



# The Florida Senate

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Committee on Education

Senator Evelyn J. Lynn, Chair

## PRIVATE SCHOOLS PARTICIPATING IN EDUCATIONAL SCHOLARSHIP PROGRAMS AND CRIMINAL BACKGROUND CHECKS OF PERSONNEL WITH DIRECT STUDENT CONTACT

### SUMMARY

Recent Florida legislation has focused upon increased protection of children in public schools. Parents and other members of the public have a reasonable expectation that prospective and current employees are suitable for employment and have not been convicted of or had adjudication withheld for a crime bearing on their fitness to teach or to have responsibility for the safety and well being of children in private schools that participate in scholarship programs.

Current law does not require private schools to subject all personnel with direct student contact to criminal background checks as a condition of participating in either the Opportunity Scholarship Program, the John M. McKay Scholarships for Students with Disabilities Program, or the scholarship program based on credits for contributions to nonprofit scholarship-funding organizations (corporate tax credit scholarship program). Findings from the committee's interim project indicate that some of these schools require criminal background screening for employees and other personnel, as a matter of school policy.

The report examines aspects of criminal background screening, as well as the possible impact of mandatory screening as a condition of scholarship participation by private schools.

The report contains recommendations to improve scholarship program accountability by requiring certain criminal background checks for private school personnel having direct contact with scholarship students.

### BACKGROUND

Current law sets forth requirements for schools and students participating in the Opportunity Scholarship Program, the John M. McKay Scholarships for Students with Disabilities Program, and the corporate tax credit scholarship program.<sup>1</sup> These programs allow eligible students to attend an eligible public school or private school of their parents' choice.

To participate in the scholarship programs, a private school must meet specific requirements. Private schools are permitted to receive scholarship funds through these programs after meeting statutory financial eligibility criteria. They are also required to comply with all other laws regulating private schools and to abide by anti-discrimination laws and health and safety codes and laws. Unlike the corporate tax credit scholarship program, the state directly administers the Opportunity Scholarship Program and the McKay Scholarship Program and prepares and delivers these scholarship funds to schools.

For the 2004-2005 school year, 702 schools participated in the McKay Program and served 15,910 scholarship students, while 973 schools participated in the corporate tax credit scholarship program and served 10,473 scholarship students. In the Opportunity Scholarship Program, 44 schools served 763 students.

#### *Current Background Screening Requirements*

Private schools that choose to participate in both programs must meet the criminal background screening

<sup>1</sup> See sections 1002.38, 1002.39, and 220.187, F.S.

requirements in s. 1002.42, F.S., which apply to owners of private schools in Florida.

Each private school owner must file with the Florida Department of Law Enforcement (FDLE) a complete set of fingerprints for a state criminal background check.<sup>2</sup> These requirements apply to any owner or person who establishes, purchases, or otherwise becomes an owner of a private school. Owners or employees who have been fingerprinted pursuant to ss. 1002.42, 1012.32,<sup>3</sup> or 402.3055,<sup>4</sup> F.S., are not required to be reprinted unless they have been unemployed or unassociated with a private school or child care facility for more than 90 days. The law also provides an exception to these requirements for persons holding a valid Florida teaching certificate who have been fingerprinted pursuant to s. 1012.35, F.S.

Fingerprints must be filed with FDLE within 5 days of assuming ownership of a school. The fingerprints must be taken by an authorized law enforcement officer or an employee of the school who is trained to take fingerprints. The costs are borne by the owner or private school. The result of the criminal records checks must be forwarded to the owner of the private school and made available for public inspection in the school's office as soon as it is received. Further, it is unlawful for a person who has been convicted of a crime involving moral turpitude to own or operate a private school.

Private schools may require their school employees to undergo criminal records checks through FDLE. The results must be reported to the owner for use in employment decisions.

## METHODOLOGY

Committee staff identified the private schools participating in the McKay and tax credit scholarship

<sup>2</sup> "Owner" means any individual who is the chief administrative officer of a private school.

<sup>3</sup> Instructional and noninstructional personnel who are hired or contracted to fill positions requiring direct contact with students in any district school system or university lab school must, upon employment or engagement to provide services, undergo Level 2 background screening as required under ss. 1012.465 or 1012.56, F.S., whichever is applicable.

<sup>4</sup> This section relates to child care personnel requirements, but does not specifically address criminal records checks. Section 402.305(2), F.S., requires Level 2 screening for child care personnel.

programs, or both. Staff compared Level 1 and Level 2 screening requirements and their attendant costs with the Volunteer and Employee Criminal History System (VECHS).

Also, staff conducted a survey of participating private schools. Responses were received from 344 schools or approximately 31 percent of the 1,100 schools surveyed. The questions on the survey focused on the following: the extent to which the private schools complied with current statutory screening requirements; school requirements for employees and other personnel with direct contact with students; and the extent to which private schools request state and national criminal background checks through the VECHS system. For reference purposes, each school was asked to indicate the types, frequency, and use of the criminal background checks required of personnel with direct student contact.

Staff examined documentation of criminal background checks for a sample of participating schools and reviewed the requirements in other states for screening private school personnel. Finally, staff consulted with the Florida Department of Education (DOE), the FDLE, private sector stakeholders, and the Florida Sheriffs Association.

## FINDINGS

### *Level 1 and Level 2 Background Checks*

All employees required by law to undergo background screening or who are in positions of trust designated by law are required to undergo a specific level of employment screening as a condition of employment and continued employment.

Both Level 1 and Level 2 background checks address offenses prohibited by Florida law or under any similar statute in another jurisdiction. Level 1 consists of background screening and state criminal records checks, while Level 2 consists of security background investigations with state and federal checks of criminal and juvenile records. A person would fail to meet the background screening requirements if he or she was guilty, had adjudication withheld, or entered a plea of nolo contendere or guilty to any of the specified offenses listed in ss. 435.03 or 435.04, F.S., for Level 1 and Level 2, respectively.

Level 2 screening has additional potentially disqualifying offenses that are not part of Level 1 screening, including:

- Carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person;
- Exhibiting firearms or weapons within 1,000 feet of a school;
- Possessing an electric weapon or device, destructive device, or other weapon on school property;
- Resisting arrest with violence; and
- Sexual misconduct in juvenile justice programs.

Unlike Level 1, Level 2 requirements provide that under penalty of perjury, all employees must attest to meeting the requirements for qualifying for employment and agreeing to inform the employer immediately if convicted of any of the disqualifying offenses while employed by the employer.

Provisions of law that require personnel having contact with children to meet Level 2 background screening standards include chapters 393, 394, 397, 402, 409, and 1012, F.S., and s. 1002.55, F.S., relating to developmental disabilities, mental health, substance abuse services, child care, preventive and rehabilitative social services, public school instructional and noninstructional personnel, and instructors employed by private prekindergarten providers, respectively. Personnel under contract with a school board are also subject to these background check requirements if they:

- Are permitted access on school grounds when students are present;
- Have direct contact with students; or
- Have access to or control of school funds.

Criminal or juvenile information may not be used for any purpose other than determining whether persons meet the minimum standards for employment or for an owner or director of a covered service provider. Criminal and juvenile records obtained by an employer are exempt from the public records law.<sup>5</sup> Every employer of employees covered by chapter 435, F.S., must furnish copies of personnel records for employees or former employees to any other employer upon request. Employers releasing these records are considered to be acting in good faith and may not be

held liable for information contained in the records, absent a showing of malicious falsification of records.<sup>6</sup>

The following summarizes the costs associated with both screening levels:

Criminal Records Checks	Level 1	Level 2 <sup>7</sup>
<b>Initial screening</b>		
Florida records check	\$23	\$23
FBI <sup>8</sup> records check		\$24
<b>Annual fee to retain prints<sup>9</sup></b>	\$ 6	\$ 6
<b>Re-screening (every 5 years)</b>		\$24
FBI records check		

There is no need for resubmission of fingerprints for state re-screening if the Florida arrest records are screened against the retained prints on a regular basis. Some background screening service providers charge additional fees that range from \$14 to \$43 or more.

***Volunteer and Employee Criminal History System (VECHS)***

The VECHS is authorized by federal and state law.<sup>10</sup> Through the VECHS program, the FDLE and the FBI provide state and national criminal history record information on applicants, employees, and volunteers for Florida qualified entities.<sup>11</sup>

The VECHS is a voluntary program and is not available to organizations currently required to obtain criminal history record checks on their employees or volunteers under other statutory provisions (e.g., child care centers). Those organizations must follow the statutory mandates that specifically apply to them. However, according to the FDLE, VECHS could be statutorily required for private schools participating in the scholarship programs.

To obtain criminal history record information through the VECHS, an organization must meet the following requirements:

- Provide some type of care or care placement services to children or elderly or disabled persons,

<sup>6</sup> Section 435.10, F.S.

<sup>7</sup> If VECHS is used, the costs are the same.

<sup>8</sup> Federal Bureau of Investigation.

<sup>9</sup> The annual fee is set by FDLE administrative rule.

<sup>10</sup> See 42 U.S.C.A. s. 5119 et seq. and s. 943.0542, F.S.

<sup>11</sup> A qualified entity is a business or organization, whether public, private, operated for profit, operated not for profit, or voluntary, which provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services.

<sup>5</sup> Section 435.09, F.S.

even if only as a limited part of the entity's overall business;<sup>12</sup>

- Submit an application to the FDLE explaining the functions that the organization performs to serve children or elderly or disabled persons;
- Sign an agreement that the criminal history information will be used only to screen the organization's employees and volunteers for employment purposes;
- Submit a completed fingerprint card and fees for each employee or volunteer being checked; and
- Submit a copy of a completed waiver form for each employee and volunteer.<sup>13</sup>

Once qualified to participate in the program, an entity may request criminal history information on all its current and prospective employees and volunteers, not only those who work with vulnerable persons. Contractors and vendors may also be checked if they have or may have unsupervised access to children or elderly or disabled persons.

The FDLE provides qualified entities with the following information:

- An indication that the person has no criminal history, i.e., no serious arrests in state or national databases, if there are none;
- The criminal history record (RAP sheet) that shows arrests and/or convictions in Florida and other states, if any; and
- Notification of any warrants or domestic violence injunctions.<sup>14</sup>

Qualified entities must provide written notification to personnel of the following rights:

- To obtain a copy of any background screening report, including the criminal history records, if any, contained in the report;
- To challenge the accuracy and completeness of any information contained in any report; and
- To obtain a determination as to the validity of a challenge before a final determination is made by the qualified entity reviewing the criminal history information.

The determination as to whether the criminal history record shows that the employee or volunteer has been

convicted of, or is under pending indictment for any crime that bears upon his or her fitness to have responsibility for the safety and well-being of children or elderly or disabled persons must solely be made by the qualified entity. The FDLE does not make this determination and there are no specific screening criteria governing VECHS. However, a qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, must apply the screening criteria to the state and FBI criminal history record information received from the FDLE for those persons subject to the required screening.

For employees, the cost of using the VECHS is \$47 (\$23 for a Florida criminal records check and \$24 for an FBI records check). Although there is no requirement for FBI re-screening, this option is available through VECHS. For volunteers, the cost is \$36 for a Florida and FBI records check.

### *Livescan*

The FDLE is able to obtain both state and FBI responses more quickly if fingerprints are submitted in an electronic form from a livescan device. Livescan systems enable organizations to capture electronic images and transmit those images to designated clearinghouses and channeling agents for background screening. They allow for fingerprints to be sent immediately to the FDLE. The FDLE and the FBI processing are completed in approximately three working days or less, at which time the requestor can retrieve state and FBI results on an applicant.

Private schools can buy these devices or check with local law enforcement agencies, other governmental entities, or service providers to determine if they provide electronic services. For example, some private school personnel are electronically screened through a community college criminal justice center and a few private schools have purchased these devices.

### *Background Screening Standards for Private School Owners*

It is unlawful for an owner who is convicted of a crime involving moral turpitude to own a school. There are no other required screening standards or evaluation criteria in law that must be met by private school owners or other personnel as a condition of initial or continued employment. The law does not specify the use of either Level 1 or Level 2 standards pursuant to chapter 435, F.S.

<sup>12</sup> The term "care" means the provision of care, treatment, education, training, instruction, supervision, or recreation.

<sup>13</sup> The purpose of the waiver is to allow the release of state and national criminal history record information to a qualified entity.

<sup>14</sup> See <http://www.fdle.state.fl.us/BackgroundChecks/>

### ***Compliance with Current Requirements for Private School Owners***

The law requires a private school to annually attest to the DOE that it complies with background screening requirements for the owner.<sup>15</sup> The DOE requires this statement as one of the conditions for a school to remain eligible for scholarship program participation. The DOE routinely requests the attestation from schools participating in the scholarship programs through a private scholarship compliance form.<sup>16</sup> Schools must submit a signed and notarized statement that the owner was fingerprinted and submitted these prints to the FDLE in compliance with s. 1002.42, F.S. Failure to submit the statement is a misdemeanor.<sup>17</sup>

In 2003, 93 percent of the private schools participating in the three state scholarship programs completed the form. Twenty percent of these schools reported that they were not in compliance with the requirement for the owner to undergo state criminal records checks.<sup>18</sup> For school year 2004-2005, nine schools failed to submit the required notarized statement. According to the DOE, these schools were notified that scholarship payments would be suspended until they complied with this requirement. As of July 22, 2005, the DOE withheld scholarship payments to the schools that remained noncompliant.

Private school owners are not subject to recurring state criminal records checks. Accordingly, the documentation provided to the DOE includes a number of owners whose initial background checks were conducted in 1997. There was no evidence of subsequent screening. Consequently, an owner can comply with the law by annually re-submitting an attestation of compliance with screening requirements that is based on an old criminal background check.

There is no statutory mechanism for the DOE to independently verify that an owner submitted his or her fingerprints to FDLE or that state background checks were conducted. The law does not require the schools or the FDLE to provide state screening results to the DOE. Rather, the FDLE provides owners with all Florida arrest information (with the exception of sealed

or expunged records), known court dispositions, and local law enforcement contact information for other records. The FDLE also notifies owners if no information is found. Since an owner is not required to identify his or her affiliation with the private school at the time a state criminal records check is requested, FDLE cannot separate private school personnel requests from requests from other members of the public.

In February 2005, the DOE began a review of documentation submitted from each new participating school,<sup>19</sup> a sample of 120 participating schools, and a sample of schools that were the subject of a formal complaint. Although current law does not require an owner to provide the DOE with any evidence of the results of an owner's background check, the department requested a copy of the criminal records background check report, a Florida teaching certificate, or a background clearance letter from the Department of Children and Families.<sup>20</sup>

There is no uniformity in the documentation provided by the private schools. Some schools submitted copies of fingerprints with no evidence that these were actually submitted to the FDLE. Other schools submitted copies of the results of local criminal records checks or for someone other than the school's owner.<sup>21</sup> Several owners provided no documentation.

### ***Voluntary Background Checks for Employees and Others***

While many participating schools require criminal background checks, the scope and frequency vary. Respondents to the Committee's survey include 103 schools serving McKay scholarship students, 108 schools serving CTC scholarship students, and 99 schools serving both McKay and CTC scholarship students for school year 2004-2005.

Most of the schools (92 percent) indicated that current employees who have direct contact with students must undergo criminal background checks. Schools also

<sup>15</sup> See s. 1002.42(2)(b), F.S.

<sup>16</sup> See Rule 6A-6.03315, F.A.C.

<sup>17</sup> See s. 1002.42(2)(g), F.S.

<sup>18</sup> Florida Department of Education, October 20, 2003 See [http://www.fldoe.org/news/2003/2003\\_10\\_16/Media\\_Summary.pdf](http://www.fldoe.org/news/2003/2003_10_16/Media_Summary.pdf) and <http://www.firn.edu/doe/monday/2003pdf/2003-25.pdf>

<sup>19</sup> Schools that became eligible after July 1, 2004, and received payment for scholarship students for the first time in 2004-2005.

<sup>20</sup> Some private school personnel are subject to fingerprint and screening requirements under other provisions of law.

<sup>21</sup> Local checks are usually done at the county level through local law enforcement and reflect criminal record information solely for the area served by the county. These checks provide information about infractions that are not retained by FDLE.

require criminal background checks for prospective employees (83 percent) and other personnel (72 percent). Other personnel subject to criminal background screening include the following: volunteers (including parent volunteers),<sup>22</sup> substitute and student teachers, administrators, clergy, health care workers, tutors, executive board members, consultants, subcontractors, vendors, and persons providing office, security, food, maintenance, after-school, athletic, extracurricular, or transportation services. Some respondents require background checks for all personnel with direct contact with children. Most respondents use background checks to determine whether to retain or hire personnel.

The following summarizes the types of background checks required for current employees, prospective employees, and other personnel, as reported by schools participating in the survey:

Private Schools Requiring FDLE Background Checks	
For Current Employees	40%
For Prospective Employees	40%
For Other Personnel	44%
Private Schools Requiring Both FDLE and FBI Background Checks <sup>23</sup>	
For Current Employees	49%
For Prospective Employees	48%
For Other Personnel	41%

Private companies provide a variety of background checks, including credit history checks, driver's license record checks, and state criminal records checks through FDLE. Approximately 11 percent of the schools require background checks by private companies for current and prospective employees, as well as for other personnel. Some schools reported that they require a combination of background checks by the private sector and either the FDLE or the FDLE and the FBI, depending upon the type of personnel.

Almost 12 percent of the respondents do not require any re-screening of employees. For the schools that require periodic re-screening, the frequency varies. For example, most teachers in Florida Catholic schools must be certified and are subject to the re-screening requirements for public school instructional

personnel.<sup>24</sup> All volunteers in these schools are re-screened every 7 years. A small number of schools report that screening occurs only as needed.

The number of scholarship students enrolled in a school does not appear to affect a decision to require background checks. Respondents that mandate state and FBI screening include very small schools that exclusively serve scholarship students and schools with only a few scholarship students relative to the overall student population.

### *Costs of Mandatory Background Screening*

There are recurring and nonrecurring costs associated with mandating state and FBI criminal records checks. To the extent that private school policy does not now subject employees or contractors to criminal background checks, the employees, contractors, or schools would incur costs related to mandatory screening. The cost of the initial Level 1 screening is \$23 for Florida records checks with an annual fee of \$6 to retain the prints. The costs of the initial Level 2 screening total approximately \$47: \$23 for Florida records checks and \$24 for FBI records checks. Additionally, there is an annual fee for an FBI records re-check every five years. Also, some background screening providers may charge additional fees.

### *Criminal Background Checks in Selected Other States*

The following data were compiled from a survey of states that are members of the Southern Regional Education Board (SREB).<sup>25</sup> Ohio and Wisconsin were also surveyed in order to add states with private scholarship programs to the sample. The primary questions asked were (1) whether the state requires criminal background checks for private school personnel, (2) if the state does have this requirement, whether the state requires state or state and FBI background checks, and (3) if the state does have this requirement, whether the state prohibits the employment of private school personnel who fail to meet background check requirements.

<sup>22</sup> In some instances, only volunteers with direct student contact are screened.

<sup>23</sup> Some private schools currently use the VECHS system for both employees and volunteers. Many of these schools have used the system for 3 years or longer.

<sup>24</sup> Public school instructional personnel must be re-screened every 5 years and meet Level 2 screening requirements. See s. 1012.56(9), F.S.

<sup>25</sup> SREB member states include (in addition to Florida): Alabama, Arkansas, Delaware, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

Four states (Alabama, Louisiana, Maryland, and Virginia) mandate state and FBI criminal background checks, although the requirements vary. Alabama subjects all school personnel with unsupervised contact with children to background checks, including private school personnel.<sup>26</sup> The Department of Education screens all background results. Persons who fail to meet standards may not have unsupervised contact with children.

In Louisiana, criminal reviews are required on all private school employees with direct student contact hired after September 30, 1987. State-approved private schools must keep requests for or records of the results of the required criminal background checks conducted through the Louisiana State Police on file for review by the Department of Education. The state recently expanded the screening requirements. Except under certain circumstances, the law prohibits any private school from hiring the following personnel if they have been convicted of or pled *nolo contendere* to certain crimes: teachers and substitute teachers; bus drivers and substitutes; janitors; or temporary, part-time, or permanent school employees of any kind.<sup>27</sup> Any person employed by any person or entity that contracts with a school or school system for cafeteria, transportation, janitorial, or maintenance services is considered to be hired by a school system. These provisions do not apply to private schools if the contractor's employees will have limited contact with students.<sup>28</sup>

Employees and employers of state-approved private schools in Maryland are subject to criminal background checks if they have frequent contact with or access to

enrolled students.<sup>29</sup> Employees include permanent employees, persons employed for compensation on a substitute or temporary basis, and persons who teach or supervise children in the school or who have access to children who are taught or supervised at school. These schools may be subject to on-site visits to verify compliance with background screening requirements.<sup>30</sup>

Certain accredited private schools in Virginia must require criminal background checks for applicants who accept employment for the first time after July 1, 1998. This applies to all applicants for full-time, part-time, permanent, and temporary employment. The background checks are a condition of employment for these applicants.<sup>31</sup> Unaccredited private schools and religious schools are not required to comply with these screening requirements. The Virginia Council for Private Education (VCPE) oversees state-recognized accreditation for private schools and offers a criminal background check processing service to affiliated schools. The VCPE forwards the results to individual schools, which indicate that the applicant meets or does not meet employment criteria. The criteria are based on whether or not the applicant has been convicted of specific crimes enumerated in law.

Both Wisconsin and Ohio have considered legislation to require criminal background checks of personnel at private schools participating in scholarship programs.<sup>32</sup> The 2004 Wisconsin Legislature enacted scholarship legislation requiring criminal background checks of personnel upon employment and every five years. The bill also prohibited a school from participating in an existing scholarship program if the school employed persons convicted of certain crimes. The bill was vetoed because of an exemption relating to state employment law.

A mandatory criminal background check for personnel was part of a recent Ohio accountability proposal for a new scholarship program. The proposal prohibited the

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<sup>26</sup> Unsupervised access means a person would have unaccompanied control, governance, or contact with a child during the provision of education, training, supervision of children, or other employment related activities or responsibilities. Ala. Child Protection Act, Ala. Code 1975 § 16-22A-3,-5,-6, and -7.

<sup>27</sup> Louisiana Revised Statutes 17:15 (as amended by Acts 2005, No. 416) and 15:587.1. See also *Louisiana Handbook for Nonpublic School Administrators*, Louisiana Department of Education.

<sup>28</sup> In determining whether a contractor's employee will have limited contact with students, the private school must consider the totality of the circumstances, including specific factors (e.g., the length of time the contractor's employee will be on school grounds, whether students will be in proximity with the employee's work site, and whether the employee will be working alone or with others.) If the school has made this determination, it must take appropriate steps to protect the safety of any students that may come in contact with a contractor's employee.

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<sup>29</sup> All private schools must either be approved or registered as church-exempt with the Maryland Department of Education. A certificate of approval is issued by the State Board of Education. All private schools that provide special education or that are in certain licensed facilities must hold a certificate.

<sup>30</sup> Maryland Code, Family Law, § 5-560-568.

<sup>31</sup> Virginia Code Annotated, § 22.1-296.3.

<sup>32</sup> See Wisconsin AB 836 (2004) related to the existing Milwaukee Parental Choice Program and Ohio HB 128 (2005) which proposed the creation of the Educational Choice Scholarship Program.

employment of persons who failed to meet the background check requirements.

### **Conclusions**

Current law is insufficient to adequately assure the protection of scholarship students at all participating private schools. There is no evidence to suggest that the required fingerprinting process, including the related background checks, has been completed for all participating private school owners. Further, private school owners must undergo a state criminal records check, but are not subject to any recurring criminal records checks. Consequently, there is no mechanism to determine if a private school owner has had any arrests or convictions since an initial background screening or has been found guilty of crimes involving children in another state.

There are no required screening standards that must be met as a condition of initial or continued employment. While it is unlawful for an owner who is convicted of a crime involving moral turpitude to own a school, there is no affirmative burden to report a conviction to any state entity for enforcement. The law does not require any state agency to determine if private schools are complying with existing statutory background screening requirements. Finally, employees or other persons with direct student contact are not subject to any screening requirements whatsoever, unless dictated by school policy.

## **RECOMMENDATIONS**

As an accountability measure, personnel having direct contact with students at private schools participating in the scholarship programs should be held to the same background screening standards required for public school personnel with direct student contact. The Legislature may wish to amend the law to require the following:

- Initial and recurring state and FBI criminal background checks and sexual predator and sexual offender checks, as a condition of participating in the scholarship programs, for all private school personnel with direct student contact, including contract personnel; and
- An evaluation of background screening results using the Level 2 screening standards in s. 435.04, F.S.

In particular, the Legislature may wish to consider the following recommendations:

- Require the FDLE to provide the background screening results to the DOE and private schools;
- Require the FDLE to provide arrest records to private schools;
- Require the private schools to review background check results to determine if personnel meet Level 2 standards and for compliance with the statutory requirement that no private school be operated by a person who has been convicted of or had adjudication withheld for a crime of moral turpitude.
- Authorize the DOE to request records to verify compliance with background screening requirements;
- Prohibit the employment of any person with direct student contact who fails to meet screening standards or who is convicted of or had adjudication withheld for a crime involving moral turpitude;
- Require private school personnel to immediately report to the private school any disqualifying offense;
- Require private schools to report to the DOE arrest records that result in disqualifying offenses and personnel who are convicted of or had adjudication withheld for a crime involving moral turpitude or who fail to meet screening standards;
- Subject private schools to suspension from the scholarship program for failure to report arrest records;
- Prohibit private schools from participating in the scholarship programs if they employ persons who fail to meet background screening requirements or who are convicted of or had adjudication withheld for a crime involving moral turpitude;
- Require private schools to retain evidence of meeting background check requirements;
- Prohibit an owner from taking his or her own fingerprints; and
- Require that private schools submit to the DOE an annual sworn and notarized compliance form that attests to compliance with all background screening requirements. The attestation should contain an acknowledgment that making a false statement with the intent to mislead a public servant in the performance of his or her official duty is a second-degree misdemeanor, as provided for in s. 837.06, F.S.