

5000 Support Services Goals/Priority Objectives**5002 Independent Contractors****I. Definitions**

For purposes of this Policy, the following terms shall be defined as follows:

Independent contractor - an individual who provides a program, activity or service who is otherwise responsible for the care, supervision, guidance or control of children. The term does not include an individual who has no direct contact with children.

Direct contact with children - the possibility of care, supervision, guidance or control of children or routine interaction with children.

II. Employment History Review

Independent contractors shall conduct an employment history review, in compliance with state law, prior to issuing an offer of employment to a candidate or prior to an assignment of a current employee to perform work for the District. Failure to accurately report required information shall subject the candidate or employee to discipline up to, and including, denial of employment or termination if already hired, and may subject the candidate or employee to civil and criminal penalties. The independent contractor may use the information for the purpose of evaluating an applicant's fitness to be hired or for continued employment of a current employee and may report the information as permitted by law.

III. Clearances and Continuing Reporting Obligations

Independent contractors and their employees shall not be permitted to perform any work or service for the District until each has complied with the mandatory background check requirements for criminal history (state and federal) and child abuse and the District has evaluated the results of that screening process. Additionally, an independent contractor or employee of an independent contractor shall be required to submit a new criminal background check (state and federal) and child abuse clearance every thirty-six (36) months as required by law and District Policy 7020.

Independent contractors and their employees shall report, on the designated disclosure form (a copy of which shall be provided to the District), all arrests and convictions as specified on the form. Independent contractors and their employees shall likewise report arrests and/or convictions that occur subsequent to initially submitting the form.

All independent contractors shall adopt policies and procedures that require their employees, who are providing services to the District and who have direct contact with children, to (i) notify

the contractor, in writing, within seventy-two (72) hours of the occurrence, of an arrest or conviction required to be reported by law and (ii) to report to the contractor, within seventy-two (72) hours of notification, that the employee has been listed as a perpetrator in the Statewide database, in accordance with the Child Protective Services Law. An independent contractor's policies and procedures shall also inform its employees that failure at any time to accurately report such arrests, convictions or child abuse may subject the individual to denial of employment/contract, termination if already hired/contracted, and/or criminal prosecution.

If the contractor receives notice of such arrest or conviction or notification that the employee has been listed as a perpetrator in the Statewide database, from either the employee or a third party, the contractor shall immediately report that information to the District's Superintendent in writing.

Mandatory background check requirements for criminal history and child abuse shall be included in all bidding specifications for contracted services.

Language shall be included in all bidding specifications for contracted services notifying independent contractors that failure to comply with this policy and the requirements for background checks and reporting of employee misconduct by an independent contractor shall lead to cancellation of the contract.

IV. Child Abuse Reporting and Training

As mandated reporters, all independent contractors and their employees shall comply with the child abuse reporting requirements pursuant to 23 Pa.C.S.A. 301, et. seq. and District Policy 7020. Additionally, all independent contractors shall provide their employees who have direct contact with children with the mandated training on child abuse recognition and reporting pursuant to 24 P.S. 12-1205.6, and District Policy 7020.

V. Tobacco and Vapor Products

Pursuant to Policy 1415, the Board prohibits tobacco or vapor product use or visible possession (and discourages any possession) by independent contractors and their employees in a school building, on school property, or on any buses, vans or vehicles that are owned, leased or controlled by the District, or utilized by a transportation contractor to transport District students to or from school or a school sponsored activity. The Board further prohibits tobacco or vapor product use or visible possession (and discourages any possession) by independent contractors and their employees while working at a school-sponsored activity that is held off school property. The definition of "tobacco" and "vapor product" are contained in Policy 1415 and are incorporated herein by reference.

Adoption Date	-	January 26, 2015
Revision Date	-	May 11, 2015
Review Date	-	
Legal Reference	-	24 P.S. 1-111 24 P.S. 1-111.1

1		24 P.S. 12-1205.6
2		22 Pa. Code 8.1, et. seq.
3		23 Pa.C.S.A. 6301, et. seq.
4		
5	Cross Reference	- Policy 7020; Policy 1415