



**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.



TO: Los Angeles Unified School District
 Insurance & Risk Finance
 Division of Risk Management &
 Insurance Services
 333 S. Beaudry Ave., 28th Floor
 Los Angeles, CA 90017

FROM: Name _____
 Address _____
 City _____
 State _____ Zip _____

Fingerprint and Criminal Background Check Certification

In accordance with the Department of Justice (DOJ) fingerprint and criminal background investigation requirements of Education Code section 45125.1 et seq.

With respect to the Agreement (Number _____) between the Los Angeles Unified School District ("DISTRICT") and the individual, _____ company or contractor named ("VENDOR,") for provision of _____ services.

PLEASE CHECK ALL APPROPRIATE BOXES AND SIGN BELOW:

REQUIREMENTS SATISFIED:

- A) The VENDOR hereby certifies to the DISTRICT'S governing board that it has completed the criminal background check requirements of Education Code (EC) section 45125.1 and that none of its employees that may come into contact with DISTRICT students have been convicted of a violent felony listed in Penal Code section 667.5(c) or a serious felony listed in Penal Code section 1192.7(c).

List below, or attach, all employee(s) names that have successfully completed the fingerprinting and criminal background check clearance in accordance with the law.

SERVICES MAY BEGIN AFTER THE CONTRACT IS EXECUTED

~~OR~~

WAIVER JUSTIFICATION

- B) The VENDOR qualifies for a waiver of the Department of Justice (DOJ) fingerprint and criminal background investigation for the following reason(s) permitted by Education Code section 45125.1 et seq.

- The VENDOR and its employees will have NO CONTACT with pupils. (No school-site services will be provided.)
- The VENDOR and its employees will have LIMITED CONTACT with pupils. (Attach information about length of time on school grounds, proximity of work area to pupil areas; whether VENDOR/its employees will be working by themselves or with others, and any other factors that substantiate limited contact.) [EC 45125.1 (c)]
- The VENDOR and its employees will have more than LIMITED CONTACT with pupils but will assure that ONE (1) OR MORE of the following methods are utilized to ensure pupil safety. [EC 45125.2 (a)]
--Check all methods to be used:

- 1) Installation of a physical barrier at the worksite to limit contact with students
- 2) Continual supervision and monitoring of all employees of the VENDOR by an employee of the VENDOR who has not been convicted of a serious of violent felony as ascertained by the DOJ
- 3) Surveillance of employees of the VENDOR by school personnel
- The services provided by the VENDOR are for an "EMERGENCY OR EXCEPTIONAL SITUATION," such as when pupil health or safety is endangered or when repairs are needed to make school facilities safe and habitable." [EC 45125.1(b)]

By signing below, under penalty of perjury, I certify that the information contained on this certification form and attached employee list(s) is accurate. I understand that it is the VENDOR'S sole responsibility to maintain, update, and provide the District with current "Fingerprint and Criminal Background Check Certification," along with the employee list, throughout the duration of VENDOR provided services.

 Authorized VENDOR signature Printed Name Title Date

SERVICES MAY BEGIN AFTER THE CONTRACT IS EXECUTED



P.O. Box 903417
SACRAMENTO, CA 94203-4170

DEPARTMENT OF JUSTICE

**REQUEST FOR AUTHORIZATION TO RECEIVE STATE SUMMARY CRIMINAL HISTORY
INFORMATION - CONTRACT EMPLOYEE FOR PUBLIC/PRIVATE SCHOOLS**

Name of Contractor _____

Street Address _____

City _____ State _____ Zip Code _____

Telephone _____ Fax Number _____

In accordance with California Education Code Section 45 125.1, a school district may require an entity that has an **existing contract** with a school district to obtain a criminal history clearance. In keeping with the restrictions and requirements set forth in California law, the following are guidelines and restrictions:

On behalf of the **company** named above, I hereby acknowledge and agree to the following:

1. The information provided by the Department of Justice (DOJ) to this agency is confidential and shall not be disseminated to any other person or agency not authorized by law (11105 PC). A violation of this section is a misdemeanor (11142 PC).
2. Your agency shall notify the DOJ with regard to any change in agency name, address, telephone number or contact person.
3. Fingerprints received will be retained by the DOJ per 11105.2 PC until notified that the affected individual is no longer employed.
4. Access is granted **ONLY** to the primary contractor (there is NO authority for **subcontractors** to gain direct access to DOJ records).
5. Services provided under contract must be performed on school grounds.
6. The entity must have a contract (entities in the bid process are not authorized).
7. Original signatures only (no photocopied signatures or faxed forms will be accepted or processed).

Signature _____ Date _____

Printed Name _____ Title _____

PLEASE PROVIDE A SIGNATURE FROM EACH DISTRICT VERIFYING THAT A BACKGROUND CHECK HAS BEEN REQUIRED OF YOUR COMPANY. (You may attach additional letters or s&natures as necessary).

School District/County Office of Education

Background Check Requirement Verification: 1. _____
Name of Contracting School District

2. _____
Signature of School Official

3. _____
Phone and Fax Number

In accordance with statutory, regulatory, and constitutional restrictions governing the use and dissemination of criminal offender record information, the above mentioned Education Code Sections allow for exemptions from backgroundmg all employees under the following conditions:

1. The installation of a physical barrier at the worksite to limit contact with pupils.
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.
3. Surveillance of employees of the entity by school personnel.

Construction contractors are not required to comply with the backgrounding requirements set forth in the Michelle Montoya School Safety Act if one or more of the above-mentioned conditions exist.

For Department of Justice use only

Your request to receive state summary criminal history information pursuant to the Michelle Montoya School Safety Act is approved. Information regarding procedural requirements is enclosed or will be forwarded under separate cover.

George Renfroe, Manager
Communications Administration Program
Bureau of Criminal Information & Analysis

DATE

LOS ANGELES UNIFIED SCHOOL DISTRICT
Business Services Division

BULLETIN NO. BUL-426.1
January 9, 2006

ATTACHMENT C

**INSTRUCTIONS FOR COMPLETING
REQUEST FOR CONTRACT ACTION FORM**

PAGE 1

1. **REQUESTOR.** Enter the contact information for the school/office requesting the contract.
2. **ACTION REQUESTED.** There are three (3) options:
 - a. **Amend/Terminate Existing Contract.** Check if you have an existing contract that is still in effect and you need to (i) extend the time period to complete the services, (ii) increase the amount of an existing contract, (iii) make minor changes to the contract services, or (iv) terminate the contract. *NOTE: You cannot amend an expired contract.*
 - b. **Create New Contract – Non-Competitive, Income, or No-Cost Contract.** Check if you have selected a contractor through a process other than use of a Request for Proposal. Be sure to provide the selection criteria used. *Note: All payout contracts for services valued at over \$62,400 must go through a RFP process. Check this option if the District will receive payment (Income Contract) or if the services provided at no cost (No-Cost).*
 - c. **Create New Contract – Competitive.** *All contracts for services valued at over \$62,400 must go through a RFP process.* Check if you selected a contractor through a RFP process (contract value is over \$62,400 to \$100,000) or if Contract Administration will perform the RFP for you (contract value over \$100,000).
3. **CONTRACT/AMENDMENT TERM AND VALUE.** Enter start and end dates for a new contract. Enter original start date and new end date for a contract amendment that extends the contract period. Enter contract amount (or provide an estimate if Contract Administration will conduct the RFP); enter the increase or decrease in contract amount, if applicable, for an amendment.
4. **CONTRACTOR INFORMATION.** Enter contractor contact information.
5. **SCOPE OF WORK.** Provide a brief description of the services the contractor will provide. If the contract value is over \$62,400 to \$100,000, attach the Scope of Work and proposal of the contractor that was selected through the Informal RFP process. If the contract value is over \$100,000, attach a Scope of Work and Evaluation Criteria and Contract Administration will conduct the RFP on your behalf.
6. **FUNDING.** Required only for contract requests, including those to be handled through a RFP process, where the District pays the contractor. *Important: Identify whether services are federally funded and/or grant-funded.* **Submit a requisition (RX) for the requested services online.** Enter the requisition number on the RFCA.

To create the RX online, use the following document numbering formula: TRANS = RX; AREA = ___; DOCUMENT NUMBER = CS#. Use Commodity Code 9610200000. For services to be procured via an RFP process with an estimated value over \$100,000, use dummy vendor code **000000** when doing the RX.

REQUIRED SIGNATURES. Refer to Bulletin No. BUL-426.1, Attachment B, Summary Chart of Delegation of Authority, for list of required approvals. Additional approvals are required for the following "Specialty Contract" types: Evaluation Services, Healthy Start, Student Health Services, Technology, and Legal Services. If a contract is requested and has not gone through a competitive process, an Inter-Office Memorandum requesting a waiver must be submitted and signed by the appropriate administrator(s). Refer to Bulletin No. BUL-426.1, Attachment E, Sample Waiver Memorandum.

PAGE 2

Answer all questions as thoroughly as possible. Attach applicable documents (refer to check boxes) and submit to Contract Administration via School Mail at Beaudry Bldg., 28th floor or via fax to (213) 241-8945.

For assistance completing the RFCA, please contact Contract Administration at (213) 241-3089. The RFCA may also be found on the Procurement Services Group website: <http://contracts.lausd.net>.

Request for Contract Action

Contract Administration

Los Angeles Unified School District

Procurement Services Group

Complete all information and send to Contract Administration, Beaudry Bldg., 28th Floor or fax to (213) 241-8945 or complete form online: <http://contracts.lausd.net>.

For assistance, call (213) 241-3089 or e-mail questions to psg-contracts@lausd.k12.ca.us.

School/ Office: _____ Loc. Code: _____ Local Dist.: _____ Requisition No. CS
Contact Person: _____ Title: _____

Telephone: _____ Fax: _____ Date: _____ Email Address: _____

ACTION REQUESTED (Please Check Appropriate Box)

- Amend/Terminate Existing Contract. Contract No. _____ Exercise Option # _____
- Create New Contract - Non-Competitive (No RFP), Income Contract or No-Cost Contract.
- Create New Contract – Competitive (IRFP/RFP). Refer to Bulletin No. BUL-426.1, Section V, "Policy Governing Selection of Contractors, Including RFP Requirements."

CONTRACT OR AMENDMENT TERM AND VALUE

Start Date: _____ End Date: _____
(If Amendment, enter original start date and new end date.)

Amount (Not to Exceed): \$ _____
(If Amendment, enter amount of increase/decrease. If No-Cost or Time Extension only, enter "0.")

CONTRACTOR INFORMATION

Contractor Name: _____ Contact Person: _____
Address: _____ Phone: _____
Fax: _____
Email Address: _____

Non-Profit? Yes No Will contractor provide services on school campus? Yes No

SCOPE OF WORK. Briefly describe services requested:

- \$5,000 to \$100,000 (or Income Contract of any amount): attach Scope of Work and Contractor Proposal.
- Over \$100,000, attach Scope of Work and Evaluation Criteria. Contract Administration will conduct RFP.

FUNDING: Override used to pass RX? No Yes Federally Funded? No Yes (If Yes, check if Title I used) Grant Funded? No Yes - Exp. Date _____

*REQUIRED SIGNATURES:

Principal/
Branch Director: _____ Date: _____

Print Principal/Director
Name and Title: _____

Next Higher-Level
Administrator: _____ Date: _____
(Required for contracts over \$62,400)

Print Administrator Name and Title: _____

Director of Instruction
Approval: _____ Date: _____
(Required for all school contracts)

Director of Instruction
Name (Print): _____

Executive
Administrator: _____ Date: _____
(Required for contracts over \$250,000)

Print Executive Admin.
Name and Title: _____

* Signature certifies that I have reviewed Education Code Section 45103.1 and have determined that this request is consistent with that statute (regarding the preference for using District personnel rather than personal service contracts with third parties for services customarily performed by classified District employees). Signature also certifies compliance with District procurement policies and procedures and that there is no conflict of interest with the vendor selected.

CONTRACT ADMINISTRATION USE ONLY:
BULLETIN NO. BUL-426.1

Contract/RFP No.: _____
Amendment No.: _____

**LOS ANGELES UNIFIED SCHOOL DISTRICT
REQUEST FOR CONTRACT ACTION**

A. Contract Sponsor's Name _____ Title _____ Date: _____

School/ Office _____ Loc Code _____ Phone _____

School/ Office Address: _____

B. Answer the following three (3) questions:

1. What is the purpose of the contract? _____

2. What impact does the contract have on District policy? _____

3. Which of the eight (8) District 2005-06 goals does the contract support? (Check one. See list on next page.)

<input type="checkbox"/>	Goal	<input type="checkbox"/>	Goal
<input type="checkbox"/>	(1) Improve learning; raise performance; eliminate achievement gap	<input type="checkbox"/>	(5) Enhance efforts to recruit/retain highly qualified staff
<input type="checkbox"/>	(2) Effectively use data	<input type="checkbox"/>	(6) Support school construction and renovation
<input type="checkbox"/>	(3) Ensure access to core curricula for students with disabilities	<input type="checkbox"/>	(7) Establish Small Learning Communities in secondary schools
<input type="checkbox"/>	(4) Strengthen parent/community involvement	<input type="checkbox"/>	(8) Align/manage programs to support student achievement

If the work has already begun, follow procedures in Section IV, "Prohibition Against After-the-Fact Contracts"

C. Companies contacted/Suggested sources of services. (Attach separate sheet if necessary.)

	Company Name	Contact	Phone	Cost
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

D. Attach all of the following documents that are applicable to this contract request. Incomplete submissions will be returned to requestor. Check appropriate attachments.

- Scope of work
- Evaluation criteria (for contracts requiring RFP process)
- Contractor proposal(s)
- Payment schedule
- Copies of memoranda, if applicable:
 - Inter-Office Memorandum addressing non-competitive situations: selecting a contractor without a RFP. (See Section VII, Bulletin No. BUL-426.1.)
 - Inter-Office Memorandum addressing urgent and compelling necessity ("After the Fact").

**LOS ANGELES UNIFIED SCHOOL DISTRICT
2005-06 GOALS**

1. Improve rigorous, standards-based teaching and learning in core curricular areas for all students, pre-kindergarten through adult, in order to raise student performance and eliminate the achievement gap.
2. Effectively use data to measure student progress toward achievement of the standards, inform instruction, and to gauge professional development needs.
3. Ensure all students with disabilities have access to the District's core curriculum in order to successfully meet all of the mandates of the Modified Consent Decree.
4. Strengthen parent and community involvement at all schools by providing opportunities for meaningful parent engagement that supports improved student achievement.
5. Enhance efforts to recruit and retain highly qualified staff.
6. Effectively utilize a budget supported by voter-passed bonds to help build 150 new schools and renovate existing schools.
7. Establish Small Learning Communities in secondary schools to provide students and teachers with a more personalized and caring learning environment.
8. Align and manage all programs, resources, and services to support student achievement goals.