



## **Volunteer Criminal History and Child Abuse Clearance Policy**

### Statutory Background

On June 30, 2015, the Pennsylvania General Assembly passed legislation amending Title 23 of the Pennsylvania Consolidated Statutes, which was signed into law by Governor Tom Wolf on July 1, 2015. Section 6344.2 applies to an adult applying for or holding an unpaid position as a volunteer with a child-care service, a school, or a program activity or service responsible for the welfare of a child or having direct volunteer contact with children.

Pennsylvania's Child Protective Services Law, as amended, requires that volunteers who come into contact with children must obtain criminal background check and child abuse clearances from the FBI, Pennsylvania State Police and the Pennsylvania Department of Human Services every 60 months.

### Charter School Policy

It is the policy of Bear Creek Community Charter School that all volunteers are required to comply with Pennsylvania's Child Protective Services Law in obtaining clearances. All required clearances must be on file in the Main Office prior to performing any volunteer service involving the interaction with children. This includes volunteering for class parties, school events and field trips.

### Responsible Parties

The Director of Student Affairs is responsible for implementing and administering this policy. It is the responsibility of each volunteer to ensure that the required clearances are obtained and provided to the Main Office prior to requesting a volunteer assignment. It is the responsibility of each volunteer to obtain and provide updated clearances every 60 months.

### Existing Volunteers

Volunteers who were approved before August 6, 2015, and whose certifications are older than 60 months (five years), have until July 1, 2016 to renew their certifications.

All prospective volunteers must obtain the following certifications:

- Report of Criminal History from the Pennsylvania State Police (PSP); and
- Child Abuse History Certification from the Pennsylvania Department of Human Services (Child Abuse).

Additionally, a fingerprint-based Federal Criminal History (FBI) submitted through the Pennsylvania State Police or its authorized agent is required if the prospective volunteer has lived outside the Commonwealth of Pennsylvania in the last ten (10) years.

Prospective volunteers who have been a continuous resident of Pennsylvania for the past ten (10) years must swear or affirm in writing that they are not disqualified from service based upon a conviction of an offense under 23 Pa.C.S. § 6344.

If a volunteer has not been a resident of Pennsylvania for the past ten (10) years, but obtained their FBI certification at any time since establishing residency, they must provide a copy of the certification to the Director of Student Affairs and they are not required to obtain any additional FBI certifications.

### New Volunteers

Effective immediately, all new volunteers must submit certifications prior to the commencement of service. All prospective volunteers must obtain the following certifications:

- Report of Criminal History from the Pennsylvania State Police (PSP); and
- Child Abuse History Certification from the Pennsylvania Department of Human Services (Child Abuse).

Additionally, a fingerprint-based federal Criminal History (FBI) submitted through the Pennsylvania State Police or its authorized agent is required if the prospective volunteer has lived outside the Commonwealth of Pennsylvania in the last ten (10) years.

Prospective volunteers who have been a continuous resident of Pennsylvania for the past ten (10) years must swear or affirm in writing that they are not disqualified from service based upon a conviction of an offense under 23 Pa.C.S. § 6344.

If a volunteer has not been a resident of Pennsylvania for the past ten (10) years, but obtained their FBI certification at any time since establishing residency, they must provide a copy of the certification to the Director of Student Affairs and they are not required to obtain any additional FBI certifications.

### Updated Volunteer Clearances

Beginning August 25, 2015, all volunteers will be required to obtain new/updated certifications every 60 months. If an individual or agency, however, elects to renew all certifications at the same time, the date of the oldest certification, rather than the most recent, is the date to be used for the renewal date.

### Obtaining Required State-Level Clearances Free of Charge

Volunteers can obtain a Report of Criminal History from the Pennsylvania State Police and a Child Abuse History Certification from the Pennsylvania Department of Human Services free of charge if all of the following conditions are met:

1. The certifications are required as a condition to volunteer.
2. The certifications may not be used for employment or any other purpose.
3. The certifications shall only be provided free of charge to a volunteer once every 57 months.
4. The volunteer swears or affirms, in writing, under penalty of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), the following:
  - a. The certifications are required as a condition to volunteer.
  - b. The volunteer has not received background certifications free of charge within the previous 57 months.
  - c. The volunteer understands that the certifications shall not be valid or used for any other purpose.

## References & Resources

Pennsylvania's Child Protective Services Law

<http://keepkidssafe.pa.gov/>

Pennsylvania Department of Human Services – Obtaining the required clearances.

<http://www.dhs.state.pa.us/findaform/childabusehistoryclearanceforms/index.htm>

## Statutory Reference

23 Pa C.S.A. §6344, §6344.2 and §6344.4.