

# Palmyra Area School District

SECTION: OPERATIONS

TITLE: CERTIFICATIONS

ADOPTED: AUGUST 14, 2014

REVISED: JULY 16, 2015,  
AUGUST 11, 2016

806.2 CERTIFICATIONS	
1. Purpose 23 Pa. CSA 6301	<p>The purpose of this policy is to provide for compliance with the Child Protective Services Law, as amended (“CPSL”). In addition, effective July 1, 1996, certain school employees are required to obtain an Official Statement. The actions which are necessary to comply with the CPSL are set forth in this policy.</p> <p>The CPSL contains many defined terms which are also utilized in this policy.</p>
2. Definition	<p><b>“Applicant”</b> – An individual who applies for a position as a school employee. The term includes an individual who transfers from one position as a school employee to another position as a school employee.</p> <p><b>“Cooperation with an investigation or assessment.”</b> Includes, but is not limited to, a school or school district which permits authorized personnel from the department or county agency to interview a student while the student is in attendance at the school.</p> <p><b>“Founded Report”</b> – A child abuse report involving a perpetrator that is made pursuant to this chapter, if any of the following applies:</p> <ol style="list-style-type: none"><li>1. There has been a judicial adjudication based on a finding that a child who is a subject of the report has been abused and the adjudication involves the same factual circumstances involved in the allegation of child abuse. The judicial adjudication may include any of the following:<ol style="list-style-type: none"><li>a. The entry of a plea of guilty or nolo contendere.</li><li>b. A finding of guilt to a criminal charge.</li><li>c. A finding of dependency under 42 Pa.C.S. § 6341 (relating to adjudication) if the court has entered a finding that a child who is the subject of the report has been abused.</li><li>d. A finding of delinquency under 42 Pa.C.S. § 6341 if the court has entered a finding that the child who is the subject of the report has been abused by the child who was found to be delinquent.</li><li>e. There has been an acceptance into an accelerated rehabilitative disposition program and the reason for the acceptance involves the same factual circumstances involved in the allegation of child abuse.</li></ol></li></ol>

- f. There has been a consent decree entered in a juvenile proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), the decree involves the same factual circumstances involved in the allegation of child abuse and the terms and conditions of the consent decree include an acknowledgment, admission or finding that a child who is the subject of the report has been abused by the child who is alleged to be delinquent.
- g. A final protection from abuse order has been granted under section 6108 (relating to relief), when the child who is a subject of the report is one of the individuals protected under the protection from abuse order and:
  - i. only one individual is charged with the abuse in the protection from abuse action;
  - ii. only that individual defends against the charge;
  - iii. the adjudication involves the same factual circumstances involved in the allegation of child abuse; and
  - iv. the protection from abuse adjudication finds that the child abuse occurred.

**“Independent contractor.”** An individual who provides a program, activity or service to an agency, institution, organization or other entity, including a school or regularly established religious organization, that is responsible for the care, supervision, guidance or control of children. The term does not include an individual who has no direct contact with children.

**“Indicated Report”** – A report of child abuse made pursuant to this chapter if an investigation by the department or county agency determines that substantial evidence of the alleged abuse by a perpetrator exists based on any of the following:

- a. Available medical evidence.
- b. The child protective service investigation.
- c. An admission of the acts of abuse by the perpetrator

**“Individual residing in the same home as the child”** – An individual who is fourteen (14) years of age or older and who resides in the same home as the child.

**“Official Certification Statement”** – A written report from the Department which will state whether the person who is the subject of the report is named as the person responsible for mistreatment of a child. The report will include any founded or indicated reports.

**“Perpetrator”** – A person who has committed child abuse as defined in this section.

The following shall apply:

- 1. The term includes only the following:
  - a. A parent of the child.
  - b. A spouse or former spouse of the child's parent.

23 Pa.  
C.S.  
SC 6303(a)

## 806.2 CERTIFICATIONS

- c. A paramour or former paramour of the child's parent.
  - d. A person 14 years of age or older and responsible for the child's welfare.
  - e. An individual who is 14 years of age or older who resides in the same home as the child.
  - f. An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.
2. Only the following may be considered a perpetrator for failing to act, as provided in this section:
- a. A parent of the child.
  - b. A spouse or former spouse of the child's parent.
  - c. A paramour or former paramour of the child's parent.
  - d. A person 18 years of age or older and responsible for the child's welfare.
  - e. A person 18 years of age or older who resides in the same home as the child.

**“Recent acts or omissions”** – Acts or omissions committed within two years of the date of the report to the Department or county agency.

**“Recent act or failure to act.”** – Any act or failure to act committed within two years of the date of the report to the Department or county agency.

**“School Employee”** – An individual employed by a public or private school, intermediate unit or area vocational-technical school. The term “school employee” includes teachers and all other employees. The term also includes an independent contractor and the independent contractor’s employees. The term excludes an individual who has no direct contact with students.

**“Sexual Abuse or Sexual Exploitation”** – The employment, use, persuasion, inducement, enticement or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct, or any simulation of any sexually explicit conduct, for the purpose of producing any visual depiction including photographing, videotaping, computer depicting or filming of any sexually explicit conduct, or the rape, sexual assault, indecent assault, molestation (i. e. conduct at least as serious as indecent assault; i. e. touching of the buttocks, genitals, or, in the case of females, breasts), incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

**“Transfer”** – An employment decision (i. e. hiring, promotion, transfer to another position, etc.) requiring action by the Board of School Directors or any other reassignment where the Superintendent determines that information might be included in the Official Certification Statement would result in a decision not to affect the reassignment.

**“Unfounded Report”** – Any report, unless the report is a “founded report” or an “indicated report”.

## **BACKGROUND CHECKS: OFFICIAL CERTIFICATION STATEMENT**

The Superintendent shall require each applicant to submit:

**Act 34 - PA Criminal History (required by section 111 of the Public School Code)**

Apply on line at <http://www.psp.state.pa.us> and click Public Service

**Act 151- Child Abuse History\* (required by the CPSL)**

Complete Electronic Form at <http://www.dhs.state.pa.us/>

**FBI Finger Prints\* (required by section 111 of the Public School Code)**

Apply on line at [www.pa.cogentid.com//index\\_dpw.htm](http://www.pa.cogentid.com//index_dpw.htm) and then go to the approved locations to complete finger prints.

All certifications are valid for 1 year prior to being hired.

All certifications must be renewed every 60 months.

\*If these certifications are not available, applicant may sign a Provisional Affidavit. The provisional period may not exceed ninety (90) days.

Substitutes, Coaches, and Volunteer Coaches must obtain Act 34-PA Criminal History, Act 151-Child Abuse History, and FBI Finger Print Certifications prior to working or coaching in the district. The affidavit is not an option.

Responsibility for certifications shall be a requirement in agreements with contractors, agency personnel, student teachers, and facilities users.

An applicant shall not be hired if the department verifies that the applicant is named as the perpetrator of a founded report or is named as the individual responsible for injury or abuse in a founded report for school employee.

The requirement to obtain the official certification shall not apply to:

1. A school employee is (a) under twenty-one (21) years of age; (b) participating in a job development or job training program; and (c) employed for not more than sixty (60) days; or
2. The official certification statement shall not be required for an applicant who transfers from one position as a school employee to another position as a school employee of the same school entity and who has obtained the official certification statement within the immediately preceding year.
3. The hiring does not take place during a strike under the act of July 23, 1970 (P.L. 563, No. 195), known as the Public Employee Relations Act.

### 3. Guidelines