

ADMINISTRATIVE PROCEDURES:
EMPLOYEE CLEARANCES FOR CONTRACTED SERVICES
(Attachment for Policy No. 818)

Background Checks Defined

Pennsylvania School Law requires that all independent contractors and their employees performing work for school entities undergo background checks if they will have direct contact with students. Those background checks are as follows:

Pennsylvania State Police Criminal History Record; valid at submission if no more than one (1) year old and valid for 60 months after submission.

Pennsylvania Department of Human Services Child Abuse History Clearance: valid at submission if no more than one (1) year old and valid for 60 months after submission.

Federal Criminal History Record Information (CHRI): valid at submission if no more than one (1) year old and valid for 60 months after submission.

Completed Commonwealth of Pennsylvania Sexual Misconduct/Abuse Disclosure Release for their current employer(s), any former employer(s) that were school entities, and any former employers where the applicant was employed in a position that involved direct contact with children.

Certificate of completion a three-hour training on child abuse recognition and mandated reporting; valid at submission if no more than one (1) year old and valid for 60 months after submission. The training must include the following components:

1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct in this Commonwealth.
2. Provisions of the Act of December 12, 1973 (P.L.397, No.141), known as the "Educator Discipline Act," including mandatory reporting requirements. This Act was revised in February, 2014 and enhances many aspects of the Act.
3. The school entity's policies related to reporting of suspected abuse and sexual misconduct.
4. Maintenance of professional and appropriate relationships with students.

Arrest/Conviction Report and Certification Form (PDE-6004); required within 72 hours of any arrest or conviction of an offense listed in Section 111(e) of the Pennsylvania Public School Code.

Role of the Program Office

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.

As part of that responsibility, program offices and schools will be responsible for communicating the legal requirements for background checks to the contractors they will be working with and facilitating communication between contractors and their employees.

Program offices and schools should consult with the Office of Procurement Services and/or the Office of Talent for questions about the requirements and about the use of a software tool to manage, approve, track, and store clearances.

Role of the Office of Procurement Services

The Office of Procurement Services 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.

There is currently a multi-office effort to purchase software that can manage, approve, track, and store clearances for both volunteers and contractors working in District schools.

Procurement will ensure that contractual language about the requirements at instances of contract initiation including, but not limited to, cooperative purchasing agreements, bids, Requests for Proposals (RFPs), and Limited Contract Agreements (LCAs).

This language may include, but is not limited to, requirements regarding what documentation contractors must provide the District by law, how that documentation should be submitted, penalties for failing to submit the required documentation, and requirements for a reserve pool of pre-vetted staff that must be available for needed replacements.

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

Additional Information

The following information on background checks is currently included in the standard terms and conditions for all solicitation documents, pending revision per this policy:

Background Checks. In accordance with 24 P.S. § 1-111, as amended, and 23 Pa. C.S.A. §§ 6354-6358, as amended, before starting any Work, the Contractor shall submit to the School District the originals of a current (i.e., processed by the Commonwealth of Pennsylvania within one (1) year prior to the Contractor's starting Work) criminal history record information report and child abuse history official clearance statement for the Contractor, if the Contractor is an individual, and for each of the Contractor's and any of its Subcontractor's employees, officers, agents, servants, volunteers or Subcontractors who will have direct contact with children while performing any of the Work. Before starting any Work, the Contractor shall submit to the School District the original of a current report of the Federal Bureau of Investigation federal criminal history record information for the Contractor, if the Contractor is an individual, and for each of the Contractor's and any of its Subcontractor's employees, officers, agents, servants, volunteers or Subcontractors who will have direct contact with children while performing any of the Work. Commonwealth Board of Education regulations define "direct contact"; see 22 Pa. Code § 8.1.

a. Arrests; Convictions. The Contractor shall comply and shall ensure that its officers, employees, agents and Subcontractors who carry out any of the Work comply with the requirements of 24 P.S. § 1-111(j), which mandates, among other things, reporting within seventy-two (72) hours by any officer, employee or agent of the Contractor or of any Subcontractor of an arrest or conviction for an offense listed in 24 P.S. § 1-111(e). The Contractor shall report to the School District, in a prompt and timely manner, all notices and reports required, and all checks conducted, under § 1-111(j).