

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 862 Session of 2015

INTRODUCED BY SMUCKER AND DINNIMAN, JUNE 1, 2015

REFERRED TO EDUCATION, JUNE 1, 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) years old. An applicant may
7 submit a copy of the required information with the application
8 for employment. Administrators shall maintain a copy of the
9 required information. Administrators shall require contractors
10 to produce a report of criminal history record information for
11 each prospective employe of such contractor prior to employment.
12 A copy of the report of criminal history record information from
13 the Pennsylvania State Police shall be made available to the
14 applicant in a manner prescribed by the Department of Education.

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

1 * * *

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

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

1 * * *

2 (j) * * *

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

15 * * *

16 Section 2. This act shall take effect immediately.