

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 239 Session of 2019

INTRODUCED BY READSHAW, MURT, JAMES, RYAN, ROTHMAN, STAATS, POLINCHOCK, BERNSTINE, HICKERNELL, HILL-EVANS, IRVIN, KEEFER, MILLARD, B. MILLER, NEILSON, PICKETT AND SAYLOR, JANUARY 28, 2019

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 28, 2019

AN ACT

1 Amending the act of June 27, 1991 (P.L.70, No.10), entitled "An
 2 act requiring the superintendent of every public school
 3 district to make available, upon request, lists of graduating
 4 seniors to armed forces recruiters; and providing a penalty
 5 for the misuse of any such lists," further providing for
 6 title and for legislative intent; providing for short title
 7 and for definitions; and further providing for list of
 8 seniors to be compiled, for optional compliance by nonpublic
 9 schools and for reimbursement of costs.

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

12 Section 1. The title of the act of June 27, 1991 (P.L.70,
 13 No.10), entitled "An act requiring the superintendent of every
 14 public school district to make available, upon request, lists of
 15 graduating seniors to armed forces recruiters; and providing a
 16 penalty for the misuse of any such lists," is amended to read:

17 AN ACT

18 Requiring [the superintendent of every public school district]
 19 school entities to make available, upon request, lists of
 20 [graduating seniors] secondary school students to armed

1 forces recruiters; and providing a penalty for the misuse of
2 any such lists.

3 Section 2. Section 1 of the act is repealed:

4 [Section 1. Legislative intent.

5 It is the intent of the General Assembly through this
6 legislation to assist armed forces recruiters to achieve
7 additional access to potential recruits by compiling a list of
8 prospective graduating seniors for distribution upon written
9 request to armed forces recruiters for the cost thereof, for
10 recruiting purposes only.]

11 Section 3. The act is amended by adding sections to read:

12 Section 1.1. Short title.

13 This act shall be known and may be cited as the Military
14 Access to Student Recruiting Information Act.

15 Section 1.2. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "School entity." A school district, joint school district,
20 intermediate unit, area vocational-technical school, charter
21 school, regional charter school or cyber charter school and any
22 nonpublic school that receives assistance under the Every
23 Student Succeeds Act (Public Law 114-95, 129 Stat. 1802) or its
24 successor Federal statute.

25 "Secondary school student." A male or female student in
26 grade eleven or twelve.

27 Section 4. Sections 2, 3 and 5 of the act are amended to
28 read:

29 Section 2. List of [seniors] secondary school students to be
30 compiled.

1 (a) Lists.--Subject to the limitations of subsection (b),
2 [the superintendent of every public school district] a school
3 entity, except as otherwise provided, shall, upon request, make
4 available to all armed forces recruiters for the active
5 component, reserve component and National Guard component of the
6 armed forces the same access to [senior] secondary school
7 students as is available to institutions of higher education
8 [and], trade schools and prospective employers. Access shall
9 include, but not be limited to, a list of [senior male and
10 female] secondary school students by name, home address and[, if
11 published, telephone number, who at the end of the respective
12 academic year will graduate from the school system] telephone
13 number. The list shall be compiled within 45 calendar days of
14 the effective date of this act and in succeeding years by the
15 first day of the academic year [in which the senior students
16 will graduate].

17 (b) Notification.--Each school [district] entity shall
18 notify [the] its tenth, eleventh and twelfth grade students and
19 their parents or guardians in writing, [prior to the end of
20 their junior] at the beginning of the academic year, of the
21 requirements imposed by subsection (a) and the option to make a
22 request under subsection (c). [Each student shall be given at
23 least 21 calendar days to request in writing to the
24 superintendent exclusion of such student's name prior to the
25 release of such list.]

26 (c) Opt-out.--A parent or guardian of a student who is under
27 18 years of age or a student who is 18 years of age or older may
28 request in writing to the school entity that the student's name,
29 home address and telephone number not be released under
30 subsection (a) without prior written consent from the parent or

1 guardian of the student who is under 18 years of age or the
2 student who is 18 years of age or older. The school entity shall
3 comply with a request under this subsection.

4 (d) Exception.--The requirements of this section shall not
5 apply to a nonpublic school which receives assistance under the
6 Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802)
7 or its successor Federal statute, if the school maintains a
8 religious objection to service in the armed forces that is
9 verifiable through the corporate or other organizational
10 documents or materials of the school.

11 Section 3. Optional compliance by nonpublic schools.

12 The governing body or board of each [parochial, licensed
13 private and] nonpublic school that does not receive assistance
14 under the Every Student Succeeds Act (Public Law 114-95, 129
15 Stat. 1802) or its successor Federal statute shall determine
16 whether or not to comply with the provisions of this act. If an
17 affirmative determination is made, then the principal of that
18 [parochial, licensed private or] nonpublic school shall comply
19 with the provisions of sections 2 and 4.

20 Section 5. Reimbursement of costs.

21 Any costs incurred by [public and nonpublic schools] a school
22 district, joint school district, intermediate unit, area
23 vocational-technical school, charter school, regional charter
24 school, cyber charter school or nonpublic school in complying
25 with this act will be reimbursed by armed forces recruiters upon
26 written documentation of expenses.

27 Section 5. This act shall take effect in 60 days.