

CHAPTER 6.00 – PERSONNEL

APPOINTMENT OR EMPLOYMENT REQUIREMENTS

6.17*

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

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 or shall have a receipt from the Florida Department of Education acknowledging that an application has been filed and that issuance of the certificate is pending.

- 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 Human Resources Department 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.

CHAPTER 6.00 – PERSONNEL

III. Interviews and Appointments

- A. When interviews are conducted by interview teams, including those with community representatives, the team 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. Criminal Background Check

A. Initial Employment

- 1. 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 Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). 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.

CHAPTER 6.00 – PERSONNEL

2. 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 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.
3. 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.
4. 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.
5. 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.
6. 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.

CHAPTER 6.00 – PERSONNEL

7. Any instructional or non-instructional person under contract to the School District to operate student programs, student teachers, persons participating in short-term teacher assistance experiences or field experiences who have direct contact with students must meet the requirements of V.A.1., 2., 3 and 4.

B. Current Employees

1. Whenever a personnel investigation of a complaint against an employee is required, a criminal background check may be conducted as part of the investigation.
2. 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.
3. 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 Director of Personnel. The Director of Personnel 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.
4. Instructional personnel and non-instructional 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.
5. An employee whose criminal record after employment would disqualify him/her from employment shall be subject to disciplinary action up to and including termination.

CHAPTER 6.00 – PERSONNEL

VI. Physical Examinations

Each new employee will file completed medical examination forms prior to his/her start of employment.

VI. Pre-employment Drug Testing

A. Purpose - The intent of this policy is to implement pre-employment substance screening in an effort to further eliminate substance abuse and its effects in the classroom and offices. While the School Board of Sarasota County, Florida (the “School Board”), has no intention of intruding into the private lives of its future employees, involvement with drugs can reasonably be expected to produce impaired job performance and pose a threat to employee and student safety. Our concern is that future employees are in a condition to perform their duties safely and efficiently, in the best interest of their students and co-workers. This policy applies to all applicants for administrative, instructional and classroom aide positions with the School Board. This policy applies to all substances; drugs; or medications, legal or illegal, which could impair an employee’s ability to effectively and safely perform the functions of the job. All persons covered by this policy should be aware that violations of the policy may result in not being hired.

B. Procedures - Applicants for administrative, instructional and classroom aide positions: pre-employment drug screening will be required for applicants of all administrative, instructional and classroom aide positions prior to, and as a condition of, final employment with the School Board. The term *applicant* refers to a person who has applied for an administrative, instructional or classroom aide position with the School Board, and has been offered employment conditioned upon successfully passing a drug test. Temporary part-time employed to teach courses through Adult and Vocational Education are exempt from the requirement of this policy.

1. Applicants will be referred to a School Board approved, independent, certified collection site. Applicants must complete and present a signed and witnessed authorization for substance screening form to the Human Resources Department. The School Board will not accept results from any laboratory or collection and testing procedures are set forth in the *Applicant Handbook* on file in the Human Resources Department.
2. It will be the responsibility of the applicant to pay for any and all costs related to these tests.

CHAPTER 6.00 – PERSONNEL

3. A positive result from a drug analysis will result in the applicant not being hired unless the applicant can produce verification of a valid current prescription for the drug identified in the drug screen.
 4. Within five (5) working days after receiving notice of a positive confirmed test result, the applicant shall be allowed to submit written information explaining or contesting the test results. If the applicant's explanation is unsatisfactory, the Human Resources Department shall provide a written explanation as to why, along with a copy of the report of positive results, within fifteen (15) working days of receipt of explanation or challenge. All such documentation shall be kept confidential by the School Board and shall be retained for at least one year.
 5. In the absence of a valid current prescription, or the ability to provide evidence to satisfactorily explain the test results, applicants testing positive will not be eligible for employment with the School Board for one year from the date of the drug screen results that are received by the School Board.
 6. Refusal to submit to a drug screening will be grounds to refuse to hire the applicant.
- C. Confidentiality - Laboratory results or test results shall not appear in an employee's general personnel records. Information of this nature will be contained in a separate medical file that will be appropriately maintained by the Executive Director of Human Resources. The reports or test results may be disclosed to School Board administrators on a strictly need-to-know basis and to the tested employee upon request. Disclosures without employee consent may also occur when:
1. The information is compelled by law or by judicial or administrative process;
 2. The information has been placed at issue in a formal dispute between the employer and employee;
 3. The information is to be used in administering an employee benefit plan; and
 4. The information is needed by medical personnel for the diagnosis or treatment of the employee in the event the employee is unable to authorize disclosure.

CHAPTER 6.00 – PERSONNEL

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

LAW(S) IMPLEMENTED: **381.0056, 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: **ADOPTED: 08/21/01
REVISION DATE(S): 3/1/05, 6/5/07, 4/7/09
FORMERLY: 3.107, 4.102, 4.104,
4.105, 4.123, 4.133, 4.134,
5.102, 5.103, 5.107, 5.201**

NOTES: **Please Refer To: Human Resources Procedures Manual**