

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 862 Session of 2015

INTRODUCED BY SMUCKER AND DINNIMAN, JUNE 1, 2015

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 15, 2015

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.

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

10 Section 1. Section 111(b), (c.1) and (j)(2) of the act of
11 March 10, 1949 (P.L.30, No.14), known as the Public School Code
12 of 1949, amended or added July 9, 2008 (P.L.846, No.61) and June
13 30, 2012 (P.L.684, No.82), are amended and the section is
14 amended by adding subsections to read:

15 Section 111. Criminal History of Employes and Prospective
16 Employes; Conviction of Certain Offenses.--

17 * * *

18 (b) Administrators of public and private schools,
19 intermediate units and area vocational-technical schools shall
20 require prospective employes to submit with their employment

1 application, pursuant to 18 Pa.C.S. Ch.91 (relating to criminal
2 history record information), a report of criminal history record
3 information from the Pennsylvania State Police or a statement
4 from the Pennsylvania State Police that the State Police central
5 repository contains no such information relating to that person.
6 Such report of criminal history record information shall be no
7 more than [one (1) year] three (3) years old. An applicant may
8 submit a copy of the required information with the application
9 for employment. Administrators shall maintain a copy of the
10 required information. Administrators shall require contractors
11 to produce a report of criminal history record information for
12 each prospective employe of such contractor prior to employment.
13 A copy of the report of criminal history record information from
14 the Pennsylvania State Police shall be made available to the
15 applicant in a manner prescribed by the Department of Education.

16 (c.1) Beginning April 1, 2007, administrators shall maintain
17 on file with the application for employment a copy of the
18 Federal criminal history record in a manner prescribed by the
19 Department of Education. At a minimum, the Department of
20 Education shall prescribe a method for applicants to submit a
21 set of fingerprints to be transmitted to the Federal Bureau of
22 Investigation for Federal criminal history record information
23 pursuant to the applicable Federal law. The Federal criminal
24 history record information report shall be no more than [one (1)
25 year] three (3) years old. Administrators shall maintain a copy
26 of the required information and shall require each applicant to
27 secure a Federal criminal history record information report that
28 may not be more than [one (1) year] three (3) years old at the
29 time of employment. A copy of the Federal criminal history
30 record information report shall be made available to the

1 applicant in a manner prescribed by the Department of Education.

2 * * *

3 (c.3) In accordance with 23 Pa.C.S. § 6344.4 (relating to
4 certification compliance), administrators shall require the
5 persons subject to this section to obtain the reports described
6 in subsections (b), (c.1) and (j) (1) and under 23 Pa.C.S. §
7 6344(b) (2) (relating to employees having contact with children;
8 adoptive and foster parents) on a renewed basis every thirty-six
9 (36) months. Any person subject to this section who has
10 previously not been required to obtain the reports required by
11 subsections (b) and (c.1) and under 23 Pa.C.S. § 6344(b) (2) on
12 account of service prior to April 1, 2007, shall be required to
13 obtain such reports no later than December 31, 2015. The
14 administrator shall make a determination of employment based on <--
15 a review of the reports and REVIEW THE REPORTS AND DETERMINE IF <--
16 THE REPORTS DISCLOSE INFORMATION THAT REQUIRES FURTHER ACTION.
17 THE ADMINISTRATOR shall maintain a copy of the required reports.

18 (c.4) To the extent permitted by 23 Pa.C.S. § 6344.3(f)
19 (relating to continued employment or participation in program,
20 activity or service), an administrator may accept the reports
21 identified in 23 Pa.C.S. § 6344(b) (1) and (3) obtained for
22 employment or volunteer requirements pursuant to 23 Pa.C.S. §
23 6344 in satisfaction of the requirements of subsections (b) and
24 (c.1), provided the reports are not more than thirty-six (36)
25 months old and the applicant provides the administrator with the
26 report described in subsection (j) (1) indicating that the
27 individual has not been disqualified from employment pursuant to
28 subsection (e) or (f.1). The applicant shall also provide an
29 attestation that the applicant has not been disqualified for
30 employment under 23 Pa.C.S. § 6344(c) (1). The administrator

1 shall make a determination of employment based on a review of
2 the reports and shall maintain a copy of the required reports.

3 * * *

4 (j) * * *

5 (2) All current and prospective employes of a public or
6 private school, intermediate unit or area vocational-technical
7 school shall complete the form described in clause (1),
8 indicating whether or not they have been arrested for or
9 convicted of an offense enumerated under subsections (e) and
10 (f.1), [provided that any current employe who completed the form
11 on or before December 27, 2011, in compliance with clauses (1)
12 and (2) on that date and who has not been arrested for or
13 convicted of an offense enumerated under subsections (e) and
14 (f.1) shall not be required to complete an additional form under
15 this subsection] prior to employment and every thirty-six (36)
16 months as required by subsection (c.3).

17 * * *

18 Section 2. This act shall take effect immediately.