

The School District of DeSoto
Office of the Superintendent

Administrative Regulation on Fingerprinting of Personnel

§ 153.60. R BACKGROUND SCREENING

Requirement:

In order to employ individuals that meet the personnel qualifications outlined in 1012.32 F.S., the School District requires the fingerprinting of all instructional, non-instructional, and administrative personnel.

To comply with the additional requirements of Section 1012.465, Florida Statutes, the School District also requires the fingerprinting of the following individuals:

1. All instructional, non-instructional, and administrative substitutes.
2. Employees that have broken employment with the school district for one year or more.
3. Individuals contracted to fill positions requiring direct contact with students.
4. Contracted personnel assigned to a school for tutoring or mentoring students including volunteers of another agency.
5. Personnel hired in alternative schools and charter schools.
6. Persons participating in field experiences, and in short-term experiences as teacher assistants.
7. Construction contractors or workers renovating an area of the school facility, while students are in attendance.
8. Contractors, consultants, or vendors under contract with the School District of DeSoto County, who are permitted access on school grounds when students are present, who have direct contact with students, or who have access to or control of school funds. Subcontractors are also considered to be under contract with the District for the purposes of this requirement.

For the safety and well being of our students and the protection of school funds, the School District also requires the fingerprinting of certain classes of volunteers as listed below:

9. Volunteers who have access to or control school funds.
10. Volunteers on school grounds or off-site at school related functions who are not under the direct supervision of employees or contractors who have met Level II screening requirements
11. Volunteers that accompany students on overnight field trips or other over-night school-related functions.
12. Volunteers that mentor students off-campus or in a private setting.

Volunteer applicants' names must be searched against the state and federal sexual offender/predator registry prior to processing the application.

Exemptions:

Sections 1012.467 and 1012.468, Florida Statutes exempt certain instructional contractors and non-instructional contractors from the fingerprint and criminal history check requirements. They are as follows:

A non-instructional contractor who:

1. is under direct supervision (meaning in line-of-sight) of contractors or employees who have met screening requirements.
2. has been screened pursuant to s. 435.04, F.S., for licensure, certification, employment or other purpose within the past five years who can present evidence of meeting the criteria and that the associated license or certificate is in good standing.
3. is a law enforcement officer assigned or dispatched to school grounds, or an employee or medical director of an ambulance provider.
4. works and remains in an area secured and separated from students by perimeter fencing at least 6-foot tall.
5. provides pick-up or delivery and like services that involve brief visits to school grounds.

An instructional contractor who:

1. works with children with developmental disabilities; or
2. is a child care personnel, meeting certain requirements of s. 1012.321, F.S.

Such individuals must provide proof of screening pursuant to s. 393.0655, F.S. or s. 402.305, F.S. and must have met Level II screening standards pursuant to §435, F.S. The exempted instructional personnel has:

- completed the criminal history check within the past 5 years;
- been re-screened every five years and meets Level II standards; and
- their prints retained by the Florida Department of Law Enforcement.

Process:

For all employees and specific volunteers listed above the Director of Human Resources will apply the language found in s.1012.32, F.S. to determine the scope of disqualifying offenses, using the “crimes of moral turpitude” standard.

Rule 6B-4.009(6) defines moral turpitude as “Moral turpitude is a crime that is evidenced by an act of baseness, vileness, or depravity in the private and social duties, which, according to the accepted standards of the time a man owes to his or her fellow man or to society in general, and the doing of the act itself and not its prohibition by statute fixes the moral turpitude.”

For “non-exempt” non-instructional contractors requiring Level II screening, s.1012.467, F.S. establishes a system of screening different from that of other school district employees. The Director of Human Resources will determine the eligibility or non-eligibility using the list of disqualifying offenses for which a conviction of any delineated charge prohibits an individual from becoming a non-instructional contractor. Charges that are equivalent to similar offenses in other jurisdictions, or similar offenses that have been re-designated are considered part of the list. The disqualifying offenses include:

- Any offense related to the registration as a sexual offender
- Sexual misconduct with developmentally disabled persons and the reporting of such offenses
- Sexual misconduct with mental health patients and the reporting of such offenses
- Offenses related to terrorism
- Offenses related to murder
- Offenses related to kidnapping
- Offenses related to lewdness or indecent exposure
- Offenses related to incest
- Offenses related to child abuse, aggravated child abuse, or child neglect

All district employees, contractors, and volunteers requiring fingerprinting, will be fingerprinted within ten days of their hire/attendance date. All fingerprints will be

If the individual is to be allowed on school grounds, human resources will notify the site administrator and the individual within 24 hours of receipt of the complete criminal history record. If additional information is required to determine eligibility, it will be the responsibility of the contractor to provide this information.

All fingerprinted contractors will be asked to sign a release form allowing the district to use their photo for identification purposes.

Due Process for "Exempt" Instructional and Non-Instructional Contractors

"Non-instructional contractors" who are required by law to undergo a Level II background screening for licensure, certification, employment, or other purposes; and who are exempt from the fingerprint requirement must provide the district with evidence:

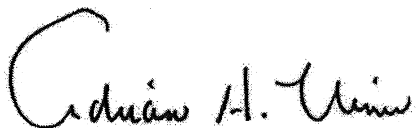
1. of meeting the screening standards in s. 435.04 F.S.;
2. a copy of an active license or certificate that is in good standing, if the contractor is licensed or holds a certificate; and
3. that their criminal history check was completed within 5 years prior to seeking access to school grounds.

Instructional contractors who are exempt under s. 1012.468 and have previously undergone Level II background screening under s. 393.0655 or s. 402.305, F.S. are not required to be re-screened. However, they must provide evidence that they have been screened within 5 years of having direct contact with students and their fingerprints are retained by the FDLE.

Due Process Procedures for Non-Employees Fingerprinted at Another School District

The school district will use the Florida Department of Law Enforcement (FDLE) system of shared results to obtain histories for individuals fingerprinted at other school district locations. It will be the responsibility of the individual who is the subject of the fingerprints to inform the school district of former fingerprinting.

The Director of Human Resources will review the transmitted records, applying the same screening standards used with other contractors, and search all sexual offender/predatory registries.



November 26, 2007