

West Chester University

Professional Education Unit

Criminal Background Check Policy Pertaining to Continuation in Teacher Education

Approved by CPE on 25 January 2008
Amended to address Act 24 of 2011 on September 26, 2011

Teacher Education Candidates and Criminal History/ Child Abuse History Background Checks

Purpose/Background

The Professional Education Unit at West Chester University prepares teachers for P-12 classrooms of the Commonwealth of Pennsylvania by providing programs of preparation that include, among other activities, early field experiences and student teaching experiences in P-12 classrooms in partnership with local public and approved private school programs. These programs lead to teacher certification in Pennsylvania.

Teacher education candidates 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, and they are expected to maintain up-to-date background checks throughout their preparation until such time WCU recommends them to PDE for teaching certification.

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.

Student teacher candidates, defined as individuals participating in a classroom teaching, internship, clinical or field experience who, as part of a program for the initial or advanced preparation of professional educators, perform classroom teaching or assist in the education program in a public or private school, intermediate unit or area vocational-technical school under the supervision of educator preparation program faculty, may not participate in any classroom teaching, internship, clinical, or field experience if, under 24 P.S. 1-111, they would be prohibited from being employed by the school entity.

The Professional Education Unit at West Chester University receives the criminal history reports and will note teacher education candidates each semester who have criminal convictions as indicated by the Act 34, 114, and 151 clearances.

The Professional Education Unit has legal and ethical responsibilities to (a) maintain the safety, well-being, and intellectual and emotional development of P-12 students, (b) to promote the professional development of teacher education candidates at West Chester University, and (c) to protect the partnership it has established with P-12 schools in order to prepare teachers for the Commonwealth of Pennsylvania.

Authority

The Professional Education Unit intends to carry out its responsibilities as described in the event that teacher education candidates have histories of criminal convictions by adhering to the following policies.

1. As required by law, the Professional Education Unit will,
 - 1.1. require teacher education candidates to secure criminal background clearances and child abuse clearances.
 - 1.2. collect, examine, and maintain copies of these criminal background clearances and child abuse clearances
2. The Professional Education Unit will prohibit teacher education candidates 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. In this situation, the provisions of paragraph 3 (below) shall apply.
3. The Professional Education Unit will not prohibit otherwise qualified teacher education candidates from participating in practicum 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:
 - 3.1. Copies of the criminal history reports of a teacher education candidate will be made available to school district personnel at the time requests for placements for field experience and/or student teaching experiences are made on behalf of that individual.
 - 3.2. A written Statement of Understanding stating that the teacher education candidate with a conviction history may be viewed as less desirable by potential employer School Districts in the Commonwealth of Pennsylvania, despite the fact that they may be legally eligible for such a position under the law, will be issued and signed by the teacher education candidate and the Dean of the College of Education or designee.

Delegation of Responsibility

1. The Dean of the College of Education will designate responsibility for the collection and examination of, and the maintenance of, files containing criminal history clearances, as required by law.
2. As the Certification Officer of the Professional Education Unit at West Chester University, the Dean of the College of Education is to determine, based on this policy, the disposition of cases involving teacher education candidates with criminal records as evidenced on the Pennsylvania State Criminal History Record (Act 34), Federal (FBI) Criminal History Report (Act 114), or Child Abuse Report (Act 151) under the following circumstances:
 - 2.1. The Dean of the College of Education or designee will meet with teacher education candidates who have been convicted of crimes outlined in 24 P.S. 1-111; inform them that they are prohibited, under the statute, from participating in practicum experiences and student teaching experiences; and direct them to sign the “Statement of Criminal Convictions under 24 P.S. 1-111.”

- 2.2. The Dean of the College of Education or designee will meet with a teacher education candidate who has been convicted of crimes other than those outlined in 24 P.S. 1-111 and direct them to sign a Statement of Understanding indicating that the teacher education candidate may be viewed as less desirable by potential employer School Districts in the Commonwealth of Pennsylvania, despite the fact that they may be legally eligible for such a position under the law.

West Chester University

Professional Education Unit

Statement of Criminal Convictions under 24 P.S. 1-111

Dear :

The following facts have become known to the Professional Education Unit at West Chester University:

1. It has become evident that you have been convicted of a crime, as listed on one or more of the following:
 - Pennsylvania State Criminal History Record (Act 34)
 - Federal (FBI) Criminal History Report (Act 114)
 - Child Abuse Report (Act 151)
2. This conviction is one that would preclude you from being hired by a school district as outlined by 24 P.S. 1-111 (e), which states that,

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:

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).
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- 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).

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."

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.

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.

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.

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.

3. Furthermore, under 24 P.S. 1-111(a.1)(5), because your conviction is one listed under 24 P.S. 1-111 (e), it prevents you from legally participating in any classroom teaching, internship, clinical, or field experience.

This letter is to inform you that, pursuant to Pennsylvania law, the professional education unit will not seek to place you in either early field placements or student teaching placements, effectively preventing you from completing a teacher education program at West Chester University. Please make an appointment with your advisor at your earliest convenience to discuss other educational and career options.

Sincerely,

CC:

Advisor: _____
Registrar
Director of Teacher Education Center
Undergraduate Program Counselor
Special Assistant for Student Policy—Academic Affairs

West Chester University

Professional Education Unit

Statement of Understanding Pertaining to Criminal Convictions and Continuation in Teacher Education

This Statement of Understanding is designed to clarify events and circumstances related to cases involving teacher education candidates 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 candidate'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, which states that,

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:

An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:

- Chapter 25 (relating to criminal homicide).
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- Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).
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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."

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.

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.

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.

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.

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. The Professional Education Unit has no control over the policies and procedures of local school districts regarding accepting teacher education candidates 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. The Professional Education Unit will strive to secure early field and/or student teaching placements for you, but may be hindered in the event that school districts deny you a placement based on your arrest or conviction history.
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 the Professional Education Unit for teacher 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. Candidates 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 teacher in the Commonwealth of Pennsylvania.

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

Student's Name: _____ Dept: _____

Student's Signature: _____ Date: _____

Dean's (designee) Signature: _____ Date: _____