



Division of Safety, Security & Emergency Preparedness

# Policy Revisions for 2405 & 4002 (Workshop 2) with Creation of New Policies 2404, 2407, & 2409 (Workshop 1) Safety, Security & Emergency Preparedness (SSEP)

# Overview

## Policy 4002

Hiring Procedures and Security/Background Screening and Photo Identification Badge Requirements



## Policy 2405

Self-Reporting Rule - Arrests/Charges and Final Dispositions

### Policy Overview

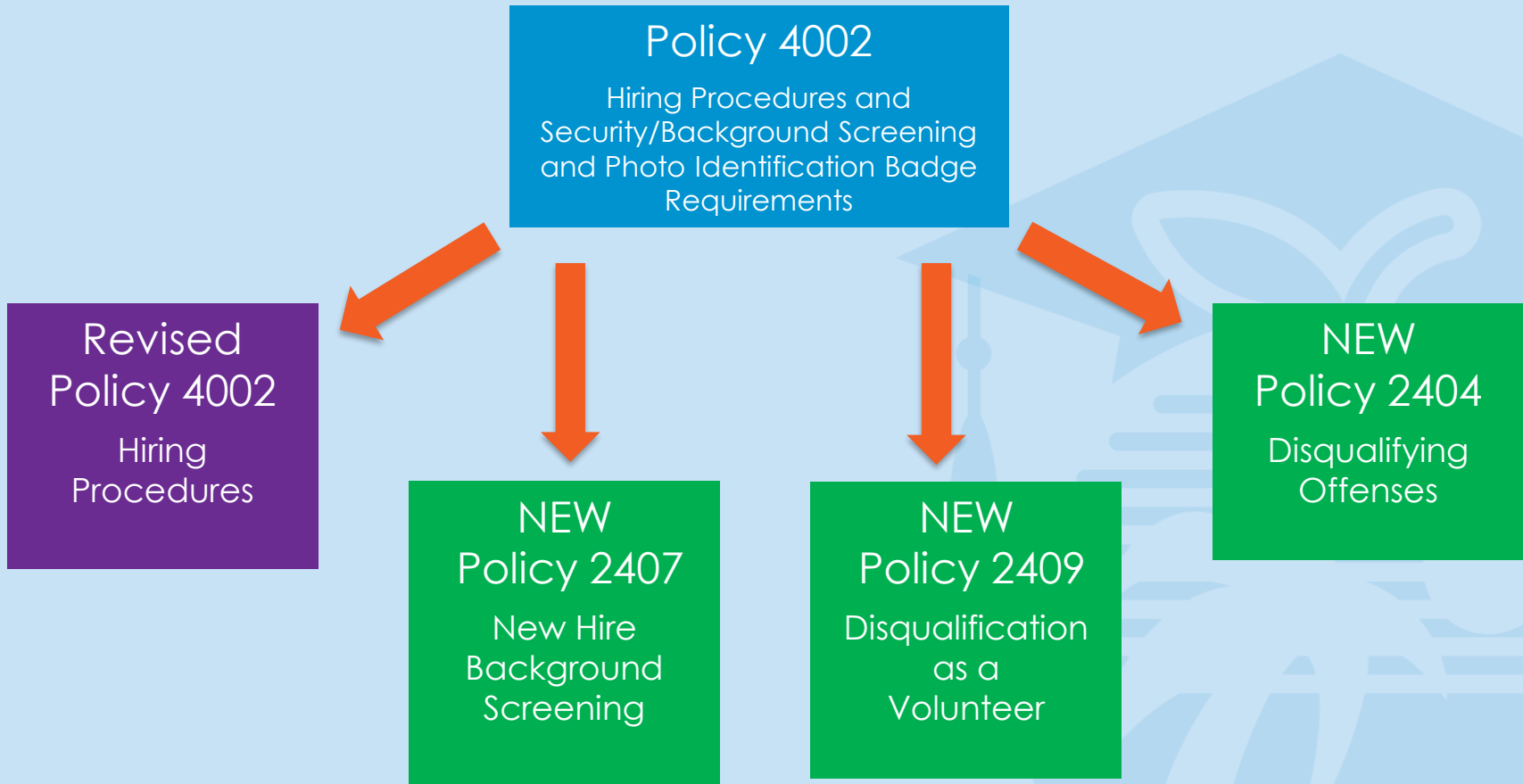
- Details District Hiring Procedures
- Outlines background check requirements for employees and volunteers
- Provides overview of disqualifying offenses

### Policy Overview

- Outlines expectations for employees to self-report arrests/charges
- Provides overview of disqualifying offenses



# Overview



# Overview

Policy 2405  
Self-Reporting Rule -  
Arrests/Charges and Final  
Dispositions



Revised  
Policy 2405  
Employee Self-Reporting Rule –  
Arrests/Charges and Criminal  
Proceedings

NEW  
Policy 2404  
Disqualifying Offenses





REVISED

# 4002 - Hiring Procedures

## Proposed Policy

## Page 1 Proposed Revisions:

- Title Change
- No substantive change to content on this page

4002 4002

### ~~HIRING PROCEDURES AND SECURITY BACKGROUND SCREENING AND PHOTO IDENTIFICATION BADGE REQUIREMENTS~~

#### INSTRUCTIONAL:

A PERSON SHALL BE APPOINTED TO A TEACHING POSITION ONLY IF HE/SHE HOLDS OR IS ELIGIBLE FOR A VALID FLORIDA FULL-TIME STATE EDUCATOR'S CERTIFICATE OR A SCHOOL BOARD OF BROWARD COUNTY INSTRUCTIONAL CERTIFICATE. OTHER CONSIDERATIONS BEING EQUAL, PREFERENCE SHALL BE GIVEN TO TEACHERS HAVING ADVANCED TRAINING AND DEGREES IN THEIR FIELDS OF SUBJECT MATTER, AS WELL AS SUCCESSFUL CLASSROOM TEACHER EXPERIENCE.

#### NON-INSTRUCTIONAL:

A NONINSTRUCTIONAL APPLICANT SHALL NOT BE APPOINTED UNLESS HE/SHE MEETS THE REQUIREMENTS OF THE POSITION FOR WHICH HE/SHE IS APPLYING AND IS RECOMMENDED FOR EMPLOYMENT BY THE PRINCIPAL OR COUNTY LEVEL UNIT ADMINISTRATOR.

#### OTHER BOARD APPOINTMENTS OR VOLUNTEERS:

ALL OTHER ADULTS, SALARIED OR VOLUNTEER, ASSOCIATED WITH THE BOARD IN ANY OFFICIAL CAPACITY AND HAVING ACCESS TO THE FACILITIES OF THE BOARD (THIS SHALL INCLUDE INTERN TEACHERS, EXCHANGE TEACHERS, AND ALL SPECIAL PROJECT PERSONNEL INCLUDING ADMINISTRATORS), SHALL SUBMIT INFORMATION AS MAY BE REQUIRED.

#### CONTRACT AWARDS, PROFESSIONAL CONSULTANTS AND OUTSIDE VENDORS:

PERSONNEL NOT PREVIOUSLY MENTIONED BUT WHO PERFORM CONTRACTED SERVICES, INCLUDING BUT NOT LIMITED TO: CUSTODIAL WORK, LAWN MAINTENANCE, COMMERCIAL BUS DRIVERS, IN-HOUSE FIELD TRIP PROVIDERS, PROFESSIONAL CONSULTANTS AND OUTSIDE VENDORS, SALARIED OR VOLUNTEER, SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS POLICY.

THE BOARD AUTHORIZES THE SUPERINTENDENT TO CREATE AND CARRY OUT ALL PROCEDURES NECESSARY TO IMPLEMENT THIS POLICY.

#### DEFINITIONS

For purposes of this policy, the following definitions shall apply:

1. Family Member - Spouse, father, mother, son, daughter, brother, sister, stepchildren, uncle, aunt, niece, nephew, cousin, and in-laws in the same degree.
2. Work Location - Any work organization under the direct supervision of a permanent employee of the School Board.

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REVISED

# 4002 - Hiring Procedures

## Proposed Policy

- 3. Direct Supervision - Recommending employment, authorizing or the ability to authorize payroll and/or participating in performance evaluation.
- 4. Vendor - Individual or Business entity that offers goods or services for sale to the District.
- 5. Professional Consultant - Individual or Business entity that gives professional advice or services regarding matters in their field, or the Business entity's special knowledge or training area for a negotiated fee.

### RULES

Before the appointment of an employee to any position may become final, the pertinent items of information from the following list shall be on file with Human Resources.

- 1. The appropriate Personnel Application shall be filled out completely and accurately. A false statement knowingly made may be grounds for dismissal.
- 2. Each employee of the Broward County Public School System shall be required to sign a loyalty oath (per State Statute); refusal to do so may constitute grounds for dismissal.
- 3. Appropriate Retirement Forms must be filled out completely.
- 4. Each employee must file his/her official copy of Social Security card with Human Resources in order for Employer's Withholding Act Exemption W4 Form to be prepared.
- 5. Forms covering Life and Health Insurance, to be paid by the Board, must be completed immediately. An employee desiring any of the additional insurances offered by the Board, but to be paid for by the individual involved, shall fill out optional forms and submit immediately.
- 6. Each employee of the Board shall permit the completion of an I-9 form and submission of same to the Florida Department of Education (as required).
- 7. Each employee must meet the requirements for the position for which he/she is applying.

~~8. Security Background Screening - Each applicant (permanent, temporary, contracted, volunteer (as applicable) recommended for employment or contracted services by the Board, or appropriate other personnel, shall permit the recording of his/her fingerprints. Personnel who have been fingerprinted pursuant to this policy and who have not had a break in service of more than ninety (90) days shall not be required to be re-fingerprinted. The fingerprints shall be submitted to the Department of Law Enforcement and the Federal Bureau of Investigation for processing.~~

~~All individuals must complete a security background form. Individuals with a criminal history must provide a police report, court disposition, a written statement and any additional documentation requested for each incident.~~

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## Page 2 Proposed Revisions:

- Remove Section 8
  - Migrate content to NEW Policy 2407 – New Hire Background Screening
- No other substantive change to content on this page





REVISED

# 4002 - Hiring Procedures

## Proposed Policy

~~A review of all the documentation will be conducted by the security clearance office personnel. The review includes adherence to the district's Security Personnel Hiring Guidelines (Attachment A). The cases may be referred to the Security Clearance Committee for security clearance determination. Individuals will be notified in writing about their clearance status and the process to appeal.~~

~~The appeal and all documentation will be reviewed to determine whether there is a basis to overturn the denial of security clearance. The individual will be notified in writing about the final decision.~~

~~a. New permanent employees shall be on probationary status pending fingerprint processing and determination of compliance with standards for good moral character as defined by F.S. 1012.32 and the Commission of Education.~~

~~b. The cost of the fingerprint processing shall be borne by the employee at a cost determined by the District.~~

~~9. Each person being cleared for employment will be checked against a state database of arrest warrants issued for failure to make child support payments. If the person's name appears on said list, documentation of the compliance with legal requirements must be submitted.~~

~~10. The Superintendent will provide information on affected applicants and employees to the appropriate Broward County and State of Florida governmental entities, to the extent permitted by law, to assist those offices in enforcement of child support obligations.~~

~~11. The Board reserves the right to fingerprint volunteers pursuant to the procedures contained in the rules above, as prescribed by the Superintendent or designee.~~

~~12. Non-employees, including but not limited to consultants, contract awardees, vendors and their employees or representatives engaged by the School Board under its purview shall be required to have all employees, sub-contractors, or agents entering onto School Board property will wear a photo identification badge issued by the School Board of Broward County. Any applicant denied a badge is prohibited from entering onto School Board property. School Principals must review and approve the access of outside vendors provided by independent school-related organizations.~~

~~13. The Superintendent or designee shall have the authority to waive SBBC security background checks and/or photo identification badge requirements for reasons including but not limited to the following:~~

~~a. Appearances by speakers who provide presentations to SBBC staff, parents and/or students.~~

~~b. Consultants, vendors and contracted persons who provide workshops, training or related activities to staff while on School District property.~~

## Page 3 Proposed Revisions:

- Remove Sections 8-10
  - Migrate content to NEW Policy 2407 – New Hire Background Screening
- Remove Section 11
  - Migrate content to NEW Policy 2409 – Disqualification of a Volunteer
- Remove Sections 12-13
  - Migrate content to NEW Policy 2407 – New Hire Background Screening





REVISED

# 4002 - Hiring Procedures

## Proposed Policy

~~c. Professionals who may have undergone Level Two (2) screening through outside awarders, for which documentation is on file substantiating favorable results of the screening;~~

~~d. General Contractors and Sub-contractors, where new schools are being built and students do not have access to the new school construction site.~~

### ~~14.8~~ Employment of Relatives

In order to maintain an efficient and effective work force, the School Board permits the employment of related persons pursuant to the rules of this policy.

- a. No administrator/supervisor/principal shall knowingly recommend or engage in the hiring/promotion/assignment of an individual/employee to a work location if said action will create a situation where one employee will be responsible for the direct supervision of another employee who is a family member. The Superintendent has the authority to make exceptions to this policy where such personnel actions would cause undue hardship on students or seriously disrupt the school system's operations.
- b. Nothing in this policy shall prohibit the employment of family members in the same work location provided that neither is directly supervised by the other.

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### ~~14.9~~ Instructional Certificated Personnel

- a. A person who holds a full-time Florida Educator's Certificate or a School Board of Broward County Instructional certificate appropriate for the position is eligible for employment in the school system of Broward County.
- b. A person who holds an initial full-time state temporary certificate is eligible for employment in the school system of Broward County. A person must comply with State required examinations.
- c. The required evidence of eligibility for a State or School Board of Broward County certification or other licensure or expertise must be on file in the designated Office at the time of hire. The cost of obtaining a School Board of Broward County Instructional Certificate shall be the responsibility of the employee at the rate to be determined by the Superintendent.

### ~~14.10~~ Vocational Technical and Adult Instructional Personnel, School Board of Broward County Certificated

Vocational, Technical and Adult instructional personnel certificated by the School Board of Broward County may be utilized by the schools when special services are needed to deliver appropriate instruction. All Vocational, Technical and Adult instructional personnel shall have on file in the designated office such information considered necessary by the Board to establish the credentials of the specialty of the individual, including but not limited to, School Board of Broward County Instructional Certificate, work experience verification records and additional records which establish specialty credentials of individuals (i.e., other licensure, certificate of completion, etc.).

~~1~~

## Page 4 Proposed Revisions:

- Remove Section 13
  - Migrate content to NEW Policy 2407 – New Hire Background Screening
- Re-numbering of items to adjust for removal of content from previous pages
- No other substantive change to content on this page







REVISED

# 4002 - Hiring Procedures

## Proposed Policy

### ~~42-11~~ Teachers With Special Expertise, School Board of Broward County Certificated

- a. For the greater benefit of the school system of Broward County, the Superintendent may recommend for employment persons in highly specialized or technical fields such as the arts, engineering, medicine, etc., or in areas of critical shortage as identified by the Superintendent or his/her designee. Individuals hired under this rule must hold at least a four-year degree and provide documentation that establishes their expertise. No individual may be employed under this provision without specific authorization of the Superintendent or his/her designee.
- b. Employment procedures for The School Board of Broward County certificated teachers with special expertise shall be the same as those followed by state certified instructional personnel except that they shall not be entitled to an instructional contract as prescribed as Florida State Board of Education Administrative Rule 6A-1.064 (1).
- c. Departments or principals in schools to which School Board of Broward County certificated teachers with special expertise are assigned, shall ensure that each employee understands all state and district rules, regulations and policies pertinent to working with students.

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~~44-12~~ School Board of Broward County certificated school social workers must hold a Master's of Social Work (M.S.W.) degree from an accredited institution. School Board of Broward County certificated school psychologists must hold a current license as a School Psychologist or Psychologist issued by the Florida Department of Professional Regulation. School Board of Broward County certificated Audiologists shall hold a certificate of registration in Audiology. Family counselors must have a Master's degree in counseling and guidance, social work, psychology, or any other related field from an accredited institution. All School Board of Broward County certificated occupational and physical therapists and occupational and physical therapy assistants shall hold a license to practice in the State of Florida. Copies of appropriate credentials must be on file in Personnel Records.

~~44-13~~ Where certain types of special services are necessary, the services of professionally qualified personnel, including but not limited to, non-certificated instructional occupational, physical therapists, occupational, and physical therapy assistants and speech language pathologists may be contracted with outside agencies. The contract shall specify the relationship between the contracting agency and the Board according to Board approved requirements. All such contracts shall be approved by the Board. Individuals hired under this provision must complete the appropriate Board forms and shall permit recording of fingerprints, as prescribed by F.S. 1012.32(2)(a).

AUTHORITY: F.S. 1001.41  
 POLICY ADOPTED: 4/20/04  
 REVISED: TBD

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~~-8-~~

## Page 5 Proposed Revisions:

- No substantive change to content on this page
- Re-numbering of items to adjust for removal of content from previous pages





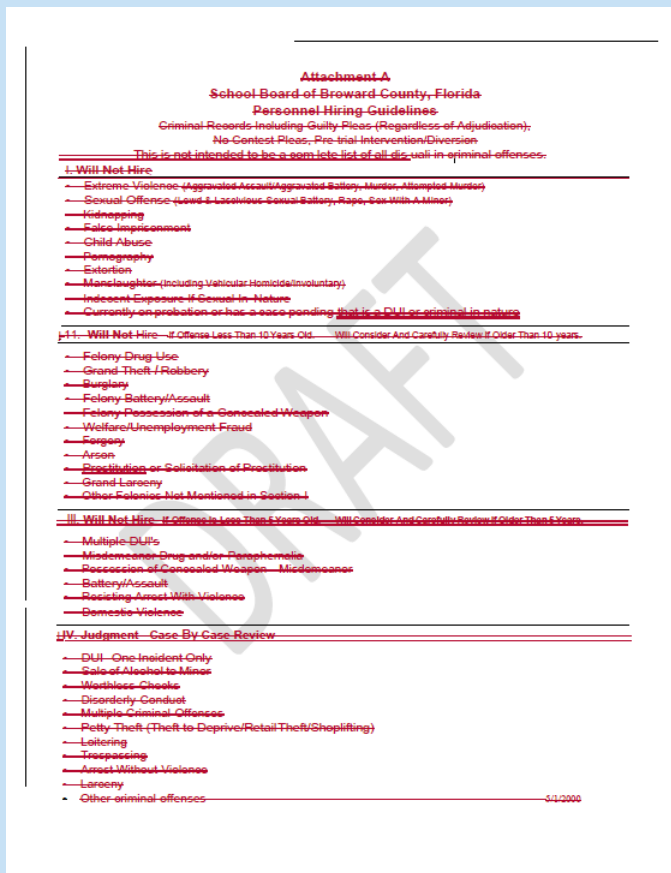
REVISED

# 4002 - Hiring Procedures

## Proposed Policy

## Attachment A Proposed Revisions:

- Remove Attachment A from Policy 4002
- Migrate content to NEW Policy 2404 – Disqualifying Offenses





# 2404 - Disqualifying Offenses

## Proposed Policy

## Page 1 Overview:

2404 2404

DISQUALIFYING OFFENSES

I. DISQUALIFICATION

A person is ineligible for employment, student teaching, and/or continued employment, with the School Board of Broward County, Florida 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 and the record has not been sealed or expunged; or a court imposes a sanction as a result of any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

A. **Felony Offenses.** Any felony offense prohibited under any of the following Florida Statutes:

1. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
2. Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
3. Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
4. Section 782.04, relating to murder.
5. Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
6. Section 784.021, relating to aggravated assault.
7. Section 784.045, relating to aggravated battery.
8. Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.
9. Section 787.01, relating to kidnapping.
10. Section 787.02, relating to false imprisonment.
11. Section 787.025, relating to luring or enticing a child.
12. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
13. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings

1

- Section I, Subsection A lists specific Felony Offenses and the corresponding statute





# 2404 - Disqualifying Offenses

## Proposed Policy

concerning alleged abuse or neglect of a minor.

14. Section 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.
15. Section 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.
16. Section 794.011, relating to sexual battery.
17. Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.
18. Section 794.05, relating to unlawful sexual activity with certain minors.
19. Section 794.08, relating to female genital mutilation.
20. Chapter 796, relating to prostitution.
21. Chapter 800, relating to lewdness and indecent exposure.
22. Section 800.101, relating to offenses against students by authority figures.
23. Section 806.01, relating to arson.
24. Section 810.14, relating to voyeurism.
25. Section 810.145, relating to video voyeurism.
26. Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000.
27. Section 812.0145, relating to theft from persons 65 years of age or older.
28. Section 812.019, relating to dealing in stolen property.
29. Section 812.13, relating to robbery.
30. Section 812.131, relating to robbery by sudden snatching.
31. Section 812.133, relating to carjacking.
32. Section 812.135, relating to home-invasion robbery.
33. Section 817.563, relating to fraudulent sale of controlled substances.
34. Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
35. Section 825.103, relating to exploitation of an elderly person or disabled adult.
36. Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
37. Section 826.04, relating to incest.

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## Page 2 Overview:

- Continuation of specific Felony Offenses and the corresponding statute





# 2404 - Disqualifying Offenses

## Proposed Policy

38. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
  39. Section 827.04, relating to contributing to the delinquency or dependency of a child.
  40. Section 827.071, relating to sexual performance by a child.
  41. Section 843.01, relating to resisting arrest with violence.
  42. Chapter 847, relating to obscenity.
  43. Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.
  44. Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.
  45. Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
  46. Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.
  47. Section 985.701, relating to sexual misconduct in juvenile justice programs.
  48. Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.
- B. Misdemeanor Offenses.** Any misdemeanor offense prohibited under any of the following statutes:
1. Section 784.03, relating to battery, if the victim of the offense was a minor.
  2. Section 787.025, relating to luring or enticing a child.
- C. Crimes Involving Moral Turpitude.** Any other crime not listed above involving moral turpitude which shall include, but not be limited to, any crime involving the abuse of a child, the sale and/or possession of a controlled substance, sexual misconduct, sexual battery, possession (includes e-mail transmissions) or sale of pornography involving minors, or sexual relations with students, or lewd and lascivious behavior in the presence of a minor.
- D. Crimes in Other Jurisdictions.** Any criminal act committed in another state, country or under federal law, including those punishable by a military tribunal, including courts-martial conducted by the Armed Forces of the United States of America, which, if committed in this state, constitutes an offense prohibited under any statute listed in sections A, B, or C.

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## Page 3 Overview:

- Continuation of specific Felony Offenses and the corresponding statute
- Subsection B identifies Misdemeanor Offenses and the corresponding statute
- Subsections C & D define Crimes Involving Moral Turpitude and Crimes in other Jurisdictions which may not be covered by Subsections A & B





# 2404 - Disqualifying Offenses

## Proposed Policy

**E. Delinquent Acts.** Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under § 943.0435(1)(h)1.d., Fla. Stat.

### 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. RE-SCREENING

Every five (5) years following employment, the District shall re-screen each person who remains employed to ensure that the employee remains in compliance with the requirements of this policy.

### IV. PROCEDURES

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

**Authority:** §§ 1001.32(2), 1012.315, 1012.32, 1012.321, 1012.33, 1012.335, 1012.465 and 1012.56, Fla. Stat.; Rule 6A-10.081, Florida Administrative Code

**Adopted:** TBD

4

## Page 4 Overview:

- Subsection E defines Delinquent Acts which may not be covered by Subsections A - D
- Section II – Definitions for the words “Convicted” and “sanction” used in Section I
- Section III – Re-screening every five (5) years following employment as required by statute





# 2407 - New Hire Background Screening

## Proposed Policy

2407

2407

### NEW HIRE BACKGROUND SCREENING

#### I. CRIMINAL BACKGROUND SCREENING

Prior to commencing employment, each person offered employment with the School Board of Broward County, Florida ("District"), must undergo a criminal background screening by filing with the District a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints. The person's fingerprints must be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. The cost of the background screening will be borne by the person seeking employment.

A. A person subject to this policy will be ineligible to commence employment 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 Criminal Offenses listed in Policy 2404, sections A, B, C, D and E.

B. A person subject to this policy may be ineligible to commence employment 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 applicants fitness for the position for which he/she is applying.

#### 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.

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## Page 1 Overview:

- Section I content migrated from current Policy 4002
  - Language included to reflect current new hire background screening requirements
  - Reference added to NEW Policy 2404 – Disqualifying Offenses
- Section II Definitions for the words “Convicted” and “sanction” used in Section I





# 2407 - New Hire Background Screening

## Proposed Policy

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. 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 for employment. 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.

### IV. PROCEDURES

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

**Authority:** §§ 1001.32(2), 1012.315, 1012.32, 1012.321, 1012.33, 1012.335, 1012.465 and 1012.56, Fla. Stat.; Rule 6A-10.081, Florida Administrative Code

**Adopted:** TBD

2

## Page 2 Overview:

- Section III language migrated from current policy 4002
  - Language revised to reflect Reconsideration process (previously referred to as appeal process)







# 2409 - Disqualification as a Volunteer

## Proposed Policy

2409

2409

### 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.

1

## Page 1 Overview:

- Section I content migrated from current Policy 4002
  - Includes reference to NEW Policy 2404 – Disqualifying Offenses
- Section II – Definitions for the words “Convicted” and “sanction” used in Section I





# 2409 - Disqualification as a Volunteer

## Proposed Policy

### 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

2

## Page 2 Overview:

- Section III - Sexual Predator and Sexual Offender Search included
- Section IV language migrated from current policy 4002
  - Language revised to reflect Reconsideration process (previously referred to as appeal process)
- Section V includes language that emphasizes the District's right to deny a volunteer





REVISED

# 2405 - Employee Self Reporting Rule

## Proposed Policy

2405

2405

### EMPLOYEE SELF-REPORTING RULE-ARRESTS/CHARGES AND CRIMINAL PROCEEDINGS

#### I. ARRESTS/CHARGES

All employees shall self-report in writing to the Security Clearance Department within forty-eight (48) hours after the employee's arrest, citation or charge for any Disqualifying Offense listed in policy 2404, and all felonies or any other crimes that impact the employee's ability to perform any essential job functions. All employees shall also self-report in writing when the employee is given a condition of release that impact his or her continued ability to perform any essential job functions.

In addition, all employees holding a Commercial Driver's (CDL) License, as a condition of employment shall self-report, in writing, to the Security Clearance Department and Transportation Department within forty-eight (48) hours after any citations, arrests or charges involving Driving Under the Influence (DUI) or driving while intoxicated (DWI).

Such notice will not be considered an admission of guilt.

#### II. CRIMINAL PROCEEDINGS

All employees shall self-report in writing all criminal proceedings, and any associated conditions of such proceedings, that impact an employee's ability to perform any essential job functions. This reporting requirement applies regardless of jurisdiction and includes adult and juvenile delinquency proceedings in Florida, another state, another country, or under federal law, including those punishable by a military tribunal.

**A. Employees without CDL.** For any proceeding involving an employee not required to hold a CDL, who was charged with committing a crime, other than a minor traffic violation, the employee shall self-report, in writing, to the Security Clearance Department within forty-eight (48) hours after any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion intervention program, entering a plea of guilty or nolo contendere, or imposition of a sanction.

**B. Employees with CDL.** For any proceeding involving an employee required to hold a CDL, who was charged with committing a crime, other than a minor traffic violation, the employee shall self-report, in writing, to the Security Clearance Department and Transportation Department within forty-eight (48) hours after any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion intervention program, entering a plea of guilty or nolo contendere, or

## Page 1 Proposed Revisions:

- Section I – Arrests/Charges language revised to:
  - Include language requiring the self-reporting of an employee's arrest, charges or criminal proceedings within 48 hours
  - Remove language related to disqualifying offenses and reference NEW Policy 2404
- RULES Section removed
- Section II – Criminal Proceedings added to identify the respective procedures for employees with a CDL and employees without a CDL.





REVISED

# 2405 - Employee Self Reporting Rule

## Proposed Policy

imposition of a sanction.

Note: Driving under the influence (DUI), or driving while intoxicated (DWI), is not a minor traffic violation and must be reported.

### III. 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.

### IV. FAILURE TO COMPLY

Failure to comply with the self-reporting rule may result in disciplinary action, up to and including termination of employment.

### V. PROCEDURES

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

**Authority:** §§ 1001.32(2), 1012.315, 1012.32, 1012.321, 1012.33, 1012.335, 1012.465 and 1012.56, Fla. Stat.; Rule 6A-10.081, Florida Administrative Code

**Adopted:** 5/1/01

**Revised:** TBD

## Page 2 Proposed Revisions:

- Section III – Definitions for the words “Convicted” and “sanction” used in Section I
- Section IV - Failure to Comply
  - Language pulled from current Section I



# Process Improvements

- Expands the list of criminal offenses for District review
- Authorizes the review of case information regarding criminal arrests and/or adjudications that may have gone unreported in the previous policy
- More encompassing oversight into compliance with the self-reporting policy and the underlying conditions including, but not limited to, criminal pretrial release and/or probationary conditions that may affect the employee's workplace status
- Establishes an obligation on the employee to notify the District when a criminal case impedes the employee's workplace status



# Options for Corrective Action

1. The Security Clearance Department, with guidance from Employee & Labor Relations Department, shall follow due process requirements in implementing corrective action.

OR

2. Allow the Security Clearance Department to utilize the Professional Standards Committee for corrective action determination.



# The School Board of Broward County, Florida

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