

## AB 130: NEW FINGERPRINTING AND CRIMINAL BACKGROUND REQUIREMENTS

On July 9, 2021, Governor Gavin Newsom approved AB 130 (Education Omnibus Trailer Bill). Part of AB 130 amended education code section 45125.1, requiring fingerprints for employees of entities that have contracts with school districts, who will interact with students. Section 45125.1 is now broader in its requirements and has eliminated the limited contact exception.

Beginning on January 1, 2022, any entity that has a contract with a local educational agency (school district, county office of education, or charter school), shall ensure that any employee who interacts with students, outside of the immediate supervision and control of the student's parent, guardian or school employee, obtains valid criminal records summaries. This includes contracts for off-campus services, including virtual/online services, where the student will not be under the supervision of a parent, guardian or school employee. Furthermore, the contracting entity shall immediately provide any subsequent arrest and conviction information it receives to the local educational agency that it is contracting with. However, this section does not apply to an entity providing service in an emergency or exceptional circumstance where the students health or safety is endangered or where repairs are needed to make the facilities safe and habitable. This section will apply to all employees of contract entities, regardless of whether there is limited contact with the students.

Furthermore, the local educational agency may still require compliance with preparing and submitting fingerprints to the Department of Justice (DOJ). On a case-by-case basis, the local educational agency may require an entity with whom it has a contract to prepare and submit those employee's fingerprints to the DOJ. If the entity is required to comply with submitting fingerprints to the DOJ, the entity cannot allow an employee to interact with students until the DOJ has determined that the employee has not been convicted of a felony.

The contracting entity shall certify in writing with the local educational agency that neither the employer nor any of its employees who may interact with students have been convicted of a felony.

Educational agencies should ensure that any contract with entities that have contact with students are in line with the new requirements.

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