



SCHOOL BOARD OF POLK COUNTY

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Superintendent of Schools

23 July 2007

To: School Board Members
Superintendent
Associate Superintendents
Assistant Superintendents
Senior Directors

From: Wes Bridges, General Counsel

Subject: Florida Statute 1012.467

The legislature has created Florida Statute 1012.467, which effectively relaxes the background screening requirements for noninstructional contractors who are permitted access to school grounds when students are present.

Under the new law, noninstructional contractors who are under the direct supervision of a school district employee or a contractor who has had a criminal history check and met all criminal background screening requirements are exempt from the screening requirements of Florida Statute 1012.465. All current School Board policies that are in conflict with the new statute, including 6Gx53-3.001, section V, should be considered to be held in abeyance until such time as new, conforming policies are developed, but only to the extent of the conflict. **In particular, School Board Policy 6Gx53-3.001, Section V, should be read to exclude noninstructional contractors from its background screening requirements.** Unless and until a new School Board Policy is developed to address the screening of noninstructional contractors, such individuals should be screened only in accordance with the provisions of the new law.

Since the new law impacts only noninstructional contractors, it does not affect employees or instructional contractors. Nor does it exempt anyone from screening against the registration information regarding sexual predators and sexual offenders maintained by the Florida Department of Law Enforcement and the national sex offender public registry maintained by the United States Department of Justice. **Noninstructional contractors identified as sexual predators or sexual offenders may not be permitted on school grounds when students are present. Period.**

Law enforcement officers who are assigned or dispatched to schools by their employers are exempt, as are EMTs and ambulance providers and contractors providing pick-up and delivery services involving only brief visits on school grounds when students are present.

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Noninstructional contractors who work at a site where students are not permitted are exempt if the site is separated from the remainder of the school grounds by a single chain-link fence of six feet in height. Care must be taken to ensure that the fence is a single chain-link fence; some contractors use segmented fencing that may not qualify.

The new law also clearly defines what is meant by “school grounds,” limiting this term to buildings and grounds of public prekindergarten, kindergarten, elementary school, middle school, junior high school, high school, or secondary school, or any combination of grades prekindergarten through grade 12, together with the school district land on which the buildings are located. Notably, the definition specifically excludes such buildings and grounds when students are not permitted access or at when used exclusively as a career or technical center for postsecondary or adult education.

Assistant Superintendents Fred Murphy and Bob Williams have been diligent in their efforts to comply with state law and School Board Policy since the adoption of the Jessica Lundsford Act in 2004. While F.S. 1012.467 applies only to contractors and does not answer all questions or relieve all burdens related to employees, it certainly is a step in the right direction that will allow student safety and security to remain paramount, while facilitating the daily logistical business of the district.