



**BRANDYWINE
HEIGHTS**
AREA
SCHOOL
DISTRICT

Book	BHASD Policies
Section	800 Operations
Title	Contracted Services
Code	818
Status	Active
Adopted	June 28, 2004
Last Revised	June 19, 2017
Prior Revised Dates	10/6/2008

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.

Definitions

Direct Contact with Children - the possibility of care, supervision, guidance or control of children or routine interaction with children.[10]

In determining whether or not a contract employee will have direct contact with children, administrators of public and private schools should consider the overall safety of children and evaluate the reasonable likelihood that the definition will be met as a result of the provision of services.

Guidance provided by the PA Department of Education (March 2016) states contracted employees are not required to obtain background checks to the extent that such employees' job duties do not involve regular interaction with children or entail the care, supervision, guidance, or control of children. Contracted employees who work in school environments while students normally are not present typically would not be required to obtain background checks due to a lack of routine interaction or supervision, guidance, or control. Similarly, contracted employees whose duties do not entail interacting with students in any meaningful fashion (even if working while students normally are present) typically would not meet the definition of direct contact.

Independent contractors and their employees shall adhere to the PA state guidelines pertaining to the mandatory background check requirements for criminal history and child abuse and the district shall evaluate the results of that screening process.[4][5]

Independent contractors and their employees shall report, on the designated form, all arrests and convictions as specified on 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.[6]

All independent contractors shall adopt policies and procedures that require their employees, who are providing services to the district, to immediately notify the contractor if the employee is arrested for or convicted of any criminal misconduct subsequent to employment. If the contractor receives notice of such arrest or conviction by any of its employees from either the employee or a third party, the contractor shall immediately report that information to the school district.

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

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:[7]

1. Recognition of the signs of abuse and sexual misconduct and reporting requirements for suspected abuse and sexual misconduct.
2. Provisions of the Professional Educator Discipline Act, including mandatory reporting requirements.
3. District policy related to reporting of suspected abuse and sexual misconduct.
4. Maintenance of professional and appropriate relationships with students.

References:

School Code – 24 P.S. Sec. 111

Child Abuse Recognition and Reporting Training – 24 P.S. Sec. 1205.6

Professional 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.

Board Policy - 610, 806

Legal

1. SC 111 23 Pa. C.S.A. 6301 et seq
2. SC 111 23 Pa. C.S.A. Sec. 6303
3. Pol. 610
4. SC 111 Title 22 Sec. 8.1 et seq
5. 23 Pa. C.S.A. Sec. 6301 et seq
6. SC 111
7. SC 1205.6
8. 24 P.S. Sec. 2070.1a et seq
9. Pol. 806
10. 22 Pa. Code §8.1.