



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 2063

PRINTERS NO. 3287

PRIME SPONSOR: Maloney

### COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	\$0	\$0

#### SUMMARY:

House Bill 2063 amends the Public School Code concerning employment history reviews of prospective employees and independent contractors of school entities, and electronic public safety and criminal justice information. It would take effect in 60 days.

#### ANALYSIS:

House Bill 2063 adds a new section concerning employment history review to the Public School Code. It applies to all positions for employment at school entities and independent contractors of school entities involving direct contact with children. It places additional requirements on the applicants and their prospective, current, and former employers.

Applicants must provide contact information for current and former employers where the applicant had direct contact with children. The applicant must provide written authorization releasing current and former employers from liability for disclosure of employment information. In addition, an applicant must provide a written statement indicating whether the applicant has ever been investigated, discharged, disciplined, or had a license revoked for sexual misconduct.

As prospective employers, school entities must contact current and former employers of all applicants to determine whether the applicant has ever been investigated, discharged, disciplined, or had a license revoked for sexual misconduct. The bill requires past employers to disclose the requested employment information and provides them with immunity from criminal and civil liability related to the disclosure, unless the information provided is knowingly false. The prospective employer must also verify whether the applicant is eligible for employment, holds a valid and active certification or has been the subject of public professional discipline.

This legislation provides that school entities and independent contractors may no longer enter into any contracts or agreements that have the effect of suppressing or expunging information related to employee sexual misconduct, unless after investigation the allegations are found to be false.

Review processes and requirements similar to those described above are established by this legislation for substitute employees and independent contractors.

An applicant who has once undergone the employment history review and seeks transfer to another school in the same district, diocese or religious judicatory or organization shall not be required to obtain additional reports before making such transfer.

The Department of Education is given jurisdiction to determine wilful violations of this section and may, following a hearing, assess a civil penalty not to exceed \$10,000. School entities are barred from contracting with an independent contractor who is found to have wilfully violated the provisions of this section. The Department may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the "Educator Discipline Act" against any applicant, employee, independent contractor or school administrator who is subject to the "Educator Discipline Act" for wilful violations of it. The Department must also develop forms for applicants and employers as necessary to carry out the provisions of this legislation.

This legislation also adds a new section to the School Code concerning electronic public safety and criminal justice information. It requires the Pennsylvania Department of Education to monitor public safety and criminal justice information for all educators from any statewide electronic database to the extent such public safety and criminal justice information is available to the Department. The Department must use such information for certification and discipline purposes.

**FISCAL IMPACT:**

Enactment of this legislation will have no adverse impact on Commonwealth funds. The Department of Education will be able to fund any additional administrative responsibilities imposed by this legislation within its existing budget.

Enactment of this legislation will likely have an impact on school entities, which will face additional costs for conducting the extensive employment history reviews on prospective employees.

**PREPARED BY:** Jeff Miller  
House Appropriations Committee (R)

**DATE:** April 2, 2014

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*