

## College of Education Clearance Requirements

**Effective: July 1, 2024**

This policy sets forth criminal and health clearance requirements in accordance with applicable law (“Clearance Requirements”) for students enrolled in Lehigh University’s College of Education (COE) who engage in field work experiences at third party sites as part of a certificate, degree, and/or certification program (each, a “Field Experience”). Students who are engaged in a Field Experience are referred to in this policy as “Covered Students”.

Examples of such third-party sites include, but are not limited to the following:

- A school or school district;
- Civic organizations; for example, Scouts
- Religious organizations; for example, religious education
- Community education organizations; for example, YMCA/YWCA, youth sports leagues
- Youth and family service agencies; for example, Broughal Family Center, Pinebrook Family Services, Valley Youth House
- Social/support groups; for example, Children of Divorce, LGBT youth services
- Residential settings; for example, KidsPeace
- Pediatric care settings; for example, well child clinics.

This policy presents the minimum Clearance Requirements for Covered Students. Third party sites may have additional requirements, which may be more stringent. The Covered Student must comply with these requirements prior to engaging in Field Experiences at such third-party sites.

### Clearance Requirements

Before engaging in a Field Experience in Pennsylvania, Covered Students must obtain the clearance documents required by Pennsylvania. If students are completing field placements outside Pennsylvania, students are required to complete the clearance documents of their state or region. Please see below for Waiver for Students Completing Fieldwork Outside of Pennsylvania.

Pennsylvania requires Covered Students to complete the following **original** (i.e., not photocopied) and **current** (not older than one year) clearance documents and present these to the Office of Professional Certification (OPC). *Please consult the [OPC website](#) for further details on securing these clearances.*

- **Pennsylvania and Federal Criminal Clearances**
  - *Pennsylvania State Police Access to Criminal History (“PATCH” or Act 34 Background Check)*
  - *Pennsylvania Department of Human Services Child Abuse History Clearance (Act 151 Child Abuse Background Check)*
  - *Federal Criminal History Record Information (Act 114 Federal / FBI Criminal History Background Check)*

- **Health Clearance Record**

- *Tuberculosis Test (i.e., tuberculin skin test, QuantiFERON blood test, chest X-ray)*. The Tuberculosis Test 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 Covered Students from a Field Experience.

Covered Students enrolled in face-to-face courses must present clearances in person to the OPC for verification. A valid photo ID is required. Covered Students who are taking fully online classes may verify clearances via Zoom and then send copies electronically with a valid photo ID.

### **Waiver for Students Employed by School Districts**

Covered Students who are currently employed by a school district/organization and have current clearances on file in that setting may complete a clearances waiver, which can be obtained from the OPC (a “Waiver”). Covered Students must present an original document that is signed by an authorized employment official to the OPC. The Waiver only permits a Covered Student to complete Field Experiences in the school district or organization in which they work. If a Covered Student completes a Field Experience in a different setting, then a new Waiver must be submitted and/or provide current clearances to OPC. Furthermore, any Required Clearances that are not on file with the school district/organization must be presented to the OPC as original and current documents.

### **Waiver for Students Engaged in Field Experiences Outside of Pennsylvania**

Covered Students who are engaged in a Field Experience outside of Pennsylvania must complete their state’s/region’s required clearances. These clearances will be presented to the Field Experience site for validation. Then, students must complete a Lehigh University College of Education Clearances Waiver for Out of State Students, which can be obtained from the OPC website. Covered Students must present an original document that is signed by an authorized school/organization official to the OPC. The Waiver only permits a Covered Student to complete Field Experiences in the school/organization in which they have provided their clearances. Any change in site will require a new waiver to be completed.

### **Lehigh University Employees**

Covered Students who are also current Lehigh University employees must submit to the OPC verification from Human Resources that they have clearances on file and must also complete any remaining Clearance Requirements.

### **Notification of Clearance Requirement**

The COE notifies Covered Students of the Clearance Requirements in multiple ways:

- COE requires applicants to acknowledge this policy in order to submit a complete online application.
- Prospective students are notified in their COE letters of admission to apply for their clearances as outlined on the COE website and includes the link to the [website](#).

### **Student Responsibilities**

It is the sole responsibility of the Covered Student, upon acceptance of admission to any COE programming, to satisfy all Clearance Requirements, specifically:

- Applying for clearances upon admission to a degree or certification program;
- Maintaining current clearances throughout the degree or certification program as applicable;
- Pursuing all actions required in response to a clearance outcome; for example, expungement proceedings;
- Providing original clearance documents for authorized review by third party sites.

**Students with Criminal Records**

The following table sets forth the outcomes Covered Students can expect if they have a criminal record. Statutory references are provided as a convenience and are not intended to be authoritative or relied upon. Lehigh will endeavor, but has no duty, to update this document to reflect changes in the law. Covered Students should make their own independent investigation. The Pennsylvania Department of Education’s (PDE) [website](#) provides specific information regarding the offenses.

<u><b>Type of Offense</b></u>	<u><b>Statutory Reference (if applicable)</b></u>	<u><b>Outcome</b></u>
Specific Disqualifying Offenses under the School Code	24 P.S. § 1-111(e)	Student is permanently barred from participating in any Field Experience*
Certain Felony Offenses	24 P.S. § 111(f.1)(1)	Student is permanently barred from participating in any Field Experience*
Certain Misdemeanor Offenses of the First Degree	24 P.S. § 1-111(f.1)(2)	Student is eligible for a Field Experience only (i) if a period of five years has elapsed from the date of expiration of the sentence for the offense; and (ii) as determined by COE on a case-by-cases basis.**
Certain Misdemeanor Offenses of the First Degree (related to driving under the influence)	24 P.S. § 1-111(f.1)(3)	Student is eligible for a Field Experience only (i) if a period of three years has elapsed from the date of expiration of the sentence for the most recent offense; and (ii) as determined by COE on a case-by-cases basis.**

Certain Misdemeanor Offenses of the Second and Third Degree and Summary Offenses	N/A	Student is eligible for a Field Experience as determined by COE on a case-by-cases basis.**
Arrest or charge, without conviction, of crimes in this table	N/A	Student is eligible for a Field Experience as determined by COE on a case-by-cases basis.**

\* A student to whom this applies cannot successfully complete a program that requires a Field Experience. Accordingly, the student must formally withdraw from the program.

\*\* See Students with Non-Disqualifying Criminal Records below

### **Students with Non-Disqualifying Criminal Records**

As noted in the above chart, certain criminal records require a wait period of 3-5 years after the expiration of the sentence for the offense (the “Wait Period”). The PDE may withhold approval of a student’s certification during the Wait Period.

After the Wait Period, if any, eligibility for a Field Experience for students with non-disqualifying criminal records is determined by the program director and the OPC Director in accordance with applicable law, in consultation with other University offices, as appropriate. In making a case-by-case determination, many factors are considered, including, but not limited to:

- The nature of the arrest/charge/conviction, including the ramifications of the student’s presence in a third-party site that includes minors.
- 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; and
- Any other relevant considerations in light of the facts and circumstances.

If the COE determines that a student with a non-disqualifying criminal record is not eligible for a Field Experience, the student will be notified in writing by the OPC Director. The student may 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). If the appeal is denied, the student cannot successfully complete a program that requires a Field Experience. Accordingly, the student must formally withdraw from the program.

If the COE determines that a student with a non-disqualifying criminal record is eligible for a Field Experience, the Field Experience site must also agree to host the student. If the first site the OPC identifies refuses to host a student due to their criminal record, the OPC will pursue one additional appropriate Field Experience. If this site also refuses to host the student because of their criminal record, the OPC will no longer pursue a Field Experience on the student’s behalf.

In keeping with COE field placement procedures, a student may independently locate a Field Experience and provide this information to the OPC to arrange the placement details. The OPC must receive this information no later than Friday of the third week of classes. All Field Experiences must be finalized through the OPC. If a third-party site agrees to host a student with a non-disqualifying criminal record, an authorized official of the third-party site providing the Field Experience must sign and submit an original *Acknowledgement of Criminal Record Placement* to the OPC.

NOTE: The final determination of whether a student may participate in a Field Experience will be made by the third-party site. Accordingly, Lehigh University makes no guarantee that a student with a criminal record will be able to find a Field Experience placement.

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

Covered Students must notify the OPC within seventy-two (72) hours of an arrest, charge or conviction for an offense listed in School Code Section 1-111(e).

### **Clearance Record Confidentiality**

Any Covered Student with a criminal or health clearance record that indicates other than “negative” or “clear” must discuss the record with the OPC director within five business days. To determine the student’s status with regard to a Field Experience 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, third party sites hosting Field Experiences may request to review a student’s criminal and health clearances.