

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.

- 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: 12/15/2020