

Subject: Fingerprinting and Background Checks of Independent Contractors Policy

Effective Date: September 10, 2009

Approved By: Board of Directors

Policy: The School will require that vendors and other independent contractors that have contact with students must be Live Scanned with the Department of Justice (DOJ) prior to contact with students.

Procedure:

1. The School will require that vendors and other independent contractors that have contact with students must be Live Scanned with the DOJ prior to contact with students. Education Code Section 45125.1 provides that contractors that have contact with students must submit fingerprints to the Department of Justice.
2. The Department of Justice will ascertain whether the individual whose fingerprints were submitted has been arrested or convicted of any crime insofar as that fact can be ascertained from information available to the department.
3. The DOJ will notify the school only as to whether or not an applicant has any convictions or arrests pending adjudication for offenses. The Department of Justice does not provide any specific offense information received from the Federal Bureau of Investigation.
4. A contractor, or his/her employee, is not prohibited from contact with students if the individual has been convicted of a felony provided that the individual has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.
5. A contractor is required to certify in writing to the charter school that neither the employer nor any of its employees who are required by this section to submit or have their fingerprints submitted to the Department of Justice and who may come in contact with pupils have been convicted of a felony as defined in Section 45122.1.
6. The School may not allow an employee, certificated or classified, contact with students prior to verification by the Department of Justice that the employee has not been convicted of or in the process of adjudication for a violent or serious felony. Similarly, a school may not allow a vendor to provide services to students prior to receipt of an affidavit provided by the independent contractor that neither the contractor nor any of his/her employees have been convicted of or in the process of adjudication for a violent or serious felony.
7. The Schools may maintain a common list of approved vendors or employees. Education Code Section 45125.01 expressly authorizes a county office, or designated district, to maintain a common list of substitute or part-time employees and to process fingerprint requests.

8. The results of criminal history records will remain confidential. Education Code Section 45125.01 imposes confidentiality requirements on criminal history records in that:
 - a. The School may not disclose contents or provide copies to anyone.
 - b. Criminal history information must be stored in separate, locked files, accessible only to the custodian of records.
9. When hiring or contracting from a common list (see above), the School may see the criminal history record of persons on the list.
10. The record must be viewed at the entity maintaining the list within 30 days after the record is received. Thereafter, the record must be destroyed or kept in accordance with law.
11. The lead agency will submit an interagency agreement to DOJ to establish authority to act under this provision.
12. The lead agency will notify Schools when records are received so the schools have sufficient time to review the information.
13. Vendors are responsible for submitting affidavits verifying that neither the contractor nor any employees that potentially have contact with pupils has a record of conviction for a serious or violent felony. Education Code section 45125.1 requires that independent contractors providing services to school districts must certify that no person assigned by the contractor to perform services, and who may come into contact with students, has a record of conviction of a serious or violent felony.
14. The contractor assumes the responsibility imposed by Education Code section 45125.1 to ascertain the criminal history of such employees prior to making this certification and further certifies that this responsibility has been complied with.
15. The school may choose to deny employment or contracts for any reason, so long as the school does not impermissibly discriminate against applicants. The School will consider individuals on a case-by-case basis.

Original Policy 02/27/01

Revised Policy 09/10/09