

Regulation 3515.6 Criminal Background Checks for Contractors

Status: ADOPTED

Original Adopted Date: 03/1998

Last Revised Date: 06/26/2024

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 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)

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 employees of contracting entities, including, but not

limited to, ensuring that the employees of such entities perform work during non-school 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.

10/97
04/08/98
10/98
03/10/99
02/13/18
06/26/23

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

Ed. Code 41302.5
Ed. Code 44237
Ed. Code 45122.1

Description

School districts; definition
Criminal record summary
Classified employees; conviction of a violent or serious felony
Criminal records summary; employees of contracting entity
Criminal background checks for construction
Plea bargaining limitation
Procedure for restoration of rights and application for pardon
Prior prison terms; enhancement of prison terms

Ed. Code 45125.1
Ed. Code 45125.2
Pen. Code 1192.7
Pen. Code 4852.01-4852.22

Pen. Code 667.5

Management Resources

Website
Website

Description

CSBA District and County Office of Education Legal Services
Department of Justice

Cross References

Code

3000
3515.3
3515.3
3540
3551
3551
3600
6159.3
6159.3
7140
7140

Description

Concepts And Roles
District Police/Security Department
District Police/Security Department
Transportation
Food Service Operations/Cafeteria Fund
Food Service Operations/Cafeteria Fund
Consultants
Appointment Of Surrogate Parent For Special Education Students
Appointment Of Surrogate Parent For Special Education Students
Architectural And Engineering Services
Architectural And Engineering Services