



PENNSYLVANIA
SCHOOL BOARDS
ASSOCIATION, INC.

774 LIMEKILN ROAD, NEW CUMBERLAND, PA 17070-2398 / (717) 774-2331 / FAX (717) 774-0718

**COMMENTS TO THE
HOUSE JUDICIARY COMMITTEE**

**Regarding
HOUSE BILL 1708**

Submitted By

*Pennsylvania School Boards Association
Office of Governmental and Member Relations*

July 16, 2002

Thank you for the opportunity to provide written comments on House Bill 1708, which would authorize Pennsylvania to join the National Crime Prevention and Privacy Compact. It is expected that participation in the Compact will provide school districts with access to greater information regarding certain potential employees' criminal backgrounds.

If the commonwealth, through HB 1708, were to ratify the national compact, it would join with the FBI and participating states that are required to maintain uniform and detailed databases of criminal records and make them available to all members of the Compact when requested, through the use of the Interstate Identification Index System (III). States that have entered into the Compact now have quick and uniform access to both federal and state criminal records. This access would be beneficial to certain constituencies within Pennsylvania, including school districts.

Pursuant to 24 P.S. § 111 all potential employees of public and private schools, intermediate units and vocational technical schools must provide their prospective employer with a criminal background check. For most applicants this background check is governed by the Criminal History Record Information Act. However, when applicants are from out-of-state they must submit a federal criminal history record. These provisions are non-negotiable for prospective employees and school administrators face stiff penalties if they do not enforce these sections of statute.

It is perceived by the association that HB 1708 would apply only to out-of-state applicants. However, it remains unclear if changes to the School Code would be necessary to fully realize the reporting potential of the III system, or if use of the system would be automatic with the enactment of HB 1708. Notwithstanding the previous statement, it is expected that ratifying the Compact would expand the commonwealth's access to criminal record history information. In concert with this legislation, the association encourages the General Assembly to subject resident applicants to this background check as well. Ultimately, this will serve to benefit schools and their communities.

Unfortunately, it is difficult, at best, to provide the task force with empirical evidence demonstrating the potential efficacy of this legislation. Yet, to the extent HB 1708 would expand Pennsylvania's access to criminal information, it is sound policy. This bill would facilitate the ability to "cast a wider net" when conducting background checks, providing the potential to discover criminal convictions that previously may have been missed. For this reason, PSBA supports action on HB 1708.

In closing, it should not go without mention that statistically school grounds is one of the safest environments for children. Only in an environment predicated on safety can students be free to focus on the learning process. House Bill 1708 will further serve to provide a safe environment for the commonwealth's schools.