Client News Brief

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Contractor Background Check Requirements: AB 2796 and SB 1083

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The California Legislature recently enacted two bills significantly changing background-check and screening requirements for contractors providing services to local educational agencies (LEAs). Assembly Bill (AB) 2796 took effect immediately on September 18, 2026. Senate Bill (SB) 1083 further expands these requirements beginning January 1, 2027, with additional contractor-screening requirements taking effect by July 1, 2027.

For purposes of this article, "contracting entity" means any business or organization that contracts with an LEA to provide services (e.g., consulting firms, tutoring companies, transportation providers, athletic officiating organizations, and architects).

AB 2796: Changes Effective Now

Under the amended Education Code section 45125.1, any entity contracting with an LEA must ensure that any employee interacting with students passes a required criminal background check. (However, one exception is that if a construction contractor complies with the requirements of Education Code section 45125.2 for a public project, it would not have to comply with Section 45125.1.)

AB 2796 removed the previous language that exempted contractors from background checks if their employees were under the "immediate supervision and control" of a parent, guardian, or school employee. Student interaction is now the sole trigger for compliance. Going forward, any contract provisions or policies that rely on school-employee supervision as a substitute for background checks must be updated to require full screening, as required by law.

A different procedure applies when an LEA contracts directly with an individual sole proprietor who will interact with or provide direct services to pupils. In that circumstance, the LEA must prepare and submit the sole proprietor's fingerprints to DOJ and comply with the required background-check clearance.

SB 1083: Expanded Requirements Beginning in 2027

Beginning January 1, 2027, SB 1083 further amends Education Code section 45125.1 to expressly cover "any employee, including a subcontractor, who interacts with pupils or provides direct services to pupils."

The law will broadly apply anytime direct services are being provided to students, including virtual services, as well as LEA-arranged services at specified locations, including recreation or athletic facilities, and certain transportation services.

Contracting Entity Responsibilities

Pursuant to Section 45125.1, employees and subcontractors of a contracting entity who interact with or provide direct services to students will be subject to fingerprint-based state and national criminal-history checks. The contracting entity must request DOJ's ongoing notification service and provide evidence that its employees and subcontractors completed the required checks. Employees and subcontractors subject to these requirements may not interact with students, begin services, or be assigned to the LEA until DOJ completes the required checks.

Contractors and subcontractors working with school districts must provide a written statement proving that none of their employees who interact with students have been convicted of serious crimes or felonies.

Exceptions

In emergency or exceptional situations, background-check clearance will not be required under Section 45125.1 if the employee remains within the "immediate supervision and control of a school employee." Independent study services will be subject to separate statutory requirements. LEAs should evaluate these exceptions on a case-by-case basis.

New Misconduct-Screening Requirements Beginning in 2027

SB 1083 also creates Education Code section 45125.15, which adds screening requirements for "direct services to pupils" that supplement the new requirements of section 45125.1.

Under Section 45125.15, contracting entities will have to identify employees and subcontractors who previously worked for California public or private schools. LEAs will have to cross-reference the identified employees through the Statewide misconduct data system or contact past school employers before granting campus access.

Contracting entities will have to also disclose credible complaints or discipline involving personnel, including subcontractors, for specified "reportable conduct" affecting student safety.

LEAs will have to include these requirements in all service agreements and enforce them. All contracts must include an explicit termination clause for noncompliance.

Implementation Timeline

Beginning January 1, 2027, an LEA may not enter into a new contract or amend an existing contract that will operate after July 1, 2027, unless the agreement complies with section 45125.15. Existing contracts in effect on or before July 1, 2027, generally remain effective until expiration or amended.

LEAs must also request access to the new Statewide misconduct data system by May 1, 2027.

Takeaways

LEAs should act now. LEAs should identify contracting entities whose employees may interact with students and review existing procedures and contract provisions that still rely on school-employee supervision as an alternative to background checks.

LEAs should distinguish between contracts with a business—which bears responsibility for screening its covered personnel—and contracts directly with individual sole proprietors, which require direct LEA involvement in the fingerprinting process.

LEAs should also prepare for the broader 2027 requirements by reviewing contracts and procurement procedures and identify agreements that will require revised language or additional screening procedures.

These changes potentially affect far more than traditional service contracts. LEAs should consult with legal counsel regarding appropriate contract language and compliance procedures before the 2027 deadlines.

If you have any questions, please contact the authors of this Client News Brief or an attorney at one of our nine offices located statewide. You can also subscribe to our podcast, follow us on Facebook and LinkedIn, or download our mobile app.

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