



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Fingerprinting and Criminal Background Compliance for Contractors

NUMBER: BUL-3872.0

ISSUER: Steven A. La Shier, Acting Chief Risk Officer, Division of Risk Management and Insurance Services

DATE: August 7, 2007

ROUTING
All Employees
All Locations

POLICY: The Division of Risk Management and Insurance Services (“ORMIS”) will store and manage the collection of the Fingerprint and Criminal Background Check Certification form from all Contractors.

GUIDELINES: The following guidelines apply.

INTRODUCTION

In order to provide a safe environment for the education of students in our care, the LAUSD requires every contracted worker and consultant who may come into contact with students to be fingerprinted and background checked in a manner authorized by the Department of Justice (“DOJ”). Fingerprinting will help to ensure that individuals who have more than limited contact with students have not been convicted of a serious or violent felony.

This policy also applies to charter schools.

CONTRACT REQUIREMENT

I. Non-Facilities Contracts

All LAUSD contracts where the contracting entity may come into contact with students shall require that the contracting entity’s employees submit or have submitted their fingerprints in a manner authorized by the DOJ. For example, these contracts include student enrichment programs, professional skill development, tutoring, physical/ health screening, case management, technology-based consulting/ installation.

The School/ Office requesting the contract (“Sponsor”) shall ensure that the contracting entity (“Contractor”) certifies in the Fingerprint and Criminal Background Check Certification form (“Certification”) (**Attachment A**) that any employees who may come into contact with students have not been convicted of a



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

serious or violent felony as defined in Education Code 45122.1, unless the employee has received a certificate of rehabilitation and a pardon. The Certification shall be submitted to ORMIS.

ORMIS, The Office of General Counsel (“OGC”), and Procurement Services Group (“PSG”) may also require a Contractor providing off-site services to students to comply with these requirements.

The fingerprinting requirements shall not apply if the Sponsor determines that the Contractor 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.

Additionally, these requirements shall not apply if the Sponsor determines that the employees of the Contractor will have limited contact with students. Pursuant to Education Code 45125.1, in determining whether a contract employee has limited contact with students the following shall be considered in the totality of circumstances:

- (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 the Contractor’s employee meets the limited contact requirement, the Sponsor shall take appropriate steps to protect the safety of any pupils that may come in contact with these employees in accordance with Education Code 45125.1.

II. Facilities Contracts

For all LAUSD contracts for construction, reconstruction, rehabilitation or repair of a school facility where the employees of the entity will have more than limited contact with students, Facilities shall ensure the safety of the students by 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 DOJ has ascertained has not been convicted of a violent or serious felony. The supervising employee shall submit his/her fingerprints to the DOJ pursuant to Education Code 45125.1.
- (3) Surveillance of employees of the entity by school personnel.



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

These requirements shall not apply if Facilities determines that the Contractor 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. (Education Code 45125.2)

PROCEDURES

- 1) A Certification form will be distributed by PSG or Facilities Contracts upon notice in the Request for Contract Action (“RFCA”) (**Attachment C**) that the Contractor will have more than limited contact with students.

If an RFCA is not used, the Sponsor is responsible for ensuring that the Certification form is executed by the Contractor.

- 2) The Contractor will be responsible for completing a pre-executed California Department of Justice Request for Authorization to Receive State Summary Criminal History Information form (“Authorization Summary”) (**Attachment B**). The Authorization Summary shall be pre-executed by PSG or Facilities Contracts before it is provided to the Contractor.
- 3) The Contractor is required to execute and return the Certification form to ORMIS, for the following reason(s):
 - (a) Once the Contractor has received the background check results from the DOJ. LAUSD will not receive any direct information from the DOJ; or,
 - (b) The Contractor qualifies for a justified waiver, as provided in the Certification form; or,
 - (c) The Contractor’s employee(s) received a certificate of rehabilitation and a pardon.
- 4) ORMIS will confirm receipt of the Certification to PSG and Facilities Contracts and store the Certification form in its database.
- 5) ORMIS will provide a copy of the Certification form to the Sponsor.

ADDITIONAL INFORMATION

Contractors may get instructions and forms required for fingerprinting services from the DOJ <http://ag.ca.gov/fingerprints/agencies.php>. The Authorization Summary shall be pre-executed by PSG or Facilities Contracts and must be submitted to the DOJ with the fingerprinting request. Fingerprinting services are available at most local police departments, sheriff’s offices or any public applicant Live Scan site. To



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

find the site nearest to you and a listing of fees, see [Applicant Live Scan Sites](#) on the DOJ website.

Additionally, Contractors must apply for subsequent arrest notification with the DOJ in order to receive subsequent arrest notice for their employees. The application instructions and procedures for subsequent arrest notification are also available on the DOJ website above. Contractors are responsible for notifying ORMIS and advising of any change in the status of their employees.

If living outside California, you must submit rolled fingerprints on paper fingerprint cards and pay all appropriate fees.

For DOJ information regarding contractor fingerprinting issues, please contact Cindy Stiefferman at 916-227-2720. For DOJ information regarding general application procedures, please contact the Applicant Unit at 916-227-5055.

AUTHORITY: This is a policy of the Board of Education.

RELATED RESOURCES: Attachment A: Fingerprint and Criminal Background Check Certification form
Attachment B: Request for Authorization to Receive State Summary Criminal History Information form
Attachment C: Request for Contract Action form
Education Code 45122.1 (to be posted on ORMIS website);
Education Code 45125.1 (to be posted on ORMIS website);
Education Code 45125.2 (to be posted on ORMIS website);
Penal Code 667.5 (c) (to be posted on ORMIS website);
Penal Code 1192.7 (c) (to be posted on ORMIS website);
DOJ Fingerprinting Instructions: http://ag.ca.gov/fingerprints/finger_cert.php
Live Scan Sites: <http://ag.ca.gov/fingerprints/publications/contact.php>
Fingerprinting submissions: Applicant Agencies
<http://ag.ca.gov/fingerprints/agencies.php>

ASSISTANCE: For assistance or further information please contact Nidavone Niravanh, ORMIS, 213-241-3984 or nidavone.niravanh@lausd.net.