

Memo

To: All District Employees and Employees of District Contractors
From: Mr. Mark R. Bower
Date: September 27, 2012
Re: Background Checks of School Employees

Last year all employees were required to comply with changes to the school code in regards to Background Checks by completing form PDE-6004. Once again, state lawmakers have amended the code, requiring all employees to comply with the changes. The following employees are required to complete the revised form: (1) if they did not complete a PDE-6004 on or before December 27, 2011, or (2) if they ever have been arrested for or convicted of a Section 111(e) or Section 111(f.1) offense (whether or not such reportable arrest or conviction occurred before, on or after such date). Please carefully read the following information from the state which more thoroughly explains the requirements.

I. Changes to Section 111 of School Code are Effective June 30, 2012

Act 82 of 2012, signed into law on June 30, 2012, amends Section 111 of the School Code, which provides for background checks for employees of public and private schools, intermediate units and area vocational-technical schools who have direct contact with children. Section 111 also applies to independent contractors and their employees who have direct contact with children and to student teachers and student teacher candidates assigned to public and private schools. The amendments clarify that the employment prohibitions contained in Section 111(e) and Section 111(f.1) of the School Code, based on conviction of certain offenses, apply to both current and prospective employees. The changes to Section 111 went into effect on June 30, 2012.

II. Expansion of Reporting Requirements to School Administrators: Reporting of Section 111(e) and 111(f.1) offenses required

Act 82 expands the requirements for mandatory reporting of arrests and convictions of school employees to school administrators for certain offenses. Under the prior version of the law, current and prospective school employees were required to report to school administrators only **arrests for or convictions of offenses** listed under Section 111(e) of the School Code. Section 111(e) offenses include such criminal offenses as homicide, rape and kidnapping, among other offenses. Under Act 82, the reporting requirement is expanded to include, in addition to the 111(e) offenses, arrests for or convictions of offenses listed under Section 111(f.1) of the School

Code. Section 111(f.1) offenses include felony offenses not listed in Section 111(e), if less than 10 years have elapsed since the date of expiration of sentence; first degree misdemeanors not listed in Section 111(e), if less than five years have passed from the date of the expiration of sentence; and any offense relating to driving under the influence graded as a first degree misdemeanor (if the person has been previously convicted of such an offense and less than three years has elapsed from the date of expiration of the sentence for the most recent offense.) Expiration of sentence typically means completion of imprisonment, probation and parole; and satisfaction of all financial obligations required by the sentence, including restitution, which is recognized by court order.

III. Availability of REVISED PDE Form-6004 for Employees to Report Section 111(e) and (f.1) Offenses to School Administrators

As required by Act 82, PDE has revised the form (PDE-6004) to report arrests or convictions to include offenses listed under Section 111(f.1) of the School Code as well as Section 111(e) offenses.

As required by subsection (j)(2) of 24 P.S. §1-111, the revised PDE-6004 is required to be completed and submitted by all current or prospective employees of a public or private school, intermediate unit or area vocational-technical school. Please note that under Act 82, any current employee who completed a PDE 6004 on or before December 27, 2011, in compliance with 24 P.S. §§1-111(j)(1) and (2) on that date, and who has never been arrested for or convicted of an offense enumerated under 24 P.S. §§1-111(e) or (f.1) is not required to complete and submit an additional form. In addition, as required by subsection (j)(4) of 24 P.S. §1-111, this form shall be utilized by employees to provide written notice within seventy-two (72) hours after an arrest or conviction for an offense enumerated under 24 P.S. §§1-111(e) or (f.1).

Such employees should be informed that they must complete and return to the school administrator the new form if: (1) they did not complete a PDE-6004 on or before December 27, 2011, or (2) if they ever have been arrested for or convicted of a Section 111(e) or Section 111(f.1) offense (whether or not such reportable arrest or conviction occurred before, on or after such date).

Act 82 requires that if a school administrator has a reasonable belief that an employee was arrested or convicted of a Section 111(e) or Section 111(f.1) offense and the employee has not notified the school administrator of such arrest or conviction, the school administrator must require the school employee to submit to a current Section 111 background check at the expense of the employing entity.

If required, please complete the attached form and return to Lori in the business office by December 7, 2012.