

SCHOOL DISTRICT OF PITTSBURGH

SECTION: OPERATIONS

TITLE: CLEARANCES/BACKGROUND
CHECKS AND REPORTING
REQUIREMENTS

ADOPTED: March 21, 2007

REVISED: December 17, 2014

<p>1. Authority SC 111 Title 22 Sec. 8.1 et seq. 23 PaCS 6301 et seq.</p> <p>Policy 307</p> <p>63 PaCS 6344.2</p> <p>2. Guidelines</p> <p>SC 111</p>	<p style="text-align: center;">920. CLEARANCES/BACKGROUND CHECKS AND REPORTING REQUIREMENTS</p> <p>It is the policy of the School District of Pittsburgh that all prospective employees provide criminal background checks and child abuse clearance certificates required by law prior to commencing employment and at established intervals set forth in this policy, corresponding administrative regulations and applicable collective bargaining agreements.</p> <p>It is also the policy of the School District that independent contractors and their employees who have direct contact with children, and bus drivers who are offered employment by the School District or by an independent contractor providing transportation services to the School District, provide criminal background checks and child abuse clearance certificates required by law prior to commencing work and at established intervals set forth in this policy, corresponding administrative regulations and applicable contractual agreements.</p> <p>The School District also requires school volunteers to obtain and submit criminal background reports and a child abuse clearance certificate prior to providing volunteer services.</p> <p><u>Applicability</u></p> <p>This policy applies to all prospective employees of the School District of Pittsburgh and includes but is not limited to teachers, substitutes, janitors, cafeteria workers, coaches, independent contractors and their employees except those employees of independent contractors who have no direct contact with children. Additionally, this section shall apply to bus drivers who are offered employment by the School District or by an independent contractor providing transportation services to the School District.</p> <p>This policy shall apply to student teacher candidates assigned to schools within the School District of Pittsburgh. For purposes of this policy, student teacher candidate shall mean an individual participating in a classroom teaching, internship, clinical or field experience who, as part of the program for the initial or advance preparation of professional educators, performs classroom teaching or assists in the</p>
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<p>920-AR-1 of 3</p>	<p>education program in a public or private school or intermediate unit in the School District of Pittsburgh. Student teacher candidates shall comply with the Employee/Contractor clearance requirements as set forth by this policy.</p> <p>Prior to a student teacher candidate’s participation in any classroom teaching, internship, clinical or field experience, that candidate shall provide to the administrator of his/her educator preparation program all criminal history record information required of an employee or prospective employee under this policy.</p> <p>The student teacher candidate may not participate in any classroom teaching, internship, clinical or field experience if this policy would prohibit an employee or prospective employee subject to this section from being employed under those circumstances.</p> <p>During the course of a student teacher candidate’s participation in an educator preparation program, the administrator of the student teacher educator preparation program shall maintain a copy of the criminal history record information that is provided by the student teacher candidate.</p> <p>If a student teacher candidate is continuously enrolled in an educator preparation program, the criminal history record information initially submitted by that candidate for that program shall remain valid during that period of enrollment, but subject to the requirements for reporting subsequent arrests or convictions for crimes enumerated under School Code Section 111(e) and (f.1) and set forth in corresponding administrative regulations to this policy. If a student teacher candidate’s enrollment in an educator preparation program is interrupted or that candidate transfers to another educator preparation program, the candidate shall provide the administrator of his/her educator preparation program, all criminal history record information required of an employee who is subject to this policy.</p> <p>This policy also applies to volunteers that will potentially have unsupervised direct contact with students or who will be responsible for the welfare of students, including, but not limited to, volunteer coaches and assistants and volunteers who will chaperone overnight school sponsored trips. A prospective volunteer must meet the volunteer clearance requirements in this policy if any of the following criteria exist:</p> <ol style="list-style-type: none">1. The volunteer will be responsible for the welfare of children or will have direct contact with children; or2. The volunteer is serving as a coach or assistant coach; or3. The volunteer may provide services or attend an event where there is a possibility that the volunteer could be alone with students; or
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<p>SC 111 Title 22 Sec. 8.1 et seq. 23 PaCS 6301 et seq.</p>	<p>4. The volunteer will accompany students on an overnight trip.</p> <p>Volunteer clearance requirements contained in this policy will not apply to students' parents, family members or other individuals visiting for supervised classroom and school activities. Parents, family members, or other individuals may be required to submit a sworn affidavit of eligibility prior to school engagements even if the above criteria do not apply. The sworn affidavit form will be furnished by school principals upon request. The school principal may prohibit any individual from participating in school engagements if he/she refuses to submit the affidavit of eligibility.</p> <p>The school principal may prohibit a parent, family member or other individual from volunteering if the individual refuses to submit the required clearances or engages in behavior that jeopardizes the health, safety or welfare of students or staff or the orderly operation of the school.</p> <p><u>Employee/Contractor Required Clearances</u></p> <p>Administrators shall require prospective employees and independent contractors and their employees who will have direct contact with children, including bus drivers, to submit a copy of the following:</p> <ol style="list-style-type: none"> 1. A report of criminal history record information from the Pennsylvania State Police (Act 34); 2. The prospective employee's federal criminal history record in a manner prescribed by the Department of Education (Act 114); and 3. A child abuse clearance certification from the Pennsylvania Department of Public Welfare (Act 151). <p>The above clearances shall be no more than one (1) year old at the time of submission.</p>
<p>SC 111(e)</p> <p>920-AR-1 of 3 SC 111(f.1)(1)</p>	<p>No person subject to this policy shall be employed or remain employed by the School District where a report of criminal history record information indicates the person has been convicted of any offense enumerated in School Code Section 111(e) and set forth in corresponding administrative regulations to this policy.</p> <p>If a report of criminal history information indicates the person has been convicted of an offense graded as a felony offense of the first, second or third degree other than one of the offenses enumerated in School Code Section 111(e), the person shall be eligible for continued or prospective employment only if a period of ten (10) years has elapsed from the date of expiration of the sentence for the offense.</p>
<p>SC 111(f.1)(2)</p>	<p>If a report of criminal history record information indicates the person has been convicted of an offense graded as a misdemeanor of the first degree, other than one</p>

	<p>of the offenses enumerated in School Code Section 111(e), the person shall be eligible for continued or prospective employment only if a period of five (5) years has elapsed from the date of expiration of the sentence for the offense.</p>
<p>SC 111(f.1)(3)</p>	<p>If a report of criminal history record information indicates the person has been convicted more than once for an offense enumerated in School Code Section 111(f.1)(3)(relating to driving under the influence of alcohol or controlled substance) and the offense is graded as a misdemeanor of the first degree, the person shall be eligible for continued or prospective employment only if a period of three (3) years has elapsed from the date of expiration of the sentence for the most recent offense.</p>
<p>Title 55 Sec. 3490.132</p>	<p>No person subject to this policy shall be employed or remain employed by the School District where the individual is the perpetrator of a founded report of child abuse or the individual responsible for a founded report of student abuse.</p> <p>Any administrator or other person responsible for employment decisions or recommending employment decisions in the School District who willfully fails to comply with the provisions of this policy shall be subject to disciplinary action.</p>
<p>SC 111(h) 23 PaCS 6301 et seq.</p>	<p>Any employee who once has obtained the information required by this section may transfer to another school within the School District and shall not be required to obtain additional reports before making such transfer as long as the employee's clearances are no more than thirty-six (36) months old.</p>
<p>63 PaCS 6344.4</p>	<p><u>Renewal Requirements for Employees and Contractors</u></p> <p>All employees who have direct contact with children shall be required to update their state, federal and child abuse clearances every thirty-six (36) months.</p>
<p>SC 111(j) 920-AR-1 of 3</p>	<p><u>Continued Reporting Requirement for Employees and Contractors</u></p> <p>If an employee, independent contractor, employee of an independent contractor, or volunteer is arrested or convicted for an offense enumerated under School Code Section 111(e) or (f.1), and set forth in corresponding administrative regulations to this policy, the individual shall provide the appropriate administrator or designee with written notice within seventy-two (72) hours of the arrest or conviction.</p>
<p>920-AR-2 of 3</p>	<p>The above-required notice shall be provided by completing the Arrest/Conviction Report and Certification Form (PDE 6004), which is attached to this policy as an administrative regulation.</p>
<p>23 PaCS 6344.3(g)</p>	<p>If an employee, independent contractor, employee of an independent contractor, or volunteer is named as a perpetrator in a founded or indicated report of child abuse, the individual shall provide the appropriate administrator or designee with written notice within seventy-two (72) hours after having received notification of the same.</p>

Provisional Employment

The District may not employ any applicant until the applicant has submitted criminal history background checks. Notwithstanding the criminal history background check requirements, the School District may employ applicants on a provisional basis for a single period not to exceed ninety (90) days subject to the following conditions:

1. The applicant has applied for the required information and, where applicable, the applicant provides a copy of the appropriate completed request forms to the administrator.
2. The administrator has no knowledge of information pertaining to the applicant which would disqualify him/her from employment.
3. The applicant swears or affirms in writing that s/he is not disqualified from employment pursuant to this policy.
4. If the information obtained reveals that the applicant is disqualified from employment, the applicant shall be suspended and subject to termination proceedings as provided for by law.
5. The administrator requires that the applicant not be permitted to work alone with children and that the applicant work in the immediate vicinity of a permanent employee.

The School District shall make available a form affidavit to be completed and submitted with the required documentation.

Transportation Employees and Contractors – Additional Continued Reporting Requirements

District bus drivers and/or the District’s transportation contract carriers shall be responsible to inform the District in writing at the beginning of each school year whether or not they or any of their employees:

1. Have been charged, subsequent to approval as a District bus driver, with a criminal offense that would bar their employment as bus drivers or contracted service providers.
2. Were charged with a crime deemed serious under the criteria established by law.
3. Have been charged with or convicted of crimes that affect their suitability to have direct contact with students.

<p>63 PaCS 6344.2</p>	<p>4. Have been named as a perpetrator on an indicated or founded report of child abuse.</p> <p>This responsibility is in addition to the requirement for clearances that must be presented to the District when an individual is initially hired by the District or the contract carriers and the renewal requirement.</p> <p>The District and contract carriers shall have procedures in place to ensure they are immediately notified by their employees when the employees are charged with crimes or child abuse. The procedures shall also include the provision that the failure on the part of employees to make such a timely notification shall subject them to disciplinary action, including termination.</p> <p>If any bus drivers have been charged as stated in this policy, the transportation contract carriers shall, in their written, yearly notification, include the name of the employee, nature of the offense, and the status of the disposition. The District will review this information to determine if the employee shall continue to transport District students.</p> <p><u>School Volunteer Clearance Requirements</u></p> <p>A school volunteer must be a cleared school volunteer if any of the following apply:</p> <ol style="list-style-type: none"> 1. The volunteer will be responsible for the welfare of children or will have direct contact with children; or 2. The volunteer is a coach or assistant coach; or 3. The volunteer may provide services or attend an event where there is a possibility that the volunteer could be alone with students; or 4. The volunteer will accompany students on an overnight trip. <p>The school principal shall determine whether any of the above criteria apply.</p> <p>The Board requires that a potential volunteer who meets any of the above criteria must obtain and submit the following prior to engaging in a volunteer position with a District school:</p> <ol style="list-style-type: none"> 1. A report of criminal history record information from the Pennsylvania State Police (Act 34); 2. The prospective employee’s federal criminal history record in a manner prescribed by the Department of Education (Act 114); and 3. A child abuse clearance certification from the Pennsylvania Department of
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<p>63 PaCS 6344.2</p> <p>SC 111(e) 63 PaCS 6344 920-AR-1 of 3</p> <p>920-AR-2 of 3</p>	<p style="text-align: center;">Public Welfare (Act 151).</p> <p>The District may waive the requirement for a federal criminal history record if the volunteer can demonstrate that s/he has been a resident of Pennsylvania for the entirety of the last 10 years and signs an affidavit attesting that s/he has never been arrested or convicted of a disqualifying crime.</p> <p>Volunteers subject to these requirements must submit their clearances to the designated central District office prior to beginning their volunteer assignment and the clearances can be no more than one (1) year old at the time they are submitted. Once submitted, the clearances must be renewed at least once every thirty-six (36) months. A returning volunteer does not have to resubmit unless their clearances on file with central office unless they are more than thirty-six (36) months old.</p> <p>Where the report of the criminal history record information indicates the individual has been convicted of any offense enumerated under 63 Pa.C.S. 6344(c)(2) and School Code Section 111(e), and set forth in corresponding administrative regulations to this policy, the individual is prohibited from providing volunteer services.</p> <p>No individual may engage in a volunteer position with a District school where the child abuse clearance shows that the individual is the perpetrator of a founded report of child abuse or the individual responsible for a founded report of student abuse.</p> <p>No individual may engage in a volunteer position if the applicant's criminal history record information indicates the applicant has been convicted of a felony offense under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, committed within the five-year period immediately preceding the date of the report.</p> <p>The Board requires school volunteers to immediately notify the appropriate central District office if they are charged with child abuse, or arrested or convicted for an offense enumerated under 63 Pa.C.S. 6344(c)(2) or School Code Section 111(e) and set forth in the administrative regulations to this policy, after submission of clearances and during the period of service to the District. Failure on the part of a volunteer to make such a timely notification shall be cause for termination of the volunteer relationship.</p> <p>A Principal may permit provisional volunteers to begin services for a single period of thirty (30) days prior to receipt of clearances only in the following circumstances and with the submission of an affidavit for provisional volunteering:</p> <ol style="list-style-type: none"> a. The volunteer has applied for the required reports and clearance and, provides a copy of the completed request forms to the administrator.
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- b. The administrator has no knowledge of information pertaining to the volunteer which would disqualify him/her from volunteering.
- c. The volunteer swears or affirms in writing that s/he is not disqualified from volunteering pursuant to this policy.
- d. The volunteer is in compliance with the clearance standards under the law of the jurisdiction where the volunteer is domiciled.
- e. The administrator does not permit the volunteer to work alone with children and can ensure that the volunteer is supervised by a permanent employee at all times until the necessary reports and clearances are received.
- f. If the information obtained reveals that the applicant is disqualified from volunteering, the applicant shall be prohibited from volunteering in the school.

References:

School Code – 24 P.S. Sec. 111

State Board of Education Regulations – 22 PA Code Sec. 8.1 et seq.

Child Protective Services Law (as amended) – 23 Pa.C.S. Sec. 6301 et seq.

Child Protective Services Regulations – 55 PA Code Sec. 3490.1 et seq.