

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 nonschool 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.

State References

- Ed. Code 41302.5 School districts, definition
- Ed. Code 45122.1 Classified employees, conviction of a violent or serious felony CSBA Sample Manual CSBA Policy Management Console1
- Ed. Code 45125.1 Fingerprinting; employees of contracting entity
- Ed. Code 45125.2 Criminal background checks for construction
- Pen. Code 1192.7 Plea bargaining limitation
- Pen. Code 667.5 Prior prison terms, enhancement of prison terms

Management Resources References

Website - Department of Justice -
<https://simbli.eboardsolutions.com/SU/7I3KLu4OPKjj4iH96pQhpg==>

Cross References

- 3000 Concepts And Roles -
<https://simbli.eboardsolutions.com/SU/f0mslshlv9lr5HtGcDplusJAZnoA==>
- 3515.3 District Police/Security Department -
<https://simbli.eboardsolutions.com/SU/e7JkA3bFUzKP7dDoc7bbkQ==>
- 3515.3 District Police/Security Department -
<https://simbli.eboardsolutions.com/SU/plus0c74vF8Nf22j6JrQypnmA==>
- 3540 Transportation -
<https://simbli.eboardsolutions.com/SU/T5zxreRw1IWplusOweluxQOEg==>
- 3551 Food Service Operations/Cafeteria Fund -
<https://simbli.eboardsolutions.com/SU/aisVslsh4OOSAbOO07WMI8Wyg==>
- 3551 Food Service Operations/Cafeteria Fund -
<https://simbli.eboardsolutions.com/SU/vw1wzKbKplus6OhDkGTOEFI1A==>
- 3600 Consultants - <https://simbli.eboardsolutions.com/SU/Ezxlw6WOGS1slshormbkd8QWw==>

6159.3 Appointment Of Surrogate Parent For Special Education Students -
<https://simbli.eboardsolutions.com/SU/uuvWA2nN0n4IsyGeo0tEVQ==>

6159.3 Appointment Of Surrogate Parent For Special Education Students -
<https://simbli.eboardsolutions.com/SU/f1ABntbGY4CzPAviPVonlg==>

7140 Architectural And Engineering Services -
<https://simbli.eboardsolutions.com/SU/8Lie9dpRJb903LBIf4Q0w==>

7140 Architectural And Engineering Services -
<https://simbli.eboardsolutions.com/SU/gyMslshLYC6qQeka3mgB8slsh0g==>