

Level II Private School Fingerprinting Process Per s. 1002.421, F.S.

Background

Senate Bill 256 was passed by the 2006 Florida Legislature and became effective July 1, 2006. The legislation established new requirements for private schools participating in a state scholarship program.

One notable requirement is that private school employees and contracted personnel must now undergo background screening to participate in a scholarship program, s. 1002.421(2)(i), F.S.

New Requirement for Participating Private Schools

Section 1002.421(2)(i), Florida Statutes, requires all private school employees and contracted personnel with direct student contact to undergo a state and national background screening by filing a complete set of fingerprints with the Florida Department of Law Enforcement (FDLE).

An "employee or contracted personnel with direct student contact" means any employee or contracted personnel who has unsupervised access to a scholarship student for whom the private school is responsible, s. 1002.421(2)(i)1., F.S.

In order for a private school to receive background screening results for employees and contracted personnel, the school must register with the Volunteer & Employee Criminal History System (VECHS) at the FDLE and become a "qualified entity," ss. 1002.421(2)(i) and 943.0542(2), F.S. A qualified entity is an organization (public, private, for profit, or non-profit) that provides some type of "care" or care placement services to children, the elderly, or the disabled, even if only as a limited part of the entity's overall business, s. 943.0542(1)(b), F.S.

Effective July 1, 2007, private schools participating in a scholarship program **must submit fingerprints electronically** for the state and national background screening, s. 1002.421(2)(i), F.S.

An employee or contracted personnel holding a **valid** Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 is not required to be fingerprinted again, s. 1002.421(2)(i)4., F.S. However, private schools are strongly encouraged to electronically fingerprint a certified teacher who does not come directly from a district public school. Before employing instructional personnel or school administrators in any position that requires direct contact with scholarship students, a private school must conduct employment history checks of the personnel's or administrators' previous employers, screen the personnel or administrators through use of the educator screening tools (Teacher Certification Database and the Professional Practices Database of Disciplinary Action), and document the findings, s. 1002.421(4)(c), F.S.

Questions and Answers

1. **Who must be fingerprinted?**

All private school employees and contracted personnel who have unsupervised access to a scholarship student for whom the private school is responsible must undergo a state

and national background screening. Effective July 1, 2007, employees and contracted personnel must submit fingerprints electronically, s. 1002.421(2)(i), F.S.

2. Do volunteers have to be fingerprinted?

No, fingerprinting of volunteers is not required by statute, but private schools may require it if they choose, ss. 1002.421(2)(i) and 943.0542, F.S.

3. Do certified teachers need to be fingerprinted?

Teachers with a valid Florida Teacher Certification already meet the fingerprinting requirement, s. 1002.421(2)(i)4., F.S. However, private schools are strongly encouraged to electronically fingerprint a certified teacher who does not come directly from a district public school.

Please note that before employing instructional personnel or school administrators in any position that requires direct contact with students, a private school must conduct employment history checks of the personnel's or administrators' previous employers, screen the personnel or administrators through use of the educator screening tools (Teacher Certification Database and the Professional Practices Database of Disciplinary Action), and document the findings, s. 1002.421(4)(c), F.S.

4. If employees or contracted personnel only participate in before or after school programs, is a state and national (level 2) background screening required?

A level 2 background screening is required only if **ALL** of the answers to the questions below are "Yes." s. 1004.421(2)(i), F.S.

Q: Is the person an employee or contracted personnel of the private school?

Q: Does the person have unsupervised access (i.e. direct student contact) to a scholarship student?

Q: Is the private school responsible for the scholarship student?

5. How can the new requirement to electronically submit fingerprints be met?

Private schools must enroll in the FDLE VECHS program, ss. 1002.421(2)(i) and 943.0542, F.S. After a private school is registered as a VECHS entity, employees and contracted personnel must be fingerprinted electronically, s. 1002.421(2)(i), F.S. Private schools are required to have their fingerprints retained in the Applicant Fingerprint Retention and Notification Program (AFRNP) pursuant to s. 1002.421(3)(a), F.S., and are therefore required by FDLE to have their fingerprints rolled on a livescan device.

6. Who may enroll in the FDLE VECHS program?

Qualified entities that provide some type of "care" or "care placement services" to children, the elderly, or the disabled, even if only as a limited part of the entity's overall business may enroll in the VECHS program, s. 943.0542(1)(b), F.S. Private schools qualified to use VECHS may request criminal history information on all current and prospective employees and volunteers, s. 943.0542(2), F.S.

7. How do I become a qualified entity?

To become a qualified VECHS user, an organization must do the following:

1. Download a copy of the Qualified Entity Application and the User Agreement from the FDLE website at www.fdle.state.fl.us/BackgroundChecks/required-forms.html, or

contact the VECHS Unit at FDLE at (850) 410-8324 to request a copy of each document be mailed to the organization.

2. Complete and submit an application to FDLE.
3. Sign and submit the agreement that the criminal history information will be used only to screen employees and volunteers of that organization for employment purposes.

8. After I am qualified – what then?

After your VECHS Application and your signed User Agreement have been reviewed and approved, FDLE will provide you with instructions regarding how to submit the fingerprints and payments for the criminal history information. Before you can begin submitting fingerprints electronically, the Civil Workflow Control System (CWCS) Customer Registration Form must also be completed and submitted to FDLE, Rule 11C-6.004, F.A.C.

9. Where can I go to be fingerprinted?

Fingerprints submitted “electronically” are fingerprints taken on a livescan device and submitted electronically to FDLE. Private schools may purchase their own livescan device, work together with other private schools in purchasing and using a livescan device, or use service providers to submit fingerprints electronically.

[Fingerprinting Locations](#) link to a list of fingerprint service providers

10. What happens to the fingerprints that are submitted?

The state and national background screenings will be conducted through the VECHS program. When the background screening is completed, a criminal history report will be sent to the participating private school. Effective July 1, 2007, the FDLE is required to retain any newly submitted fingerprints for employees and contracted personnel and enter them into a statewide automated fingerprint identification system, s. 1002.421(3)(a), F.S.

11. How will the fingerprints be retained?

The electronic fingerprint submissions will be processed in the Civil Workflow Control System (CWCS) and the fingerprints for employees and contracted personnel will be retained in the Applicant Fingerprint Retention and Notification Program (AFRNP), s. 1002.421(3)(a), F.S. If the private school submits fingerprints electronically for volunteers, these will NOT be retained. The retained fingerprints are searched against all incoming arrest fingerprint submissions and any matches will be reported to the private school, s. 1002.421(3)(b), F.S. and Rule 11C-6.010, F.A.C. An annual fee of \$6 will be charged per fingerprint submission retained in the AFRNP, Rule 11C-6.010(5), F.A.C.

12. How long will it take to receive the criminal history information?

The results of electronic submissions will be posted to a secure mail application within 24-72 hours of receipt. An email notification, containing a link to the application, will be sent to the private school when the results are ready. This method dramatically reduces the several week turnaround time when using actual fingerprint cards.

13. What does the school do when it receives the results?

After each employee has been screened through the VECHS program, a criminal history report will be sent to the participating private school. It is then the private school's responsibility to ensure each employee and contracted personnel meets the background screening standards under s. 1002.421, F.S. Participating private schools must deny employment to or terminate any employee who fails to meet the screening standards

under [s. 435.04, F.S.](#) Participating private schools must also disqualify instructional personnel and school administrators, as defined in [s. 1012.01, F.S.](#), from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for employment under [s. 1012.315, F.S.](#)

14. If employees or contracted personnel were fingerprinted prior to July 1, 2007, when do they need to be fingerprinted again?

If employees or contracted personnel were fingerprinted prior to July 1, 2007, the FDLE is not required to retain the fingerprints. The employee or contracted personnel must electronically file a complete set of fingerprints with the FDLE again in 5 years or upon reemployment or reengagement to provide services, if employment is not continuous. The FDLE will be required to retain the fingerprints at that time, s. 1002.421(3)(c) and (d), F.S.

For a certified teacher, the private school should verify that he or she possesses a valid Florida teaching certificate upon employment. The school should note the date that the teaching certificate expires. If the certificate expires and is not renewed, the employee will need to be fingerprinted through the VECHS program.

15. If an employee or contracted personnel was fingerprinted on or after July 1, 2007, when do they need to be fingerprinted again?

If an employee or contracted personnel was fingerprinted on or after July 1, 2007, the FDLE is required to retain the fingerprints and enter them into a statewide automated fingerprint identification system, s. 1002.421(3)(b), F.S. The private school will then be notified of any arrests of employees or contracted personnel with their fingerprints on file. In addition, the private school will still be required to instruct the FDLE to run the FBI screening every 5 years, s. 1002.421(3)(d), F.S.

For a certified teacher, the private school should verify that he or she possesses a valid Florida teaching certificate upon employment. The school should note the date that the teaching certificate expires. If the certificate expires and is not renewed, the employee will need to be fingerprinted through the VECHS program.

16. Will certified teachers ever need to be reprinted?

Fingerprinting is required in order to obtain a valid Florida Teacher Certification. As long as a teacher has a **current** Florida Teacher Certification, the private school will be in compliance with fingerprinting requirements for these employees, s. 1002.421(2)(i)4., F.S.

17. Where can I get more information?

Detailed instructions will be provided to all private schools participating in a scholarship program and to new private schools upon their request to participate in a scholarship program. A list of Frequently Asked Questions is also available on the FDLE website at http://www.fdle.state.fl.us/backgroundchecks/documents/VECHS_Private_School_FAQ.pdf.

Additional Resources and Information

For additional information or questions related to the VECHS program, please contact the Florida Department of Law Enforcement at:

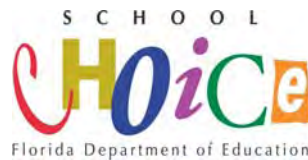
<http://www.fdle.state.fl.us/BackgroundChecks/privateschool.html>

Phone: (850) 410-VECHS(8324)
Email: VECHS@fdle.state.fl.us
Address: Florida Department of Law Enforcement
Criminal Justice Information Services/User Services Bureau
Attention: VECHS Unit
P.O. Box 1489
Tallahassee, Florida 32302

For additional information or questions related to private school requirements for participation in a state scholarship program, please contact the Office of Independent Education and Parental Choice at:

Phone: (800) 447-1636
Email: schoolchoice@fldoe.org

Contact Information:
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Improving K-12 Educational Choice Options

Office of Independent
Education and Parental
Choice
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