



**NORTH ALLEGHENY
SCHOOL DISTRICT**

SECTION:	PROFESSIONAL EMPLOYEES
TITLE:	EMPLOYMENT HISTORY REVIEW
ADOPTED:	3/22/17
REVISED:	

403.1 - EMPLOYMENT HISTORY REVIEW

SC 1-111.1
Pol. 000, 403

Section 1. Authority

- a. The North Allegheny School Board complies with the employment history review process delineated before hiring any applicant for a position in which the employee has direct contact with children.
- b. In addition to verifying the applicant’s history regarding abuse and/or sexual misconduct, the law requires that when an applicant holds a public or private school certification or has been assigned a Professional Identification number (PPID), the District must ensure the applicant has a valid and active certification appropriate for the position, determine whether the applicant has been the subject of public professional discipline, and ascertain whether the educator has pending criminal charges. Information concerning certification status and professional discipline can be found in the Teacher Information Management System (TIMS).

Section 2. Definitions

- a. Direct contact with children – is defined as the possibility of care, supervision, guidance, or control of children or routine interaction with children.
- b. School entity – any public school, including a charter or cyber school, private school, nonpublic school, intermediate unit or area vocational-technical school operating within the Commonwealth.
- c. Sexual misconduct – any act including, but not limited to any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child or a student regardless of the age of the child or student that is designed to establish a romantic or sexual relationship with the child or student. Such acts include, but are not limited to:
 - 1. Sexual or romantic invitations;
 - 2. Dating or soliciting dates;
 - 3. Engaging in sexual or romantic dialogue;

<p>23 Pa. C.S.A.</p>	<p>4. Making sexually suggestive comments:</p> <p>5. Self-disclosure or physical exposure of a sexual, romantic or erotic nature; or</p> <p>6. Any sexual, indecent, romantic or erotic contact with the child or student.</p> <p>d. Abuse – conduct that falls under the purview and reporting requirements of the law, and is directed toward or against a child or a student, regardless of the age of the child or student.</p>
<p>S.C. 111.1</p>	<p>Section 3. <u>Guidelines</u></p> <p>a. An applicant for any position in which there is direct contact with children must complete Section 1 of the Commonwealth of Pennsylvania Sexual Misconduct/Abuse Disclosure Release form for all employees that fall within the following categories:</p> <ol style="list-style-type: none"> 1. The applicant’s current employer (regardless of whether the employer was a school entity and/or where the applicant had direct contact with children). 2. All former employers of the applicant that were school entities. 3. All former employees where the applicant was employed in a position where he or she had direct contact with children. <p>The applicant must fill out a separate Sexual Misconduct/Abuse Disclosure release form for each employer that falls within the above-listed categories. The applicant is not required under Act 168 to disclose current or previous volunteer positions.</p>
<p>S.C. 1.111</p>	<p>b. The applicant must also consent to the current/former employer’s disclosure of information regarding abuse and/or sexual misconduct. Under the law, the hiring entity is prohibited from hiring an applicant for a position involving direct contact with children unless the applicant provides the required information on the form and consent.</p> <p>c. An applicant must respond affirmatively or negatively to the following questions on the form:</p> <ol style="list-style-type: none"> 1. Have you ever been the subject of an abuse or sexual misconduct investigation by any employer, state licensing agency, law enforcement agency, or child protective services agency (unless the investigation resulted in finding that the allegations were false); 2. Have you ever been disciplined, non-renewed, asked to resign from

<p>SC 2070. 9</p>	<p>employment, resigned from or otherwise separated from employment with allegations of abuse or sexual misconduct were pending or under investigation or due to adjudication or findings of abuse or sexual misconduct;</p> <p>3. And/or had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of abuse or sexual misconduct were pending or under investigation or due to an adjudication or findings of abuse or sexual misconduct.</p> <p>d. If upon receipt of the completed Sexual Misconduct/Abuse Disclosure Release form, the applicant is still under consideration of employment, the District will inquire with current and prior employers. This inquiry is made by submitting the applicant-completed Sexual Misconduct/Abuse Disclosure Release form to each current/former employer for completion of Section 2. The current/former employer has twenty (20) days to complete Section 2 and return the completed form to the District.</p> <p>e. If the current and/or any past employer responds in the affirmative to any of the abuse or sexual misconduct disclosure questions and the District still wants to consider hiring the applicant, the District must submit a second form entitled the Commonwealth of Pennsylvania Sexual Misconduct/Abuse Disclosure Information Request form, to the current/former employer who responded in the affirmative. The current and/or past employer has sixty (60) days to provide information related to the hiring entity.</p> <p>1. Failure by current or past employers to respond/or provide the information requested can result in civil penalties and/or violations of the Educator Misconduct Act.</p> <p>2. Provisional employment of employment of applicants pending responses by current/former employees is permitted for up to 90 days as long as:</p> <ul style="list-style-type: none"> • The applicant has completely filled out the Commonwealth of Pennsylvania Sexual Misconduct/Abuse Disclosure Release form; • The District's Director of Human Resources has no knowledge of any other information that would make the applicant disqualified from employment; • And the applicant swears/affirms that he/she is not disqualified from employment. • During any period of provisional employment, the employee cannot work alone with children and must work in the immediate vicinity of a permanent employee.
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References:

School Code – 24 P.S. Sec. 1.111 (Act 168), 2070.9 et seq.
Child Protective Services Law - 23 Pa C.S.A. Sec. 6354-58
Board Policy – 000, 403