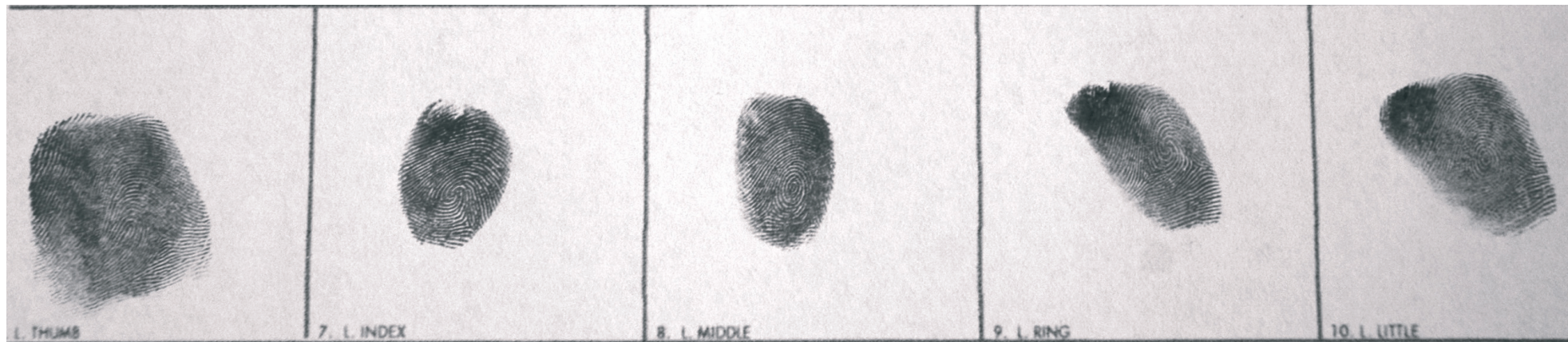


## OBLIGATION TO REPORT SPECIAL INVESTIGATION

## At a crossroads: security at expense of privacy?



Henry Rome/The SPOKE

Prospective school employees in Pennsylvania must be fingerprinted for an FBI background check. State police said if they were able to keep those prints on file, they would be able to tell districts right away if their employee is arrested. A similar system is currently in place in New Jersey, a legislator there said.

## For applicants, fingerprints required

Prospective public and private school employees in Pennsylvania—including administrators, teachers, custodians, cafeteria workers and bus drivers—who have “direct contact with students” must submit to three background checks: a state police criminal history report, a child abuse report and an FBI fingerprint check. The FBI check requirement was implemented in April 2007.

## Across the nation, a variety of approaches

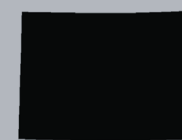
The Spoke asked education officials, lawmakers and law enforcement in the 50 states and the District of Columbia about their background check and employee reporting policies. Of the 36 states that responded as of press time, the majority had none of the policies on the books that are being proposed in Pennsylvania. However, several states had similar—and sometimes tougher—policies.



**Massachusetts** school employees must submit to background checks every three years, at least.



Both **Florida** and **Virginia** require police to report to the district if they arrest an employee.



**Colorado** requires employees to report their arrests. Districts can run background checks without the employee's permission.



Districts in **South Carolina**, **Texas** and **Vermont** can run background checks at any time on employees without their permission.



In **New Jersey**, districts are automatically notified by police if their employee is arrested for a violent crime.

Currently, districts are not allowed to force employees to submit background checks, Piccola said in an interview in his Harrisburg office. Employees consent to the initial check as part of the employment process, but right now districts that are suspicious have almost no way of following up.

Bill 55 would change that. If the bill is voted into law, districts could compel employees to submit background checks if the district is suspicious. Employees who refuse to submit the checks can be fired, the bill states.

Piccola said he is not against requiring police to report to districts immediately if they arrest an employee. But requiring these reports was not included in the bill because he said they would be too “burdensome” on police.

However, the Pennsylvania State Police lieutenant in charge of background checks said with funding and a change in the law, state police could immediately notify school districts if an employee is arrested.

Along with undergoing a state background check, prospective school employees in Pennsylvania must also be fingerprinted, and those fingerprints are matched with criminal histories by the FBI, said Lt. Mike Gillelan, Director of the Pennsylvania State Police's Criminal Records and Identification Division. School districts are then notified of the criminal backgrounds of their applicants.

If the state police had access to those prints, they would know immediately if that applicant is arrested in the state because local police departments are required to fingerprint people they arrest, he said. Local police then send the prints to the state police, who would get an immediate hit and could inform a district.

“I don't think it would put an undue burden on us,” Gillelan said. “But financially it would.”

Funding would be needed to upgrade fingerprint storage systems, Gillelan said, and increased coordination would be needed

between police and school districts.

An almost identical system to what Gillelan said could work in Pennsylvania is already in place in New Jersey, according to New Jersey State Senator Shirley Turner, the chair of the New Jersey Senate Education Committee.

Ciamacca said she is against that idea for the same reason she opposes mandatory reporting for all arrests by employees.

“I believe that teachers' positions in the community would be irreparably damaged,” she said. “The presumption of innocence would not be assumed.”

In many ways, the burden still lies on the employee and district to take proactive steps, Piccola said.

“Some responsibility has to fall on the school district,” he said. “They can't just hire somebody and sit back and not watch them or observe them” to see if they're acting suspiciously.

Bill 55 left the Education Committee in March and was sent to the Appropriations Committee. Piccola said he hopes a vote will take place this month before the Legislature's June 30 recess.

“Teachers cannot instruct, and students cannot learn, in an unsafe environment. We cannot achieve the goal of a quality education unless we provide a safe haven for learning,” Piccola said in a statement urging the Education Committee to approve the bill.

Piccola said the bill's implementation is critical. “It plugs up a number of holes that are in the system right now—big holes.”

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The Spoke would like to thank the Student Press Law Center for its extensive advice on student press, public record and criminal law.



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Teachers' union president Debra Ciamacca

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