

New Requirements for Background Clearances

Updated August 1, 2015

Background

In October 2014, Pennsylvania Governor Tom Corbett signed Act 153 into law. The new law defined a state-related university (and thus Penn State) as a “school” and required that school employees responsible for the care, supervision, guidance or control of minors (anyone under the age of 18), or who have routine interaction with minors to obtain the following clearances:

- Pennsylvania State Police Check
- Pennsylvania Child Abuse Clearance
- Federal (FBI) Fingerprint Check

In response to the new law, Penn State recommended a phased approach to implementation starting with all full-time new hires and as well as a timeline for clearing current employees.

PA Child Protective Services LJuly 1, 2015 Updates

On July 1, 2015, Pennsylvania Governor Tom Wolf signed House Bill 1276 into law as Act 15 amending [PA Title 23: Domestic Relations, Ch. 63: Child Protective Services](#)

Definition Clarification

Direct contact - The care, supervision, guidance or control of children **OR** routine interaction with children.

Direct volunteer contact - The care, supervision, guidance or control of children **AND** routine interaction with children.

Immediate vicinity - an area in which an individual is physically present with a child and can see, hear, direct and assess the activities of the child.

- This is an important aspect of provisional hiring

Matriculated student - a student who is enrolled in an institution of higher education and pursuing a program of study that results in a postsecondary credential, such as a certificate, diploma or degree.

- This does not include dual-enrolled students (attending both high school and college) but does include accelerated students who are attending PSU full time and have not graduated from high school.

Routine interaction - Regular and repeated contact that is integral to a person's employment or volunteer responsibilities.

School employee - An individual who is employed by a school or who provides a program, activity or service sponsored by a school. *The term does not apply to administrative or other support personnel unless the administrative or other support personnel has direct contact with children.*

Clearance Requirements

The three clearances required remains the same when having direct contact with children:

- Pennsylvania State Police Criminal Background Check (SP4-164)
- Pennsylvania Child Abuse History Clearance Form (CY-113)
- Federal (FBI) Fingerprint Criminal Background Check (Criminal History Report)

Pennsylvania State Police Criminal Background Check (SP4-164)

Browser Requirements

- Microsoft Internet Explorer 6.x – 11.x using 32 or 64 bit browser. All other browsers or versions are not supported.
- Application Selection Choices for PSU Purposes
 - Volunteers click on: **New Record Check** (Volunteers only)
 - Employees click on: ▶ **Submit a New Record Check**
 - » Next Screen: Reason for Request – choose “Employment”

Printing Certification

- The certification form with the PA state seal should be printed or saved; once viewed ***you will have no further access*** to the document. However, if you exit the site without viewing the certification form, you are able to return to the site and print if you have your control number, first/last name and date of request.

Complete instructions can be found at:

- http://www.universityethics.psu.edu/UniversityEthics/upload/Penn-State-Information-for-Completing-Publicly-Available-Background-Clearances_REVISED_6-2015.pdf

Print Back

Pennsylvania State Police
1800 Elmerton Avenue
Harrisburg, Pennsylvania 17110
Response for Criminal Record Check

[REDACTED]
[REDACTED]
[REDACTED]
BELLEFONTE PA 16823

TELEPHONE (814) 883-8721

TO WHOM IT MAY CONCERN:

THE PENNSYLVANIA STATE POLICE DOES HEREBY CERTIFY THAT:

Name: [REDACTED]
Date of Birth: 05/05/1973
Social Security #: [REDACTED]
Sex: F
Race: White
Date of Request: 01/20/2015 09:16 AM
Purpose of Request: Employment
Maiden Name and/or Alias (1) [REDACTED] (2) [REDACTED]
(3) [REDACTED] (4) [REDACTED]

***** HAS NO CRIMINAL RECORD IN PENNSYLVANIA BASED ON A CHECK BASED ON THE ABOVE IDENTIFIERS - REFER TO CONTROL #R13191506 *****

THE RESPONSE IS BASED ON A COMPARISON OF DATA PROVIDED BY THE REQUESTER AGAINST INFORMATION CONTAINED IN THE FILES OF THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY ONLY. PLEASE CONFIRM IDENTIFIERS PROVIDED. POSITIVE IDENTIFICATION CANNOT BE MADE WITHOUT FINGERPRINTS. THE PENNSYLVANIA STATE POLICE RESPONSE DOES NOT PRECLUDE THE EXISTENCE OF CRIMINAL RECORDS, WHICH MIGHT BE CONTAINED IN THE REPOSITORIES OF OTHER LOCAL, STATE, OR FEDERAL CRIMINAL JUSTICE AGENCIES. THE INFORMATION ON THIS CERTIFICATION FORM CAN BE VALIDATED BY ACCESSING THE PENNSYLVANIA ACCESS TO CRIMINAL HISTORY (PATCH) RECORD CHECK STATUS SCREEN <https://epatch.state.pa.us/RCStatusSearch.jsp> AND SUBMITTING A STATUS CHECK REQUEST THAT CONTAINS THE FOLLOWING - SUBJECT'S NAME (EXACTLY AS INITIALLY ENTERED), CONTROL NUMBER AND DATE OF REQUEST. PATCH WILL FIND AND DISPLAY THE CORRESPONDING RECORD CHECK REQUEST. DETAILS ON THE REQUEST CAN BE VIEWED BY CLICKING ON THE CONTROL NUMBER. YOU WILL BE ABLE TO VERIFY IF THIS REQUEST WAS SENT OUT AS A NO RECORD OR RECORD RESPONSE BY THE PENNSYLVANIA STATE POLICE. QUESTIONS CONCERNING THIS CRIMINAL RECORD CHECK SHOULD BE DIRECTED TO THE PATCH HELP LINE TOLL FREE AT 1-888-QUERY-PA (1-888-783-7972).

Certified by:

Lieutenant Kevin J. Deskiewicz, Director
Criminal Records and Identification Division
Pennsylvania State Police

DISSEMINATED BY: SYSTEM
01/20/2015 09:19 AM

SAMPLE
EMPLOYEE
PA State Police Check

*****NOTICE: THE CERTIFICATION FORM SHOULD BE PRINTED OR SAVED; ONCE VIEWED YOU WILL HAVE NO FURTHER ACCESS TO THE DOCUMENT.*****

Pennsylvania State Police

2800 Elmerton Avenue
Harrisburg, Pennsylvania 17110

Response for Criminal Record Check

THE CERTIFICATE IS ONLY VALID FOR VOLUNTEER PURPOSES. THE PENNSYLVANIA STATE POLICE DOES NOT AUTHORIZE THIS FORM FOR ANY OTHER USE

[REDACTED]

TELEPHONE [REDACTED]

TO WHOM IT MAY CONCERN:

THE PENNSYLVANIA STATE POLICE DOES HEREBY CERTIFY THAT:

Name: [REDACTED]
Date of Birth: [REDACTED]
Social Security #: [REDACTED]
Sex: F
Race: White
Date of Request: 07/30/2015 09:40 AM
Purpose of Request: Volunteer

Maiden Name and/or Alias (1) [REDACTED] (2)
(3) [REDACTED] (4)

***** HAS NO CRIMINAL RECORD IN PENNSYLVANIA BASED ON A CHECK BASED ON THE ABOVE IDENTIFIERS - REFER TO CONTROL #R14379414 *****

THE RESPONSE IS BASED ON A COMPARISON OF DATA PROVIDED BY THE REQUESTER AGAINST INFORMATION CONTAINED IN THE FILES OF THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY ONLY. PLEASE CONFIRM IDENTIFIERS PROVIDED. POSITIVE IDENTIFICATION CANNOT BE MADE WITHOUT FINGERPRINTS THE PENNSYLVANIA STATE POLICE RESPONSE DOES NOT PRECLUDE THE EXISTENCE OF CRIMINAL RECORDS, WHICH MIGHT BE CONTAINED IN THE REPOSITORIES OF OTHER LOCAL, STATE, OR FEDERAL CRIMINAL JUSTICE AGENCIES.

THE INFORMATION ON THIS CERTIFICATION FORM CAN BE VALIDATED BY ACCESSING THE PENNSYLVANIA ACCESS TO CRIMINAL HISTORY (PATCH) RECORD CHECK STATUS SCREEN (<https://epatch.state.pa.us/RCStatusSearch.jsp>) AND SUBMITTING A STATUS CHECK REQUEST THAT CONTAINS THE FOLLOWING - SUBJECT'S NAME (EXACTLY AS INITIALLY ENTERED), CONTROL NUMBER AND DATE OF REQUEST. PATCH WILL FIND AND DISPLAY THE CORRESPONDING RECORD CHECK REQUEST. DETAILS ON THE REQUEST CAN BE VIEWED BY CLICKING ON THE CONTROL NUMBER. YOU WILL BE ABLE TO VERIFY IF THIS REQUEST WAS SENT OUT AS A NO RECORD OR RECORD RESPONSE BY THE PENNSYLVANIA STATE POLICE.

QUESTIONS CONCERNING THIS CRIMINAL RECORD CHECK SHOULD BE DIRECTED TO THE PATCH HELP LINE TOLL FREE AT 1-888-QUERY-PA (1-888-783-7972).

Certified by:



Lieutenant Kevin J. Deskiewicz, Director
Criminal Records and Identification Division
Pennsylvania State Police

DESSEMINATED BY: SYSTEM
07/30/2015 09:41 AM

SAMPLE
VOLUNTEER
PA State Police Check

*****NOTICE: THE CERTIFICATION FORM SHOULD BE PRINTED OR SAVED; ONCE VIEWED YOU WILL HAVE NO FURTHER ACCESS TO THE DOCUMENT.*****

Pennsylvania Child Abuse History Clearance Form (CY-113)

- Online submission through www.compass.state.pa.us/cwis is the quickest process, easiest to track and is highly recommended
- Application Selection Choices for PSU Purposes
 - Volunteer Having Contact with Children
 - School Employees Not Governed by Public School Code
 - Employee of Child Care Services
- Complete instructions can be found at:
 - [http://www.universityethics.psu.edu/UniversityEthics/upload/Penn-State-Information-for-Completing-Publicly-Available-Background-Clearances REVISED 6-2015.pdf](http://www.universityethics.psu.edu/UniversityEthics/upload/Penn-State-Information-for-Completing-Publicly-Available-Background-Clearances_REVISED_6-2015.pdf)



PENNSYLVANIA CHILD ABUSE HISTORY CLEARANCE

[REDACTED]
[REDACTED]

CERTIFICATE ID: GPDRXWXQT9
VERIFICATION DATE: 1/20/2015
SOCIAL SECURITY #: XXX-XX-3039
DATE OF BIRTH: 5/5/1973

BELLEFONTE, PA 16823

The above named person has applied for a Pennsylvania Child Abuse History Clearance pursuant to Chapter 63 of 23 Pa. Consolidated Statutes Annotated relating to the Child Protective Services Law. **NO RECORD EXISTS** in the Pennsylvania Department of Public Welfare's statewide Central Registry listing the applicant as a perpetrator of an Indicated or Founded report of child abuse or an Indicated or Founded report for school employees.

Applicants are required to show the Administrator the results of their Child Abuse History Clearance. Administrators are required to keep a copy of this Child Abuse History Clearance on file. Any person altering the contents of this document may be subject to civil, criminal or administrative action.



ISSUED BY Commonwealth of Pennsylvania
Department of Public Welfare
CHILDLINE AND ABUSE REGISTRY
ChildLine Verification Unit
P.O. Box 8170
Harrisburg, PA 17105-8170
1-877-371-5422

ANY ALTERATION OR ERASURE VOIDS THIS DOCUMENT



SAMPLE EMPLOYEE PA Child Abuse Clearance

SAMPLE
VOLUNTEER
PA Child Abuse Clearance
COMING SOON

Federal (FBI) Fingerprint Criminal Background Check

- Online registration for the Department of Human Services FBI Check is available at https://www.pa.cogentid.com/index_dpwNew.htm
- **DO NOT USE** the Department of Education (PDE) FBI Clearance option for PSU employment/volunteer clearance purposes. Act 15 requires the Department of Human Services FBI clearance. Only under certain circumstances should PSU employees obtain the Department of Education Clearance. If you are uncertain, please clarify with HR or Youth Compliance prior to submission.
- If a person accidentally obtains their FBI clearance through the Department of Education, further guidance must be sought from Penn State's Office of Recruitment and Compensation.
- Fingerprint cards are the only option for out-of- state or international applicants who to are unable to be fingerprinted electronically at a Livescan system in the state of Pennsylvania.
- Complete instructions can be found at:
 - http://www.universityethics.psu.edu/UniversityEthics/upload/Penn-State-Information-for-Completing-Publicly-Available-Background-Clearances_REVISED_6-2015.pdf

Office of Children, Youth & Families



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

ChildLine & Abuse Registry
Criminal Verification Unit
P. O. Box 8053
Harrisburg, PA 17105-8053
(717)-783-6211
Toll Free 1-877-371-5422

[REDACTED]
BELLEFONTE, PA 16823

SSN: XXX-XX-3039
TCN: DPW0S20653

Your Federal Bureau of Investigation (FBI) fingerprint based record check has been processed in accordance with Public Law 92-544 and the Child Protective Services Law (Title 23, Pa C.S. Chapter 63). **The following is the result of your federal criminal history background check as of 01/23/2015.**

NO RECORD EXISTS

RECORD EXISTS, but conviction(s) **does not prohibit hire** in a childcare position according to the Child Protective Services Law.

RECORD EXISTS, but no conviction(s) is shown. This **does not prohibit hire** in a childcare position according to the Child Protective Services Law.

DISQUALIFICATION – Record exists and contains a conviction(s) that is grounds for denying employment in a childcare position according to the Child Protective Services Law.

If you are questioning the accuracy of this response, please submit court documents to support your position. You may request a copy of your record from one year following receipt of verification by making a written request to the address listed above. Applicants are required to provide this verification to the prospective employer immediately upon receipt.

Sincerely,

Terry L. Clark, Director
Division of Operations and Quality Management





SAMPLE DHS FBI Fingerprint Clearance

Re-Certification

- Clearances are considered “current” if they have been obtained in the past **60** months.
 - If the clearance will expire within the next 3 months, it is best practice to move forward with re-application
- Clearances must be renewed every **60** months
- Clearances issued prior to the July 1, 2015 shall be renewed within **60** months from the date of the person's oldest certification
- If current clearances are older than **60** months, clearances must be obtained by December 31, 2015*
- **Employees hired prior to December 31, 2014** who were not required to have clearances in the past, but are now required, have until December 31, 2015 to obtain clearances*
- **Current volunteers** who were not required to have clearances in the past, but are now required, have until July 1, 2016 to obtain clearances*

* In some instances, PSU requires the clearance to be obtained sooner

Portability of Clearances - Overview

-  **YES** EMPLOYMENT TO EMPLOYMENT
-  **YES** VOLUNTEER TO VOLUNTEER
-  **YES** EMPLOYMENT TO VOLUNTEER
-  **NO** VOLUNTEER TO EMPLOYMENT

Portability of Clearances

If an individual's clearances are current **AND** the individual completes the self-disclosure statement, the individual may use the clearances as follows:

- To apply for employment or serve as an employee where they will have contact with children
- To apply or to serve as a volunteer

VOLUNTEER CERTIFICATION PROHIBITION

- An employer, administrator, supervisor or other person responsible for employment decisions **is prohibited** from accepting a certification that was obtained for volunteering purposes

Clearance Requirements

Current Employees

Effective December 31, 2014, **then** current employees who were not required to have clearances in the past, but are now required due to interaction with dual enrolled students, have **until December 31, 2015** to obtain the 3 publically available clearances. Dual enrolled students will not be allowed to enroll in any class taught by an employee hired on or after January 1, 2015 until all current clearances are in place. (23 PA. C.S. § 6344.4. Recertification)

Clearance Requirements

New Hires

The 3 publically available background clearances are required for all school employees ***hired after January 1, 2015*** who have direct contact with children through a program, activity or service sponsored by Penn State. This includes individuals who are:

- responsible for the care, supervision, guidance or control of children **OR** routine interaction with children
- Routine interaction is regular and repeated contact that is integral to a person's employment responsibilities

Employee Exceptions

- Individuals whose direct contact with children in the course of employment is limited to matriculated* students who are enrolled with the institution, are not required to obtain the 3 clearances unless otherwise directed by the University.
 - This Exception **DOES NOT APPLY** to those individuals who have direct contact with students under the age of 18 who are also enrolled in a secondary school (dual enrolled).
- Individuals whose direct contact with children, in the course of employment is with prospective students visiting a campus operated by the institution of higher education, are not required to obtain the 3 clearances unless otherwise directed by the University.
 - At Penn State, this Exception **DOES NOT APPLY** to those employees who have direct contact with prospective students under the age of 18 through regular and repeated contact in the course of pre-college recruitment activities (admissions, athletics, specific units/colleges, etc.) that are integral to their responsibilities as direct contact often occurs outside of the university setting.

****Matriculated Students:*** A student who is enrolled in an institution of higher education and pursuing a program of study that results in a postsecondary credential, such as a certificate, diploma or degree.

Dual Enrollment Options

1. Limit dual enrollment registration to the sections of courses that typically enroll the most high school students and for which faculty are available who have completed the background checks.
2. Have all faculty who teach general, introductory courses complete the clearances. This would offer dual enrolled students a broader range of courses to choose from.
 - Unit heads are responsible for ensuring that any faculty members teaching courses in which dual enrolled students are registered have completed the clearances above. Teaching assistants assigned to courses in which dual enrolled students are registered also are required to have the clearances.
 - In addition, dual enrolled students may wish to make use of student support services, such as advising and learning centers or other forms of tutoring. If you provide support related to the courses in which dual enrolled students are registered, then professional and student staff in those areas also will need to complete the clearances.

CLEARANCE REQUIREMENTS

Employees & Independent Contractors

Those Employees & Independent Contractors who **DO NOT** have contact through the care, supervision, guidance, or control or routine interaction (regular and repeated contact that is integral to a person's employment responsibilities) with children will be required to have the standard First Advantage background clearance prior to beginning employment.

VOLUNTEERS

- Adults applying for an unpaid position as a volunteer responsible for the welfare of a child or having direct contact with children will need clearances beginning July 1, 2015
- Volunteers approved before July 1, 2015 who do not have clearances have until July 1, 2016, to get clearances **UNLESS** otherwise directed by the University
- If current clearances are older than **60** months, they must be renewed within **60** months from the date of the oldest certification
- See slide 19 for other volunteer considerations

FAQ's

http://keepkidssafe.pa.gov/cs/groups/webcontent/documents/document/C_135249.pdf

Volunteer Exceptions

- Direct volunteer contact is now defined as “The care, supervision, guidance or control of children ***and*** routine interaction with children.”
- Fees for the Pennsylvania State Police Criminal Background Check and Pennsylvania Child Abuse History Clearance Form will be waived as of July 25, 2015
- No need for FBI Clearances if:
 - The position the prospective volunteer is applying for is unpaid
 - The prospective volunteer has been a resident of this Commonwealth during the entirety of the previous 10-year period or, if not a resident of this Commonwealth during the entirety of the previous 10-year period, has received certification at any time since establishing residency in this Commonwealth and provides a copy of the certification to the person responsible for the selection of volunteers.
 - The prospective volunteer swears or affirms in writing that they are not disqualified from service

Volunteer Exceptions

If all of the following apply, an individual shall not be required to obtain the required clearances:

- ✓ The individual is currently enrolled in a school
- ✓ The individual is not a person responsible for the child's welfare*
- ✓ The individual is volunteering for an event that occurs on school grounds
- ✓ The event is sponsored by the school in which the individual is enrolled as a student
- ✓ The event is not for children who are in the care of a child-care service

*A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

Exceptions For Minor Employees

Individuals between 14 and 17 years of age who apply for or hold a paid position as an employee and is a person responsible for the child's welfare or is a person with direct contact with children through a program, activity or service prior will be required to submit only:

- Pennsylvania State Police Criminal Background Check
- Pennsylvania Child Abuse History Clearance Form

Only if the following apply:

- The individual has been a resident of this Commonwealth during the entirety of the previous 10-year period or, if not a resident of this Commonwealth during the entirety of the previous 10-year period, has received the FBI certification at any time since establishing residency in this Commonwealth and provides a copy of the certification to the employer
- The individual and the individual's parent or legal guardian swears or affirms in writing that the individual is not disqualified from service

Other Considerations for Minors

- Note that the law requires employees age 14-17 to get clearance but Penn State does not employ minors under the age of 16.
- *If a minor does need to obtain the FBI fingerprint, they must be accompanied by a parent or guardian in order to be fingerprinted.*
- Minors also need “working papers” from the school district in order to work and must follow normal guidelines for working minors.
- Policy HR02 – “Employment of Minors” is being updated to reflect changes in guidelines for minors working at Penn State.

Provisional Hiring

Approvals for provisional hires for those individuals who will have direct contact with children will be the responsibility of the HR Rep for each administrative area (in consultation with Youth Programs Compliance).

REQUIREMENTS

- Proof of submission (receipts) for all required clearances
- Completion of the Application for Provisional Hire Disclosure Statement Form
- Individual must work in the immediate vicinity* of a permanent employee with clearances.
- Provisional hiring period may not exceed 90 days (HR office for each admin area is responsible for tracking)
- PSU is responsible for obtaining copies of completed clearances even if employee is no longer employed
- If information obtained in the clearances reveals that the individual is disqualified from employment (working with children), immediate dismissal from working with children is required

*Definition: An area in which an individual is physically present with a child and can see, hear, direct and assess the activities of the child

Cost of Clearances

Beginning July 25, 2015:

- The Pennsylvania State Police criminal history clearance - \$8
 - waived for volunteers
- The Child Abuse clearance - \$8
 - Waived for volunteers
- The Federal Bureau of Investigation (FBI) federal criminal history clearance - \$25.75 through the Department of Human Services (DHS)
 - Note that not all volunteers are required to obtain this clearance
 - Not waived for volunteers who are required to obtain

Tracking Clearance Documentation

- Original documents must be presented to HR staff. A copy must be made and retained by HR with original documents returned to the individual.
- Copies of clearances should be maintained in separate folder within the personnel file.
- SSN must be redacted from clearance results (PA State Police Check is only one with full SSN).
- Any adverse results must be forwarded to OHR Recruitment to determine eligibility **PRIOR** to employment/volunteering at PSU. Note: SSN must be redacted and results sent to secure OHR fax (814-863-4267).
- Tracking of results will be necessary since re-checks of clearances are required every 5 years. OHR will provide a standardized template for tracking/auditing purposes.
- Record Retention: follow AD35 and appendix found at <https://guru.psu.edu/gfug/appendices/APP18.html>

Breaks in Service

Clearances are valid for a period of 60 months (5 years).

- New clearances will not be required for breaks in service if clearances are still valid. However, administrative unit must ensure that documentation is on file.
- Individuals are responsible for providing original clearance documentation when there is a break in service and/or they are hired by or transferring to another administrative unit. If the individual is unable to produce documentation, please work with former HR/Administrative unit to obtain copies.
- Consistent with renewal of clearances, a new First Advantage check will not be required if completed within the past 5 years.
- Completion of the Penn State Arrest and Conviction Self-Disclosure Form will be required for breaks in service that are 6 months or longer.

Criminal Penalties for Not Requiring Clearances

- An employer, administrator, supervisor or other person responsible for employment decisions or selection of volunteers that intentionally fails to require the submission of the three clearances commits a misdemeanor of the third degree^{*}
- Punishable to a maximum of 1 year imprisonment and \$1,000 fine[†]

^{*}[23 Pa. C.S. § 6344(B)(2), 23 Pa. C.S. § 6344.2(B)]

[†][15 Pa. C.S. § 15.66(a)(7), 15 Pa. C.S. § 15.66(b)(8)]

Questions?

Questions regarding background checks for employees, including processes for obtaining or to request review of adverse results:

Angela Wharton

arw21@psu.edu or 863-4607

Additional questions regarding background checks for employees and volunteers who have direct contact with children:

Sandy Weaver

stw126@psu.edu or 865-8785

Thank you for your assistance
in helping us provide a safe and healthy environment
for all children on our campuses!