

FLORIDA DEPARTMENT OF EDUCATION



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Commissioner of Education

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Technical Assistance Paper



Related to the Background Screening Requirements of Noninstructional Contractors who are Permitted Access to School Grounds

Summary: The 2013 Florida Legislature passed and Governor Rick Scott signed, House Bill 21, regarding the background screening of noninstructional contractors. This Act became effective July 1, 2013. This Technical Assistance Paper is to provide guidance to districts and contractual personnel to implement section 1012.467, F.S., as amended by the 2013 Florida Legislature. This legislation creates the requirement for a uniform, statewide identification badge to be worn by noninstructional contractors when on school grounds. The badge signifies that the noninstructional contractor has met the screening standards set forth in s. 1012.467, F.S.

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- New Technical Assistance Paper
- Revises and replaces existing Technical Assistance:

Issued by the
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<http://www.fldoe.org/schools/>

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I. Background

The 2013 Florida Legislature passed and Governor Rick Scott signed, House Bill 21, regarding the background screening of noninstructional contractors. This Act became effective July 1, 2013. This Technical Assistance Paper is to provide guidance to districts and contractual personnel to implement s. 1012.467, F.S., as amended by the 2013 Florida Legislature. This legislation creates the requirement for a uniform, statewide identification badge to be worn by noninstructional contractors when on school grounds. The badge signifies that the noninstructional contractor has met the screening standards set forth in s. 1012.467, F.S., which the bill has amended to read (amendments underlined):

(8)(a) The Department of Education shall create a uniform, statewide identification badge to be worn by noninstructional contractors signifying that a contractor has met the requirements of this section. The school district shall issue an identification badge to the contractor, which must bear a photograph of the contractor. An identification badge shall be issued if the contractor:

NEW
Requirements
in order to
obtain a
state badge.

- 1. 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;**
- 2. Is 18 years of age or older; and**
- 3. Meets the background screening requirements under this section.**

(b) The uniform, statewide identification badge shall be recognized by all school districts and must be visible at all times that a noninstructional contractor is on school grounds.

(c) The identification badge shall be valid for a period of 5 years. If a noninstructional contractor provides notification pursuant to subsection (6), the contractor shall, within 48 hours, return the identification badge to the school district that issued the badge.

(d) The Department of Education shall determine a uniform cost that a school district may charge a noninstructional contractor for receipt of the identification badge, which shall be borne by the recipient of the badge.

(e) This subsection does not apply to noninstructional contractors who are exempt from background screening requirements pursuant to s. 1012.468.

II. Definitions

1. Noninstructional contractors are defined as any vendor, individual or entity under contract with a public school or school district, or employees of a noninstructional contractor or subcontractor and who receives remuneration (payment) for services performed for the school or school district. The statute, as amended, applies to noninstructional contractors who:
 - Are permitted access on school grounds when students are present,
 - Have direct contact with students or have access or control of school funds; and
 - Have not been provided an exemption as defined in s. 1012.468, F.S.

2. Background screening means the state and national fingerprint-based criminal history.
3. Uniform badge means the uniform badge issued in accordance with s. 1012.467, F.S.
4. FSSRS means the Florida Shared School Results Systems, the repository of fingerprint records retained by the Florida Department of Law Enforcement and accessible by each Florida public school district.
5. The statute applies to persons contracted with any Florida public school in any Florida public school district, including:
 - Traditional public schools;
 - Charter schools;
 - Alternative schools; and
 - Florida School for the Deaf and the Blind.

III. New Requirements and Responsibilities

The Florida Department of Education must:

1. Create a uniform, statewide identification badge to be worn by noninstructional contractors; and
2. Establish a uniform cost that a school district may charge for the badge.

Florida public school districts must:

1. Issue the uniform identification badge to the noninstructional contractor who is subject to the criminal history background screening; and
2. Recognize the statewide identification badge.

Noninstructional contractors must:

1. Have the badge visible at all times while on school grounds;
2. Return the badge within 48 hours if arrested for any disqualifying offense, including:
 - a. Any offense listed in s. 943.0435(1)(a)1., F.S., relating to the registration of an individual as a sexual offender;
 - b. Section 393.135, F.S., relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct;
 - c. Section 394.4593, F.S., relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct;
 - d. Section 775.30, F.S., relating to terrorism;
 - e. Section 782.04, F.S., relating to murder;
 - f. Section 787.01, F.S., relating to kidnapping;
 - g. Any offense under chapter 800, relating to lewdness and indecent exposure;
 - h. Section 826.04, F.S., relating to incest; and/or
 - i. Section 827.03, F.S., relating to child abuse, aggravated child abuse or neglect of a child.

2. The Background Screening

The uniform badge may be issued to noninstructional contractors who have undergone a fingerprint-based state and federal criminal history background check conducted by a Florida public school district and the issuing district has reviewed the results to determine that the noninstructional contractor has not been convicted of any of the following offenses:

- Any offense listed in s. 943.0435(1)(a)1., F.S., relating to **the registration of an individual as a sexual offender;**
- Section 393.135, F.S., relating to **sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct;**
- Section 394.4593, F.S., relating to **sexual misconduct with certain mental health patients and the reporting of such sexual misconduct;**
- Section 775.30, F.S., relating to **terrorism;**
- Section 782.04, F.S., relating to **murder;**
- Section 787.01, F.S., relating to **kidnapping;**
- Any offense under chapter 800, F.S., relating to **lewdness and indecent exposure;**
- Section 826.04, F.S., relating to **incest;** and/or
- Section 827.03, F.S., relating to **child abuse, aggravated child abuse or neglect of a child.**

Disqualifying
Offenses
F.S. 1012.467

For the purpose of this statute, conviction is defined as in s. 943.0435, F.S., and 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 this section. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial 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. 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."

The results of the criminal history background check are retained by the Florida Department of Law Enforcement and are valid for five (5) years from the date of submission. After five (5) years, the record is automatically deleted and the noninstructional contractor must undergo another state and federal fingerprint based criminal history background check to continue serving as a paid contactor with any Florida public school or district.