



Book	Policy Manual
Section	3000 Instructional Staff
Title	REVISED POLICY - VOL. 17, NO. 2 - CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS
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### **REVISED POLICY - VOL. 17, NO. 2**

#### **3121.01 - CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS**

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment or re-employment if there has been a break in service, all candidates for all positions shall be subject to a criminal background check to determine eligibility for employment.

The application for employment shall inform the applicants that they are subject to criminal background and employment history checks.

The cost of the background screening related to initial employment or re-employment after a break in service will be borne by the

( ) School Board.

() candidate for employment.

Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for Statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks. A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in  any position  any position that requires direct contact with students. [\[-\] For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435.](#)

[\[DRAFTING NOTE: Regarding the options in the paragraph above, we have added an option for the Board to adopt a more stringent hiring standard than that which is currently mandated by Florida law. Current Florida law limits the automatic exclusion from employment to those individuals who would have direct contact with students. If the School Board opts to adopt the more stringent standard, we recommend also adopting the option that defines the term "convicted" to make clear that even if adjudication is withheld, an individual would still be excluded from consideration for employment.\]](#)

Probationary persons subject to this section who are terminated because of their criminal record have the right to appeal such decisions.

Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide services as an instructional staff member in order to comply with the law.

Furthermore, before employing instructional personnel in any position that requires direct contact with students, the Superintendent shall conduct employment history checks of each of the candidate's previous employer(s), screen the candidate through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the Superintendent shall document efforts to contact the employer (F.S. 1012.27(6)).

Pursuant to State law, all instructional staff members employed by the District must self-report arrests for serious offenses (see AP 3121.01).

Additionally, the fingerprints of all instructional staff members who are employed by the District and have no break in service must be re-submitted to the FDLE and to the FBI every five (5) years so that subsequent Statewide criminal and juvenile records checks and Federal criminal records checks can be completed as required by law.

The cost of this subsequent background screening will be borne by the

() Board.

( ) employee.

The information contained in reports received from the FDLE and the FBI is confidential.

[ ] Pursuant to State law, the District will, however, share information received as the result of the criminal background check with other school districts.

[  ] Although permissible by State law, the District will not share information received as the result of the criminal history background check with other school districts.

Furthermore, if information received as a result of the criminal history records check indicates that a certificated instructional staff member has been convicted of certain crimes enumerated by law, the Superintendent must report this information to the Florida Department of Education per Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

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Legal [F.A.C. 6A-10.083](#)  
[F.S. 1012.23](#)  
[F.S. 1001.42](#)  
[F.S. 1001.41](#)  
[F.S. 435.09](#)  
[F.S. 943.0435](#)  
[F.S. 943.0585\(4\)\(a\)](#)  
[F.S. 943.059\(4\)\(a\)](#)  
[F.S. 1001.10\(5\)](#)  
[F.S. 1012.27\(6\)](#)  
[F.S. 1012.315](#)  
[F.S. 1012.32](#)  
[F.S. 1012.56](#)

Cross References [po8141 - MANDATORY REPORTING OF MISCONDUCT BY CERTIFICATED EMPLOYEES](#)  
[ap3121.01 - CRIMINAL BACKGROUND AND EMPLOYMENT](#)

Last Modified by Sam Stalnaker on August 6, 2018