

## AB 949 – REQUIRES SCHOOL DISTRICTS TO BACKGROUND CHECK SOLE PROPRIETORS

Due to the enactment of AB 949 (Chapter 84, Statutes of 2017) section 45125.1, the California Education Code has been amended to expand the categories of persons for whom school districts are required to conduct criminal background checks. AB 949 applies the rules outlined below to any individual operating as a sole proprietor of an entity that has a contract with a school district, and requires the school district to prepare and submit the sole proprietor's fingerprints to the California Department of Justice (DOJ).

Under Education Code section 45125.1, all California public elementary and secondary schools are required to conduct criminal background checks under the following circumstances:

- Before employing individuals in non-certificated positions; and
- Before contracting with an entity for employees for the following services, if those employees may have contact with pupils:
  - School and classroom janitorial
  - Schoolsite administrative
  - Schoolsite grounds and landscape maintenance
  - Pupil transportation
  - Schoolsite food-related
- In the school district's discretion, before contracting with an entity for employees for other services, if those employees may have contact with pupils.

Those employees must submit or have their fingerprints submitted to the California Department of Justice (DOJ) for a criminal background check. The only exceptions to these requirements are:

- For entities providing these services to a school district in 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; or
- If the school district determines that the employees of the entity will have limited contact with pupils, due to the amount of time they will be on school grounds, their worksite proximity to pupils and other factors. If a school district makes this determination, it must take appropriate steps to protect the safety of any pupils that may come into contact with these employees.

An entity having a contract with a school district as outlined above may not permit its employees to come into contact with pupils until the DOJ has ascertained that the employee has not been convicted of a violent or serious felony as defined by California Education Code section 45122.1.

As of January 1, 2018, these rules now apply to sole proprietors that contract with school districts as well as employees of entities that contract with school districts. Districts should ensure that they are conducting background checks on sole proprietors that meet the criteria set forth in section 45125.1.

Please contact your Keenan Account Manager for questions regarding this *Briefing*.

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