

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 800 Operations

TITLE: Clearances For
Contracted Services

ADOPTED: April 26, 2018

REVISED:

818 CLEARANCES FOR CONTRACTED SERVICES

Purpose

The Board of Education recognizes that Pennsylvania law requires contractors and their employees to undergo background checks prior to performing work for the District if those contractors and their employees may have direct contact with children. This policy is adopted to ensure that the District's responsibility in ensuring compliance with this mandate is clearly delegated.

Definition

Direct Contact with Children - the possibility of care, supervision, guidance or control of children or routine interaction with children. [\[1\]](#)

Contractor – Any outside entity performing work for the District, whether as a prime contractor or subcontractor.

Background Checks – For the purposes of this policy, this comprises the Federal Criminal History Background Check, Pennsylvania State Police Criminal History Record, Pennsylvania Department of Public Welfare Child Abuse History Clearance, completed Sexual Misconduct/Abuse Disclosure Form (Act 168), and certificate of completion of a mandatory 3-hour training on child abuse recognition (Act 126).

Authority

The Board is required by law to ensure that contractors and their employees comply with the mandatory background checks required by Pennsylvania law. [\[2\]](#)[\[3\]](#)

Delegation of Responsibility

Program offices and schools bear the full responsibility for ensuring compliance with the background check requirements for any contracts they enter into where contractors and their employees may have direct access with children.

The Superintendent or designee will maintain guidance, in the form of text documents and webinars, on the process that program offices and schools must follow regarding oversight of contractors' and their employees' background checks. Additionally, the Office of Procurement

Services will ensure that language regarding the background check requirements for contractors is included in all solicitation documents issued by the department.

The Superintendent or designee will issue communication, in partnership with other District offices, to ensure that program offices and schools understand their responsibilities with regard to this policy. The Office of Procurement Services will reiterate these requirements when working with program offices and schools on solicitations for services.

As part of their contractual agreement with the District, contractors will be responsible for providing the results of the relevant employees' background checks to the program office for which they are providing a service. Failure to provide this information at any time during the term of the contract, an update is required, may result in a termination of the contract.

Contractors' employees must show documentation of the required background checks. Failure to provide this information at any time during the term of the contract, may subject the employee to discipline, up to and including, denial of employment or termination if already hired, and civil and criminal penalties.[2]

Legal References:

1. 24 P.S. 1205.6
2. 24 P.S. 111
3. 23 Pa. C.S.A. 6344
4. 24 P.S. 111.1
5. 23 Pa. C.S.A. 6344.3
6. 24 P.S. 2070.1a et seq
7. Pol. 806 - Child Abuse
8. Act 168 of 2014
9. Act 126 of 2013

Related Information:

1. P.S. 696
2. PA Code 8.1 et seq
3. Pa. C.S.A. 6301 et seq