

## **Criminal Background Check Policy Pertaining to Continuation in Professional Education**

### Clearance Requirements

Undergraduate and graduate students in programs that require field placement in P-12 schools / professional placement sites (referred to in this document as “professional education students”) are required by Pennsylvania law to acquire a Pennsylvania State Criminal History Record (Act 34 of 1985), Federal (FBI) Criminal History Report (Act 114 of 2006), and Child Abuse Report (Act 151 of 1994) prior to the start of their first field experience.

Clearances must be turned in:

- Upon entering a professional education program or prior to registration for the first semester of courses that include a field experience. The College of Education dean’s office is responsible for collecting initial clearances. Clearances must be dated no earlier than four months before the start date of the semester of entry to a professional education major. This policy applies to all entering students including students transferring from other colleges or transferring from a non-professional education major into a professional education major.
- Prior to student teaching and within one year of the final date of student teaching. The Clinical Experience Office will collect these clearances. Students should get their clearances so that they will also be new for the semester before student teaching. For example, a student enrolled in a professional semester in the fall and student teaching in the spring should get their clearances in the summer so that they will be within a year of the end of student teaching / internship and will also be new for their professional semester.
- Professional education students must also provide updated clearances as required by the schools or districts they are placed in. The frequency of additional clearance requirements will be determined and managed within each program.

Transfer students and First Year Undergraduate and Graduate Students

- First Year students may submit their clearances by October 15<sup>th</sup> (February 15<sup>th</sup> for students who start in the spring semester). First year students must not begin field experiences and must not be given credit for work in field experiences until their clearances are turned in and approved by the College of Education Dean’s office.
- Transfer students who are not able to turn in clearances prior to registration may turn in their clearances during the first week of the drop / add period, but will be dropped from classes with field experiences if clearances are not submitted before the end of drop / add. In no case will a professional education student be allowed to begin a field experience until all required clearances have been submitted.

Consequences for Failure to Provide Clearances

- Professional education students who do not have their initial clearances on record will not be allowed to register for courses that include field experience or may be removed from enrollment in courses with field experience.
- Prospective student teachers who do not have new clearances submitted will not receive student teaching placements.
- School districts have the right to require updated clearances beyond these requirements and refuse placements for students.

### Reporting Criminal Convictions or Arrests

In addition to initially obtaining clearances, and in accordance with ACT 24, professional education students must complete Form 6004 and the KU Clearance Verification form at admission to candidacy and prior to student teaching. These forms will be available on the Field Experience website. These forms require professional education students to report any arrest or conviction occurring after the submission of the criminal history record information and also provide a space for professional education students to respond "no conviction" and "no arrest." Professional education students refusing to complete these forms will not be allowed to continue in courses with field experience. Professional education students must also complete these forms and notify the Field Experience offense whenever an arrest or conviction occurs and may not attend any field experience placement without doing so.

If an administrator of the education program has a reasonable belief that a professional education student was arrested or has a conviction for an offense required to be reported and the professional education student has not notified the administrator as required, the administrator shall immediately require the professional education student to submit a current report of criminal history record. The cost of the criminal background check under these circumstances shall be reimbursed to the professional education student by the administrator of the education program. Professional education students who willfully fail to disclose a conviction or an arrest shall be subject to discipline up to and including dismissal from the program. Such failure to willfully disclose offenses or convictions will be reported to PDE and may result in not being recommended for licensure.

### Professional Education Students with Criminal Convictions or Arrests

Kutztown University intends to carry out its responsibilities as described in the event that professional education students have histories of criminal convictions by adhering to the following policies.

1. Kutztown University will prohibit professional education students from participating in early field experiences and student teaching experiences, as is required by the statute, if they have been convicted of crimes outlined in 24 P.S. § 1-111, except where, pursuant to section 1-111(f.1), the ban is temporary and the specified period of the ban has expired (see Appendix A). In this situation, the provisions of paragraph 2 (below) shall apply.
2. Kutztown University will not prohibit otherwise qualified professional education students from participating in field experiences and student teaching experiences on the basis of convictions for crimes other than those outlined in 24 P.S. § 1-111, since there is no statutory basis for doing so. However, the following provisions pertain to these cases:
  - 2.1. Copies of the criminal history reports of an education professional education student will be made available to school district personnel at the time that requests for placements for field experience and/or student teaching experiences are made as required by school districts.
  - 2.2. Local school districts uphold their own policies regarding the acceptance of a professional education student that possesses a criminal record. Kutztown University respects and adheres to each school's final decision regarding such matters. In the event that a school denies a professional education student due to his/her clearance results, we will search for another placement opportunity twice more, for a total of three (3) attempts. If three school districts refuse or deny working with the professional education student in question, then the Field Services Office shall not have further responsibility for making a field placement for the student during his/her enrolled semester. It will then be the responsibility of the student to work with the course professor (department chair for student teaching) to decide how to best resolve their course/semester requirements.
  - 2.3. A written Statement of Understanding stating that the education professional education student with a conviction history may be viewed as less desirable by potential employer School Districts in the Commonwealth of Pennsylvania, despite the fact that the student may be legally eligible for such a position under the law, will be issued and signed by the education professional education student and the Dean of the College of Education or designee.

Kutztown University  
Statement of Understanding Pertaining to Criminal Convictions  
and Continuation in Professional Education Programs

This Statement of Understanding is designed to clarify events and circumstances related to cases involving professional education students with criminal arrests or convictions as evidenced on the Pennsylvania State Criminal History Record (Act 34), Federal (FBI) Criminal History Report (Act 114), or Child Abuse Report (Act 151). Furthermore, the Statement of Understanding outlines the ramifications this has for the professional education student's continuation in the program.

Your signature affirms your complete understanding of the statements appearing below. The signature of the Dean of the College of Education (or designee) confirms that a meeting took place for the purpose of discussing these statements and the facts regarding your case.

1. One or more of the criminal history reports listed below indicate that you have been arrested and/or convicted of a crime.
  - Pennsylvania State Criminal History Record (Act 34)
  - Federal (FBI) Criminal History Report (Act 114)
  - Child Abuse Report (Act 151)
2. The conviction(s) you have are not those that would preclude you from being hired by a school district as outlined by 24 P.S. § 1-111 (see Appendix A).
3. You were informed that you would be allowed to continue to pursue your degree and/or certification program as prescribed by your department and published in either the undergraduate or graduate catalog.
4. Kutztown University has no control over the policies and procedures of local school districts regarding accepting professional education students from the university into early field and/or student teaching experiences. The Criminal History reports will be shared with the school district(s) where you are assigned to early field and/or student teaching experiences.
5. Local school districts have the right to deny a request to place you in an early field placement or student teaching placement in their district based on your arrest or conviction record even though you may eventually be eligible to be hired in that district under the law.
6. Local school districts uphold their own policies regarding the acceptance of a professional education student who possesses a criminal record. Kutztown University respects and adheres to each school's final decision regarding such matters. In the event that a school denies a professional education student due to his/her clearance results, we will search for another placement opportunity twice more, for a total of three (3) attempts. If three school districts refuse or deny working with the professional education student in question, then the Field Services Office shall have no further responsibility for making a field placement for the student during his/her enrolled semester. It will then be the responsibility of the student to work with the course professor (department chair for student teaching) to decide how to best resolve their course/semester requirements.
7. You will not be able to complete your degree program and/or certification program if you cannot complete the required field experiences.
8. If you successfully complete all the requirements for your degree and/or certification program, you will be recommended by the Certification Officer of Kutztown University for certification to the Pennsylvania Department of Education.
9. The Pennsylvania Department of Education has the right to make an independent decision about awarding a teaching certificate, and may choose not to do so based on your arrest or conviction history.
10. Professional education students applying for employment with School Districts in the Commonwealth of Pennsylvania who have arrests or convictions in their criminal history record may be viewed by potential employers as less desirable, despite the fact that they may be legally eligible for such a position

under the law. This might negatively impact your opportunities for employment as a professional educator.

I hereby give Kutztown University my permission to share all legal documents and results of ACT 34 (PA Criminal Background Check), ACT 151 (PA Child Abuse Check) and ACT 114 (FBI Fingerprinting) clearances, as well as TB test results, to school districts / professional placements for the purpose of potential field placement opportunities.

I have read this Statement of Understanding. My signature below affirms that I understand its contents.

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Student's Name / KUID#

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Department

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Student's Email

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Student Phone

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Student's Signature

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Date

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Dean's Designee Signature

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Date

Act 24 of 2011 amends Section 1-111 of the Public School Code to include differential bans on employment in schools that correspond to the nature and class of convictions. Bans can be permanent or for a period of ten, five, or three years depending on the nature of the crime (i.e., seriousness and class).

### I. Permanent Bans

No persons shall be employed in a public or private school, intermediate unit or area vocational-technical school where the report of criminal history record information indicates the applicant has been convicted of any of the following offenses:

1. An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:
  - Chapter 25 (relating to criminal homicide).
  - Section 2702 (relating to aggravated assault).
  - Section 2709.1 (relating to stalking).
  - Section 2901 (relating to kidnapping).
  - Section 2902 (relating to unlawful restraint).
  - Section 2910 (relating to luring a child into a motor vehicle or structure).
  - Section 3121 (relating to rape).
  - Section 3122.1 (relating to statutory sexual assault).
  - Section 3123 (relating to involuntary deviate sexual intercourse).
  - Section 3124.1 (relating to sexual assault).
  - Section 3124.2 (relating to institutional sexual assault).
  - Section 3125 (relating to aggravated indecent assault).
  - Section 3126 (relating to indecent assault).
  - Section 3127 (relating to indecent exposure).
  - Section 3129 (relating to sexual intercourse with an animal).
  - Section 4302 (relating to incest).
  - Section 4303 (relating to concealing death of child).
  - Section 4304 (relating to endangering welfare of children).
  - Section 4305 (relating to dealing in infant children).
  - A felony offense under section 5902(b) (relating to prostitution and related offenses).
  - Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).
  - Section 6301 (A) (1) (relating to corruption of minors).
  - Section 6312 (relating to sexual abuse of children).
  - Section 6318 (relating to unlawful contact with minor).
  - Section 6319 (relating to solicitation of minors to traffic drugs).
  - Section 6320 (relating to sexual exploitation of children).
2. An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."
3. An offense similar in nature to those crimes listed in clauses (1) and (2) under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

### II. Ten-Year Bans

If the report of criminal history record information indicates the person has been convicted of a felony offense of the first, second or third degree other than those listed above, the person shall be eligible for prospective employment only if a period of ten years has elapsed from the date of expiration of the sentence for the offense.

### III. Five-Year Bans

If the conviction is for a misdemeanor of the first degree, the person shall be eligible for prospective employment only if a period of five years has elapsed from the date of expiration of the sentence for the offense.

IV. Three-Year Bans

If the report of criminal history record information indicates the person has been convicted more than once for an offense under 75 PA.C.S. § 3802(a), (b), (c) or (d) (relating to driving under influence of alcohol or controlled substance) and the offense is graded as a misdemeanor of the first degree under 75 PA.C.S. § 3803 (relating to grading), the person shall be eligible for prospective employment only if a period of three years has elapsed from the date of expiration of the sentence for the most recent offense.