



## Frequently Asked Questions (FAQs) Contractor Background Checks

**1) *Are public and private schools required to review the results of the background checks on contractors' employees prior to their working in a position in which they will have direct contact with children?***

**YES.** Contractors and their employees who will have direct contact with children must obtain the required background check reports prior to working in a position in which they will have direct contact with children. Public and private school administrators are responsible for reviewing these reports, including the federal Criminal History Record Information (CHRI) report of independent contractors' employees and for making a "fitness determination" that the individuals may perform work in which they would have direct contact with children.

Please note: In order for the school to review original federal CHRI online, the contractor should provide the school with a list of employee names and their respective Registration IDs. The Department is not authorized to provide independent contractors access to the online review system.

**2) *Are all contract employees for public and private schools required to obtain background clearances prior to having their services utilized by a school?***

**NO.** Only those contract employees who have direct contact with children are required to obtain background clearances prior to use by a school. If a contract employee does not have direct contact with children, the contract employee is not required to obtain clearances.

"Direct contact with children" is defined as the "[p]ossibility of care, supervision, guidance or control of children by a paid [employee] or contractor of, or an [employee] of a person under contract with, a school entity, and routine interaction with children by a paid [employee] of a school entity or a person under contract with a school entity."<sup>1</sup>

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.

PDE's view is that contract 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. Contract employees who work in school environs while students normally are not present typically would not be required to obtain

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<sup>1</sup> 22 Pa. Code §8.1.

background checks due to a lack of routine interaction or supervision, guidance, or control. Similarly, contract 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.

By contrast, depending on the facts and circumstances, contract employees who work in school environs while students normally are present and who interact with students in a meaningful fashion typically would meet the definition of direct contact. Contract employees who frequently interact with or care, supervise, guide, or control students as part of their job duties, may be considered to have direct contact with children.

**3) *Must schools keep copies of a CHRI? If so, where should they be kept and for how long?***

**YES.** If the individual is utilized, school administrators are required to maintain a copy of the individual's official CHRI. School administrators are responsible for maintaining the confidentiality of the CHRI and for ensuring that the CHRI is not available to anyone who is not directly involved in school hiring decisions. Local policies will identify and provide guidance on records retention.