## School Board Policy Executive Summary

### Form D

**Policy Number:** 8475  
**Title of Policy:** Criminal Background Check for Non-District Personnel  
**Cabinet Member:** Robin Novelli, Chief Operating Officer

### Purpose of Revisions:
The purpose of the proposed revisions to the policy is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed revisions promote transparency and accountability.

### Tentative Schedule:
- Cabinet – June 1, 2021
- Work Session – June 22, 2021
- Rule Development Workshop – July 13, 2021
- School Board Meeting Information – July 13, 2021
- School Board Meeting Approval – July 29, 2021
- Effective Date – upon approval

### Summary of Proposed Policy Revisions:
- This policy is being revised for technical changes as the current is dated and needs of the organization reflected in the revisions.

### Specific Authority:
§§775.082, 775.083, 1012.32, 1012.465, 1012.467, 1012.468

### Next Steps:
- Revisions to internal procedures
- Training for BPS employees regarding revisions to policy and revised procedures
Current Version
8475 - CRIMINAL BACKGROUND AND EMPLOYMENT NON-DISTRICT PERSONNEL

Initial Background Check - Contracted Personnel

All contractual personnel 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, must meet Level II screening requirements as described in F.S. 1012.32, to determine whether the individual has been convicted of a crime of moral turpitude. Contractual personnel are to be held to the same standards as the District's employees with regard to background screening. Contractual personnel shall include any vendor, individual or entity under contract with the Board. All contractual personnel who may be assigned to a District work site as described above shall be directed by the contractors and/or subcontractors to contact the Office of District and School Security to be fingerprinted.

A Level II background check includes fingerprinting the individual and submitting the prints to the Florida Department of Law Enforcement (FDLE) to compare those records against the statewide criminal and juvenile records maintained by FDLE and Federal criminal records maintained through the Federal Bureau of Investigation (FBI). It may also include a local criminal records check through local law enforcement agencies.

The District or the District's designated agent shall conduct the fingerprinting/screening using the code ORI (Originating Agency Identifier) issued to the District by FDLE. The following procedures shall be utilized during the process:

A. The District shall inform contractual personnel that they are subject to criminal background checks.

B. The District shall advise the contractual personnel that failure to be truthful on the application about any and all prior criminal history shall be grounds for denying access to District property and facilities.

C. Prior to providing contractual services to the District, the contractual personnel shall file a complete set of fingerprints taken by a designated employee of the District or the District's designated agent.

D. The fingerprints shall be processed by FDLE and the FBI.

E. The District or the designated agent of the District and the contractual personnel and/or contractor shall determine payment procedures required for the costs of processing at the time the individual is fingerprinted.

No contractual personnel shall be permitted to have access to school grounds when students are present, to have direct contact with students, or to have access to or control of school funds before the FDLE and FBI background checks are reviewed and the clearance/approval process has been completed.

The District may condition the award of contractual services by requiring the prospective vendor to warrant that all employees coming onto school premises have been fingerprinted. In such event, the District's contract with the contractor shall provide that failure to comply with this requirement will constitute a material breach and subject the offending contractor to liquidated damages.
Confidentiality

Any employee provided access to criminal history records shall be cautioned as to the confidentiality of the information contained in the records, and shall not discuss such information other than with those legally permitted access to such records. The District may only share the background screening results and details of the record with the individual that is being screened, or with his/her attorney of record. An exception to the confidentiality of these records may be made for the purpose of sharing the information with another school district pursuant to the procedures described below.

The results of the criminal history check shall not be released to the individual's employer or contractor.

Contractual Personnel Convicted of Serious Offenses

Contractual personnel, or personnel employed by subcontractors, who have been convicted of serious offenses shall not be permitted to provide contractual services to the District. As used in this section, the term conviction is defined as a finding of guilt, a plea of guilty, a plea of Nolo Contendere, or a verdict of guilty. The withholding of adjudication or an entry of an order sealing or expunging the record, requiring a pre-trial intervention, or pre-trial diversion shall not be considered an exception to this section.

For the purposes of this section, serious offenses shall include the following:

A. Inappropriate sexual conduct including, but not limited to, solicitation of prostitution, sexual battery, sexual relations with a minor, possession or sale of pornography or obscene literature involving minors.

B. Sale of a controlled substance.

C. Convicted of certain felonies.

D. Possession of a gun or weapon on District property, or use of a weapon in the commission of a violent crime.

E. Knowingly falsifying or altering employment applications, paperwork, District forms or other documents or certificates.

Review by the Office of District and School Security

When the fingerprint or background checks are returned, the Office of District and School Security shall review the reports received. In the event that a background check identifies a potential problem, the Director of District and School Security shall make a determination regarding the contractual personnel's suitability for providing contractual services to the District.

Contractor/Vendor Right to Challenge Accuracy of Screening Results

Contractual personnel who have been denied access to District property and facilities because of their criminal record shall receive notification via telephone or e-mail of the denial. Upon request, the individual is entitled to receive a copy of the relevant information for the purposes of challenge and correction. An individual seeking to dispute the accuracy of the results of a criminal history record should contact FDLE Quality Control Section (850-410-7898), if the concern is with the Florida record. If the concern is with out-of-state record, the contact should be with the FBI (304-625-2000).

Identification

The District shall issue a picture ID to all contractual personnel who have passed the Level II screening. The clearance card and picture ID will be visibly worn by contractual personnel at all times.
Sharing Information with Other School Districts

The District may share background screening results with other school districts. Such persons may include:

A. vendors, including soda/milk/snack vendors under contract with the District;

B. sports officials;

C. construction contractors and subcontractors;

D. senior ring, photography, or yearbook vendors.

The District shall keep a record of each time the information contained in the records is shared with another school district. The record must include the following:

A. The name of each individual whose records are being shared.

B. The date of the transmission of the record.

C. The type of transmission (FAX, USPS, secured electronic, etc.).

D. The recipient of the transmission.

E. Notification to the individual that the record was shared and the name of the receiving district.

Maintenance of Records

After receiving the initial background check results from FDLE, the District will thereafter be electronically notified by FDLE, in writing, of any new arrests.

Contractual personnel, individuals, and entities under contract with the Board shall inform the District of any changes in affiliation, employment, or contractual status of an individual previously fingerprinted, and the District shall inform FDLE of any such changes. The prints of contractual personnel who terminate service to the District and who later enter into contract with the District must be resubmitted to FDLE.

Background Check Requirements for - Non-Contractual Personnel (Alphabetical Listing)

A. **College and Military Recruiters** - College and military recruiters and recruiters working with the school guidance staff shall be signed in as visitors and supervised at all times while on site, or to eliminate the need for supervision, these individuals may undergo a Level II background screen. Those individuals that undergo a Level II background screen will be considered a "Registered" volunteer. If the individual visiting the school is a college recruiter that has not undergone a Level II background screen, a school issued visitor ID badge must be visibly worn at all times while on site. A military ID is sufficient for military recruiters that have not undergone a Level II background screen.
Delivery Persons - Delivery persons in commercial vehicles may bring items to the front office or food service areas of a school site. At no time shall these individuals be permitted unescorted access to student areas. Individuals, who have unescorted access to school sites when students are present, must have a Level II screening. Delivery persons should immediately report to the school or site office, or proceed to the reception area or loading area.

C. Inter-Agency Agreements - Groups covered by inter-agency agreements shall be required to undergo a Level II background screening and all volunteers coming to us under inter-agency agreements must be a "Registered" volunteer.

D. Volunteers - We encourage all individuals wishing to work with students to apply to be a registered volunteer as doing so will allow them to have greater flexibility in performing duties and services within the school during the school day. In order to apply to be a registered volunteer, these individuals must complete a Volunteer in Public Schools (VIPS) application. The application may be completed electronically at any District location or for confidentiality purposes be completed via paper application at the Office of District and School Security at the Educational Services Facility. Those individuals that have completed the Level II background screen must wear the identification badge showing they have completed this requirement at all times while on campus. The cost of the screening is paid for by the individual.

E. Non-District Students: Interns/Practicum Students, Observers - Any non-district student from any program (including non-college education students) who has direct contact and/or instructional experiences with students shall be required to undergo a Level II background screening and must be approved as a "Registered" volunteer. Students shall obtain the appropriate forms from the university clinical education office. The costs of the Level II screening will be borne by the student. The Office of District and School Security will maintain a record of the results of the Level II screening of all students and coordinate with the Office of Staff Development. The individual must complete a Volunteer in Public Schools (VIPS) application. The application may be completed electronically at any District location or for confidentiality purposes be completed via paper application at the Office of District and School Security at the Educational Services Facility.

Non-District students who are strictly observing in a classroom without active involvement may check in as a visitor and must be escorted and supervised at all times while on campus. Any deviation from these procedures shall require the student observer to undergo a Level II background screening.

F. Mentors - A mentor is a volunteer who commits to meet with a student at school during school hours on a regular basis during the school year. The mentor works with either one student at a time or in a small group situation. Mentoring must always occur in public areas on the school campus. Unless the volunteer is a current Brevard Public Schools student or a student at another elementary or secondary school within Brevard County, all volunteers classified as a Mentor must undergo a Level II background screening and must be a "Registered" volunteer.
G. **Referees and Sports Officials** - Only officials sanctioned by the FHSAA may be used to officiate school sporting events. These individuals must undergo a Level II background screen pursuant to District policy. The cost of the screening is paid for by the individual. A District clearance card and picture ID must be presented to the home school athletic director, and shall be visibly worn at all times while on site. The Office of District and School Security maintains a list of officials cleared by the official's organization.

H. **Tutors** - Tutors must undergo a Level II background screening pursuant to District policy.

I. **University Supervisors and Faculty** - Faculty and staff who are teaching or testing students, or conducting other research activities with students shall be required to undergo Level II screening. An inter-agency agreement with universities and colleges may list cleared individuals.

J. **Utility Workers** - Meter readers and utility repair persons must carry a picture ID and may enter the property with notice to the site administrator and shall be supervised at all times while on campus.

K. **Visitors** - A visitor is an individual that comes on campus for personal reasons and is not providing any service for the classroom or the School District as a whole. Visitors must sign in, receive a visitor's badge and be accompanied to the appropriate location by a staff member or the principal's designee. Visitors should not be left alone with students and are to be supervised by a staff member at all times while on campus. Examples of visitor activities include:

1. Attending a play or awards ceremony.

2. Meeting with teachers/guidance counselors/administrators including delivering baked goods to a classroom.

L. **Volunteers** - A volunteer is any individual providing direct services to a classroom or for the District where the services have been requested by District personnel. Brevard Public Schools recognizes two (2) types of volunteers.

   1. **Listed Volunteer**: A "Listed" volunteer must complete a Volunteer in Public Schools (VIPS) application and are initially screened by the home school. "Listed" volunteers are subject to a local criminal records name check by the Office of District and School Security and a sexual predator check done by the school's Volunteer Coordinator through the FDLE website. A "Listed" volunteer must be escorted by staff at all times, in other words they must be in sight of and within the sound of an employee or other individual that has completed a Level II background screen. A "Listed" volunteer may not be left alone...
with students on school grounds or during any activity associated with the school off campus. A "listed" volunteer may however transport students in their privately owned vehicle with the consent of the school principal if they meet the following requirements listed below. Listed volunteers must be approved prior to volunteering.

Listed volunteers using their own privately owned vehicle to transport students are subject to meeting the requirements of "Board Policy 8660 – Transportation by Private Vehicle" and the following:

a. All transportation arrangements where a Listed or Registered volunteer is expected to drive a student in a privately owned motor vehicle must be approved in advance by the school principal and travel must commence at the school and end at the school.

b. Listed volunteers are prohibited from driving students in their own vehicle or chaperoning students in any capacity on overnight trips.

c. Listed volunteers are prohibited from transporting a single student alone in their vehicle unless that student is their own child.

d. Listed volunteers may transport one or more students in their vehicle only if a school board employee or registered volunteer is in the Listed Volunteer’s vehicle during the entire time students are in the vehicle, and/or:

e. Listed volunteers may transport two or more students in their vehicle only if an employee or registered volunteer is in a vehicle within eye site of the Listed Volunteer at all times during the trip.

Any Listed volunteer that does not abide all of the above rules is subject to losing their volunteer status and will not be allowed to transport students to and from school events in the future.

Examples of listed volunteer activities include:

a. Helping out doing clerical duties in the school office.

b. Working backstage at a play or awards ceremony.

c. Assisting in booster club activities.

d. Chaperoning same-day field trips where the volunteer is either supervised by a District employee or by peer supervision from another listed volunteer.
2. **Registered Volunteer:** A "Registered" volunteer must complete a Volunteer in Public Schools (VIPS) application and must undergo a Level II background screening. An individual seeking "Registered" status is responsible for paying the cost of the Level II background screening. Volunteers with "Registered" status may be left unsupervised with students, they may transport students in their vehicles once all vehicle-transportation requirements have been met, they may chaperone overnight field trips and they may handle money and keys. Registered volunteers must be approved prior to volunteering.

Examples of registered volunteer activities include:

a. Chaperoning overnight field trips.

b. Chaperoning field trips without supervision by a District employee.

c. Mentoring.

d. Transporting students in their personal vehicle (provided the vehicle is approved and the volunteer has met all requirements in Policy 8660).

Volunteers must undergo a sexual predator check. The Volunteer Office or school volunteer coordinator shall conduct the check and forward the information to the Volunteer Office. Volunteers must complete a Volunteer in Public Schools (VIPS) application. The Volunteers in Public Schools (VIPS) application may be completed electronically at any District location or for confidentiality purposes be completed via paper application at the Office of District and School Security at the Educational Services Facility.

All individuals must be on the District's approved volunteer list before they may begin volunteering and show their picture ID at sign-in if requested. Volunteers shall always be under the supervision of a teacher or other staff member depending on assignment, and shall not provide direct instruction to students or spend unsupervised time with students.

Registered volunteers must undergo a Level II background screening and be registered in the District's VIPS database. Listed volunteers must be registered in the District's VIPS database, complete a security check form, and receive a local clearance. Listed volunteers shall not be unsupervised on campus.

F.S. 1012.31, 1012.32, 1012.465

Adopted 4/10/07
Revised 4/22/08
Revised 4/28/09
Revised 4/27/10
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Template
Neola Template

8475 - CRIMINAL BACKGROUND CHECKS FOR CONTRACTOR ACCESS

The safety of 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 all contractual personnel who are permitted access on school grounds when students are present, who have direct access to students, or who have access to or control of school funds must meet Level 2 screening requirements as described in State law.

For purposes of this policy a "contractor" shall mean any vendor, individual, or entity under contract with a school or with the School Board who receives remuneration for services performed for the District or a school, but who is not otherwise considered an employee of the District. The term also includes any employee of a contractor who performs services for the District or school under the contract, as well as any subcontractor and employees of that subcontractor. This policy applies to both instructional and non-instructional contractors.

All contractors shall be informed that they are subject to criminal background checks.

Further, every five (5) years following the initial entry into a contract with the Board or a school in a capacity described above, each person who is so employed as a vendor, individual, or employee of a contractor ( ) with the Board ( ) with the School District must meet Level 2 screening requirements.

[ ] Although the information contained in the reports received is confidential, pursuant to State law the District shall share information received as the result of the criminal background check with other school districts upon request from another district.

[ ] The information contained in the reports received is confidential. The District shall not share information received as the result of the criminal background check with other school districts.

A contractor who has a criminal history records check and meets the screening requirements set forth in State law shall be permitted to have access on school grounds when students are present, to have direct contact with students, and to have access to or control of school funds as required by the scope of their employment.

Exemptions for Non-Instructional Contractors

The following noninstructional contractors shall be exempt from the screening requirements set forth in State law:

A. Non-instructional contractors who are under the direct supervision of a School District employee are exempt from the screening requirements set forth in State law. Pursuant to State law, "direct supervision" means that a School District employee or contractor, who has had a criminal history records check and has met the screening requirements, is physically present with a non-instructional contractor when the non-instructional contractor has access to a student and the access remains in the School District employee's or the qualified contractor's line of sight.

However, if a noninstructional contractor who was exempt because s/he is under the direct supervision of a District employee or a contractor who has met the criminal history records check screening requirements is no longer under direct supervision of that employee or contractor who has met the criminal history records check screening requirement, said non-instructional contractor shall not be permitted on school grounds when students are present until s/he meets the screening requirements set forth in State law or until such direct supervision can be assured.

B. A non-instructional contractor who is required by law to undergo a Level 2 background screening pursuant to F.S. 435.04 for licensure, certification, employment, or other purposes and who submits evidence of meeting the following criteria:

1. The contractor meets the screening standards in F.S. 435.04.

2. The contractor's license or certificate is active and in good standing, if the contractor is a licensee or certificate holder.
3. The contractor completed the criminal history check within five (5) years prior to seeking access to school grounds when students are present.

C. A law enforcement officer, as defined in F.S. 943.10, who is assigned or dispatched to school grounds by his/her employer.

D. An employee or medical director of an ambulance provider, licensed pursuant to Chapter 401 of State law, who is providing services within the scope of part III of Chapter 401 of State law on behalf of such ambulance provider.

E. Non-instructional contractors who remain at a site where students are not permitted if the site is separated from the remainder of the school grounds by a single chain-link fence of six (6) feet in height.

F. A non-instructional contractor who provides pickup or delivery services and those services involve brief visits on school grounds when students are present. The District will not subject a contractor who meets the requirements set forth in State law to an additional criminal history check. Upon submission of evidence and verification by the School District, the District will accept the results of the criminal history check for the contractor.

A non-instructional contractor who is exempt under this policy from the screening requirements set forth in State law is subject to a search of his/her name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under F.S. 943.043 and the National Sex Offender Public Registry maintained by the United States Department of Justice. The District will conduct the search required under this subsection without charge or fee to the contractor.

Additional Obligations

A contractor who is subject to a criminal history check under this policy shall inform the District if s/he has completed a criminal history check in another school district within the last five (5) years. The District will not charge the contractor a fee for verifying the results of his/her criminal history check.

If, for any reason, following entry into a contract in a capacity described in this policy, the fingerprints of a person who is so employed or under contract with the School District as a contractor are not retained by the Department of Law Enforcement under State law, the person must file a complete set of fingerprints with the Superintendent.

Disqualifying Offenses for Non-Instructional Contractors

A non-instructional contractor for whom a criminal history check is required under this policy may not have been convicted of any of the following offenses designated in the Florida statutes, any similar offense in another jurisdiction, or any similar offense committed in this State which has been redesignated from a former provision of the Florida statutes to one (1) of the following:

A. Any offense listed in F.S. 943.0435(1)(a)1. relating to the registration of an individual as a sexual offender.

B. Any offense under F.S. 393.135 relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct.

C. Any offense under F.S. 394.4593 relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.

D. Any offense under F.S. 775.30 relating to terrorism.

E. Any offense under F.S. 782.04 relating to murder.

F. Any offense under F.S. 787.01 relating to kidnapping.

G. Any offense under Chapter 800 of State law relating to lewdness and indecent exposure.

H. Any offense under F.S. 826.04 relating to incest.
I. Any offense under F.S. 827.03 relating to child abuse, aggravated child abuse, or neglect of a child. 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. Additionally, "conviction of a similar offense" includes, but is not limited to, a conviction by a Federal or military tribunal, including court-martials conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any State of the United States or other jurisdiction. Further, a "sanction" includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a State prison, Federal prison, private correctional facility, or local detention facility.

Disqualifying Offenses for Instructional Contractors

An instructional contractor may not have been convicted of any of the offenses listed in F.S. 1012.315.

Duty to Inform

Under penalty of perjury, each person who is under contract in a capacity described in this policy must agree to inform his/her employer or the party with whom s/he is under contract within forty-eight (48) hours if convicted of any disqualifying offense while s/he is under contract in that capacity. A contractor who willfully fails to comply with this subsection commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083. If the employer of a non-instructional contractor or the party to whom the non-instructional contractor is under contract knows the non-instructional contractor has been arrested for any of the disqualifying offenses listed above, and authorizes the non-instructional contractor to be present on school grounds when students are present, such employer or such party commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083.

Failure to Meet Level 2 Requirements

If it is found that a person who is under contract in a capacity described in this policy does not meet the Level 2 requirements, and/or has been convicted of any of the offenses listed above, the person shall be immediately suspended from working in the capacity of a contractor and having access to school grounds, and shall remain suspended until final resolution of any appeals and/or the conviction is set aside in any post conviction proceeding.

Sexual Predators

A contractor who is identified as a sexual predator or sexual offender in the registry search shall not be permitted on school grounds when students are present. Upon determining that a contractor shall not be permitted on school grounds because of his/her status as a sexual predator or sexual offender, the District will notify the vendor, individual, or entity under contract within three (3) business days.

Board’s Duty to Notify Contractor of Denial of Access

If the District has reasonable cause to believe that grounds exist for the denial of a contractor’s access to school grounds when students are present, it shall notify the contractor in writing, stating the specific record that indicates noncompliance with the standards set forth in this policy. It is the responsibility of the affected contractor to contest his/her denial. The only basis for contesting the denial is proof of mistaken identity or that an offense from another jurisdiction is not disqualifying under those offenses listed above.

Identification Badges

State law requires the Department of Education (DOE) to create a uniform, Statewide identification badge to be worn by contractors. This badge signifies that a contractor has met the statutory background screening requirements. The District must issue an identification badge to the contractor, which must bear a photograph of the contractor, if the contractor:

A. is a resident and citizen of the United States or a permanent resident alien of the United States as determined by the United States Citizenship and Immigration Services;

B. is eighteen (18) years of age or older; and

C. meets the statutory background screening requirements pursuant to State law and this policy.
The uniform, Statewide identification badge will be recognized by the District and must be visible at all times that a contractor is on school grounds. The identification badge is valid for a period of five (5) years. A contractor who is arrested for any disqualifying offense is required to inform his/her employer or the party to whom s/he is under contract within forty-eight (48) hours. If a contractor provides such notification, the contractor must, within forty-eight (48) hours, return the identification badge to the school district that issued the badge.

State law requires the FLDOE to determine a uniform cost that a school district may charge a contractor for receipt of the identification badge, which must be borne by the recipient of the badge. These provisions do not apply to non-instructional contractors who are exempt from background screening requirements.

Penalty for Violation

A contractor who is present on school grounds in violation of this section commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083.

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Legal
F.S. 775.082
F.S. 775.083
F.S. 1012.32
F.S. 1012.465
F.S. 1012.467
F.S. 1012.468

Cross References
ap8475 - CRIMINAL BACKGROUND CHECK - NONDISTRICT PERSONNEL
8475 - CRIMINAL BACKGROUND CHECK FOR NON-DISTRICT PERSONNEL AND EMPLOYMENT NON-DISTRICT PERSONNEL

Initial Background Check - Contracted Personnel

All contractual personnel 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, must meet Level II screening requirements as described in F.S. 1012.32, to determine whether the individual has been convicted of a crime of moral turpitude. Contractual personnel are to be held to the same standards as the District's employees with regard to background screening. Contractual personnel shall include any vendor, individual or entity under contract with the Board. All contractual personnel who may be assigned to a District work site as described above shall be directed by the contractors and/or subcontractors to contact the Office of District and School Security to be fingerprinted.

A Level II background check includes fingerprinting the individual and submitting the prints to the Florida Department of Law Enforcement (FDLE) to compare those records against the statewide criminal and juvenile records maintained by FDLE and Federal criminal records maintained through the Federal Bureau of Investigation (FBI). It may also include a local criminal records check through local law enforcement agencies.

The District or the District's designated agent shall conduct the fingerprinting/screening using the code ORI (Originating Agency Identifier) issued to the District by FDLE. The following procedures shall be utilized during the process:

A. The District shall inform contractual personnel that they are subject to criminal background checks.

B. The District shall advise the contractual personnel that failure to be truthful on the application about any and all prior criminal history shall be grounds for denying access to District property and facilities.

C. Prior to providing contractual services to the District, the contractual personnel shall file a complete set of fingerprints taken by a designated employee of the District or the District's designated agent.

D. The fingerprints shall be processed by FDLE and the FBI.

E. The District or the designated agent of the District and the contractual personnel and/or contractor shall determine payment procedures required for the costs of processing at the time the individual is fingerprinted.

No contractual personnel shall be permitted to have access to school grounds when students are present, to have direct contact with students, or to have access to or control of school funds before the FDLE and FBI background checks are reviewed and the clearance/approval process has been completed.
The District may condition the award of contractual services by requiring the prospective vendor to warrant that all employees coming onto school premises have been fingerprinted. In such event, the District's contract with the contractor shall provide that failure to comply with this requirement will constitute a material breach and subject the offending contractor to liquidated damages.

Confidentiality

Any employee provided access to criminal history records shall be cautioned as to the confidentiality of the information contained in the records, and shall not discuss such information other than with those legally permitted access to such records. The District may only share the background screening results and details of the record with the individual that is being screened, or with his/her attorney of record. An exception to the confidentiality of these records may be made for the purpose of sharing the information with another school district pursuant to the procedures described below.

The results of the criminal history check shall not be released to the individual's employer or contractor.

Contractual Personnel Convicted of Serious Offenses

Contractual personnel, or personnel employed by subcontractors, who have been convicted of serious offenses shall not be permitted to provide contractual services to the District. As used in this section, the term conviction is defined as a finding of guilt, a plea of guilty, a plea of Nolo Contendere, or a verdict of guilty. The withholding of adjudication or an entry of an order sealing or expunging the record, requiring a pre-trial intervention, or pre-trial diversion shall not be considered an exception to this section.

For the purposes of this section, serious offenses shall include the following:

A. Inappropriate sexual conduct including, but not limited to, solicitation of prostitution, sexual battery, sexual relations with a minor, possession or sale of pornography or obscene literature involving minors.

B. Sale of a controlled substance.

C. Convicted of certain felonies.

D. Possession of a gun or weapon on District property, or use of a weapon in the commission of a violent crime.

E. Knowingly falsifying or altering employment applications, paperwork, District forms or other documents or certificates.

Review by the Office of District and School Security

When the fingerprint or background checks are returned, the Office of District and School Security shall review the reports received. In the event that a background check identifies a potential problem, the Director of District and School Security shall make a determination regarding the contractual personnel's suitability for providing contractual services to the District.

Contractor/Vendor Right to Challenge Accuracy of Screening Results
Contractual personnel who have been denied access to District property and facilities because of their criminal record shall receive notification via telephone or e-mail of the denial. Upon request, the individual is entitled to receive a copy of the relevant information for the purposes of challenge and correction. An individual seeking to dispute the accuracy of the results of a criminal history record should contact FDLE Quality Control Section (850-410-7898), if the concern is with the Florida record. If the concern is with out-of-state record, the contact should be with the FBI (304-625-2000).

Identification

The District shall issue a picture ID to all contractual personnel who have passed the Level II screening also known as a JLA (Jessica Lunsford) badge. The JLA badge must be clearance card and picture ID will be visibly worn by contractual personnel at all times.

Sharing Information with Other School Districts

The District may share background screening results with other school districts. Such persons may include:

A. vendors, including soda/milk/snack vendors under contract with the District;
B. sports officials;
C. construction contractors and subcontractors;
D. senior ring, photography, or yearbook vendors.

The district shall utilize the FSSR (Florida Shared Schools Results) to verify or review criminal history and other relevant information. This information will be used to approve or deny applicants fingerprinted outside of Brevard County. The District shall keep a record of each time the information contained in the records is shared with another school district. The record must include the following:

- A. The name of each individual whose records are being shared.
- B. The date of the transmission of the record.
- C. The type of transmission (FAX, USPS, secured electronic, etc.).
- D. The recipient of the transmission.
- E. Notification to the individual that the record was shared and the name of the receiving district.

Maintenance of Records

After receiving the initial background check results from FDLE, the District will thereafter be electronically notified by FDLE, in writing, of any new arrests.
The prints of contractual personnel who terminate service to the District will have their fingerprints removed. If these individuals re-apply, they will have to be fingerprinted as if a new hire. Contractual personnel, individuals, and entities under contract with the Board shall inform the District of any changes in affiliation, employment, or contractual status of an individual previously fingerprinted, and the District shall inform FDLE of any such changes. The prints of contractual personnel who terminate service to the District and who later enter into contract with the District must be resubmitted to FDLE.

Background Check Requirements for Non-Contractual Personnel (Alphabetical Listing)

A. Volunteers - We encourage all individuals wishing to work with students to apply to be an approved volunteer. In order to apply to be an approved volunteer these individuals must complete an on-line volunteer application and undergo a Level II background screening. The application will be completed electronically at any District location or remotely from the BPS website. The cost of the screening is paid for by the individual.

Examples of approved volunteer activities include:

a. Chaperoning overnight field trips.

b. Chaperoning field trips outside of the line of sight of a District employee.

c. Mentoring.

d. Transporting students in their personal vehicle (provided the vehicle is approved and the volunteer has met all requirements in Policy 8660)

All individuals must be in the District’s approved volunteer database before they may begin volunteering and show their picture ID when signing in at the schools’ site and will undergo a sexual predator check. Volunteers will always be under the supervision of a teacher or other staff member depending on the assignment. College and Military Recruiters - College and military recruiters and recruiters working with the school guidance staff shall be signed in as visitors and supervised at all times while on site, or to eliminate the need for supervision, these individuals may undergo a Level II background screen. Those individuals that undergo a Level II background screen will be considered a “Registered” volunteer. If the individual visiting the school is a college recruiter that has not undergone a Level II background screen, a school issued visitor ID badge must be visibly worn at all times while on site. A military ID is sufficient for military recruiters that have not undergone a Level II background screen.

B. College and Military Recruiters - College and military recruiters and recruiters working with the school guidance staff shall be signed in as visitors and must remain in the line of site of a BPS employee at all times while on site, or to eliminate the need for supervision, these individuals may undergo a Level II background screening through the
Office of District and School Security. Those individuals that undergo a Level II background screening will be considered an approved volunteer. If the individual visiting the school is a college recruiter that has not undergone a Level II background screening, a school issued visitor ID badge must be visibly worn at all times while on site. A military ID is sufficient for military recruiters that have not undergone a Level II background screening.

**Delivery Persons** - Delivery persons in commercial vehicles may bring items to the front office or food service areas of a school site. At no time shall these individuals be permitted unescorted access to student areas. Individuals, who have unescorted access to school sites when students are present, must have a Level II screening. Delivery persons should immediately report to the school or site office, or proceed to the reception area or loading area.

C. **Delivery Persons** - Delivery persons in commercial vehicles may bring items to the front office or food service areas of a school site. At no time shall these individuals be permitted unescorted access to student areas. Individuals, who have unescorted access to school sites when students are present, must have a Level II screening. Delivery persons will immediately report to the school or site office or proceed to the reception area or loading area. The delivery person will be met by BPS personnel and line of sight maintained. BPS personnel will relay to the front office of any delivery person(s) on-site. **Inter-Agency Agreements** - Groups covered by inter-agency agreements shall be required to undergo a Level II background screening and all volunteers coming to us under inter-agency agreements must be a "Registered" volunteer.

D. **Inter-Agency Agreements** - Groups covered by inter-agency agreements shall be required to undergo a Level II background screening and all volunteers coming to us under inter-agency agreements must be an approved volunteer. **Volunteers** - We encourage all individuals wishing to work with students to apply to be a registered volunteer as doing so will allow them to have greater flexibility in performing duties and services within the school during the school day. In order to apply to be a registered volunteer, these individuals must complete a Volunteer in Public Schools (VIPS) application. The application may be completed electronically at any District location or for confidentiality purposes be completed via paper application at the Office of District and School Security at the Educational Services Facility. Those individuals that have completed the Level II background screen must wear the identification badge showing they have completed this requirement at all times while on campus. The cost of the screening is paid for by the individual.

E. **Non-District Students: Interns/Practicum Students, Observers** - Any non-district student from any program (including non-college education students) who has direct contact and/or instructional experiences with students shall be required to undergo a Level II background screening and must be an approved volunteer as a "Registered" volunteer. Students shall obtain the appropriate forms from the university clinical education office. The costs of the Level II screening will be borne by the student. The Office of District and School Security will maintain a record.
of the results of the Level II screening of all students and coordinate with the Office of Staff Development. The individual must complete an online Volunteer in Public Schools (VIPS) application. The application may be completed electronically at any District location or for confidentiality purposes be completed via paper application at the Office of District and School Security at the Educational Services Facility remotely from the BPS website.

Non-District students who are strictly observing in a classroom without active involvement may check in as a visitor and must be escorted and supervised at all times while on campus. Any deviation from these procedures shall require the student observer to undergo a Level II background screening.

F. **Mentors** - A mentor is a volunteer who commits to meet with a student at school during school hours on a regular basis during the school year. The mentor works with either one student at a time or in a small group situation. Mentoring must always occur in public areas on the school campus. Unless the volunteer is a current Brevard Public Schools student or a student at another elementary or secondary school within Brevard County, all volunteers classified as a Mentor must undergo a Level II background screening and must be an approved volunteer, "Registered" volunteer.

G. **Referees and Sports Officials** - Only officials sanctioned by the FHSAA may be used to officiate school sporting events. These individuals must undergo a Level II background screening pursuant to District policy. The cost of the screening is paid for by the individual. A clearance badge also known as a JLA (Jessica Lunsford) badge will be issued and must be visibly worn by contractual personnel at all times while on site. The A-District clearance card badge (JLA badge) and picture ID must be presented to the home school athletic director, and shall be visibly worn at all times while on site. The Office of District and School Security maintains a list of officials cleared by the official’s organization.

H. **Tutors** - Tutors must undergo a Level II background screening pursuant to District policy.

I. **University Supervisors and Faculty** - Faculty and staff who are teaching or testing students or conducting other research activities with students shall be required to undergo Level II screening. An inter-agency agreement with universities and colleges may list cleared individuals.

J. **Utility Workers** - Meter readers and utility repair persons must carry a picture ID and may enter the property with notice to the site administrator and shall be supervised at all times while on campus.

K. **Visitors** - A visitor is an individual that comes on campus for personal reasons and is not providing any service for the classroom or the School District as a whole. Visitors must sign in and undergo a sexual
visitors should not be left alone with students and are to be supervised by a staff member at all times while on campus. Examples of visitor activities include:

1. Attending a play or awards ceremony.

2. Meeting with teachers/guidance counselors/administrators including delivering baked goods to a classroom.

**Volunteers** - A volunteer is any individual providing direct services to a classroom or for the District where the services have been requested by District personnel. Brevard Public Schools recognizes two (2) types of volunteers.

- **Listed Volunteer:** A "Listed" volunteer must complete a Volunteer in Public Schools (VIPS) application and are initially screened by the home school. "Listed" volunteers are subject to a local criminal records name check by the Office of District and School Security and a sexual predator check done by the school's Volunteer Coordinator through the FDLE website. A "Listed" volunteer must be escorted by staff at all times, in other words they must be in sight of and within the sound of an employee or other individual that has completed a Level II background screen. A "Listed" volunteer may not be left alone with students on school grounds or during any activity associated with the school off campus. A "listed" volunteer may however transport students in their privately owned vehicle with the consent of the school principal if they meet the following requirements listed below. Listed volunteers must be approved prior to volunteering.

Listed volunteers using their own privately owned vehicle to transport students are subject to meeting the requirements of "Board Policy 8660 – Transportation by Private Vehicle" and the following:

- a. All transportation arrangements where a Listed or Registered volunteer is expected to drive a student in a privately owned motor vehicle must be approved in advance by the school principal and travel must commence at the school and end at the school.

- b. Listed volunteers are prohibited from driving students in their own vehicle or chaperoning students in any capacity on overnight trips.

- c. Listed volunteers are prohibited from transporting a single student alone in their vehicle unless that student is their own child.
d. Listed volunteers may transport one or more students in their vehicle only if a school board employee or registered volunteer is in the Listed Volunteer’s vehicle during the entire time students are in the vehicle, and/or:

e. Listed volunteers may transport two or more students in their vehicle only if an employee or registered volunteer is in a vehicle within eye site of the Listed Volunteer at all times during the trip.

Any Listed volunteer that does not abide all of the above rules is subject to losing their volunteer status and will not be allowed to transport students to and from school events in the future.

Examples of listed volunteer activities include:

a. Helping out doing clerical duties in the school office.

b. Working backstage at a play or awards ceremony.

c. Assisting in booster club activities.

d. Chaperoning same day field trips where the volunteer is either supervised by a District employee or by peer supervision from another listed volunteer.

2. **Registered Volunteer**: A “Registered” volunteer must complete a Volunteer in Public Schools (VIPS) application and must undergo a Level II background screening. An individual seeking “Registered” status is responsible for paying the cost of the Level II background screening. Volunteers with “Registered” status may be left unsupervised with students, they may transport students in their vehicles once all vehicle transportation requirements have been met, they may chaperone overnight field trips and they may handle money and keys. Registered volunteers must be approved prior to volunteering.

Examples of registered volunteer activities include:

a. Chaperoning overnight field trips.

b. Chaperoning field trips without supervision by a District employee.

c. Mentoring.
d. Transporting students in their personal vehicle (provided the vehicle is approved and the volunteer has met all requirements in Policy 8660)

Volunteers must undergo a sexual predator check. The Volunteer Office or school volunteer coordinator shall conduct the check and forward the information to the Volunteer Office. Volunteers must complete a Volunteer in Public Schools (VIPS) application. The Volunteers in Public Schools (VIPS) application may be completed electronically at any District location or for confidentiality purposes be completed via paper application at the Office of District and School Security at the Educational Services Facility.

All individuals must be on the District’s approved volunteer list before they may begin volunteering and show their picture ID at sign-in if requested. Volunteers shall always be under the supervision of a teacher or other staff member depending on assignment, and shall not provide direct instruction to students or spend unsupervised time with students.

Registered volunteers must undergo a Level II background screening and be registered in the District’s VIPS database. Listed volunteers must be registered in the District’s VIPS database, complete a security check form, and receive a local clearance. Listed volunteers shall not be unsupervised on campus.

Appeals – A person that has been denied approval to volunteer by the Office of District Security can appeal one time under AP8475. Refer to AP8475 for additional details of the appeal process and Volunteer Qualification Guidelines.

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Revised 4/22/08
Revised 4/28/09
Revised 4/27/10
Revised _______

Legal
F.S. 775.082
F.S. 775.083
F.S. 1012.32
F.S. 1012.465
F.S. 1012.467
F.S. 1012.468

Cross References
ap8475 - CRIMINAL BACKGROUND CHECK - NONDISTRICT PERSONNEL

F.S. 1012.31, 1012.32, 1012.465
Clean Version
8475 - CRIMINAL BACKGROUND CHECK FOR NON-DISTRICT PERSONNEL

Initial Background Check - Contracted Personnel

All contractual personnel 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, must meet Level II screening requirements as described in F.S. 1012.32, to determine whether the individual has been convicted of a crime of moral turpitude. Contractual personnel are to be held to the same standards as the District’s employees with regard to background screening. Contractual personnel shall include any vendor, individual or entity under contract with the Board. All contractual personnel who may be assigned to a District work site as described above shall be directed by the contractors and/or subcontractors to contact the Office of District and School Security to be fingerprinted.

A Level II background check includes fingerprinting the individual and submitting the prints to the Florida Department of Law Enforcement (FDLE) to compare those records against the statewide criminal and juvenile records maintained by FDLE and Federal criminal records maintained through the Federal Bureau of Investigation (FBI). It may also include a local criminal records check through local law enforcement agencies.

The District or the District's designated agent shall conduct the fingerprinting/screening using the code ORI (Originating Agency Identifier) issued to the District by FDLE. The following procedures shall be utilized during the process:

A. The District shall inform contractual personnel that they are subject to criminal background checks.

B. The District shall advise the contractual personnel that failure to be truthful on the application about any and all prior criminal history shall be grounds for denying access to District property and facilities.

C. Prior to providing contractual services to the District, the contractual personnel shall file a complete set of fingerprints taken by a designated employee of the District or the District's designated agent.

D. The fingerprints shall be processed by FDLE and the FBI.

E. The District or the designated agent of the District and the contractual personnel and/or contractor shall determine payment procedures required for the costs of processing at the time the individual is fingerprinted.

No contractual personnel shall be permitted to have access to school grounds when students are present, to have direct contact with students, or to have access to or control of school funds before the FDLE and FBI background checks are reviewed and the clearance/approval process has been completed.

The District may condition the award of contractual services by requiring the prospective vendor to warrant that all employees coming onto school premises have been fingerprinted. In such event, the District's contract with the contractor shall provide that failure to comply with this requirement will constitute a material breach and subject the offending contractor to liquidated damages.
Confidentiality

Any employee provided access to criminal history records shall be cautioned as to the confidentiality of the information contained in the records and shall not discuss such information other than with those legally permitted access to such records. The District may only share the background screening results and details of the record with the individual that is being screened, or with his/her attorney of record. An exception to the confidentiality of these records may be made for the purpose of sharing the information with another school district pursuant to the procedures described below.

The results of the criminal history check shall not be released to the individual's employer or contractor.

Contractual Personnel Convicted of Serious Offenses

Contractual personnel, or personnel employed by subcontractors, who have been convicted of serious offenses shall not be permitted to provide contractual services to the District. As used in this section, the term conviction is defined as a finding of guilt, a plea of guilty, a plea of Nolo Contendere, or a verdict of guilty. The withholding of adjudication or an entry of an order sealing or expunging the record, requiring a pre-trial intervention, or pre-trial diversion shall not be considered an exception to this section.

For the purposes of this section, serious offenses shall include the following:

A. Inappropriate sexual conduct including, but not limited to, solicitation of prostitution, sexual battery, sexual relations with a minor, possession or sale of pornography or obscene literature involving minors.

B. Sale of a controlled substance.

C. Convicted of certain felonies.

D. Possession of a gun or weapon on District property or use of a weapon in the commission of a violent crime.

E. Knowingly falsifying or altering employment applications, paperwork, District forms or other documents or certificates.

Review by the Office of District and School Security

When the fingerprint or background checks are returned, the Office of District and School Security shall review the reports received. In the event that a background check identifies a potential problem, the Director of District and School Security shall make a determination regarding the contractual personnel's suitability for providing contractual services to the District.

Contractor/Vendor Right to Challenge Accuracy of Screening Results

Contractual personnel who have been denied access to District property and facilities because of their criminal record shall receive notification via telephone or e-mail of the denial. Upon request, the individual is entitled to receive a copy of the relevant information for the purposes of challenge and correction. An individual seeking to dispute the accuracy of the results of a criminal history record should contact FDLE Quality Control Section (850-410-7898), if the concern is with the Florida record. If the concern is with out-of-state record, the contact should be with the FBI (304-625-2000).
Identification

The District shall issue a picture ID to all contractual personnel who have passed the Level II screening also known as a JLA (Jessica Lunsford) badge. The JLA badge must be visibly worn by contractual personnel at all times.

Sharing Information with Other School Districts

The District may share background screening results with other school districts. Such persons may include:

A. vendors, including soda/milk/snack vendors under contract with the District;

B. sports officials;

C. construction contractors and subcontractors;

D. senior ring, photography, or yearbook vendors.

The district shall utilize the FSSR (Florida Shared Schools Results) to verify or review criminal history and other relevant information. This information will be used to approve or deny applicants fingerprinted outside of Brevard County.

Maintenance of Records

After receiving the initial background check results from FDLE, the District will thereafter be electronically notified by FDLE, in writing, of any new arrests.

The prints of contractual personnel who terminate service to the District will have their fingerprints removed. If these individuals re-apply, they will have to be fingerprinted as if a new hire.

Background Check Requirements for Non-Contractual Personnel

A. Volunteers - We encourage all individuals wishing to work with students to apply to be an approved volunteer. In order to apply to be an approved volunteer these individuals must complete an on-line volunteer application and undergo a Level II background screening. The application will be completed electronically at any District location or remotely from the BPS website. The cost of the screening is paid for by the individual.

Examples of approved volunteer activities include:

a. Chaperoning overnight field trips.

b. Chaperoning field trips outside of the line of sight of a District employee.
c. Mentoring.

d. Transporting students in their personal vehicle (provided the vehicle is approved and the volunteer has met all requirements in Policy 8660)

All individuals must be in the District’s approved volunteer database before they may begin volunteering and show their picture ID when signing in at the schools’ site and will undergo a sexual predator check. Volunteers will always be under the supervision of a teacher or other staff member depending on the assignment.

B. College and Military Recruiters - College and military recruiters and recruiters working with the school guidance staff shall be signed in as visitors and must remain in the line of site of a BPS employee at all times while on site, or to eliminate the need for supervision, these individuals may undergo a Level II background screening through the Office of District and School Security. Those individuals that undergo a Level II background screening will be considered an approved volunteer. If the individual visiting the school is a college recruiter that has not undergone a Level II background screening, a school issued visitor ID badge must be visibly worn at all times while on site. A military ID is sufficient for military recruiters that have not undergone a Level II background screening.

C. Delivery Persons - Delivery persons in commercial vehicles may bring items to the front office or food service areas of a school site. At no time shall these individuals be permitted unescorted access to student areas. Individuals, who have unescorted access to school sites when students are present, must have a Level II screening. Delivery persons will immediately report to the school or site office or proceed to the reception area or loading area. The delivery person will be met by BPS personnel and line of sight maintained. BPS personnel will relay to the front office of any delivery person(s) on-site.

D. Inter-Agency Agreements - Groups covered by inter-agency agreements shall be required to undergo a Level II background screening and all volunteers coming to us under inter-agency agreements must be an approved volunteer.

E. Non-District Students: Interns/Practicum Students, Observers - Any non-district student from any program who has direct contact and/or instructional experiences with students shall be required to undergo a Level II background screening and must be an approved volunteer. The individual must complete an online application. The application may be completed electronically at any District location or remotely from the BPS website.

Non-District students who are strictly observing in a classroom without active involvement may check in as a visitor and must be escorted and supervised at all times while on campus. Any deviation from these procedures shall require the student observer to undergo a Level II background screening.
F. **Mentors** - A mentor is a volunteer who commits to meet with a student at school during school hours on a regular basis during the school year. The mentor works with either one student at a time or in a small group situation. Mentoring must always occur in public areas on the school campus. Unless the volunteer is a current Brevard Public Schools student or a student at another elementary or secondary school within Brevard County, all volunteers classified as a Mentor must undergo a Level II background screening and must be an approved volunteer.

G. **Referees and Sports Officials** - Only officials sanctioned by the FHSAA may be used to officiate school sporting events. These individuals must undergo a Level II background screening pursuant to District policy. The cost of the screening is paid for by the individual. A clearance badge also known as a JLA (Jessica Lunsford) badge will be issued and must be visibly worn by contractual personnel at all times while on site. The District clearance badge (JLA badge) and picture ID must be presented to the home school athletic director.

H. **Tutors** - Tutors must undergo a Level II background screening pursuant to District policy.

I. **University Supervisors and Faculty** - Faculty and staff who are teaching or testing students or conducting other research activities with students shall be required to undergo Level II screening. An inter-agency agreement with universities and colleges may list cleared individuals.

J. **Utility Workers** - Meter readers and utility repair persons must carry a picture ID and may enter the property with notice to the site administrator and shall be supervised at all times while on campus.

K. **Visitors** - A visitor is an individual that comes on campus for personal reasons and is not providing any service for the classroom or the School District as a whole. Visitors must sign in and undergo a sexual predator check, receive a visitor's badge and be accompanied to the appropriate location by a staff member or the principal's designee. Visitors will not be left alone with students and are to be supervised by a staff member at all times while on campus. Examples of visitor activities include:

1. Attending a play or awards ceremony.

2. Meeting with teachers/guidance counselors/administrators including delivering baked goods to a classroom.

Appeals – A person that has been denied approval to volunteer by the Office of District Security can appeal one time under AP8475. Refer to AP8475 for additional details of the appeal process and Volunteer Qualification Guidelines.
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