

Criminal Background Checks for Contractors

Whenever the Solano County Office of Education (SCOE) contracts for school and classroom janitorial, school site administrative, school site grounds and landscape maintenance, student transportation, and school site food-related services, the County Superintendent or designee shall ensure that the contracting entity certifies in writing that any employees who may come into contact with students have not been convicted of a felony as defined in Education Code section 45122.1, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code §45125.1, Penal Code 4852.01)

On a case-by-case basis, the Superintendent or designee may also require a contracting entity providing school site services, other than those listed above, to comply with these requirements.

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.

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:

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.

These steps may include, but not be limited to, ensuring that the employee is working during non-school hours, providing for regular patrols or supervision of the site from SCOE 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.

Other Facility Contractors

When SCOE contracts for construction, reconstruction, rehabilitation, or repair of a school facility where the employees of the entity will have contact, other than limited contact with students, the Superintendent or designee shall ensure the safety of students by utilizing one or more of the following methods:

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 the Department of Justice has ascertained has not been convicted of a violent or serious felony.

The supervising employee may submit his/her fingerprints to the Department of Justice pursuant to Education Code 45125.1.

3. Surveillance of employees of the entity by SCOE personnel.

Policy 3515.6 (Continued)

These requirements shall not apply if the Superintendent or designee determines that the contracting entity is providing construction, reconstruction, rehabilitation, or repair 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.

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
- 45125.2 Criminal background checks for construction

PENAL CODE

- 667.5 Prior prison terms, enhancement of prison terms
- 1192.7 Plea bargaining limitation
- 4852.01-4852.22 Procedure for Restoration of Rights and Application for Pardon

Policy Cross-Reference:

- 3515.3 Security Department
- 3540 Transportation
- 3551 Food Service Operations/Cafeteria Fund
- 3600 Consultants
- 4112 Appointment and Conditions of Employment
- 4112.5 Criminal Record Checks for Employees
- 7140 Architectural and Engineering Services