

Q. What is a misdemeanor?

A. A misdemeanor is a more serious offense than a summary offense, but a lesser crime than a felony. It is typically punishable by a fine and could include jail time. It may also require the individual to be fingerprinted. Misdemeanor offenses appear on a criminal background check. According to the PA Crimes Code, state-licensing agencies would reserve the right to deny the issuance of a certificate, license, registration, or permit to anyone charged with a misdemeanor. The PA Crimes Code also allows potential employers to use criminal history records in the hiring process. This means if you have a misdemeanor, you may not be able to get a license or certificate or even worse, the job you hoped to have. Alcohol misdemeanors include but are not limited to the following:

- Driving under the influence
- Purchasing and/or furnishing alcohol to minors
- Misrepresentation of your age to buy alcohol
- Carrying or manufacturing a false I.D.

Q. What if I am charged with DUI (Driving Under the Influence)?

A. In Pennsylvania, a DUI is classified as a misdemeanor. Pennsylvania has set .08% Blood Alcohol Content (BAC) as the legal limit for Driving Under the Influence (DUI) convictions. Anyone under the age of 21, driving with a blood alcohol content of .02 or higher, can be charged with a DUI and processed as an adult.

Q. What if I furnish alcohol to a minor?

A. In the state of Pennsylvania, you will receive a misdemeanor of the third degree if you furnish, sell, or purchase alcohol to/for anyone under 21 years of age.

Q. What if I have misrepresented my age more than once?

A. According to PA Crimes Code (Title 18), after the first violation, subsequent offenses will be treated as a misdemeanor of the third degree.

Q. What constitutes misconduct for purposes of professional discipline?

A. Actionable misconduct can be either criminal or non-criminal in nature. Charges will be initiated against any educator who is convicted of a crime involving moral turpitude or any crime listed in section 111(e) of the Public School Code of 1949. By law, the PSPC must revoke the certificate of an educator who is convicted of such crimes.

Please note: *This pamphlet was designed ONLY as a resource guide for education majors. The sponsors of this pamphlet do not encourage or condone the use of alcohol by anyone under the age of 21. While it includes general information about alcohol offenses, each situation should be evaluated separately. If charged with any of these offences, you may want to consult with professional legal counsel and your academic department.*

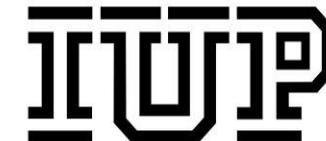
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Alcohol, Drug, and Other General Citations and Your Teaching Career

Questions and Answers about Alcohol, Drug, and other General Citations and Your Teaching Career



As an education major, you have chosen not only a highly rewarding career, but also a very public position with tremendous responsibilities for the care and future of young lives. You are “on-stage” in the classroom, in the school, and in the community. Your behaviors will be observed and sometimes scrutinized by all of the constituents of the school district. Therefore, you must be responsible for your behavioral choices.

As per the Pennsylvania Department of Education, for education majors, during Step 3, the College of Education “Recommends” you to the PDE for Certification by submitting the 338G Form. On that form, question #15 states: “Have you ever been convicted of a crime classified as a misdemeanor or felony, or are criminal charges pending against you?” If yes, a letter of explanation and ALL certified court documents must be submitted with the 338G Form. At that point, such application documentation is reviewed on a case-by-case basis.

It is most important for ALL education majors to exhibit responsible behavior at all times and to realize that ALL choices have consequences – some good some not so good – and some that can limit your personal future.

We all make mistakes. If a situation related to these issues would occur in your personal life, PLEASE come and see the College of Education associate dean and/or the director of field placement in room 104 Stouffer Hall. We will assist you in finding the best possible resolution.

Q. Why would certain professions require a Criminal Background Clearance?

A. The Commonwealth of Pennsylvania requires that educational and health care systems provide a safe environment for children and the provision of service safeguarding the rights of older adults while protecting them from abuse.

Q: What is Act 34?

A: Act 34 is a criminal record check for Pennsylvania criminal offenses including crimes against another person. i.e. assault, sexual molestation, rape, etc. An Act 34 check will yield a complete RAP sheet on a person, which includes felony and misdemeanor offenses.



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Q. What is Act 114—FBI National Background Check?

A. Act 114 of 2006, Section 111 of the Public School Code was amended effective April 1, 2007. All student teachers (participating in classroom teaching, internships, clinical, or field experience) must provide a copy of their Federal Criminal History Record that cannot be more than one (1) year old. This background check documents ALL infractions.

Q. What are summary alcohol offenses?

A. Summary offenses are the least serious of criminal offenses. They are accompanied by citations and fines that are processed by a magistrate and can include jail time up to 90 days. They rank below both felonies and misdemeanors. Examples of alcohol summary offenses include:

- Purchase, consumption, possession, or transportation of alcohol by a minor
- Misrepresentation of age (first offense)
- Public drunkenness

Q. What behaviors are classified as an Underage Drinking (UAD) offense?

A. In Pennsylvania, an underage drinking citation is issued to anyone under the age of 21 who is caught consuming, transporting, purchasing, or attempting to purchase any alcoholic beverage.

Q. If I am an education major and get charged with UAD, does that mean I will never be able to teach in Pennsylvania?

A. According to the Pennsylvania Crimes Code (Section 9124), neither summary offenses nor expungements can be used in consideration of acceptance or denial of a state license or certificate. Therefore, you will still be eligible for teaching status in this state. While it is not legal for the state to deny a teaching certificate due to a summary offense, it is legal for a school district to deny employment based upon past citations *of any kind*. Even though a UAD will not appear on a background check, it does remain on record with the university judicial office and/or the police and can be accessed by any school district that chooses to search for the information.

Q. What if I misrepresent my age to obtain alcohol?

A. If you misrepresent your age to be 21 or older to anyone for the purpose of obtaining alcohol, you will receive a summary citation for your first violation. Pennsylvania law states that after the first violation, subsequent offenses will be treated as a misdemeanor of the third degree.



Age misrepresentation includes not only providing a fake identification, but also verbally stating you are of age when you are not.

Q. Will my UAD appear on my state clearance background check?

A. Underage drinking citations do not appear on criminal background checks because they are not finger-printable offenses. However, they will appear on a vehicular background check. These records can be accessed for a fee by insurance companies and also by investigators doing a thorough review of an applicant.

Q. Does that mean that all summary offenses are exempt from criminal background checks?

A. No. Certain summary offenses like retail and library theft will appear on criminal background checks. These offenses require that fingerprints be taken and kept at the police repository. This is done to track the number of offenses an individual has committed. Multiple offenses of the same crime would result in an upgrading of punishment.

Q. What does it mean to have your record expunged?

A. Expunging your record is a legal process that serves to seal your criminal file. To apply, you must meet certain criteria and be approved through the district attorney’s office. Not all requests will be approved. Expungement will not remove the charge from your vehicular record.

Q. What is ARD?

A. Accelerated Rehabilitative Disposition (ARD) is a pretrial diversionary program. The primary purpose of ARD is to educate and counsel offenders and, secondarily, to move cases promptly through the judicial system. Completion of the program results in the sealing of your criminal record. You need to meet certain criteria in order to be eligible, and ARD may not be offered in all counties. Information about ARD can be obtained through a magistrate, probation officer, or district attorney’s office.