

SB 531 Amends Fingerprinting Requirements for Student Work Experience Contracts

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With Senate Bill (SB) 531, the California Legislature amended Education Code section 45125.1 to provide an exemption from criminal background check requirements when, subject to specific conditions, an entity contracts with a school district, county office of education, or charter school (LEAs) to provide student work experience opportunities.

Background

Education Code section 45125.1 requires a valid criminal records summary if an employee of any entity that has a contract with an LEA interacts with students outside of the immediate supervision and control of the student's parent, guardian, or a school employee.

Additionally, the contracting entity must certify in writing to the LEA that neither the employer nor any of its employees who may interact with students have been convicted of a violent or serious felony.

New Legal Requirements

Effective October 8, 2023, the date SB 531 was signed into law, an entity that offers work experience opportunities for students or workplace placements as part of a student's individualized education program, under a contract with an LEA, is *exempt* from the requirement that all of its employees have a valid criminal records summary if all of the conditions below are met:

1. At least one (1) adult employee in the workplace during the student's work hours, who has direct contact with the student and has been designated by the employer as the employee of record who is responsible for the safety of the student, must have a valid criminal records summary;
2. A staff representative of the LEA must make at least one (1) visitation every three (3) weeks to consult with the student's workplace liaison, observe the student at the workplace, address any concerns the student has raised, and check in with the student, all to ensure the student's health, safety, and welfare; and

3. The student's parent or guardian must sign a consent form regarding the student's work placement, attesting that the parent or guardian understands the duties assigned to the student and the nature of the workplace environment.

Separately, the new law also changes the fingerprinting requirements of private entities who provide independent study services. If a student participates in services provided by a contractor as part of an independent study program and the student is under the immediate supervision and control of the student's parent or guardian during those services, the LEA must ensure either one of two conditions:

1. LEA must verify completion of a valid criminal records summary for all employees of the contracting entity that interact with the student; or
2. Before the student's interaction with an employee of the contracting entity, the LEA must ensure that the parent or guardian of the student has signed a consent form attesting that the parent or guardian understands that the employees of the contracting entity have not completed a valid criminal records summary.

Takeaways

An entity that has a contract with an LEA and that offers work experience opportunities for students or workplace placements as part of a student's individualized education program, as well as a private entity providing independent study services, may be exempt from the requirement to have a valid criminal records summary if specific conditions are met. Otherwise, LEAs must ensure that contracts for student work experience opportunities fully comply with the fingerprinting requirements in Education Code section 45125.1.

If you have any questions about SB 531 or would like to discuss any legal matters pertaining to the amended fingerprinting requirements, please contact the authors of this Client News Brief or any attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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