

3120 - EMPLOYMENT OF INSTRUCTIONAL STAFF

The School Board recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with qualified and competent personnel. Any person employed in an instructional position requiring certification shall possess a valid certificate issued pursuant to Florida law and shall file the certificate with the District. It is the responsibility of the employee to obtain and maintain proper certification and required endorsements in order to teach the course(s) to which they are assigned. It is the responsibility of the employee to be highly qualified in accordance with applicable law. Instructional personnel who have been assigned english language learner (ELL) students shall comply with School Board policy 2470 and Rule 6A-6 0907 F.A.C , as amended from time to time. Employees who are not highly qualified or who do not possess the required certification or endorsement to teach the course(s) to which they are assigned, are required to contact the Chief of Human Resources and take the steps necessary to obtain the required status. Failure to meet the compliance requirements shall constitute just cause for termination of employment where just cause is required or non reappointment of a professional service contract.

The Board shall require an applicant for employment with a certificate from a district whose employment and/or certification requirements are not comparable to the District's to complete all requirements for initial employment and certification.

For purposes of this policy, instructional staff includes classroom teachers, librarians/media specialists, guidance counselors, social workers, school psychologists, and other instructional staff whose positions are included in the District's instructional salary schedule.

All instructional staff members shall become familiar with the policies of the Board and other such policies, regulations, memoranda, bulletins, and handbooks that pertain to their duties in the District. Any instructor employed by the Board who shall be guilty of any willful violation of the policies of the Board shall be guilty of gross insubordination and shall be subject to dismissal or such other lesser penalty as the Board may prescribe.

The Superintendent shall also conduct employment history checks of all applicants for instructional staff positions. The employment history check shall include, but not necessarily be limited to, contacting any previous employer and screening the applicant through the use of the screening tools described in State law. If contact with a previous employer cannot be made, the Superintendent shall document the efforts made to do so.

Any instructional staff member's misstatement of fact material to qualification for employment or the determination of salary shall be considered to constitute grounds for dismissal.

QUALIFICATIONS FOR INSTRUCTIONAL PERSONNEL

To be eligible for employment in an instructional staff position, an individual must be of good moral character, and, if required, hold a valid certificate issued pursuant to Florida law and the rules of the State Board of Education or the Department of Children and Family Services, except when employed pursuant to F.S. 1012.55 or under the emergency provisions of F.S. 1012.24. Previous residence in this State shall not be required in any school of the State as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity. A person who is found through background screening, pursuant to Board policy, to have been adjudicated guilty of a crime specified in F.S. 1012.315, or convicted of a crime involving moral turpitude as defined by the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students.

Additionally, the following guidelines shall apply:

A Category One

Felony sexual related crimes, felony lewd and lascivious crimes, felony child abuse crimes, and any other crime involving moral turpitude.

The District will not hire applicants who have been convicted of Category One offenses.

B Category Two

Felony crimes of violence and felony sale of controlled substances.

The District will not hire the applicant if the conviction for a Category Two offense was within the last twenty-five (25) years. The District will consider the applicant and carefully review the conviction for a Category Two offense if it was beyond twenty-five (25) years

C Category Three

Other felony crimes (except those designated under Category Five), any other misdemeanor crimes of a sexual nature, and misdemeanor crimes related to children.

The District will not hire the applicant if the conviction for a Category Three offense was within the last ten (10) years. The District will consider the applicant and carefully review the conviction for a Category Three offense if it was beyond ten (10) years.

D. Category Four

Misdemeanor drugs, misdemeanor crimes of violence, and misdemeanor crimes involving weapons.

The District will not hire the applicant if the conviction for a Category Four offense was within the last five (5) years. The District will consider the applicant and carefully review if the conviction for a Category Four offense was committed beyond five (5) years.

E Category Five

Other misdemeanors and felony crimes involving worthless checks
The District will consider the convictions in Category Five on a case-by-case basis

Multiple convictions under any category will be considered on a case-by-case basis and may result in an extension of the period of disqualification. For the purposes of this policy, conviction means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed a felony or misdemeanor, the payment of a fine, a plea of nolo contendere, the imposition of a deferred or suspended sentence by the court, adjudication withheld, finding or admission of guilt, a plea of no contest, or the date of entry into a pre-trial intervention, pre-trial diversion, or similar program, so long as such PTI/PTD program is completed by the end of the relevant waiting period

A candidate whose employment application has been rejected due to conviction of a disqualifying criminal offense may appeal to the Criminal History Appeal Committee. The Criminal History Appeal Committee shall be made up of the School Board Attorney, or designee, an administrator from the Office of Professional Standards, and the Assistant Superintendent for Human Resources. Applicants appealing to the Committee shall have the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the employee since the incident or any other evidence or circumstances indicating that the employee will not present a danger if employment is allowed. In the case of rejection due to an adjudication of guilt for an offense listed in F.S. 1012.315, the only basis for appeal to the Committee shall be mistaken identity. The decision of the Committee is final.

F S 1012 01, 1012 32, 1012.24, 1012 315, 1012 42, 1012.55, 1012.56
F A C 6A-1 0502, 6A-1 0503
20 U S C 6301
20 U.S.C. 7801

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