

LEGISLATIVE UPDATE

Act 114 of 2006 provided for the distribution of basic and special education subsidies for schools under the 2006-2007 state budget. Act 114 also includes amendments to the School Code which have immediate impact upon school districts.

First, amendments have been made to Section 1-111 of the Public School Code which will take effect on April 1, 2007. As of that date, all prospective employees of public and private schools, intermediate units and area vocational and technical schools shall be required to submit a copy of their federal criminal history record with their application for employment. A candidate's federal criminal history record cannot be more than one year old at the time of employment. This provision applies to all prospective employees, including teachers, substitutes, janitors, cafeteria workers, bus drivers, and independent contractors and their employees, unless those individuals will have no direct contact with children. The requirement also applies to certain teachers, although if a student teacher candidate is continuously enrolled in an educator preparation program, criminal history record information initially submitted by that candidate will remain valid through the entire period of enrollment. Currently, only an applicant who has not resided in Pennsylvania for at least two years preceding the date of the application for employment has to submit a federal criminal history record. Under this new provision, all applicants, whether in state or out of state, must submit the federal background check. This requirement does not eliminate the need for a Pennsylvania criminal history record. Rather, all prospective employees must provide both records.

Second, Act 114 adds a new Section 5-504.1 to the School Code which defines "competitive food or beverage" as "any food or beverages offered or sold in competition with reimbursable meals served under the National School Lunch or School Breakfast program." The new Section provides that a School Board cannot enter into an exclusive competitive food or

beverage contract unless the Board provides reasonable public notice or holds a public hearing about the contract. “Reasonable public notice” is defined as “providing notice to parents or guardians utilizing normal school communication procedures at least 30 days prior to the Board of School Directors or any of the schools under its jurisdiction entering into an exclusive competitive food or beverage contract.” The notice must include guidance for parents or guardians on how to offer public comment regarding the exclusive food or beverage contract. Exclusive competitive food or beverage contracts cannot prohibit school district employees from disparaging the goods or services of the party who has the contract or include a confidentiality clause which prohibits the School Board from making any part of the contract public. Rather, all such contracts must be made accessible to the public pursuant to the Right-to-Know Law. In addition, the School Board must report the amount and specific sources of funds received and the nature of expenditures made from the funds received from the competitive food or beverage contract at a regularly scheduled Board Meeting, public hearing, or on the School District’s web site.

Finally, Act 114 amends Section 17-1726-A covering transportation requirements for charter school students. School Districts must continue to provide transportation to students who attend the charter school located in their School District of residence, a regional charter school which their School District is a part, or a charter school located outside district boundaries at a distance not exceeding ten miles by the nearest public highway. The new amendment provides that transportation is not required for elementary students, including kindergarten students, residing within one and one-half miles or for secondary students residing within two miles of the nearest public highway from the charter school in which the students are enrolled unless the road or traffic conditions are such that walking constitutes a hazard to the student’s safety. However, if the School District provides transportation to the public schools for elementary students, including kindergarten students, residing within the one and one-half miles or for secondary students residing within two miles of the nearest public highway under non-hazardous conditions, the

School District must also provide transportation to charter schools under the same conditions.