

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS

~~When the employees of any entity contracting with the district to provide specified services will have contact with students, the entity shall certify in writing to the Superintendent or designee that none of those employees has been convicted of a violent or serious felony as defined in Education Code 45122.1. In the case of a sole proprietor, the Superintendent or designee shall prepare and submit the employee's fingerprints to the Department of Justice. If any contracting employee~~ 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 have contact ~~interact~~ with students has been convicted of a violent or serious felony as defined, a certificate of rehabilitation and a pardon as required pursuant to Education Code 45125.1 shall be submitted to the Superintendent or designee before the contracting employee is authorized to perform the work for the district. (Education Code 45125.1) ¶

~~These requirements shall apply to a sole proprietor or entity contracting with the district to provide any of the following services: (Education Code 45125.1, 45125.2) ¶~~

~~1. School and classroom janitorial services ¶~~

~~2. School site administrative services ¶~~

~~3. School site grounds and landscape maintenance services ¶~~

~~4. Student transportation services ¶~~

~~5. School site food-related services ¶~~

~~6. Construction, reconstruction, rehabilitation, or repair of a school facility~~ 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 ~~a contracting entity providing school site services other than those listed above~~ any entity with which the district has a contract to comply with these same requirements. (Education Code 45125.1)

~~The Superintendent or designee may determine that criminal background checks will not be required if: ¶~~

~~1. 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)¶¶~~

~~2. 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 factors such as the length of time the contractors will be on school grounds, whether students will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others. (Education Code 45125.1)¶¶~~

~~Upon a determination that an employee will have limited contact with students, the Superintendent or designee shall 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, but are not limited to, ensuring that the employee is working 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 alone when students are present, limiting the employee's access to school grounds, and/or providing the employee with a visible means of identification.¶¶~~

~~3. The~~

~~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 either item #1 or #2 above applies~~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)

~~a~~

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

~~b~~

~~2. Continual supervision and monitoring of all employees of the entity by an employee of the entity whom the Department of Justice DOJ has ascertained has not been convicted of a violent or serious felony~~

~~c~~

~~3. Surveillance of employees of the entity by school personnel~~

PERRIS UNION HIGH SCHOOL DISTRICT

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