



Senate Education Committee

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BILL SUMMARY

Senate Bill 224, Printer's No. 193
Prime Sponsor: Piccola

A. SYNOPSIS:

Senate Bill 224 expands the list of convicted offenses that prohibit a person from being employed in a public or private school, intermediate unit or area vocational-technical school. The bill also requires school employees to report convictions for criminal offenses immediately to school administrators.

B. BILL ANALYSIS:

Current law requires certain persons employed in a public or private school, intermediate unit or area vocational-technical school to submit to a criminal background check prior to employment.

Senate Bill 224 would add the following crimes to the list of offenses that preclude employment in a school setting:

1. 18 Pa.C.S. §2910 (relating to luring a child into a motor vehicle)
2. 18 Pa.C.S. §3124.2 (relating to institutional sexual assault)
3. 18 Pa.C.S. §3129 (relating to sexual intercourse with an animal)
4. 18 Pa.C.S. §4302 (relating to incest)
5. 18 Pa.C.S. §4303 (relating to concealing the death of child)
6. 18 Pa.C.S. §4304 (relating to endangering welfare of children)
7. 18 Pa.C.S. §4305 (relating to dealing in infant children)
8. 18 Pa.C.S. §5902(b) (felony offense relating to prostitution and related offenses)
9. 18 Pa.C.S. §2903(c) or (d) (relating to obscene and other sexual materials and performances)
10. 18 Pa.C.S. §6301 (relating to corruption of minors)
11. 18 Pa.C.S. §6312 (relating to sexual abuse of children)
12. 18 Pa.C.S. §6318 (relating to unlawful contact with minor)
13. 18 Pa.C.S. §6319 (relating to solicitation of minors to traffic drugs)
14. 18 Pa.C.S. §6320 (relating to sexual exploitation of children).

The bill removes a current provision in law stating that the offense had to only occur in the five years immediately preceding the date of the criminal background report to preclude employment. The bill also removes a provision stating that the requirements of the criminal background section do not apply to employees under the age of 21; employees employed for periods of 90

days or less; or employees who are a part of a job development and/or job training program funded in whole or in part by public or private sources.

The bill clarifies that any offense similar to the lifetime ban offenses that occurs under the laws of the United States or one of its territories or possession, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth is applicable to this section.

In addition to the list of lifetime ban offenses, the amendment creates a tiered system for other offenses:

- if a person has been convicted of a felony offense of the first, second or third degree other than those offenses that fall under the lifetime ban, they shall be eligible for prospective employment ten years after their sentence expires.
- if a person has been convicted of a misdemeanor of the first degree, they shall be eligible for prospective employment in five years after their sentence expires.
- if a person has been convicted more than once for an offense under 75 Pa.C.S. §3802 (a), (b), (c) or (d) (relating to driving under the influence of alcohol or controlled substance), they shall be eligible for prospective employment three years after the sentence expires.

The bill provides that nothing in the act shall be construed to interfere with the ability of a public or private school, intermediate unit or area vocational-technical school to make employment, discipline or termination decisions.

The bill also requires employees to notify their chief school administrator or his designee of any arrest or conviction for a misdemeanor or felony offense that occurred within ten years prior to the effective date of the act or within 72 hours of any new arrest or conviction occurring after the effective date of the act. The school district, at their own cost, may request a criminal background check if they have reasonable belief that an arrest or conviction has occurred. An employee who willfully fails to disclose a conviction for an offense that bars employment in a school shall be subject to discipline up to and including termination or denial of employment. An employee who willfully fails to disclose a conviction of any other offense may be subject to discipline.

The bill shall take effect in 90 days.

C. SUMMARY OF RELEVANT EXISTING LAW:

The bill amends Section 111 (Background Checks of Prospective Employees; Conviction of Employees of Certain Offenses) of the act of March 10, 1949 (P.L. 30, No. 14), known as the Public School Code of 1949.