

CHAPTER 6.00 – PERSONNEL

6.103

APPOINTMENT OR EMPLOYMENT REQUIREMENTS

POLICY:

Any person desiring employment shall file a completed application on the form provided by the Superintendent.

I. Qualifications

- (A) Must be of good moral character.
- (B) Must have attained the age of eighteen (18) years with the exception of students employed by the Board.
- (C) Must not be ineligible for employment under 1012.315, F.S., if applying for an instructional, administrative or any other position requiring direct contact with students.

II. Certificate Requirements

Each applicant for an instructional or a certificated administrative position shall hold a certificate, have a receipt from the Florida Department of Education acknowledging that an application has been filed and that issuance of the certificate is pending, or have the proper license to perform services.

- (A) To be considered for a position, an applicant shall be duly qualified for that position in accordance with state law, regulations of the Florida Department of Education and the approved job description. If it appears that the applicant is eligible for proper certification, appointment may be made subject to the conditions set forth in the annual contract of employment as approved by the School Board.
- (B) Any person not holding a valid Florida certificate at the time of employment shall be required, upon initial employment, to make application to the Florida Department of Education for such a certificate, through the Personnel Services office of the District. When such certificate is received, it must be filed with the office of the Superintendent. If the Department of Education declines to issue a certificate, the person's employment shall be terminated immediately. Failure to file such certificate, except for good cause as determined by the Superintendent, shall result in the termination of employment.

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III. Interviews and Appointments

- (A) Interview teams, including those with community representatives, shall reasonably reflect the District's diverse racial, ethnic, and gender composition.
- (B) The Superintendent or designee shall monitor and ensure that appointments and assignments are consistent with the District's intent of maintaining a diverse work force.

IV. Driving Record

- (A) The driving record of each applicant for the position of school bus operator or for any position that would require the person to drive a School Board vehicle shall be reviewed to determine if the record contains any infractions of the driving code that would make the applicant unqualified for the position in accordance with the District safe driver plan.
- (B) The driving record of each current school bus operator shall be reviewed prior to the first day of the fall semester and periodically during the school year to determine if the record contains any infractions of the driving code that would make the operator unqualified for the position in accordance with the District safe driver plan. The driving record of any employee who is required to drive a School Board vehicle shall also be reviewed periodically during the year to determine whether the employee may continue in the position.

V. Initial Employment

- (A) Any offer of employment with the School District is conditioned on submission of fingerprints as required by Florida Statute and a background investigation by the Superintendent or designee and District Criminal Background Check (CBC) committee. After a job offer, but prior to beginning employment with the District, all candidates for all positions must undergo a criminal and employment background check to determine suitability for employment. The application for employment shall inform applicants they are subject to criminal background checks, and advise applicants that failure to be truthful on the application about prior criminal history will be grounds for ineligibility or dismissal from employment.

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- (B) As a condition of employment and prior to beginning work, an applicant who has received a conditional job offer must file a complete set of fingerprints taken by an authorized law enforcement officer or an employee of the District trained to take fingerprints. The fingerprints shall be processed by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). The applicant shall be required to pay for full costs of processing at the time of fingerprinting.
- (C) A Criminal Background Check (CBC) committee shall be established to review the criminal history of all persons nominated for initial employment. The CBC committee shall obtain criminal background information for applicants through requests to the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). The CBC committee shall include, but not be limited to, the Director of Personnel Services, the District EEO Officer, and a representative of the County Sheriff's Department.
- (D) When the fingerprint or background check reports are returned, the committee shall review both the application and the report(s) concerning the individual. The CBC committee will compare the information provided by the new employee with the information received from the FDLE and/or the FBI pursuant to Florida Statute.
- (E) The Superintendent or designee shall conduct employment history checks of applicants for instructional, administrative or any other positions requiring direct contact with students. The employment history check shall include, but not be limited to, screening through the use of educator screening tools described in law and contact with each previous employer. All findings shall be documented. If the Superintendent is unable to contact a previous employer, he/she shall document all efforts to contact the previous employer. For all other applicants, the CBC committee or its designee shall contact or attempt to contact all prior employers for a minimum of the past ten (10) years and all private or public educational institutions by which the applicant was previously employed while age eighteen (18) or older. The committee shall document all attempts to contact previous employers.
- (F) No applicant who has received a conditional job offer shall begin work before his/her fingerprints are processed, the criminal and pre-employment investigation is completed, and a determination is rendered as to suitability for employment.

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- (G) Based upon the facts of an application, criminal background check or other valid or reliable data sources, applicants who are, or have been convicted of certain serious offenses may be denied employment by the School District. As used in this section the term conviction is defined as a finding of guilt, a plea of guilty, or a plea of *nolo contendere*, or a verdict of guilty. The withholding of adjudication or the 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. Other information derived from the pre-employment investigation, which indicates the applicant may not be suitable for employment by the School District, may be grounds for denying employment to an applicant.
- (H) An applicant shall be disqualified from employment in any position requiring direct contact with students if he/she is ineligible for employment under 1012.315, F.S.
- (I) Any instructional or noninstructional persons under contract to the School District to operate student programs, student teacher, persons participating in short-term teacher assistance experiences or field experiences who have district contact with students must meet the requirements of V.A., B., E, and F. Such persons may not be in direct contact with students if ineligible under 1012.315, F.S.

VI. Current Employees

- (A) Whenever a personnel investigation of a complaint against an employee is required, a criminal background check may be conducted as part of the investigation.
- (B) If it is discovered during the period of employment that a regular employee has a prior criminal record and that the employee was requested to provide this information at the time of hire, but did not do so, the employee may be subject to disciplinary action, including dismissal for submitting false information on the employment application, or otherwise having misled the District.
- (C) If it is discovered during the period of employment that an employee has a prior criminal record and no falsification of an application nor attempt to mislead occurred, the record shall be reviewed by the CBC committee. The committee shall consider all information, including any mitigating conditions, and report findings of fact, possible mitigating circumstances and recommendations for action to the Superintendent. The employee shall have the opportunity to respond in writing to the findings and recommendation. The Superintendent shall review the record, recommendation and response before taking appropriate action. Appeal of the Superintendent's action shall follow collective bargaining agreements or School Board policy, as appropriate.

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(D) Instructional personnel and noninstructional or contractual personnel who have direct contact with students or have access to or control of school funds must meet the screening requirements described in law every five (5) years. Personnel whose fingerprints have not been maintained by the Department of Law Enforcement are required to be refingerprinted.

(E) An employee whose criminal record after employment would disqualify him/her from employment shall be subject to disciplinary action up to and including termination.

VII. Drug Testing

(A) Initial Employment

1. A negative drug screen will be a requirement of initial employment. An applicant who has been offered a position will be referred to a Board approved, independent, certified laboratory. The drug screen must be conducted within thirty (30) days prior to employment. The cost of the drug screening will be the responsibility of the School Board.
2. Applicants testing positive will not be eligible for employment by the School Board for one (1) year from the date of the test. Refusal to participate in the drug screening will prohibit an applicant from employment with the Board.

(B) Current Employees

1. An employee may be subject to drug testing based on a reasonable belief that he/she is using or has used drugs in violation of the Drug-free Workplace policy.
2. An employee may be subject to follow up testing at the recommendation of a substance abuse professional or medical review officer.
3. An employee shall be subject to a drug screen immediately following a work related accident or injury.
4. An employee who is subject to the requirements of the Omnibus Transportation Employees Testing Act (OTETA) shall be subject to random drug testing, post accident drug testing and return to duty testing as required by federal law.

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VIII. Acceptance of Appointment

Failure to signify acceptance of appointment within ten (10) days after receipt of the official notice of appointment shall be considered a rejection of the offer and the position shall be declared vacant.

IX. Reconsideration and Appeal

(A) Applicants who have been denied employment, and probationary employees who have been denied permanent employment, on the basis of their criminal record, drug screening and/or background check, may request reconsideration by the CBC committee only if they present new information not previously available to the committee.

(B) Applicants who have been denied employment, and probationary employees who have denied permanent employment, because of their criminal record and/or background check, may appeal to the Superintendent. Applicants and probationary employees shall receive written notice of the right to appeal the decision by the CBC committee to the Superintendent. Their appeal must be in writing, and may respond to the findings and decision of the CBC committee. If new information is to be submitted, the applicant must first request reconsideration by the CBC Committee. The Superintendent's decision shall be final.

X. The District shall ensure that all aspects of the recruitment and selection process are job-related and are consistent with business necessity so as to ensure equal employment opportunity. Neither the District nor its agents shall engage in any discrimination with respect to employment in violation of any state or federal laws. Applicants shall be informed of the complaint procedure that may be used should they allege discrimination.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAWS IMPLEMENTED: 381.0056, 440.102, 1001.42, 1001.43, 1012.01, 1012.22, 1012.27, 1012.315, 1012.32, 1012.39, 1012.465, 1012.55, 1012.56, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-3.0141

History:

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