

### 3121.01 - BACKGROUND SCREENING 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 screening to determine eligibility for employment. Additionally, the Superintendent shall verify all new full-time and part-time employees' right to work in the United States according to Federal and State law.

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

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.~~

( X ) candidate for employment.

The Board is a registered employer with the Care Provider Background Screening Clearinghouse. The District shall publish a clear and conspicuous link on its official website, and provide the link in all job vacancy advertisements and posts, to the Agency for Health Care Administration's webpage related to the Care Provider Background Clearinghouse. **DRAFTING NOTE: AHCA is not required to activate the website until January 1, 2026.** Background screenings, including all fingerprint requirements, shall be conducted in accordance with F.S. 435.12 and F.S. 1012.32. Criminal history checks through the Care Provider Background Screening will be conducted before referring an employee or potential employee or a person with a current or potential affiliation with the District for electronic fingerprint submission to the Florida Department of Law Enforcement. For purposes of this policy, "affiliation" means the status of a person employed or serving as a volunteer or contractor, or seeking to be employed or to serve as a volunteer or contractor, with the District in a position for which screening is not required by law but is authorized under the National Child Protection Act.

~~[ ] If it is found that an individual who is employed as an instructional staff member does not meet the screening requirements, the individual shall be [OPTION 1] [ ] immediately suspended from working in that capacity and shall remain suspended [END OF OPTION 1] [OPTION 2] [ ] reassigned to a position for which the individual is still eligible based on the results of the background screening [END OF OPTION 2] until final resolution of any appeal.~~

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, may not be employed, engaged to provide services, or serve in X any position ~~[ ] any position that requires direct contact with students [END OF OPTION]. [X ]~~. 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. **[END OF OPTIONAL SENTENCE]**

**[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.]**

Furthermore, before employing instructional personnel in any position, the Superintendent shall conduct employment history checks of each of the candidate's previous employer(s), review each affidavit of separation from previous employers pursuant to F.S. 1012.31, 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)). Background screenings for these candidates must also comply with the requirements of F.S. 1012.465 or F.S. 1012.56 (whichever is applicable).

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

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.

Current employees will be rescreened through the Care Provider Background Screening Clearinghouse in accordance with the following schedule:

- A. Employees for whom the last screening was conducted on or before June 30, 2021, must be rescreened by June 30, 2025;
- B. Employees for whom the last screen was conducted between July 1, 2021, and June 30, 2022, must be rescreened by June 30, 2026; and,
- C. Employees for whom the last screening was conducted between July 1, 2022, and December 31, 2023, must be screened by June 30, 2027.

Furthermore, if the 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*.

#### Changes to Initial Status - Care Provider Background Screening Clearinghouse

Before January 1, 2024, initial status and any changes in status must be reported within ten (10) business days after a person receives ~~his/her~~ **their** initial status or after a change in the person's status has been made.

Effective January 1, 2024, initial status and any changes in status must be reported within five (5) business days after a person receives ~~his/her~~ **their** initial status or after a change in the person's status has been made.