

### 304-AR. EMPLOYMENT OF DISTRICT STAFF

#### Pre-Employment

The District shall conduct an employment history review in compliance with state law prior to issuing an offer of employment to a candidate.

The district will use the information for the purpose of evaluating an applicant's determination to be hired or for continued employment and may report the information as permitted by law.

A candidate shall not be employed until s/he has complied with the mandatory background check requirements and the district has evaluated the results of that screening process.

The following are the required background checks for ALL applicants:

- PA State Police Criminal History Record (Act 34)
- Pennsylvania Child Abuse History Clearance (Act 151)
- Federal Criminal History Record Information (CHRI) – FBI Report (Act 114)
- Act 126 Mandated Child Abuse Reporting Training
- Arrest/Conviction Report and Certification Form – PDE-6004 (Act 24)
- Act 168 of 2014 Sexual Misconduct/Abuse Disclosure

PA State Police Criminal History Record (Act 34), Pennsylvania Child Abuse History Clearance (Act 151), and Federal Criminal History Record Information (Act 114)

PA State Police Criminal History Record, Pennsylvania Child Abuse History Clearance, and Federal Criminal History Record Information (CHRI) cannot be more than one (1) year old at the time of hire.

#### Act 126 Mandated Child Abuse Reporting Training

The PA School Code section 1206.5 (commonly referred to as Act 126) requires all school employees who have direct contact with children to complete a 3-hour training consisting of a specifically-enumerated set of topics, which are set forth in that law.

### Arrest/Conviction Report and Certification Form (Act 24)

Act 24 of 2011 contains a number of significant changes to the Pennsylvania Public School Code that are designed to enhance the safety of school children. Among the changes is a requirement that all current school employees certify whether or not they have been previously arrested or convicted of a Section 111(e) offense. A complete list of all Section 111(e) offenses is listed on the PDE-6004 form.

School employees are required to report any arrest or conviction of an offense listed in Section 111(e) that occurs after September 28, 2011, within 72 hours of the occurrence. The PDE-6004 form shall be used to report these arrests or convictions. The new law provides that willful failure to timely report any such arrest or conviction can result in termination of your employment.

The new law also requires that if there is a reasonable belief that an employee was arrested or convicted under a Section 111(e) offense and the employee has not notified the Superintendent of such arrest or conviction, the Superintendent will require the school employee to submit to a current Section 111 background check. Under these circumstances, the background check shall be at the expense of the employing entity.

Finally, under Section 2070.9(a) of the Professional Educator Discipline Act, the chief school administrator is required to report to the Professional Standards and Practices Commission (PSPC) all instances of employees reporting an arrest or conviction noted on PDE-6004.

### Sexual Abuse/Misconduct Disclosure (Act 168 of 2014)

Under the law, Act 168 of 2014, all applicants must provide a list of all current or former school employers as well as all former employers where the applicant was employed in a position involving direct contact with children.

Under this law, all applicants must also certify, in writing, that they have not been disciplined, discharged, non-renewed, asked to resign; have not resigned or otherwise separated from employment; and/or have not had a professional license or certificate suspended, surrendered or revoked due to or pending investigation regarding abuse or sexual misconduct (or allegations of the same). Applicants who fail to provide the requisite information may not be hired.

The District requires all applicants to submit and verify a list of their current and/or former employers where the applicant was employed in a position involving direct contact with children by way of completion of the Sexual Abuse/Misconduct Disclosure Form (Act 168 of 2014) as a component of the application process.

All employees are responsible for ensuring that their clearances are updated in accordance with the law. Schools are prohibited from employing anyone with missing or expired clearances. The school is required, by law, to maintain copies of the clearances.

If an employee is arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service, or is named as a perpetrator in a founded or indicated report, the employee is required by law to provide school with written notice not later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database. Willfully failing to do so is a criminal offense.

Failure to accurately report required information shall subject the candidate to discipline up to, and including, denial of employment or termination if already hired, and may subject the candidate to civil and criminal penalties.

Further, all applicants are required to read and understand Board Policies No. 806 Child Abuse and No. 824 Maintaining Professional Adult/Student Boundaries. The applicant must indicate that they have read and understood these policies by completing a signature page indicating such.

#### Provisional Employment

If an applicant meets the following basic requirements, he/she may be employed for a single period of up to 90 days:

- Applicants must have properly applied for all necessary clearances and must provide a copy of the clearance applications;
- Employers must have no knowledge of anything that would disqualify the individual from employment;
- The applicant must sign an affidavit affirming that he/she is not disqualified from employment pursuant to 24 P.S. §1-111 and has not been convicted of a disqualifying criminal offense;
- The applicant may not work alone with children and must work in the immediate vicinity of a permanent employee.

#### Additional Individuals Requiring Clearances:

- student teachers (participating in classroom teaching, internships, clinical or field experience)
- dependent contractors and their employees (including, but not limited to: bus drivers, PIAA Sports Officials, and construction workers)

Administrators shall require each applicant to produce the original documents prior to employment or follow appropriate procedures to employ applicants on a provisional basis, until the report is received and reviewed. Student teacher candidates are to submit their criminal history reports to the administrator of the educator preparation program prior to participation in any classroom teaching, internship, or clinical or field experience.

The United School District is required to perform a review of the employment history disclosed by the applicant and is required to request from each employer a statement indicating that none of the above-listed actions have indeed occurred during the applicant's employment. The District must also utilize PDE's new database, TIMS (Teacher Information Management System), established pursuant to the 2014 amendments to the Educator Discipline Act, to ascertain the status and history of the teacher's certification and past professional discipline (if any) as well as whether PDE has received notification of criminal charges against the applicant.

## Act 168 of 2014 Sexual Misconduct/Abuse Disclosure

**I verify that the following are ALL current employer(s) and former employer(s) that were school entities and/or where I had direct contact with children:**

|  |             |   |
|--|-------------|---|
| Name of Current or Former Employer:  |             | <input type="checkbox"/> No applicable employment |
| Street Address:  |             |   |
| City, State, Zip:  |             |   |
| Telephone Number:  | Fax Number: | Email:  |
| Contact Person:  |             | Title:  |
| <i>For Office Use Only</i><br>Receipt of Act 168 Disclosure Release      Date: |             |   |

|  |             |   |
|--|-------------|---|
| Name of Current or Former Employer:  |             | <input type="checkbox"/> No applicable employment |
| Street Address:  |             |   |
| City, State, Zip:  |             |   |
| Telephone Number:  | Fax Number: | Email:  |
| Contact Person:  |             | Title:  |
| <i>For Office Use Only</i><br>Receipt of Act 168 Disclosure Release      Date: |             |   |

|  |             |   |
|--|-------------|---|
| Name of Current or Former Employer:  |             | <input type="checkbox"/> No applicable employment |
| Street Address:  |             |   |
| City, State, Zip:  |             |   |
| Telephone Number:  | Fax Number: | Email:  |
| Contact Person:  |             | Title:  |
| <i>For Office Use Only</i><br>Receipt of Act 168 Disclosure Release      Date: |             |   |

**Act 168 of 2014  
Sexual Misconduct/Abuse Disclosure**

|  |             |   |
|--|-------------|---|
| Name of Current or Former Employer:  |             | <input type="checkbox"/> No applicable employment |
| Street Address:  |             |   |
| City, State, Zip:  |             |   |
| Telephone Number:  | Fax Number: | Email:  |
| Contact Person:  |             | Title:  |
| <i>For Office Use Only</i><br>Receipt of Act 168 Disclosure Release      Date: |             |   |

|  |             |   |
|--|-------------|---|
| Name of Current or Former Employer:  |             | <input type="checkbox"/> No applicable employment |
| Street Address:  |             |   |
| City, State, Zip:  |             |   |
| Telephone Number:  | Fax Number: | Email:  |
| Contact Person:  |             | Title:  |
| <i>For Office Use Only</i><br>Receipt of Act 168 Disclosure Release      Date: |             |   |

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Include additional pages, if necessary.*

**Board Policies**

I have read and understood Board Policy No. 806 Child Abuse

\_\_\_\_\_

*Name*

\_\_\_\_\_

*Date*

I have read and understood Board Policy No. 824 Maintaining Professional Adult/Student Boundaries

\_\_\_\_\_

*Name*

\_\_\_\_\_

*Date*