

## **CRIMINAL AND HEALTH CLEARANCE for College of Education Programs**

**Effective: January 5, 2012**

This policy covers the clearance requirement of field---based or research experience in child---focused settings as part of the degree or certification program (referred to as “field experience” in the rest of this document) for all professionals---in---training in all College of Education (COE) programs. For purposes of this policy, *child---focused settings* include all schools and organizations whose activities involve children from birth through age 21. Examples of such organizations include, but are not limited to the following:

- Civic organizations; for example, Scouts
- Religious organizations; for example, Sunday School, CCD
- Community education organizations; for example, YMCA/YWCA, PBA athletic teams
- Youth and family service agencies; for example, Broughal Family Center, Pinebrook Family Services, Valley Youth House
- Social/support groups; for example, Children of Divorce, LGBTQI youth services, social skills groups
- Residential settings

This policy aligns with the Pennsylvania Department of Education’s (PDE) regulation that is intended to protect children and reflects changes to Section 111 of the Pennsylvania Public School Code (referred to as “School Code” in the rest of this document) effective September 28, 2011.

### **Program Requirements**

This policy represents the minimum requirements for programs and professionals---in---training with respect to criminal and health clearances. Individual programs and/or child---focused settings can set more stringent requirements.

### **Clearance Requirement**

All COE students who come into contact with children through field experience are required to obtain and present the following **original** and **current** (not older than one year) clearance documents to the Office of Professional Certification (OPC):

**Pennsylvania and federal criminal clearances** provide a record of all arrests, charges and convictions:

- PA State Police Criminal Records Check (Act 34)*

- *PA Child Abuse Clearance (Act 151)*
- *Federal Criminal History Record (Act 114)*

The **health clearance** provides a record of tuberculosis:

- *Mantoux Tuberculosis Screening; result of a chest X-ray; or blood test*

Professionals-in-training who are currently employed by a school district and have clearances on file in that district may complete a **School Clearances Waiver** obtained from the OPC. The **original** document signed by an authorized school district official must be presented to the OPC. A waiver on file in the OPC allows a professional-in-training to complete field experiences in that particular school district. In order to be eligible for field experiences in other PreK-12 settings, professionals-in-training must obtain and present all four **original** and **current** clearance documents to the OPC. Any of the criminal or health clearances that are not on file with a school district must be presented to the OPC as original and current documents.

### **Notification of Clearance Requirement**

The COE notifies professionals-in-training of its clearance requirement in multiple ways.

- *College of Education Acknowledgement of College Policy on Clearances* requires applicants to acknowledge the policy in order to submit a complete online application
- Letter of admission to a COE program signed by the dean reminds prospective professionals-in-training to apply for their clearances as outlined on the COE website
- Detailed clearance information, including application instructions, from the OTC via email to all newly matriculated professionals-in-training

### **Responsibilities of Professionals-in-Training**

Upon admission to any of the COE's six programs, prospective professionals-in-training bear sole responsibility for obtaining all four clearance documents, including the specific actions noted below.

- Applying for clearances upon admission to a COE program
- Maintaining current clearances throughout the degree or certification program
- Pursuing all actions required in response to a clearance outcome; for example, expungement proceedings
- Providing original clearance documents for authorized review in a child-focused setting

## Criminal Clearance Record

Seven categories of criminal record emerge from the School Code:

- *Category 1: “No record exists”* qualifies professionals---in---training for a field experience. The following notations are deemed equivalent to “no record exists”:  
*Non---conviction/Quashed/Dismissed/Demurrer Sustained*  
*Non---conviction/Nolle prossed/Withdrawn*
- *Category 2: School Code Section 111(e) crimes:* The School Code permanently excludes from school employment individuals convicted of a Section 111(e) crime. The COE permanently excludes such individuals from field experience.
- *Category 3: Felony offenses:* The School Code states that conviction of any felony of the first, second or third degree, not listed in School Code Section 111(e), prohibits individuals from school employment for ten years after the expiration of the sentence. The COE permanently excludes such individuals from field experience.
- *Category 4: First---degree misdemeanors:* The School Code states that conviction of any first---degree misdemeanor, with the exception of a second conviction of driving under the influence of alcohol or a controlled substance (DUI), prohibits individuals from school employment for five years after the completion of the sentence. The COE excludes such individuals from field experience for five years after completion of the sentence. After this five---year exclusion, the COE will determine eligibility for field experience on a case---by---case basis as described below.
- *Category 5: DUI second offense:* The School Code states that a second DUI conviction prohibits individuals from school employment for three years after the completion of the sentence for the most recent offense. The COE excludes such individuals from field experience for three years after completion of the sentence for the most recent offense. After this three---year exclusion, the COE will determine eligibility for field experience on a case---by---case basis as described below.
- *Category 6: Second--- and third---degree misdemeanors and summary offenses:* The School Code allows discretion in the employment of individuals convicted of second--- and third---degree misdemeanors and summary offenses. A DUI first offense is included in this category. The COE will determine eligibility for field experience on a case---by---case basis as described below.

- *Category 7: Arrest or charge, without conviction, of crimes in categories 2---5:* The School Code allows discretion in the employment of individuals who have been arrested or charged, but not convicted, of crimes in categories 2---5 above. The COE will determine eligibility for field experience on a case---by--- case basis as described below.

### **Criminal Clearance Record Categories 2---3: Permanent Exclusion from Field Experience and Withdrawal from Certification Program**

When a professional---in---training has been convicted of a crime described in categories 2---3, such an individual is permanently excluded from field experience. Because this exclusion will prevent the individual from successfully completing courses that require field experience, he or she becomes unable to complete the certification program and must withdraw from it. This individual is required to sign and submit an original *Acknowledgement of Criminal Record Ineligibility for Field Placement* to the OPC.

### **Criminal Clearance Record Categories 4---7: Eligibility for Field Experience**

*Determination of eligibility.* Eligibility for field experience is determined by the program director and the Director of the Office of Professional Certification (referred to as “OPC director” in the rest of this document), in consultation with other University offices, as appropriate. The purpose of case---by--- case determination regarding eligibility for field experience in categories 4---7 is to ensure a safe environment for all children in child---focused settings and to acknowledge the human condition of indiscretion and non---constructive choices. The COE strives to balance these equally important considerations in administering this policy. The following case---by---case circumstances will be considered in determining eligibility for field experience:

- The nature of the arrest/charge/conviction, including ramifications in a child---focused setting
- Recidivism (multiple arrests/charges/convictions related to a single crime and various crimes)
- Time elapsed since most recent arrest/charge/completion of the sentence for the most recent conviction
- Compelling evidence of rehabilitation

Professionals---in---training must be aware that while the COE may determine that an individual with a category 4---7 record is eligible for field experience, personnel in a child---focused setting retain the right to decide whether or not they will host such an individual for field experience. The *Acknowledgement of College of Education Policy on Clearances* signed and submitted with the COE application advises applicants of this caveat.

If the COE determines that a professional-in-training with a category 4-7 record is eligible for field experience, the OPC will pursue an appropriate placement until the second refusal. Once a second child-focused setting has refused to host an individual because of this record, the OPC will no longer pursue a field placement on this individual's behalf. In keeping with COE field placement procedures, a professional-in-training may locate a field placement host and provide this information to the Coordinator of Field Placements (Coordinator) in the OPC, who will arrange the placement details. The Coordinator must receive this information no later than Friday of the third week of classes. All<sup>[1]</sup> field placement experiences must be completed through the OPC.

When a child-focused setting agrees to host a professional-in-training with a category 4-7 record, an authorized official of the host institution signs and submits an original *Acknowledgement of Criminal Record Placement* to the OPC.

If the COE determines that a professional-in-training with a category 4-7 record is not eligible for field experience, the individual is notified in writing by the OPC director and is asked to sign and submit an original *Acknowledgement of Criminal Record Ineligibility for Field Placement* to the OPC.

*Appeal of ineligibility.* Professionals-in-training who have been ruled ineligible for field experience as a result of a category 4-7 record have the right to appeal this decision. To do so, they should follow the *Course-related Non-Grade Grievance* process (see the *Grievances* section of the program handbook or the Education and Human Services department manual).

### **Criminal Clearance Record Categories 4-5: Eligibility for PDE Certification**

As noted above, a category 4 conviction (first-degree misdemeanors) prohibits individuals from school employment for five years after the completion of the sentence and a category 5 conviction (DUI second offense) prohibits individuals from school employment for three years after the completion of the sentence for the most recent offense. Professionals-in-training must be aware that PDE may withhold a certificate for the period of time during which an individual is prohibited from school employment.

### **Notice of Arrest or Conviction**

The School Code requires that school employees report within seventy-two (72) hours any arrest or conviction related to an offense listed in Section 111(e). The College similarly requires that any professional-in-training who is currently enrolled in a degree or certification program must notify the OTC within seventy-two (72) hours of an arrest, charge or conviction that occurred since the most recent criminal clearances were submitted to the OPC relating to a crime listed in School Code Section 111(e).

## **Health Clearance Record**

The Mantoux Tuberculosis Screening must be “negative”; the result of a chest X-ray must be “clear”; or the result of a blood test must be “negative” as documented by the signature of a licensed medical professional. Any other outcome disqualifies professionals-in-training from a field experience.

## **Clearance Record Confidentiality**

Any professional-in-training whose criminal clearance record indicates other than “no record exists” (meaning a category 2-7 record) or whose health clearance record indicates other than “negative” or “clear” must discuss the record with the OPC director. In order to determine the individual’s status with regard to field placement and program or degree enrollment, this information may be shared with other University personnel in accordance with the Family Educational Rights and Privacy Act (FERPA).

In addition, child-focused settings that host field placements may request to review a professional-in-training’s criminal and health clearances.