
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1180 Session of
2015

INTRODUCED BY WILLIAMS, TEPLITZ, EICHELBERGER, RESCHENTHALER,
FONTANA AND AUMENT, APRIL 1, 2016

REFERRED TO EDUCATION, APRIL 1, 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, providing
6 for prohibition against employment assistance.

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 111.3. Prohibition Against Employment Assistance.--

13 (a) The following individuals and entities may not assist an
14 employe, contractor or agent of a school entity to obtain new
15 employment if the individual or entity knows or has a reasonable
16 belief that the employe, contractor or agent engaged in abuse or
17 sexual misconduct regarding a minor or student in violation of
18 law:

19 (1) An individual who is an employe, contractor or agent of
20 a school entity or the department.

1 (2) A member of the governing body of a school entity.

2 (3) A school entity.

3 (4) The department.

4 (b) Nothing in this section shall be construed:

5 (1) To relieve any of the following of the legal
6 responsibility to report suspected incidents of abuse in
7 accordance with the provisions of 23 Pa.C.S. Ch. 63 (relating to
8 child protective services):

9 (i) An individual who is an employe, contractor or agent of
10 a school entity or the department.

11 (ii) A school entity.

12 (iii) The department.

13 (2) To relieve a school entity, school administrator or
14 independent contractor of the legal responsibility to report
15 suspected incidents of professional misconduct in accordance
16 with the act of December 12, 1973 (P.L.397, No.141), known as
17 the "Educator Discipline Act."

18 (c) (1) Except as provided in clause (2), the department
19 shall have jurisdiction to determine willful violations of
20 subsection (a) and may, following a hearing, assess a civil
21 penalty not to exceed ten thousand dollars (\$10,000). A school
22 entity shall be barred from contracting with an independent
23 contractor that is found to have willfully violated subsection
24 (a).

25 (2) For a determination of a willful violation of subsection
26 (a) by the department, the Attorney General shall have the
27 authority to investigate and may bring an action for a civil
28 penalty in Commonwealth Court. In this action, the department,
29 if found by the Commonwealth Court to have willfully violated
30 subsection (a), shall be liable for a civil penalty not to

1 exceed ten thousand dollars (\$10,000).

2 (d) Notwithstanding any provision of law to the contrary,
3 the department may initiate disciplinary action before the
4 Professional Standards and Practices Commission in accordance
5 with the "Educator Discipline Act" against an employe,
6 independent contractor or school administrator who is subject to
7 the "Educator Discipline Act" for a willful violation of
8 subsection (a).

9 (e) The department shall develop any forms necessary to
10 carry out the provisions of this section.

11 (f) As used in this section, the following words and phrases
12 shall have the meanings given to them in this subsection:

13 "Abuse." Conduct that falls under the purview and reporting
14 requirements of 23 Pa.C.S. Ch. 63 and is directed toward or
15 against a child or student, regardless of age of the child or
16 student.

17 "Assist." When used in relation to assisting an individual
18 to obtain employment, includes, but is not limited to, the
19 provision of any written or oral endorsement or recommendation
20 of an individual to a potential future employer. The term does
21 not include the routine transmission of administrative and
22 personnel files.

23 "Department." The Department of Education of the
24 Commonwealth.

25 "School entity." A school district, joint school district,
26 intermediate unit, area vocational-technical school, charter
27 school, regional charter school, cyber charter school, licensed
28 private academic school and any other public or nonpublic school
29 serving students in any grade between kindergarten and grade
30 twelve within this Commonwealth.

1 "Sexual misconduct." An act, including, but not limited to,
2 a verbal, nonverbal, written or electronic communication or
3 physical activity, directed toward or with a child or a student
4 regardless of the age of the child or student that is designed
5 to establish a romantic or sexual relationship with the child or
6 student. Such acts include, but are not limited to:

7 (1) Sexual or romantic invitation.

8 (2) Dating or soliciting dates.

9 (3) Engaging in sexualized or romantic dialog.

10 (4) Making sexually suggestive comments.

11 (5) Self-disclosure or physical exposure of a sexual,
12 romantic or erotic nature.

13 (6) Any sexual, indecent, romantic or erotic contact with
14 the child or student.

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