraph (1)(ii); Provided, That for purposes of this  
2 paragraph, the term "school entity" as used in paragraph (1)(ii)  
3 shall include a charter school entity.

4 (b) A school entity or charter school entity shall notify  
5 the department, on a form to be developed by the department, of  
6 any decision to use the options provided for under subsection  
7 (a).

8 (c) No school entity or charter school entity shall receive  
9 less subsidy payments or reimbursements than it would otherwise  
10 be entitled to receive by the decision to use the options  
11 provided under subsection (a).

12 (d) Nothing in this section shall be construed to supersede  
13 or preempt any provisions of a collective bargaining agreement  
14 negotiated by a school entity or charter school entity and an  
15 exclusive representative of the employes in accordance with the  
16 act of July 23, 1970 (P.L.563, No.195), known as the "Public  
17 Employe Relations Act."

18 (e) As used in this section, the following words and phrases  
19 shall have the meanings given to them in this subsection unless  
20 the context clearly indicates otherwise:

21 "Charter school entity" shall mean a charter school, regional  
22 charter school or cyber charter school.

23 "Department" shall mean the Department of Education of the  
24 Commonwealth.

25 "School entity" shall mean a school district, area  
26 vocational-technical school or intermediate unit.

27 SECTION 3. THE AMENDMENT OR ADDITION OF SECTION 111(B), <--  
28 (C.1), (C.3) AND (C.4) OF THE ACT SHALL BE RETROACTIVE TO  
29 DECEMBER 31, 2015.

30 Section 2 4. This act shall take effect ~~in 60 days.~~ AS <--

1 FOLLOWS:

2 (1) THE ADDITION OF SECTION 1505 OF THE ACT SHALL TAKE  
3 EFFECT IN 60 DAYS.

4 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
5 IMMEDIATELY.