

DISQUALIFICATION AS A VOLUNTEER

I. DISQUALIFICATION

A person is ineligible to be a volunteer with the School Board of Broward County, Florida ("District") if the person has been arrested for and is awaiting final disposition of, convicted of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged, any criminal offense under the conditions set forth below.

A. A person subject to this policy will be ineligible to become a volunteer or remain a volunteer with the District if the person:

1. Is currently on probation or awaiting disposition of pending criminal charges; or
2. Has been convicted of; has been found guilty of, regardless of adjudication; entered a plea of nolo contendere or guilty to; has been adjudicated delinquent and the record has not been sealed or expunged; or a court imposes a sanction for any Disqualifying Offenses listed in Policy 2404, sections A, B, C, D and E.

B. A person subject to this policy may be ineligible to become a volunteer or remain a volunteer with the District if the person has been convicted of; has been found guilty of, regardless of adjudication; entered a plea of nolo contendere or guilty to; has been adjudicated delinquent; or a court imposes a sanction for one or more crimes that negatively impacts the volunteer's fitness to volunteer or continue to volunteer in the capacity requested.

II. DEFINITIONS

A. "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. 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.

B. 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.

III. SEXUAL PREDATOR AND SEXUAL OFFENDER SEARCH

A search of the registration information regarding sexual predators and sexual offenders through the Dru Sjodin National Sexual Offender Public Website maintained by the United States Department of Justice must be conducted. If for any reason that site is not available, a search of the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043 shall be performed. This section does not apply to those positions or appointments within the District for which a state and national criminal history background check is conducted.

IV. RECONSIDERATION

A. Accuracy. An applicant may request reconsideration to challenge the accuracy of the background investigation. After reviewing the applicant's record and any documents the applicant provides, the District shall notify the applicant in writing of the District's final decision regarding the applicant's final clearance status.

B. Disqualifying Offenses. Other than reconsideration pursuant to subsection A above for accuracy, the District will not reconsider denial of clearance based on a record of a Disqualifying Offense listed in Policy 2404, regardless of how long ago the underlying criminal act occurred.

C. Non-Disqualifying Offenses. An applicant may also request reconsideration when the applicant believes the District improperly denied the applicant clearance due to a record relating to an offense other than a Disqualifying Offense listed in Policy 2404. For offenses other than a Disqualifying Offense listed in Policy 2404, the District may reconsider its initial determination if the underlying criminal act occurred more than ten (10) years prior to application to become a volunteer. After reviewing the applicant's record and any documents the applicant provides, the District shall notify the applicant in writing of the District's final decision regarding the applicant's final clearance status.

V. RIGHT TO DENY

Notwithstanding anything herein, this policy does not create a right to volunteer. The District reserves the right to deny any person the right to volunteer in the District's sole and exclusive discretion.

VI. PROCEDURES

The Chief Safety and Security Officer shall establish and maintain administrative procedures for implementing this policy.

Authority: §§ 381.0059, 381.00593, 402.47, 943.04351, 1012.01, Fla. Stat.

Adopted: TBD