

November 16, 2005

TO: Chief School Administrators

FROM: Penelope E. Lattimer, Ph.D.  
Chief of Staff

SUBJECT: Contracted Service Providers Functioning In Multiple Districts

The Criminal History Review Unit is receiving numerous inquiries concerning contracted service providers such as clinics, therapists and teaching staff service employees and compliance with N.J.S.A.18A:6-7.1 that requires a criminal background check each time an employee (other than a substitute or school bus driver) changes district. The nature of these contracted individuals' work is such that they may be employed in multiple districts simultaneously.

Initially, it is noted that some of these individuals hold a county substitute teaching certificate and, under N.J.S.A.18A:6-7.1b, would be eligible to be employed by other boards of education providing they remain continuously employed in one of the original districts where they were board approved during the first year following their approval. However, most of those contracted employees do not have a substitute certificate and questions have arisen regarding the background check process.

It is the Department of Education's (DOE) position that these individuals must have been printed subsequent to February 21, 2003 through the DOE as a Category Education Print Keep (EDK) and have had their state fingerprint images retained by the State Bureau of Identification. Following this protocol will satisfy the provisions of N.J.S.A.18A:6-7.1. Individual districts, however, retain the option of requiring an additional printing if the district, in consultation with counsel, believes it to be appropriate. If an individual in any of these categories is assigned to multiple school districts either initially or later, the contract service provider or the individual employee should check with the respective school district administrations, which, in consultation with their board attorneys, will determine whether they will require the employee to be printed again for their districts.

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Contract service providers should be reminded that their initial paperwork must be processed by one of the districts that will contract for their services; they do not have independent statutory authority to submit the paperwork, nor do noncontracting districts notwithstanding their willingness to help.

If you have any questions, please contact Ray Montgomery, director, Office of Compliance Investigation, at 609-984-5593 or Carl H. Carabelli, manager, Criminal History Review Unit, at 609-292-0507.

PEL/RM/dk:multi.employ.chief.school.admin.

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