

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 862 Session of 2015

INTRODUCED BY SMUCKER AND DINNIMAN, JUNE 1, 2015

AS AMENDED ON THIRD CONSIDERATION, JUNE 26, 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
21 application, pursuant to 18 Pa.C.S. Ch.91 (relating to criminal

1 history record information), a report of criminal history record
2 information from the Pennsylvania State Police or a statement
3 from the Pennsylvania State Police that the State Police central
4 repository contains no such information relating to that person.
5 Such report of criminal history record information shall be no
6 more than [one (1) year] ~~three (3)~~ FIVE (5) years old. An <--
7 applicant may submit a copy of the required information with the
8 application for employment. Administrators shall maintain a copy
9 of the required information. Administrators shall require
10 contractors to produce a report of criminal history record
11 information for each prospective employe of such contractor
12 prior to employment. A copy of the report of criminal history
13 record information from the Pennsylvania State Police shall be
14 made available to the applicant in a manner prescribed by the
15 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)~~ FIVE (5) years old. Administrators shall <--
26 maintain a copy of the required information and shall require
27 each applicant to secure a Federal criminal history record
28 information report that may not be more than [one (1) year]
29 ~~three (3)~~ FIVE (5) years old at the time of employment. A copy <--
30 of the Federal criminal history record information report shall

1 be made available to the applicant in a manner prescribed by the
2 Department of Education.

3 * * *

4 (c.3) In accordance with 23 Pa.C.S. § 6344.4 (relating to
5 certification compliance), administrators shall require the
6 persons subject to this section to obtain the reports described
7 in subsections (b), (c.1) and (j)(1) and under 23 Pa.C.S. §
8 6344(b)(2) (relating to employees having contact with children;
9 adoptive and foster parents) on a renewed basis every ~~thirty six~~ <--
10 ~~(36)~~ SIXTY (60) months. Any person subject to this section who <--
11 has previously not been required to obtain the reports required
12 by subsections (b) and (c.1) and under 23 Pa.C.S. § 6344(b)(2)
13 on account of service prior to April 1, 2007, shall be required
14 to obtain such reports no later than December 31, 2015. The
15 administrator shall review the reports and determine if the
16 reports disclose information that requires further action. The
17 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 SIXTY (60) months old and the applicant provides the <--
26 administrator with the report described in subsection (j)(1)
27 indicating that the individual has not been disqualified from
28 employment pursuant to subsection (e) or (f.1). The applicant
29 shall also provide an attestation that the applicant has not
30 been disqualified for employment under 23 Pa.C.S. § 6344(c)(1).

1 ~~The administrator shall make a determination of employment based~~ <--
2 ~~on a review of the reports~~ REVIEW THE REPORTS AND DETERMINE IF <--
3 ~~THE REPORTS DISCLOSE INFORMATION THAT REQUIRES FURTHER ACTION~~
4 ~~and shall maintain a copy of the required reports.~~

5 * * *

6 (j) * * *

7 (2) All current and prospective employees of a public or
8 private school, intermediate unit or area vocational-technical
9 school shall complete the form described in clause (1),
10 indicating whether or not they have been arrested for or
11 convicted of an offense enumerated under subsections (e) and
12 (f.1), [provided that any current employe who completed the form
13 on or before December 27, 2011, in compliance with clauses (1)
14 and (2) on that date and who has not been arrested for or
15 convicted of an offense enumerated under subsections (e) and
16 (f.1) shall not be required to complete an additional form under
17 this subsection] ~~prior to employment and every thirty six (36)~~ <--
18 ~~SIXTY (60) months as required by subsection (c.3).~~ <--

19 * * *

20 Section 2. This act shall take effect immediately.