

**Pennsylvania Act 15**  
**Board Approved Clearance Compliance Policy**

**Summary**

In October 2014, Governor Corbett signed PA Act 153 of 2014 into law. This legislation is designed to increase the safety of children by requiring specific background checks and child abuse clearances for all volunteers and employees who are responsible for children. This law impacts all organizations who serve youth and also includes strengthened mandatory reporting requirements for adult volunteers and employees. Act 153 was amended effective July 1, 2015 by the passing of PA Act 15 of 2015.

It is the local council's responsibility to ensure that all volunteers and employees partaking in and or administering their programs meet these requirements.

**What is the criteria for clearances?**

Adults who are currently unpaid volunteers, or are applying to be unpaid volunteers with the following responsibilities:

1. Acting in lieu of, or on behalf of a parent by providing care, supervision, guidance, or control of children, or...
2. Having regular, ongoing contact with children that is integral to their volunteer responsibilities.

**Special Notes: The PA Department of Human Services have provided the following interpretations specific to the Boy Scouts of America:**

Clearances Are Required for the following situations:

- **All registered Adult Scouters** – Clearances ARE required of all Adult Scouters regardless of their position responsibilities. Clearances must be presented at the time of application for any position requiring a new BSA Adult Volunteer Application.
- **Tiger Cub Den Leaders** - Clearances ARE required for Tiger Cub Den Leaders.
- **Merit Badge Counselors** - Clearances ARE REQUIRED for Merit Badge Counselors (with or without parents present).
- **Drivers to camps or events (Unit Organized)** - If a carpool is organized or drivers are recruited by the unit's leaders, then clearances ARE REQUIRED.
- **Parents helping with fundraisers (Popcorn Show and Sell and/or store front sales)** – if the parent will be or could be responsible for a child other than their own son (or daughter) then clearances ARE REQUIRED.
- **At events where Scouts are participating without their parent(s)** – clearances ARE REQUIRED of parents as volunteers, as they may be acting in lieu of a parent and will have routine interaction and direct contact with youth.
- **Council Employees** - All Pennsylvania Dutch Council employees, regardless of the job responsibilities or length of employment, must have proper clearances. This includes all camp staff positions.
- **Third Party Contractors** - Any third party contractor, such as a contracted program provider, cleaning service, or food service provider, who may have care, supervision, guidance, or control of children, or routine interaction with children must have proper clearances.

Clearances Are Not Required for the following situations:

- **Venturers or Explorers** - Clearances are NOT required for 18-20 year old Venturers or Explorers, as they are not volunteers but program participants (even if these youth are providing leadership to youth under 18 years of age).
- **Scouts with Special Needs** - Clearances are NOT required for special needs Scouts (age 18+) as they are program participants.
- **Tiger Cub Adult Partners** - Clearances are NOT required for Tiger Cub Adult Partners as they are participating in the BSA program as parents.
- **Eagle Boards of Review** - Clearances are NOT required for community volunteers serving on Eagle Boards of Review.
- **Drivers to camps or events (Parent to Parent)** – If a parent asks another parent (parent to parent) to drive their son to an event or camp then clearances are NOT required.
- **Adults who stay occasionally at a meeting to help out** – clearances are NOT required unless their participation becomes a weekly occurrence.
- **At Cub Scout Pack meetings or day events where parents are attending with their sons** - clearances are NOT required of parents as volunteers.
- **At events where every Scout must participate with their parent(s)** – clearances are NOT required of parents as volunteers.
- **Guest Speaker/Skills Instructor** – Assuming that a cleared and registered adult leader maintains supervisory responsibility throughout the presentation/skills instruction activity and the individual does not have regular, ongoing contact with children, clearances are NOT required.

### **What Clearances are Required?**

PA Act 15 requires that all individuals serving as volunteers or program employees with youth in Pennsylvania meet state mandated background check requirements including:

- Pennsylvania State Police Criminal History Check
- Department of Human Services Child Abuse Check
- FBI Fingerprint Based Federal Criminal History Check
  - Volunteers living in the state for 10 years or more are exempt, however, they must complete an affidavit that they have 1) lived in the state for 10 years or more and 2) have not been convicted of a list of crimes.

Non-PA Residents are exempt provided:

- They do not volunteer more than 30 days in any calendar year with youth in PA
- They meet the volunteer background check requirements of their state of residence

### **Summer Camp Compliance**

Based on this, and at the recommendation of the National Council, BSA, the following policy will be in place related to participation in our council summer camp programs:

1. All adults, regardless of BSA registration status, must have current BSA Youth Protection Training.
2. All PA residents must meet PA Background Check requirements
3. All Non-PA residents must provide a signed Non-Resident Disclosure Statement that they will not be in the state more than 30 days and that they meet the volunteer background check requirements of their home state.