

**Regulation 3515.6: Criminal Background Checks For Contractors**

Status: ADOPTED

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~~Whenever the district contracts for janitorial, administrative, landscape, transportation, food-related, or other similar services, the superintendent or designee shall ensure that the contracting entity certifies in writing to the Governing Board that any employees who may come into contact with students have not been convicted of a violent or serious felony. (Education Code 45125.1)~~

~~(cf. 3540 – Transportation)~~

~~(cf. 3551 – Food Service Operations/Cafeteria Fund)~~

~~(cf. 3600 – Consultants)~~

~~(cf. 7140 – Architectural and Engineering Services)~~

~~The superintendent or designee shall present the Board with a list, prepared by the contracting entity, of the names of any employees who may come into contact with students. The superintendent or designee shall then distribute these lists to the appropriate school sites. (Education Code 45125.1)~~

~~These requirements shall not apply if the superintendent or designee determines that the contracting entity is providing services~~

***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. ~~(Education Code 45125.1)~~, ***any entity contracting with the District 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 staff, shall certify to the District that each of its 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 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 received pursuant to the subsequent arrest service. (Education Code 44237, 45125.1)***

***On a case-by-case basis, the Superintendent or designee may require any entity with which the District has a contract to comply with these same requirements. (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 superintendent or designee shall~~

***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). (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. (Education Code 45125.1)***

***The Superintendent or designee may determine that criminal background checks will not be required if the contract is for the 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 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***
- 2. Continual supervision and monitoring of all employees of the entity by an employee of the entity whom DOJ has ascertained has not been convicted of a violent or serious felony***
- 3. 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 this employee. (Education Code 45125.1)***

***These steps may include **employees of contracting entities, including**, but not be limited to, ensuring that the employee is working **employees of such entities perform work** during non-school hours, providing for regular patrols or supervision of the site from district security or personnel, ensuring that the employee is not working **do not work** alone when students are present, limiting the employee's **have limited access** to school grounds, and/or providing the employee **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.*****