

York Adams Academy

Title: Contracted Services

Number: 818

Status: Active

Legal

23 Pa. C.S.A. 6301 et seq

23 Pa. C.S.A. 6311

23 Pa. C.S.A. 6344

23 Pa. C.S.A. 6344.3

24 P.S. 111

24 P.S. 111.1

24 P.S. 1205.6

24 P.S. 1362

24 P.S. 1418

24 P.S. 2070.1a et seq

24 P.S. 2070.9a

75 Pa. C.S.A. 1601 et seq

75 Pa. C.S.A. 3802

49 CFR Part 382

22 PA Code 8.1 et seq

28 PA Code 23.44

55 PA Code 3490.132

67 PA Code 71.3

Pol. 113.4

Pol. 216

Pol. 610

Purpose

In its effort to provide cost-effective programs, the Joint Board of Directors (“Board”) of the York Adams Academy (“Academy”) may need to utilize contracted services. The Academy shall monitor and evaluate such services to assure their effectiveness. This policy is adopted to assist the Board in procuring and maintaining qualified and legally certified services.

Definition

Contractor Employee - an individual who is employed or offered employment by an independent contractor, or is an independent contractor, and has or will have direct contact with children.

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

Authority

The Board is required by law to ensure that independent contractors and their employees comply with the mandatory background check requirements for criminal history and child abuse certifications, the employment history review requirement, and the arrest and conviction reporting requirements.

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 assignment of a current contractor to perform work for the Academy in a position or assignment involving direct contact with children. 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 contractor and may report the information as permitted by law.

Upon request, the independent contractor shall provide the Academy with access to the employment history review records. Independent contractors shall inform the Academy in writing upon receipt of an affirmative response to any of the abuse or misconduct questions for a contractor employee.

Criminal History Review

Independent contractors and their employees shall not be employed until each has complied with the mandatory background check requirements for state and federal criminal history and child abuse clearance statement and the Academy has evaluated the results of that screening process.

Independent contractors and contractor employees shall report, on the designated form, all arrests and convictions as specified on the form. Independent contractors and their employees shall likewise report specified 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.

Arrest and Conviction Reporting Requirements

All independent contractors shall adopt policies and procedures that require their employees, who are providing services to the Academy, 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. Contractor employees shall also be required to report to the contractor, within seventy-two (72) hours of notification, that the employee has been named as a perpetrator in a founded or indicted report, in accordance with the Child Protective Services Law.

If the contractor receives notice of such arrest or conviction notification that the employee has been named as a perpetrator in a founded or indicted report, from either the employee or a third party, the contractor shall immediately report, in writing, that information to the Superintendent or designee.

Training

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:

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

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.

Tuberculosis Test

Contractor employees providing services for students shall receive a tuberculosis test in accordance with regulations and guidance of the Pennsylvania Department of Health.

Educator Misconduct

If the Superintendent reasonably suspects that conduct being reported about a contractor employee involves an incident required to be reported under the Educator Discipline Act, the Superintendent of Record or designee shall notify the Pennsylvania Department of Education, in accordance with applicable law and Board Policy.

Child Abuse Reporting

All contractor employees who have reasonable cause to suspect that a child is the victim of child abuse shall immediately report such suspected abuse in accordance with applicable law and Board Policy.