

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS

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 Board of Trustees 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 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 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)

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS (continued)

These steps may include, but not be limited to, ensuring that the employee is working during nonschool hours, providing for 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.

(cf. 3515.3 - District Police Department)

Legal Reference:

EDUCATION CODE

41302.5 School districts, definition

45122.1 Classified employees, conviction of a violent or serious felony

45125.1 Criminal background checks for contractors

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

Regulation
approved:

FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California