

Pennsylvania Department of Education  
Office of Chief Counsel  
January 10, 2019

PENN\*LINK Message

To: All LEAs

From: Elizabeth Maguschak, Chief Counsel

Re: Criminal Charge Notification from PDE-TIMS

### **Background**

24 P.S. §§ 1-111.1-111.2 of the Pennsylvania Public School Code provides for employment history reviews and the monitoring of electronic public safety and criminal justice information for educators, and requires the Pennsylvania Department of Education (PDE) to provide certain information to the field and the public, which it does via the Teacher Information Management System (TIMS).

As such, information concerning certification status, public professional discipline, and the pendency of criminal charges can currently be accessed in TIMS. Hiring entities that are provisioned users of TIMS can determine whether an educator has pending criminal charges by searching the educator by name or PPID and clicking on “View Complete Profile.” Hiring entities that are not provisioned can access the same information by searching the educator by PPID from the public access site:

[Search Educator Certification](#)

Currently in TIMS, a pre-designated certifying officer and the chief school administrator of a school entity can access a queue for the review of applications and related material, where they must acknowledge the material and provide an affirmation by acknowledgment.

### **New Information**

As of December 4, 2018, PDE has utilized the technology described above to notify provisioned certifying officers and chief school administrators when an educator is the subject of pending criminal charges. As of December 4, 2018, when PDE staff receives a notification from the statewide electronic database and flags the educator as pending criminal charges, an email message is sent to the certifying officer and the chief school administrator of the employing school entity (per the most recent data in TIMS, which is renewed at the beginning of the school year). The email message states that a criminal charge acknowledgment is pending review in TIMS and directs the recipient to log into TIMS to review and submit the acknowledgment to PDE. Both the certifying officer and the chief school administrator will receive frequent email reminders until they acknowledge the notification in their queue.

To acknowledge the notification, the certifying officer and chief school administrator will access TIMS, whereupon they will receive notification of the pending criminal charge(s) against an identified educator employee. Once they click on the notification, they must acknowledge the material by certifying the following:

I certify that I have read and accept the terms below:

1. I am in receipt of the pending criminal charge information regarding the above educator and I have reviewed the information provided by the Department of Education.
2. I understand that the pending criminal charge information originates from a statewide electronic database, and that due to the potential for error, I will verify the accuracy of the information.
3. I understand the chief school administrator's mandatory reporting responsibilities pursuant to the Educator Discipline Act, 24 P.S. § 2070.9a, and I will comply with the law.
4. If I have questions regarding the pending criminal charge information or if I identify that the pending criminal charge information is inaccurate, I will contact the Department of Education, Office of Chief Counsel at 717-787-5500.

The certification for each educator will be retained, regardless of the number of educators in the list for acknowledgment.

### **Other Relevant Information**

A "pending criminal charges" indicator means that the educator has been criminally charged with a misdemeanor or felony crime in Pennsylvania; this includes crimes pending the completion of a pre-trial diversionary program (i.e. Accelerated Rehabilitative Disposition (ARD)).

The information reflected in TIMS on pending criminal charges has been received by PDE from the statewide database otherwise known as the Pennsylvania Justice Network (JNET), which provides PDE with limited public information about criminal charges originating in the state of Pennsylvania. If an educator has pending criminal charges in TIMS, the certifying officer or chief school administrator may contact the Office of Chief Counsel, Department of Education, at 717-787-5500, for information regarding charge information, the date of the charges, and the county where the charges were incurred. Verification of the charges and more information regarding the charges can be obtained by accessing the Pennsylvania Judiciary Web Portal, which is a free database of publicly available information. Access to the portal can be made at: [UJS portal](#).

TIMS receives employment data from the Pennsylvania Information Management System (PIMS) and the information provided is not real time. PDE typically receives employer data from PIMS in the fall for the previous school year. Therefore, for example, if an educator starts employment at a new school entity in the middle of the school year and then becomes the subject of criminal charges shortly thereafter, notification to the new school entity will not be made until the start of the following school year, assuming the criminal charges are still pending. Please also note that the notification only regards charges pending in Pennsylvania; an employee could have pending federal or out-of-state charges that do not trigger notification. This new criminal charge notification system is meant to be an additional tool for school entities, but it in no way replaces current background check and employment review requirements, or any other employment requirements, under the Pennsylvania School Code or other applicable law(s).

Finally, the pending criminal charge information is only provided for educators. Information for other school employees is not available in TIMS.