

## Frequently Asked Questions and Answers: Education Majors and Underage Drinking Offenses

Information Courtesy of Indiana University of Pennsylvania: <http://www.iup.edu/atod/fag/default.aspx>  
Office of Alcohol, Tobacco, and Other Drugs & College of Education and Educational Technology

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### **What behaviors are classified as an Underage Drinking (UAD) offense?**

In Pennsylvania, an underage drinking citation is issued to anyone under the age of 21 who is caught consuming, transporting, purchasing, or attempting to purchase any alcoholic beverage.

### **What are summary alcohol offenses?**

Summary offenses are the least serious of criminal offenses. They are accompanied by citations and fines that are processed by a magistrate and can include jail time up to ninety days. They rank below both felonies and misdemeanors. Examples of alcohol summary offenses include:

- Purchase, consumption, possession, or transportation of alcohol by a minor
- Misrepresentation of age (first offense)
- Public drunkenness

### **What behaviors are classified as an Underage Drinking (UAD) offense?**

In Pennsylvania, an underage drinking citation is issued to anyone under the age of twenty-one who is caught consuming, transporting, purchasing, or attempting to purchase any alcoholic beverage.

### **If I am an education major and get charged with UAD, does that mean I will never be able to teach in Pennsylvania?**

According to the Pennsylvania Crimes Code (Section 9124), neither summary offenses nor expungements can be used in consideration of acceptance or denial of a state license or certificate. Therefore, you will still be eligible for teaching status in this state. While it is not legal for the state to deny a teaching certificate because of a summary offense, it is legal for a school district to deny employment based on past citations *of any kind*. Even though a UAD will not appear on a background check, it does remain on record with the University and/or the police and can be accessed by any school district that chooses to search for the information.

### **What if I misrepresent my age to obtain alcohol?**

If you misrepresent your age to be twenty-one or older to anyone for the purpose of obtaining alcohol, you will receive a summary citation for your first violation. Pennsylvania law states that after the first violation, subsequent offences will be treated as a misdemeanor of the third degree. Age misrepresentation includes not only providing a fake identification, but also verbally stating you are of age when you are not.

### **Will my UAD appear on my state clearance background check?**

Underage drinking citations do not appear on criminal background checks because they are not fingerprintable offenses. However, they will appear on a vehicular background check. These records can be accessed for a fee by insurance companies and also by investigators doing a thorough review of an applicant.

### **Does that mean that all summary offenses are exempt from criminal background checks?**

No. Certain summary offenses like retail and library theft will appear on criminal background checks. These offenses require that fingerprints be taken and kept at the police repository. This is done to track the number of offenses an individual has committed. Multiple offenses of the same crime would result in an upgrading of punishment.

**What does it mean to have a criminal record expunged?**

Expunging your record is a legal process that serves to seal your criminal file. To apply, you must meet certain criteria and be approved through the district attorney's office. Not all requests will be approved. Expungement will not remove the charge from your vehicular record.

**What is ARD?**

Accelerated Rehabilitative Disposition (ARD) is a pretrial diversionary program. The primary purpose of ARD is to educate and counsel offenders and, secondarily, to move cases promptly through the judicial system. Completion of the program results in the sealing of the criminal record. You need to meet certain criteria in order to be eligible, and ARD may not be offered in all counties. Information about ARD can be obtained through a magistrate, probation officer, or district attorney's office.

**What is a misdemeanor?**

A misdemeanor is a more serious offense than a summary offense, but a lessor crime than a felony. It is typically punishable by a fine and could include jail time. It may also require the individual to be fingerprinted. Misdemeanor offenses appear on a criminal background check. According to the Pennsylvania Crimes Code, state-licensing agencies would reserve the right to deny the issuance of a certificate, license, registration, or permit to anyone charged with a misdemeanor. This means if you have a misdemeanor, you may not be able to get a license or certificate and even worse, the job you hoped to have. Alcohol misdemeanors include but are not limited to the following:

- Driving under the influence
- Purchasing and or furnishing alcohol to minors
- Misrepresentation of your age to buy alcohol
- Carrying or manufacturing a false I.D.

**What if I am charged with DUI (Driving Under the Influence)?**

In Pennsylvania, a DUI is classified as a misdemeanor. Pennsylvania has set .08 percent Blood Alcohol Content (BAC) as the legal limit for Driving Under the Influence (DUI) convictions. Anyone under the age of twenty-one, driving with a blood alcohol content of .02 or higher, can be charged with a DUI and processed as an adult.

**What if I furnish alcohol to a minor?**

In the state of Pennsylvania, you will receive a misdemeanor of the third degree if you furnish, sell, or purchase alcohol to/for anyone under twenty-one years of age.

**What if I have misrepresented my age more than once?**

According to Pennsylvania Crimes Code (Title 18), after the first violation, subsequent offenses will be treated as a misdemeanor of the third degree.

**What constitutes misconduct for purposes of professional discipline?**

Actionable misconduct can be either criminal or noncriminal in nature. Charges will be initiated against any educator who is convicted of a crime involving moral turpitude or any crime listed in section 111(e) of the Public School Code of 1949. By law, the PSPC must revoke the certificates of an educator who is convicted of such crimes.