

CHAPTER 6.00 - PERSONNEL

Background Screening

6.104

1. Initial Employment Background Screening. Any offer of employment with the School District is conditioned on submission of fingerprints as required by Florida Statute and a background investigation by the Superintendent or designee(s). After a job offer, but prior to beginning employment with the District, all candidates for all positions must undergo a criminal and employment background check to determine suitability for employment. The application for employment shall inform applicants they are subject to criminal background checks, and advise applicants that failure to be truthful on the application about prior criminal history will be grounds for ineligibility or dismissal from employment.
2. Submission of Fingerprints. As a condition of employment and prior to beginning work, an applicant who has received a conditional job offer must file a complete set of fingerprints for processing by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). The applicant shall be required to pay for full costs of processing at the time of fingerprinting or authorize appropriate payroll deductions.
3. Review Process. The Human Resources Department shall review the criminal history of all applicants and/or persons nominated for initial employment. The Department shall obtain criminal background information for applicants through requests to the FDLE and the FBI.
 - a. When the fingerprint or background check reports are returned, the Department shall review both the application and the report(s) concerning the new employee. The Department will compare the information provided by the new employee with the information received from the FDLE and/or the FBI pursuant to Florida law.
 - b. No applicant who has received a conditional job offer shall begin work before his/her fingerprints are processed, the criminal and pre-employment investigation is completed, and a determination is rendered as to suitability for employment.
 - c. Based upon the facts of an application, criminal background check or other valid or reliable data sources, applicants who are, or have been convicted of certain offenses may be denied employment by the School District. As used in this section, the term conviction is defined as a finding of guilt, an adjudication of guilt, a plea of guilty, a plea of *nolo contendere*, or a verdict of guilty. Unless the disposition of charges otherwise meets the definition of conviction under the preceding sentence, the withholding of adjudication, the entry of an order sealing or expunging the record, or entry of an order requiring a pre-trial intervention or pre-trial diversion shall not

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be deemed a conviction for purpose of this section. Other information derived from the pre-employment investigation, which indicates the applicant may not be suitable for employment by the District, may be grounds for denying employment to an applicant, if in the judgment of the Department, such investigatory findings conflict with the expectations of employment or pose any risk to student safety.

- d. Pursuant to Florida Statutes 943.059(4)(a)6 and 943.0585(4)(a)6, an applicant whose criminal history record has been sealed or expunged may not deny or fail to acknowledge the arrests covered by the expunged or sealed record.
 - e. For purpose of paragraphs 4-9, reference to a felony, misdemeanor or other offense contemplates not only a violation of Florida law, but also a violation of federal law or the law of another state or nation, which, if committed in this state, would constitute a disqualifying offense.
4. Statutory Disqualification. An applicant shall be disqualified from employment in any position requiring direct contact with students if the applicant is ineligible for employment under Florida Statute 1012.315 by reason of conviction of any of the listed offenses or the equivalent offense under federal law or the law of another state or nation. An applicant will also be disqualified from such employment by reason of the commission of any delinquent (juvenile) act that if committed in this state, another state or under federal law that qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under Florida Statute 943.0435(1)(a)1.d.
 5. Other Disqualifying Circumstances. To be eligible for appointment in any position within the District, a person must be of good moral character. The following circumstances will disqualify an applicant from employment:
 - a. Conviction of an offense involving cruelty to animals.
 - b. Conviction of a crime determined to be related to a crime or crimes of moral turpitude as defined by Rule 6A-5.05b of the Florida Administrative Code
 - c. Dishonorable discharge from any branch of the Armed Services.
 - d. Any applicant who, upon date of application, is currently serving a court ordered probation or any other court ordered requirement for any criminal offense.

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- e. Any applicant who, upon date of application, has been arrested and/or charged with any criminal or serious traffic offense(s) and a final disposition in the matter is pending for the charged offense(s).
6. Other Offenses – Within 10 Years. To be eligible for appointment in any position within the District, a person must be of good moral character and must not have been convicted of the following offense(s) within 10 years of application date:
 - a. Any felony offense not listed elsewhere in this rule.
 - b. Any offense regardless of level related to prostitution or lewd and lascivious criminal conduct not listed elsewhere in this rule.
 7. Other Offenses – Case by Case Determination. An applicant may be considered on a case by case basis for conviction of the following offense(s) or under the following circumstances:
 - a. Relating to misdemeanor domestic violence.
 - b. Relating to disorderly conduct.
 - c. Relating to petty theft shoplifting.
 - d. Furnishing alcohol to minors.
 - e. Misdemeanor offenses.
 - f. Relating to two or more DUI offenses.
 - g. Relating to misdemeanor drug and/paraphernalia possession or use.
 - h. Possession of a concealed weapon – misdemeanor.
 - i. Any criminal offense(s) to the extent that the nature of the offense for which the applicant was charged and convicted is deemed to conflict with the expectations of employment by the District or pose any risk to student safety.
 8. Department Committee. The case by case determination of eligibility as contemplated by paragraphs 3(c) and 7 shall be conducted by a committee composed of the head of the Department, the directors of instruction and non-instructional personnel, the director of risk management and the department coordinator. The head of the

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Department is authorized to appoint other staff to serve in the place of a designated member to accommodate scheduling or work load.

9. Contract Personnel. Any instructional or non-instructional persons under contract to the School District to operate student programs, student teachers, persons participating in short-term teacher assistance experiences or field experiences who have direct contact with students must meet the requirements of paragraphs 1-8 above. Such persons may not be in direct contact with students if ineligible under Florida Statute 1012.315.
10. Reconsideration and Appeal. Applicants who have been denied employment, and probationary employees who have been denied permanent employment, on the bases of their criminal record and/or background check, may request reconsideration by the Human Resources Department only if they present new information not previously available to the Department.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

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