

Regulation 3515.6: Criminal Background Checks For Contractors

Status: DRAFT

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Except in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable, any entity contracting with Whenever the district contracts for **services that may require the entity's employees to interact with students, outside of the immediate supervision and control of parents/guardians or school and classroom janitorial, school staff, site administrative, school site grounds and landscape maintenance, student transportation, and school site food-related services,** the Superintendent or designee shall **certify to the district that each of its** ensure that the contracting entity certifies in writing that any employees who may **interact with students has a valid criminal records summary as described in Education Code 44237 and that neither the entity nor any of those employees has** come into contact with students have not been convicted of a **violent or serious** felony as defined in Education Code 45122.1. **Such contracting entity shall also be required to immediately provide the district with any subsequent arrest and conviction information,** unless the employee has received **pursuant to the subsequent arrest service.** a certificate of rehabilitation and a pardon. (Education Code **44237, 45125.1**)

On a case-by-case basis, the Superintendent or designee may also require **any** a contracting entity **with which the district has a contract** providing school site services, other than those listed above, to comply with these **same** requirements. (Education Code 45125.1)

For an individual who is operating as the sole proprietor of an entity, the Superintendent or designee shall treat the individual as an employee of the entity and shall prepare and submit the individual's fingerprints to the Department of Justice (DOJ).

These requirements shall not apply if the **(Education Code 45125.1)**

Any contracting entity's employee who has been convicted of a violent or serious felony, as defined in Education Code 45122.1, shall not be permitted to interact with students unless a certificate of rehabilitation and pardon pursuant to Penal Code 4852.01-4852.22 has been submitted to the Superintendent or designee determines that the contracting entity is providing services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable. (Education Code 45125.1).

In addition, these requirements shall not apply if the Superintendent or designee determines that the employees of the contracting entity will have limited contact with students. In determining whether a contract employee has limited contact with students, the Superintendent or designee shall consider the totality of the circumstances, including the following factors: (Education Code 45125.1)

1. The length of time the contractors will be on school grounds
2. Whether students will be in proximity with the site where the contractors will be working
3. Whether the contractors will be working by themselves or with others

Upon a determination that an employee shall have limited contact with students, the **(Education Code 45125.1)**

The Superintendent or designee shall take appropriate steps to protect the safety of any student who may come in contact with this employee. (Education Code 45125.1) **determine that criminal background checks will**

These steps may include, but not be **required if** limited to, ensuring that the **contract** employee is working during nonschool hours, providing for **the** regular patrols or supervision of the site from district security or personnel; ensuring that the employee is not working alone when students are present, limiting the employee's access to school grounds and/or providing the employee with a visible means of identification.

Other Facility Contractors

When the district contracts for construction, reconstruction, rehabilitation, or repair of a school facility **and the contracting entity is providing services in an emergency or exceptional situation, or the district uses** where the employees of the entity will have contact, other than limited contact with students, the Superintendent or designee shall ensure the safety of students by utilizing one or more of the following methods **to ensure student safety:** (Education Code 45125.2)

1. The installation of a physical barrier at the worksite to limit contact with students.

- Continual supervision and monitoring of all employees of the entity by an employee of the entity whom **DOJ**the Department of Justice has ascertained has not been convicted of a violent or serious felony.

The supervising employee may submit his/her fingerprints to the Department of Justice pursuant to Education Code 45125.1.

- Surveillance of employees of the entity by school personnel.

The Superintendent or designee may take appropriate steps to protect the safety of any students who may come in contact with employees of contracting entities, including, but not limited to, ensuring that the employees of such entities perform work during nonschool hours, do not work alone when students are present, have limited access to school grounds, are provided with a visible means of identification, and/or that there are regular patrols or supervision of the site from district security or personnel.

These requirements shall not apply if the Superintendent or designee determines that the contracting entity is providing construction, reconstruction, rehabilitation or repair services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable. (Education Code 45125.2)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 41302.5
 Ed. Code 45122.1
 Ed. Code 45125.1
 Ed. Code 45125.2
 Pen. Code 1192.7
 Pen. Code 667.5

Description

School districts, definition
 Classified employees, conviction of a violent or serious felony
 Fingerprinting; employees of contracting entity
 Criminal background checks for construction
 Plea bargaining limitation
 Prior prison terms, enhancement of prison terms

Management Resources References

Website

Description

Department of Justice -
<https://simbli.eboardsolutions.com/SU/7I3KLu4OPKjj4iH96pQhpg==>

Cross References

3000
 3540
 3540
 3551
 3551
 3600
 6159.3
 6159.3

Description

Concepts And Roles -
<https://simbli.eboardsolutions.com/SU/esslshvk4e9OagAblEwiPdF8A==>
 Transportation -
<https://simbli.eboardsolutions.com/SU/oHIB8FMU3wvBplusClxqkkoGg==>
 Transportation -
<https://simbli.eboardsolutions.com/SU/pjEuL7zEoSZe6Exf5UeCpQ==>
 Food Service Operations/Cafeteria Fund -
<https://simbli.eboardsolutions.com/SU/feOBwF29EWP3R67R3tA3wg==>
 Food Service Operations/Cafeteria Fund -
<https://simbli.eboardsolutions.com/SU/1c07dPkdG8pslshipcj0cwWpg==>
 Consultants -
<https://simbli.eboardsolutions.com/SU/19Y2YhOrjSGxS8QOUWGnA==>
 Appointment Of Surrogate Parent For Special Education Students -
<https://simbli.eboardsolutions.com/SU/Jul7H9OqG6h9xYMG47w1plusw==>
 Appointment Of Surrogate Parent For Special Education Students -
<https://simbli.eboardsolutions.com/SU/eFQcinwciEeAAyYHliLJHw==>

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Architectural And Engineering Services -
<https://simbli.eboardsolutions.com/SU/DkQOWrUIJwkFf2h3Gaw1ew==>

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Architectural And Engineering Services -
<https://simbli.eboardsolutions.com/SU/q00ubQVXZM722nswfQpOZw==>