

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: OPERATIONS
 TITLE: CONTRACTED SERVICES
 ADOPTED: August 19, 2002
 REVISED: December 15, 2008
 August 17, 2009
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818. CONTRACTED SERVICES

1. Purpose

In its effort to provide cost-effective programs, the Board may need to utilize contracted services. The district shall monitor and evaluate such services to assure their effectiveness. This policy is to assist the Board in procuring and maintaining qualified and legally certified services.

2. Definition
SC 1205.6

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

2. Authority
 SC 111
~~Title 22~~
~~Sec. 8.1 et seq~~
 23 Pa. C.S.A.
 Sec. 6344 04et seq

The Board is required by law to ensure that independent contractors and their employees ~~who have direct contact with students~~ comply with the mandatory background check requirements for criminal history and child abuse.

4. Guidelines
SC 111.1

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 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.

3. Delegation of Responsibility
 SC 111
 23 Pa. C.S.A.
 Sec. 634403

~~The Superintendent or designee shall ensure that all contractors submit a report of criminal history record information, Federal criminal history Registration ID number and an official child abuse clearance statement for each of the contractor's prospective employees prior to employment. The district shall maintain a copy of the required information.~~
The Superintendent or designee shall ensure that all independent contractors and their employees shall not be employed until each has complied with the mandatory background check requirements for criminal history and child abuse and the district has evaluated the results of that screening process.

<p><u>SC 111, 111.1</u></p>	<p><u>Independent contractors and their employees shall report, on the designated form, 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. Failure to accurately report such arrests and convictions may subject the individual to denial of employment/contract, termination if already hired/contracted, and/or criminal prosecution.</u></p>
<p><u>SC 111</u> <u>23 Pa. C.S.A.</u> <u>Sec. 6344.3</u></p>	<p><u>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 notify the contractor, in writing, within seventy-two (72) hours of the occurrence, of an arrest or conviction required to be reported by law. Employees shall also be required 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.</u></p> <p><u>If the contractor receives notice of such arrest or conviction 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, in writing, that information to the school district.</u></p>
<p>Policy 610</p>	<p>Mandatory background check requirements for criminal history and child abuse shall be included in all bidding specifications and/or requests for proposals for contracted services.</p> <p>Failure to comply with this policy and the background check requirements by an independent contractor may result in cancellation of any contract awarded. <u>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.</u></p>
<p><u>SC 1205.6</u></p>	<p><u>Independent contractors shall provide their employees who have direct contact with children with mandatory training on child abuse recognition and reporting. The training shall include, but not be limited to, the following topics:</u></p>
<p><u>24 P.S.</u> <u>Sec. 2070.1a</u> <u>et seq</u></p>	<p><u>1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.</u></p> <p><u>2. Provisions of the Educator Discipline Act, including mandatory reporting requirements.</u></p>
<p><u>Pol. 806</u></p>	<p><u>3. District policy related to reporting of suspected abuse and sexual misconduct.</u></p> <p><u>4. Maintenance of professional and appropriate relationships with students.</u></p>
<p><u>SC 1205.6</u></p>	<p><u>Employees of independent contractors who have direct contact with children are required to complete a minimum of three (3) hours of training every five (5) years.</u></p>

References:

School Code – 24 P.S. Sec. 111, [111.1](#)

[Child Abuse Recognition and Reporting Training – 24 P.S. Sec. 1205.6](#)

[Educator Discipline Act – 24 P.S. Sec. 2070.1a et seq.](#)

State Board of Education Regulations – 22 PA Code Sec. 8.1 et seq.

Child Protective Services Law – 23 Pa. C.S.A. Sec. 6301 et seq.

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