

## **CLEARANCE POLICY**

### **Student Teacher Candidates:**

The policy shall apply to student teacher candidates. For purposes of this policy, "student teacher candidate" shall mean any individual participating in a classroom teaching, internship, clinical or field experience who, as part of the program for the initial or advance preparation of professional educators, performs classroom teaching or assists in the education program at Westinghouse Arts Academy Charter School or in a public or private school or intermediate unit throughout western Pennsylvania. Student teacher candidates shall comply with the Employee/Contractor clearance requirements as set forth by this policy.

Prior to a student teacher candidate's participation in any classroom teaching, internship, clinical or field experience, that candidate shall provide to the administrator of his/her professional preparation all criminal history record information required of an employee or prospective employee under this policy.

The student teacher candidate may not participate in any classroom teaching, internship, clinical or field experience if this policy would prohibit an employee or prospective employee subject to this section from being employed under those circumstances.

During the course of a student teacher candidate's participation in a professional preparation program, the administrator of the professional preparation program shall maintain a copy of the criminal history record information that is provided by the student teacher candidate.

If a student teacher candidate is continuously enrolled in a professional preparation program, the criminal history record information initially submitted by that candidate for that program shall remain valid during that period of enrollment, but subject to the requirements for reporting subsequent arrests or convictions for crimes enumerated under School Code Section 111(e) and (f.1). If a student teacher candidate's enrollment in a professional preparation program is interrupted or that candidate transfers to another professional preparation program, the candidate shall provide the administrator of his/her professional preparation program all criminal history record information required of an employee who is subject to this policy.

### **Volunteers:**

A prospective volunteer must submit a completed Arrest/Conviction Report and Certification Form (PDE 6004) if any of the following criteria exist:

1. The volunteer will be responsible for the welfare of children or will have direct contact with children;

2. The volunteer is serving in a mentoring or coaching capacity; or
3. The volunteer will accompany students on an overnight trip.

Volunteers that will potentially have unsupervised direct contact with students must also submit a copy of the following:

1. A report of criminal history record information from the Pennsylvania State Police (Act 34);
2. The prospective employee's federal criminal history record in a manner prescribed by the Department of Education (Act 114); and
3. A child abuse clearance certification from the Pennsylvania Department of Human Services (Act 151)

Volunteers subject to these requirements must submit their clearances to the Principal prior to beginning their volunteer assignment and the clearances can be no more than one (1) year old at the time they are submitted. Once submitted, the clearances must be renewed at least once every three (3) years or thirty-six (36) months. A returning volunteer does not have to resubmit his/her clearances to the Principal unless the clearances are more than three (3) years or thirty-six (36) months old.

If the report of the criminal history record information indicates the individual has been convicted of any offense enumerated under 63 Pa.C.S. § 6344(c)(2) and School Code Section 111(e), the individual may engage in a volunteer position with Westinghouse Arts Academy Charter School only if a period of five (5) years has elapsed from the date of expiration of the sentence, which prevents the individual from providing volunteer services.

No individual may engage in a volunteer position with Westinghouse Arts Academy Charter School where the child abuse clearance shows that the individual is the perpetrator of a founded report of child abuse or the individual is responsible for a founded report of student abuse.

No individual may engage in a volunteer position if the applicant's criminal history record information indicates the applicant has been convicted of a felony offense under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, committed within the five- year period immediately preceding the date of the report.

The Principal may permit provisional volunteers to begin services for a single period of thirty (30) days prior to receipt of clearances only in the following circumstances and with the submission of an affidavit for provisional volunteering:

- a. The volunteer has applied for the required reports and clearances and provides a copy of the completed request forms to the Director of Employee Relations;

- b. The Director of Employee Relations has no knowledge of information pertaining to the volunteer which would disqualify him/her from volunteering;
- c. The volunteer swears or affirms in writing that s/he is not disqualified from volunteering pursuant to this policy;
- d. The volunteer is in compliance with the clearance standards under the law of the jurisdiction where the volunteer is domiciled; and
- e. The Principal and other administrators do not permit the volunteer to work alone with children and can ensure that the volunteer is supervised at all times by a permanent employee (who has all necessary clearances) until the necessary reports and clearances for the volunteer are received.

If the information obtained reveals that the applicant is disqualified from volunteering, the applicant shall be prohibited from volunteering for Westinghouse Arts Academy Charter School.

Volunteer clearance requirements contained in this policy will not apply to students' parents, family members or other individuals visiting for supervised classroom and school activities.

The Superintendent shall prohibit a parent, family member or other individual from volunteering if the individual refuses to submit the required clearances or engages in behavior that jeopardizes the health, safety or welfare of students or staff or the orderly operation of Westinghouse Arts Academy Charter School.

### **Employee/Contractor Required Clearances:**

Administrators shall require prospective employees and independent contractors and their employees who will have direct contact with children, to submit a copy of the following:

1. A report of criminal history record information from the Pennsylvania State Police (Act 34);
2. The prospective employee's federal criminal history record in a manner prescribed by the Department of Education (Act 114); and
3. A child abuse clearance certification from the Pennsylvania Department of Human

Services (Act 151) The above clearances shall be no more than five (5) years old at the time of submission.

All employees will be required to submit updated clearances within three (3) months of employment.

No person subject to this policy shall be employed or remain employed by Westinghouse Arts Academy Charter School where a report of criminal history record

information indicates the person has been convicted of any offense enumerated in School Code Section 111(e).

If a report of criminal history information indicates the person has been convicted of an offense graded as a felony offense of the first, second or third degree other than one of the offenses enumerated in School Code Section 111(e), the person shall be eligible for continued or prospective employment only if a period of ten (10) years has elapsed from the date of expiration of the sentence for the offense.

If a report of criminal history record information indicates the person has been convicted of an offense graded as a misdemeanor of the first degree, other than one of the eligible offenses enumerated in School Code Section 111(e), the person shall be eligible for continued or prospective employment only if a period of five (5) years has elapsed from the date of expiration of the sentence for the offense.

If a report of criminal history record information indicates the person has been convicted more than once for an offense enumerated in School Code Section 111(f.1)(3)(relating to driving under the influence of alcohol or controlled substance) and the offense is graded as a misdemeanor of the first degree, the person shall be eligible for continued or prospective employment only if a period of three (3) years has elapsed from the date of expiration of the sentence for the most recent offense.

No person subject to this policy shall be employed or remain employed by Westinghouse Arts Academy Charter School where an individual is the perpetrator of a founded report of child abuse or the individual deemed responsible for a founded report of student abuse.

Any administrator or other person responsible for employment decisions or recommending employment decisions who willfully fails to comply with the provisions of this policy shall be subject to disciplinary action, up to and including dismissal.

Employees who have obtained the information required by this policy may move from position to position within Westinghouse Arts Academy Charter School and shall not be required to obtain additional reports before making such transfer as long as the employee's clearances are no more than thirty-six (36) months old.

### **Provisional Employment**

Westinghouse Arts Academy Charter School may not employ any applicant until the applicant has submitted the criminal history background check. Westinghouse Arts Academy Charter School may employ applicants on a provisional basis for a single period not to exceed ninety (90) days subject to the following conditions:

1. The applicant has applied for the required information and, where applicable, the applicant provides a copy of the appropriate completed request forms to the

administrator.

2. The administrator has no knowledge of information pertaining to the applicant which would disqualify him/her from employment.
3. The applicant swears or affirms in writing that s/he is not disqualified from employment pursuant to this policy.
4. If the information obtained reveals that the applicant is disqualified from employment, the applicant shall be suspended and subject to termination proceedings as provided for by law.
5. The administrator requires that the applicant not be permitted to work alone with children and that the applicant work in the immediate vicinity of a permanent employee.

Westinghouse Arts Academy Charter School shall make available a form affidavit to be completed and submitted with the required documentation.

### **Renewal Requirements for Employees and Contractors**

All employees who have direct contact with children shall be required to update their state, federal and child abuse clearances every thirty-six (36) months.

In instances where an employee is out of compliance as per the timeline, Westinghouse Arts Academy Charter School may choose between two courses of action:

1. Remove the employee from any position that has "direct contact with children" (defined in the statute as "the care, supervision, guidance or control of children or routine interaction with children") until the renewed documents are submitted to Westinghouse Arts Academy Charter School; or
2. Treat the employee as a "provisional employee" for up to 90 days. Employees to be treated as provisional employees will not be permitted to work alone with children and must work in the immediate vicinity of a permanent employee.

### **Continued Reporting Requirement for Employees, Contractors and Volunteers**

If an employee, independent contractor, employee of an independent contractor, or volunteer is arrested or convicted for an offense enumerated under School Code Section 111(e) or (f.1), the individual shall provide the Director of Employee Relations with written notice within seventy-two (72) hours of the arrest or conviction.

Additionally, volunteers must immediately notify the Director of Employee Relations if they are charged with child abuse, or arrested or convicted for an offense enumerated under 63 Pa.C.S. § 6344(c)(2), after submission of clearances and during the period of service to the Westinghouse Arts Academy Charter School. Failure on the part of a

volunteer to make timely notifications shall be cause for termination of the volunteer relationship.