

I. DIVIDEND VOLUNTEER CRIMINAL BACKGROUND SCREENING GUIDELINES & PROCEDURES

A. Criminal Background Screening Requirements

1. General Information

(a) F.S. 1012.01 (5) SCHOOL VOLUNTEER.—A K-12 school volunteer is any nonpaid person who may be appointed by a district school board or its designee. School volunteers may include, but not necessarily be limited to, parents, senior citizens, students, and others who assist the teacher or other members of the school staff.

(b) Seminole County School Board Policy Manual, Chapter 3.80- A school volunteer is any non-paid individual who gives his/her time to a teacher or any other school staff members. Duties assigned to school volunteers shall be consistent with Florida Statutes and State Board of Education Rules.

(c) A School Volunteer includes, but not necessarily limited to Dividend Volunteers, mentors, tutors, volunteer coaches, field trip chaperones and overnight chaperones.

(d) All Dividend Volunteers must complete a mandatory criminal background check and may be subject to Level 2 screening at the District's expense at the time of application and/or upon random selection once approved. (SCPS Policy – 3.80)

2. Required Documentation for Background Screening

(a) Before the District will provide a background screening clearance, every Dividend School Volunteer applicant must undergo background screening pursuant to established background screening guidelines, shall have filed a completed Dividend Volunteer Application and completed a criminal history questionnaire listing all criminal offenses for which they were charged regardless of final disposition or, regardless of age and, including all sealed or expunged records and juvenile offenses and, provide official documentation in support of each criminal offense listed. Official documentation includes, but is not necessarily limited to, police incident and/or arrest reports, official court records, final court dispositions, sentencing documents, probation records, sealed or expunged records and/or any other official documents

supporting the nature of each criminal offense and final outcome.

- (b) In addition to requirements set forth in subsection 2(a) of this part, every person subject to background screening shall provide the District with a personally authored written statement of their own recollection surrounding the circumstances that led to each criminal offense listed and/or charged.

3. Preliminary Security Clearance Review

- (a) Upon receipt of required documents for Criminal Background Screening Clearance, the District will conduct a review of the applicant-provided criminal history information and supporting documentation to determine suitability for further consideration based on standards under established District guidelines. (Part II -Qualifications of Personnel).

After review, should a person, based on their criminal history record, fail to qualify under the established guidelines set forth in Part II of this section, that person will not be eligible to engage in or provide any volunteer services to the District

- (b) Should a person, based on a criminal history review, qualify pursuant to the established guidelines set forth in Part II of this section, that person will be rendered eligible for Dividend Volunteer positions within the District or, to engage in services to the District, provided that, other conditions for qualification as a Dividend Volunteer have been met. Except that, potential or continued service, or potential or continued engagement of services is contingent upon verification, review and/or further investigation of applicant provided information.

- (c) **Any person, who falsifies, attempts to conceal or omits criminal history information or any other required information during or after the application process, will constitute grounds for disqualification from potential or continued Dividend Volunteer service within the District.**

B. Fingerprinting Procedures and Requirements for persons requiring criminal background screening.

1. All volunteers who serve as mentors, volunteer coaches, overnight chaperones, and one-on-one tutors shall complete and meet level two background screening requirements by submitting a complete set of

fingerprints before being placed in direct contact with students. (SCPS Policy – 3.80)

2. Overnight field trip chaperones and volunteer coaches are subject to covering the cost of their own criminal background check. Except that, the cost may be covered by the school's sponsoring group. Overnight chaperones and volunteer coaches should contact their respective school for additional information.

3. The District will cover the cost of fingerprinting mentors.

4. Any registered Dividend Volunteer can be randomly selected for additional background screening, which requires the person to be fingerprinted at school district expense. (SCPS Policy – 3.80)

5. Hours of operation, fees and procedures can be found at the Educational Support Center or on the District website or by contacting the District's Fingerprinting Services office at (407) 320-0457. The hours of operation, fees and procedures are subject to change based on statute, rules and/or operational requirements.

6. Notwithstanding eligibility granted through separate Dividends School Volunteer and mentor background screening programs (Florida VECHS) or valid District-sponsored student mentoring programs, persons who apply for subsequent employment, or subsequently engage in any non-volunteer service or engage in other contracted services with the District, regardless of when the volunteer, mentor or student screening occurred, will be required to undergo a new criminal history background check.

7. Upon receipt of the official FDLE/FBI criminal history information records in response to a digital fingerprint submission, the Professional Standards Office will reconcile the official criminal history information record with applicant-provided criminal history information contained on the Dividend Volunteer application. **Any person, who is found to have concealed, omitted or falsified any criminal history information or any other required information, will provide grounds for disqualification from potential or continued Dividend Volunteer service within the District.**

II. QUALIFICATIONS OF PERSONNEL

A. Criminal Background Screening

1. All Dividend Volunteers, including but not necessarily limited to, mentors, tutors, field trip chaperones, overnight chaperones and volunteer coaches shall undergo criminal background screening prior to beginning services within the District school system.
2. Names of all Dividend Volunteers, including but not necessarily limited to, mentors, tutors, field trip chaperones, overnight chaperones and volunteer coaches shall be checked against state and national sexual offender/predator lists before beginning services within the District school system.
3. Pursuant to and/or concurrent with applicable Florida Statutes, Florida Administrative Rules and District policy governing qualifications for employment, the District established guidelines with the intent to ensure that only individuals of good moral character are similarly qualified to provide volunteer services to the District. *Good moral character* is defined as conduct that is consistent with the standards of public conscience and good morals, and not sufficiently notorious that would bring an individual concerned or the education profession into public disgrace or disrespect and impair the individual's service in the community.

B. Personnel Hiring/Dividend Volunteer General Rules

1. In addition to established District guidelines and/or requirements, but not necessarily limited thereto, a person's qualification to engage in volunteer services or provide other uncompensated services to the District, may be subject to additional criteria and/or guidelines by the District.
2. A person's criminal history that may render a person unsuitable for and/or disqualified from engaging in volunteer service or providing other uncompensated services to the District. Determinations are based upon the commission of certain disqualifying criminal offenses consistent with Florida Statutes governing employment and/or established District guidelines set forth in Chapter C, unless the final disposition of a disqualifying criminal offense was dismissed, not prosecuted (nolle prosequi), or not officially filed in a court of jurisdiction (i.e. No Information Filed), or a verdict of not guilty by the court of jurisdiction was rendered, ***and provided that***, no pre-trial diversion or intervention programs, probation, or other form of court ordered consequences were mandated to be completed as a condition for granting a dismissal, nolle prosequi, non-court filing of the criminal charge or not guilty verdict.

3. Should a Dividend Volunteer be charged with any criminal offense after being approved and duly registered as a Dividend Volunteer, the person's approval to continue engaging in or providing services to the District will be contingent upon any adverse effect to the health, safety or welfare of students and/or, is to the extent that the nature of the offense for which the person was charged and/or convicted is deemed to conflict with or pose a situation such that a person's continued service would place constraints on the School Board in the discharge of its statutory duties..

4. Conviction is defined as a finding of guilt or delinquency, a plea of guilty, a plea of nolo contendere, or entering a pre-trial intervention or diversion program, whether or not there was a formal adjudication of guilt, adjudication of delinquency or, if the case was sealed or expunged.

5. In addition to conditions set forth in Subsection B of this part, persons who have been convicted of any crime involving moral turpitude shall not be permitted to engage in any services with the District. A crime of *moral turpitude* is defined as "a crime that is evidenced by an act of baseness, vileness or depravity in the private and social duties, which according to accepted standards of the time a man owes to his fellow man or to society in general, and the doing of the act itself and not its prohibition by statute fixes the moral turpitude" (Rule 6B-4.009, Florida Administrative Code).

C. Personnel Appointment/Dividend Volunteer Disqualification Guidelines

1. To be eligible for appointment or to provide volunteer services in any position within the District, a person must be of good moral character and must not have been convicted of any offense(s) that if committed in this state, another state or under federal law which, if committed in this state, would constitute a felony offense as follows:

- F.S. 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct
- F.S. 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such misconduct.
- F.S. 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- F.S. 782.04, relating to murder
- F.S. 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disable adult, aggravated manslaughter of a child, or aggravated

manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

- F.S. 784.021, relating to aggravated assault.
- F.S. 784.045, relating to aggravated battery.
- F.S. 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.
- F.S. 787.01, relating to kidnapping.
- F.S. 787.02, relating to false imprisonment.
- F.S. 787.025, relating to luring or enticing a child.
- F.S. 787.04 (2), relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
- F.S. 787.04 (3), relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
- F.S. 790.115 (1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.
- F.S. 790.115 (2) (b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.
- F.S. 794.011, relating to sexual battery
- Former F.S. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.
- F.S. 794.05, relating to unlawful sexual activity with certain minors.
- F.S. 794.08, relating to female genital mutilation.
- F.S. 796, relating to prostitution
- F.S. 800, relating to lewdness and indecent exposure.
- F.S. 806.01, relating to arson.
- F.S. 810.14, relating to voyeurism.
- F.S. 810.145, relating to video voyeurism.
- F.S. 812.014 (6), relating to coordinating the commission of theft in excess of \$3,000.
- F.S. 812.0145, relating to theft from persons 65 years of age or older.
- F.S. 812.019, relating to dealing in stolen property.
- F.S. 812.13, relating to robbery.
- F.S. 812.131, relating to robbery by sudden snatching.
- F.S. 812.133, relating to carjacking.

- F.S. 812.135, relating to home invasion robbery.
- F.S. 817.563, relating to fraudulent sale of controlled substances.
- F.S. 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- F.S. 825.103, relating to exploitation of an elderly person or disabled adult.
- F.S. 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- F.S. 826.04, relating to incest.
- F.S. 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
- F.S. 827.04, relating to contributing to the delinquency or dependency of a child.
- F.S. 827.071, relating to sexual performance by a child.
- F.S. 843.01, relating to resisting arrest with violence.
- Chapter 847, relating to obscenity.
- F.S. 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.
- Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.
- F.S. 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- F.S. 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.
- F.S. 985.701, relating to sexual misconduct in juvenile justice programs.
- F.S. 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.

2. 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 any offense(s) that if committed in this state, another state or under federal law which, if committed in this state, would constitute a misdemeanor offense as follows:

- F.S. 784.03, relating to battery, if the victim of the offense was a minor.
- F.S. 787.025, relating to luring or enticing a child.

3. To be eligible for appointment or to provide volunteer services in any position within the District, a person must of good moral character and

must not have been convicted 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 F.S. 943.0435 (1) (a) 1.d.

4. To be eligible for appointment or to provide volunteer services in any position within the District, a person must be of good moral character and must not have been convicted of any offense(s) that if committed in this state, another state or under federal law which, if committed in this state, would constitute an offense or circumstance as follows:

- Cruelty to Animals
- More than one lifetime felony stemming from separate offenses
- Any crime determined to be related to a crime or crimes of moral turpitude.
- Dishonorable Discharge from any branch of the Armed Services
- Any applicant who, upon date of application, is currently serving a court ordered probation or any other court ordered requirement for any criminal offense.
- 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).

5. To be eligible for appointment or to provide volunteer services in any position within the District, a person must be of good moral character and must not have been convicted of any offense(s) that if committed within this state, another state or under federal law which, if committed in this state, would constitute an offense or circumstance as follows **within 10 years** of application date.

- Any single felony graded offense not listed elsewhere in this section.
- Any offense regardless of level related to prostitution or lewd and lascivious criminal conduct not listed elsewhere in this section

6. To be eligible for appointment or to provide volunteer services in any position within the District, a person must be of good moral character and must not have been convicted of any offense(s) that if committed within this state, another state or under federal law which, if

committed in this state, would constitute an offense or circumstance as follows **within 5 years** of application date.

- Relating to Misdemeanor Drug and/or Paraphernalia Possession or Use
- Relating to 2 or more DUI offenses without documented proof of rehabilitation.
- Unlawful possession of a concealed weapon – Misdemeanor

7. An applicant may be considered on a case by case basis for an offense or offenses, that if committed within this state, another state or under federal law which, if committed in this state, would constitute an offense or circumstance as follows.

- Relating to Misdemeanor Domestic Violence
- Relating to Disorderly Conduct
- Relating to Petty Theft/Shoplifting
- Furnishing alcohol to minors
- Multiple Misdemeanor Offenses
- 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 or pose a situation such that a person's employment would place constraints on the School Board in the discharge of its statutory duties.

This publication is based upon Florida Statute, District Policy and/or established District guidelines and does not necessarily constitute a complete list of all criminal offenses or circumstances affecting a decision to approve a school volunteer application.

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