

# Revisions to Act 24 Background Checks

Effective Sept. 28, 2011

How do they effect you?

Methacton School District Human Resources Department

# Changes to Section 111(e) Crimes

- Former 5 year ban on school employment are now permanent bans (offenses listed).
- Conviction of **any felony** of 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree **not listed** in Section 111(e) banned from school employment for 10 years after expiration of sentence.
- Conviction of **any 1<sup>st</sup> degree misdemeanor** banned for 5 years after completion of sentence.
- **Second** offense of DUI (alcohol or controlled substance) graded as a 1<sup>st</sup> **degree misdemeanor** banned for 3 years from completion of sentence for the most recent offense.

# Reporting Section 111(e)

- According to Act 24 all current school employees are required to complete and return to their school administrator Form PDE-6004 to report arrests or convictions for any offense listed in Section 111(e).
- Form must be completed and returned to the Human Resources Office no later than *December 2, 2011.*
- Administration may require any employee who refuses to submit the form to a current background check under Section 111.
- School employees will be required to report to the school administrator within 72 hours of **any arrest or conviction** of an offense listed in Section 111(e) that occurs after Sept. 28, 2011. Form PDE-6004 should be used for this purpose as well.

# Reporting, cont'd.

- If a school administrator has a reasonable belief that an employee was arrested or convicted of a Section 111(e) offense and the employee has not notified the district of such arrest or conviction, the school administrator must require the employee to submit to a current Section 111 background check. (at the expense of the district)

# Reportable Offenses

- Chapter 25 (relating to criminal homicide)
- Section 2702 (relating to aggravated assault)
- Section 2709.1 (relating to stalking)
- Section 2901 (relating to kidnapping)
- Section 2902 (relating to unlawful restraint)
- **Section 2910 (relating to luring a child into a motor vehicle or structure)**
- Section 3121 (relating to rape)
- Section 3122.1 (relating to statutory sexual assault)
- Section 3123 (relating to involuntary deviate sexual intercourse)
- Section 3124.1 (relating to sexual assault)
- Section 3125 (relating to aggravated indecent assault)
- Section 3126 (relating to indecent assault)
- Section 3127 (relating to indecent exposure)
- **Section 3129 (relating to sexual intercourse with animal)**

# Reportable Offenses, cont'd.

- Section 4302 (relating to incest)
- Section 4303 (relating to concealing death of child)
- Section 4304 (relating to endangering welfare of children)
- Section 4305 (relating to dealing in infant children)
- A felony offense under Section 5902(b) (relating to prostitution and related offenses)
- Section 5903(c) or (d) (relating to obscene and other sexual materials and performances)
- Section 6301(a)(1) (relating to corruption of minors)
- Section 6312 (relating to sexual abuse of children)
- Section 6318 (relating to unlawful contact with minor)
- Section 6319 (relating to solicitation of minors to traffic drugs)
- Section 6320 (relating to sexual exploitation of children)

# Reportable Offenses, cont'd.

- An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as “The Controlled Substance, Drug, Device and Cosmetic Act.”
- An offense SIMILAR IN NATURE to those crimes listed above under the laws or former laws of:
  - the United States; or
  - one of its territories or possessions; or
  - another state; or
  - the District of Columbia; or
  - the Commonwealth of Puerto Rico; or
  - a foreign nation; or
  - under a former law of this Commonwealth.

# Additional Information

- Additional information can be found on the Pennsylvania Department of Education website at

[www.education.state.pa.us](http://www.education.state.pa.us)

(a link is currently listed on the PDE homepage at the bottom under “Hot Topics”)

- Information on “The Controlled Substances, Drugs, Device, and Cosmetic Act” can be found at <http://ecapps.health.state.pa.us/pdf/ddc/ddcAct2.pdf>