

# A Continuum of Checks on School Employee Misconduct

There are numerous background and licensure checks that occur prior to and during employment to prevent and address school employee misconduct. The following chart shows some of the checks required by current law and the additional safeguards that are proposed by SB 1381 and SB 1459.

## Pre-Employment Process

### Applying to PDE for certificate

**CURRENT LAW:** Under Section 12-1209 of the Public School Code, the Department is prohibited from issuing a certificate unless the applicant can demonstrate that they have good moral character. The illegal use of controlled substances or alcoholic beverages may also disqualify candidates for certification unless the Department has determined after review that the candidate is of good moral character notwithstanding the disqualification.

### Applying for a job with a school entity

**CURRENT LAW:** *All prospective employees* of all public or private schools, including independent contractors and their employees and student teachers, who have direct contact with children must obtain: a report of criminal history from the Pennsylvania State Police (24 P.S. §1-111); a federal criminal history record information from the FBI (24 P.S. §1-111); and a child abuse history clearance from the Department of Public Welfare (23 Pa.C.S.A. §6355). School entities are prohibited from employing any individual who has been convicted of certain crimes either permanently or for a specified period of time. Similarly, school entities may not employ individuals named as a perpetrator of a founded report or the individual responsible for injury or abuse in a founded report for school employee.

## **SB 1381**

In addition to Section 111 and DPW background checks, applicant must supply list of current and former employers and provide a written statement of whether the applicant has been the subject of an abuse or sexual misconduct investigation, disciplined or discharged due to an investigation, or had their license or certificate suspended, surrendered or revoked. The school entity or independent contractor is required to review the employment history of the applicant by contacting the identified prior employers to verify applicant's written statement and to verify certification/employment eligibility, where appropriate. **NOTE:** SB 1381 does not impose any additional restrictions on the hiring discretion of school entities.

## During or Post Employment

**CURRENT LAW:** Under section 111, *all employees* must disclose certain arrests and/or convictions to the school entity within 72 hours. Failure to disclose may result in disciplinary proceedings and prosecution for a violation of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). Conviction for the offense may also affect employment status. Professional Educator Discipline Act establishes Professional Standards and Practices Commission and professional educator discipline system under which *educators* in public schools only can have discipline imposed against their certification or employment eligibility.

## **SB 1459**

Amends the Professional Educator Discipline Act to expand Commission's jurisdiction to private academic school certificate holders and contracted educational provider staff members; increases mandatory reporting by school entities, including requiring reports on educators who resign or retire to avoid discipline; defines sexual misconduct to include "grooming" behaviors occurring prior to actual physical sexual contact; adds indicated and founded child protective services reports as grounds for discipline; and removes statute of limitations for filing complaints, including complaints alleging sexual misconduct or sexual abuse or exploitation.