LENAPE AREA VOCATIONAL TECHNICAL SCHOOL

SECTION: OPERATIONS

TITLE: CONTRACTED SERVICES

ADOPTED: March 19, 2009

REVISED: April 21, 2016
September 20, 2018

818. CONTRACTED SERVICES

1. Purpose	In its effort to provide cost-effective programs, the Joint Operating Committee uses outside independent contractors for a variety of purposes. The school is required to ensure that such contractors comply with certain legal requirement regarding contractor employees involved in the delivery of services to the school. This policy is adopted to outline those requirements and the manner in which the school shall direct and monitor contractor compliance.
2. Definitions	For purposes of this policy, contractor employee shall include an individual who: Is employed or offered employment by an independent contractor or a subcontractor of an independent contractor, or is an individual independent contractor; and Has or will have direct contact with children. Direct Contact with children – the possibility of care, supervision, guidance or control of children or routine interaction with children.
3. Authority SC 111 23 Pa. C.S.A. 6301	The Joint Operating Committee is required by law to ensure that independent contractors and their employees who have direct contact with students comply with the mandatory background check requirements for criminal history and child abuse certifications, the employment history review requirement, and the arrest and conviction reporting requirements.
4. Guidelines	Prior to using contracted services, a written contractual agreement shall be entered into between the school and the independent contractor and maintained centrally by the school in a manner similar to that for other contracts. Requests for proposals, bid specifications for proposals and resulting contracts shall specify the following: Mandatory requirements for criminal history background checks, child abuse certifications, employment history reviews, and arrest and conviction reporting for contracted services involving direct contract with children, as mandated by law and set forth in this policy. A requirement that all contract transportation providers provide a program of drug and alcohol testing for covered drivers. A covered driver shall include any contractor employee who drives, operates or is in the actual physical control or movement of a school bus or a commercial vehicle owned, leased or operated by the independent contractor in connection with school programs and services.

	That failure to comply with this policy and the requirement for criminal history background checks and child abuse certifications, employment history reviews, and required reporting of employee arrests, convictions or other misconduct by an independent contractor or contractor employee shall be grounds for termination of the contract. The Administrative Director or appropriate personnel designated by the Administrative Director shall review all information provided pursuant to this policy and determine if information is disclosed that precludes employment or continued service of an independent contractor or contractor employee. Information submitted by an independent contractor or contractor employee in accordance with this policy shall be maintained centrally in a manner similar to that for school employees.
5. Pre-Employment Requirements	**Employment History Review** Independent contractors shall conduct an employment history review, in compliance with state law, prior to assignment of a contractor employee to perform work for the school in a position or assignment involving direct contact with children. Independent contractors shall inform the school, in writing, upon receipt of an affirmative response to any of the abuse and sexual misconduct background questions for a contractor employee. If the school objects to the assignment, the independent contractor may not assign the contractor employee to the school Independent contractors shall, upon request, provide the school to which a contractor employee is assigned access to the employee's employment history review records. **Criminal History** Prior to assignment of contractor employees to perform work for the school in a position or assignment involving direct contact with children, contractor employees shall submit an official child abuse clearance statement and state and federal criminal history background checks (certifications) as required by law. Contractor employees shall report, on the designated form, all arrests and convictions as specified on the form. Contractor employees shall likewise report arrests and/or convictions that occur subsequent to initially submitting the form. Failure to accurately report such arrests and convictions may subject the individual to denial of employment/contract, termination if already hired/contracted, and/or criminal prosecution. **Tuberculosis Test** Contractor employees providing services for students shall undergo a test for tuberculosis in accordance with the regulations and guidance of the Pennsylvania Department of Health.

Arrest and Conviction Reporting Requirements

All independent contractors shall adopt policies and procedures that require their employees, who are providing services to the school and who have direct contact with children, to notify the independent contractor, in writing, within seventy-two (72) hours of the occurrence, of an arrest or conviction required to be reported by law. Contractor employees shall also be required to report to the independent contractor, within seventy-two (72) hours of notification, that the employee has been named as a perpetrator in a founded or indicated report pursuant to the Child Protective Services Law. The policies and procedures shall also include the provision that the failure on the part of contractor employees to make such a timely notification shall preclude them from being assigned to the School.

If the independent contractor receives notice of such arrest or conviction or that the contractor employee has been named as a perpetrator in a founded or indicated report, from either the contractor employee or a third party, the independent contractor shall immediately report, in writing, that information to the Administrative Director or appropriate personnel designated by the Administrative Director.

The independent contractor shall immediately require a contractor employee to submit new certifications when there is a reasonable belief that the employee was arrested for or has been convicted of an offense required to be reported by law, was named as a perpetrator in a founded or indicated report, or has provided written notice of such occurrence.

Contractor employees who provide transportation services shall immediately notify the independent contractor and the school's transportation supervisory of any traffic citations or the suspension, revocation or cancellation of operating privileges.

Educator Misconduct

If the Administrative Director reasonably suspects that conduct being reported involves an incident required to be reported under the Educator Discipline Act, the Administrative Director or appropriate personnel designated by the Administrative Director shall notify the Pennsylvania Department of Education, in accordance with applicable law, regulations and Joint Operating Committee policy 317.1.

Training

Independent contractors shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The training shall include, but not be limited to, the following topics:

Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.

Provisions of the Educator Discipline Act, including mandatory reporting

requirements.

School Policy related to reporting of suspected abuse and sexual misconduct.

Maintenance of professional and appropriate relationships with students.

Employees of independent contractors who have direct contact with children are required to complete a minimum of three (3) hours of training every five (5) years.

Contractor employees shall attend orientation and training sessions, as appropriate to the nature of their service. When training is provided for school employees relating to the legal obligations of employers and educational institutions, consideration shall be given to which contractor employees should also receive that training.

Child Abuse Reporting

All contractor employees who have reasonable cause to suspect that a child is the victim of child abuse shall make a report of suspected child abuse in accordance with applicable law, Joint Operating Committee policy and administrative regulations.

Confidentiality

No contractor employee shall be permitted access to confidential student information unless the school has determined that such access is necessary for the contractor employee to fulfill his/her responsibilities. Contractor employees with access to confidential student information shall maintain the confidentiality of that information in accordance with Joint Operating Committee policies and procedures and applicable law. If a contractor employee has questions about the confidentiality of student information, the contractor employee is to consult with the building administrator.

1. 24 P.S. 1205.6
2. 23 Pa. C.S.A. 6344
3. 24 P.S. 111
4. 24 P.S. 111.1
5. 55 PA Code 3490.132
6. 49 CFR Part 382
7. 67 PA Code 71.3
8. 75 Pa. C.S.A. 1612
9. 75 Pa. C.S.A. 3802
10. Pol. 810.1
11. 23 Pa. C.S.A. 6344.3
12. 24 P.S. 1418
13. 28 PA Code 23.44
14. 75 Pa. C.S.A. 1606

	15. 24 P.S. 2070.9a 16. Pol. 317.1 17. 24 P.S. 2070.1a et seq 18. Pol. 806 19. Pol. 824 20. 23 Pa. C.S.A. 6311 21. Pol. 113.4 22. Pol. 216 24 P.S. 1362 22 PA Code 8.1 et seq 23 Pa. C.S.A. 6301 et seq 75 Pa. C.S.A. 1601 et seq Pol. 610 Pol. 810 NOTES: Chapter 8 of the State Joint Operating Committee of Education Regulations has not been updated since August of 1990 and does not reflect current statutory requirements. Chapter 3490 of the Protective Services regulations of the Department of Human Services has not been updated since July 1999 and does not reflect current statutory requirements. PSBA Revision 5/18 © 2018 PSBA