

I. CRIMINAL BACKGROUND SCREENING GUIDELINES & PROCEDURES

A. Criminal Background Screening Requirements

1. General Rule

- (a) Pursuant to F.S. 1012.32, 1012.315 &/or F.S. 1012.465 an applicant for employment or re-employment, or instructional, or non-instructional personnel who are contracted to fill positions, or student teachers, persons participating in a field experience, and persons participating in a short-term experience as a teacher assistant with the District system, lab school, alternative school under contract to the District, or charter schools, including the charter school governing boards, shall undergo criminal background screening prior to beginning employment or engagement of services within the District school system.

2. Required Documentation for Background Screening

- (a) Before the District will provide a background screening clearance, every person who is required to undergo background screening pursuant to F.S. 1012.32, 1012.315 &/or F.S. 1012.465 will be required to complete 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), every person requiring background screening shall provide the District with a personally authored written statement of recollection surrounding the circumstances that led to each charged criminal offense.

3. Preliminary Security Clearance Review

- (a) Upon receipt of required documents for Criminal Background Screening Clearance, the District will conduct an initial review of the applicant-provided criminal history information and supporting documentation to determine suitability for further consideration based on the standards and guidelines set forth by Florida Statute and Part II of this section (Qualifications of Personnel).
- (b) After an initial review, should a person, based on their criminal history record, fail to meet the guidelines set forth by Florida Statute or Part II of this section, that person will not be eligible for employment or eligible to engage in services to the District.
- (c) Should a person, based on an initial criminal history review meet the guidelines set forth by Florida Statute or in Part II of this section, that person will be rendered eligible to apply for positions within the District or, engage in services to the District, provided that, other pre-employment conditions or other contractual pre-conditions have been met. Except that, potential or continued employment, or potential or continued engagement of services is contingent upon verification, review and/or further investigation of applicant provided information. Any person, who falsifies, attempts to conceal or omits employment history, criminal history information or any other required information during or after the application process, will constitute grounds for disqualification from potential or continued employment and/or service within the District.

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

- 1) 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 Human Resources Department. The hours of operation, fees and procedures are subject to change based on statute, rules and/or operational requirements.
- 2) 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.

3) Upon receipt of the official FDLE/FBI criminal history information records in response to the digital fingerprints submission, the Professional Standards Office will reconcile the official criminal history information record with applicant-provided criminal history information contained on the employment 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 employment and/or services, within the District.

II. QUALIFICATIONS OF PERSONNEL

A. Criminal Background Screening

1. All new and current employees, instructional, or non-instructional personnel, who are contracted to fill positions or provide services to the District, or student teachers, mentors and volunteers, persons participating in a field experience, and persons participating in a short-term experience as a teacher assistant with the District system, lab school, alternative school under contract to the District, or charter schools, including the charter school governing boards, shall undergo criminal background screening prior to beginning employment or engagement of services within the District school system.

2. Pursuant to Florida Statute 1012.32, 1012.315 and/or 1012.465, and/or Rule 6B-4.009, FAC, it is the intent of Seminole County Public Schools to ensure that only individuals of good moral character be employed or contracted by 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 current statutory guidelines and/or requirements, but not necessarily limited thereto, a person's qualification for employment, contracting of services or other engagement to provide services within the District may be subject to additional criteria and/or guidelines by the District.

2. A person's criminal history may render that person unsuitable for and/or to be disqualified from employment, contracting of services or other

engagement to provide services within the District. Determinations are based upon the commission of certain disqualifying criminal offenses set forth in Florida Statute and/or 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. 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.

C. Personnel Hiring/Dividend Volunteer Disqualification Guidelines

1. 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 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 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 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
- 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).
- Any offense determined to be related to a crime or crimes of moral turpitude (F.A.C. 6A-5.056). A crime of moral turpitude is defined as offenses listed in F.S. 1012.315 (see Paragraphs C1, C2 and C3 above) and the following additional offenses:
 - a. F.S. 775.085, relating to evidencing prejudice while committing offense, if reclassified as a felony.
 - b. F.S. 782.051, relating to attempted felony murder
 - c. F.S. 782.09(1), relating to killing of unborn child by injury to mother.
 - d. F.S. 787.06, relating to human trafficking
 - e. F.S. 790.166, relating to weapons of mass destruction
 - f. F.S. 838.015, relating to bribery
 - g. F.S. 847.0135, relating to computer pornography and/or traveling to meet a minor.
 - h. F.S. 859.01, relating to poisoning of food or water
 - i. F.S. 876.32, relating to treason
 - j. An out-of-state offense, federal offense or an offense in a foreign nation which, if committed in this state would constitute an offense prohibited under F.S. 1012.315.

5. 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 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 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/Paraphernalia Possession or Use
- Relating to 2 or more DUI offenses without documented proof of rehabilitation.
- 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 Statutes and District policy but does not necessarily constitute a complete list of all offenses or circumstances affecting an employment decision.

Last Revision (12/10/15)