



Board Policy \_\_\_\_\_

Approved: 9/24/15

## **Business and Noninstructional Operations**

### **Criminal Background Checks for Contractors**

Whenever iLEAD Exploration or other iLEAD Hybrid Charter Learning Studio (“Program”) contracts with a vendor, the Director, or designee, herein referred to as “Director”, shall ensure that any vendor that comes into contact with students at a Learning Studio site will have submitted fingerprinting and be cleared through Livescan. For contractor employees that will not be working at a Learning Studio site, the contracting entity will certify in writing that any contractor employees who will not be on site at any Learning Studio, but may come into contact with students, have not been convicted of a felony as defined in Education Code 45122.1, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45125.1)

On a case-by-case basis, the Director, or designee, may also require a contracting entity providing learning studio services, other than those listed above to comply with these requirements. (Education Code 45125.1)

These requirements shall not apply if the Director 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 learning studio facilities safe and habitable. (Education Code 45125.1)

In addition, these requirements shall not apply if the Director determines that the employees of the contracting entity will have no, or extremely limited, contact with students, such as construction work. In determining whether a contract employee has extremely limited contact with students, the Director, or designee, shall consider the totality of the circumstances, including the following factors: (Education Code 45125.1)

1. The length of time the contractors will be on learning studio 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 a contract employee shall have extreme limited contact with students, the Director, shall take appropriate steps to protect the safety of any student who may come in contact with this employee. (Education Code 45125.1)

These steps may include, but not be limited to, ensuring that the contract employee is working during non-learning studio hours, providing for regular patrols or supervision of the learning studio from district security or personnel, ensuring that the employee is not working alone when students are present,



Board Policy \_\_\_\_\_

Approved: \_\_\_\_\_

limiting the employee's access to learning studio grounds and/or providing the employee with a visible means of identification.

#### Other Facility Contractors

When the district contracts for construction, reconstruction, rehabilitation or repair of a learning studio facility where the employees of the entity will have contact, other than limited contact with students, the Director, shall ensure the safety of students by utilizing one or more of the following methods: (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 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 learning studio personnel.

These requirements shall not apply if the Director, 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 learning studio facilities safe and habitable. (Education Code 45125.2)

#### Legal Reference:

##### EDUCATION CODE

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

9/9/15



## Contractor Assurance of Employee Background Check Certification Form

\_\_\_\_\_  
(vendor representative)

of

\_\_\_\_\_  
(vendor / business name)

### certifies the following:

1. We have conducted a criminal background check of all employees / contractors, listed below, who will have contact with students. We also certify to iLEAD that no employee / contractor has been convicted of a violent or serious felony.
2. We will be responsible for consequential damage in connection with providing known employees/contractors with a conviction of a violent or serious felony as defined by statute (EC44125.1) to provide services to iLEAD.
3. We agree to indemnify iLEAD, hold it and its representatives harmless for all losses, damages and other liabilities resulting in any way from errors and omissions for non-compliance with Education Code Section 45125.1.
4. We agree that only the employees listed below will work with iLEAD students.
5. At all times, a minimum of 2 employees will be with iLEAD students at all times.
6. One of our directors / administrators will go through the Live Scan process for iLEAD.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print name: \_\_\_\_\_ Title: \_\_\_\_\_

***Attach company policies on background checks and assuring the safety of students.***

List all employees working directly with iLEAD learners below with date of background check clearance:

--

Please email completed form to:

Or fax to :