

BUSINESS

Fingerprinting

Fingerprinting Requirements for Contractors and Their Employees

The Superintendent will ensure that contractors and their employees will not have contact with pupils unless all Education Code requirements regarding fingerprinting and certification are met.

1. The fingerprinting requirements of Education Code Section 45125.1 apply to any entity that the District contracts with to provide the services listed below, and to any employees of District contractors who may have any contact with students:
 - a. School and classroom janitorial
 - b. School site administrative
 - c. School site grounds and landscape maintenance
 - d. Student transportation
 - e. School site food-related; and
 - f. Any other services when the Superintendent or his or her designee determines that the fingerprinting requirements would apply.
2. For contractors providing the services listed in Section I.A.1, the contractor or contractor's employees shall not come in contact with students until the Department of Justice has ascertained that the contractor or employee has not been convicted of a felony as defined in Education Code Section 45122.1, and the contractor has certified in writing that neither the employer nor any of its employees assigned to the District contract have not been convicted of such a felony.
3. These fingerprinting requirements shall not apply to District contractors or their employees if, after considering the totality of the circumstances including, factors ***such as the length of time the contractors will be on school grounds, whether pupils 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.*** The Superintendent or the Superintendent's designee determines ~~that~~ whether the contractor or its employees will have only limited contact with students. Upon making this determination, the Superintendent or designee shall take appropriate steps to protect the safety of any students that may come in contact with contractors and contractors' employees who have not been fingerprinted.
4. The Superintendent or the Superintendent's designee may waive the fingerprinting requirement when contracting for emergency or other exceptional situations, such as when students' health or safety is endangered or when repairs are needed to make school facilities safe and habitable.

5. The District may waive the fingerprinting requirement for contractors contracting with the District for the construction, reconstruction, rehabilitation, or repair of school facilities if the Superintendent or the Superintendent's designee finds that the District can ensure student safety by one or more of the following methods:
 - a. The installation of a physical barrier at the work site to limit contact with students.
 - b. Continual supervision and monitoring of all the contractor's employees by another employee who has not been convicted of a violent or serious felony as determined by the Department of Justice based on a fingerprint check; or
 - c. Surveillance of the contractor's employees by school personnel.

Legal References: California Education Code
Sections: 45125.1, 45125.2,

Policy Adopted: May 16, 2006

