



# FLORIDA DEPARTMENT OF JUVENILE JUSTICE PROCEDURE

**Title:** Background Screening Procedures

**Related Policy:** FDJJ – 1800

## I. DEFINITIONS

**Agency Clerk** - A person in the agency responsible for coordinating the Exemption process and serves as the liaison between the applicant and Agency.

**Agency Head** - A person appointed by the Office of the Governor to lead the Department; the Secretary or an interim designee.

**Agency Hire Date** - The date the employee is hired by either the Department or a contract/grant provider.

**Applicant** – An individual who has applied for a position with the Department or a Department contract provider. Applicant also includes volunteers, interns, and mentors. This term does not include those persons who are currently employed with the Department or a Department contract provider and who are being placed in another Department or Department contract provider position (i.e., a promotion, demotion, or lateral transfer).

**Background Screening Unit (BSU)** – The Background Screening Unit (BSU) is a function within the Inspector General’s Office that assists the Department in meeting its goal of hiring applicants who meet statutory and agency standards for Level 2 Screening.

**Criminal History Record Information (CHRI)** – Individual arrest and disposition records obtained from the FBI through FDLE. This information may include sealed, expunged, out-of-state, and certain juvenile criminal records.

**Closed-Required Documents Not Received** - A rating that is given when the applicant does not submit documents that are required to complete the background screening within the designated timeframe.

**Department** - The term used to describe or refer to the Department of Juvenile Justice and its employees.

**Direct Care** - Any position whose duties include contact with youth or access to confidential youth records.

**Disqualifying Offense** – Offenses listed in Chapter 435 and 985, Florida Statutes that result in a person being ineligible for employment with the Department or a Department contract provider.

**Eligible Rating** – A rating that is given when the applicant has no charges, has criminal charges that were not prosecuted, or has been adjudicated, or has adjudication withheld, or pending criminal charges that do not appear on the list of disqualifying offenses.

**ELT** – The Executive Leadership Team (ELT), which consists of the Secretary, Deputy Secretary, Chief of Staff, Assistant Secretaries, General Counsel, Inspector General, Chief Medical Officer, and their designees.

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**Exemption from Disqualification** – Pursuant to Section 435.07, Florida Statutes, the Department’s review process established to allow an applicant with an ineligible rating for employment with the Department or with a Department contract provider to be reconsidered and granted permission to work for the Department or the provider.

**Fingerprint Retention** - The agreement between the Department and the Florida Department of Law Enforcement (FDLE) to keep the fingerprints of applicants or employees whose fingerprints are electronically submitted to FDLE during the background screening process. Applicant fingerprints are kept on file for the duration of their employment with the Department or a Department contract provider.

**Form IG/BSU-001** – The “Request for Livescan Background Screening for DJJ Personnel Only” is the form used to request a background screening for Department (state) employees. This form shall also be used for volunteers, interns, etc., that work with a DJJ office. (See Attachment 1)

**Form IG/BSU-002** – The “Request for Livescan Background Screening for Contract Providers Only” is the form used to request a background screening for all other persons that are not state employees. This form is also used for any volunteers, interns, etc., that work with a Department contract or grant provider. (See Attachment 2)

**Form IG/BSU-003** – The “Criminal History Acknowledgement and Prison Rape Elimination Act (PREA) compliance form” is a mandatory form that must be completed by Department and contract provider applicants screened by Detention and Residential, to determine if the applicant has a criminal offense(s) that would disqualify him or her from employment in a position that has contact with youth or confidential youth records and to ensure compliance with PREA standards. (See Attachment 3)

**Form IG/BSU-004** – The “Request for Re-Screening (Five-Year) Check for DJJ Personnel Only” is the form used by Department (state) employees to request a federal criminal records check. This form shall be completed every five years from the agency hire date. (See Attachment 4)

**Form IG/BSU-005** – The “Request for Re-Screening (Five-Year) Check for Contract Providers Only” is the form used by all other persons that are not state employees to request a federal criminal records check. This form shall be completed every five years of employment from the agency hire date. (See Attachment 5)

**Form IG/BSU-006** – The “Annual Affidavit of Compliance with Level 2 Screening Standards” is the form used each year by managers to confirm that all employees and volunteers working in their facility or program have been properly screened. (See Attachment 6)

**Form IG/BSU-007** – Consists of two documents. The first document is the standard letter that is sent to the requestor when an applicant has a disqualifying offense on his/her criminal record and the applicant may apply for an exemption. The second document is the “Request for Exemption from Ineligibility” form that is used by the applicant to request an exemption as provided for in Section 435.07, Florida Statutes. (See Attachment 7)

**Form IG/BSU-008** – The “Annual Affidavit of Compliance with Level 2 Screening Standards for School Board Personnel” is the form used each year by the contract provider, local school board or Department of Education to confirm that all employees provided or funded by their agency who work in a Department or

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contract provider agency, facility or program have been Level 2 screened prior to working with Department youth. (*Note: This form only applies to instructional personnel, administrative personnel, and educational support employees as outlined in F.S. 1012.1 when they are paid by or their funding source is provided by the school board or the Department of Education to teach youth that are in a Department or contract/grant provider program. It does not apply to this class of individuals when they are paid by or their funding source is provided by the Department or a contract/grant provider to teach in a program.*) (See Attachment 8)

**Form IG/BSU-009** – The “Annual Affidavit of Compliance with Level 2 Screening Standards For Law Enforcement & Security Personnel” is the form used each year by law enforcement and security agencies to confirm that all of their employees, certified and non-certified, who work in a Department or contract provider facility or program completed a background screening that meets Level 2 screening standards prior to working with Department youth. (See Attachment 9)

**Hiring Authority** – The hiring authority or the individual that is most responsible for ensuring that employees and volunteers working in their facility/program are background screened. This individual shall review the results of the screening and determine if the applicant is eligible for employment. He/she is also responsible for notify the BSU when an applicant is screened but not hired.

**Identified/Non-Caretaker Only** - A rating that is given when an individual screened for state employment, is arrested and either pleads no contest, was prosecuted, or had adjudication withheld for a charge that is listed in Chapter 435 or 985, Florida Statutes, but the applicant will not work in a position that requires background screening. Applicants receiving this rating shall not enter a facility or program where youth are housed or receiving services unless he/she is escorted by and under the constant supervision of a screened staff and the visits are intermittent. Any applicant or volunteer with this rating shall not have access to confidential youth records, be left alone with youth or work in or on the premises of a facility or program where youth are housed or receiving services unless an exemption from disqualification is granted by the Department. (*Note: This rating is only given to DJJ employees and volunteers.*)

**Ineligible Rating** – A rating that is given to applicants whose criminal record contains a finding of guilty or a plea of nolo contendere (no contest), or adjudication withheld for any of the offenses set forth in Section 435.04, Florida Statutes, under the Level 2 Screening Standards, or under any similar statute in another jurisdiction. Applicants receiving this rating shall not be employed unless an exemption from disqualification is granted by the Department.

**Level 2 Screening Standards** – Specific statutory offenses listed in Section 435.04 and 985.644, Florida Statutes, which disqualify an applicant from employment in positions of trust or responsibility when the criminal history shows a finding or plea of guilty, regardless of adjudication, or a plea of nolo contendere (no contest) or adjudication withheld to one or more of the listed offenses.

**Livescan** - The process of electronically transmitting fingerprints to FDLE for employment background screening. This process produces the results of a criminal records search through the Florida Crime Information Center (FCIC) and the National Crime Information Center (NCIC). This screening shall be completed on all Department and contract provider employees, volunteers, etc. **Non-Caretaker** – A position that will not have contact with youth or access to confidential youth records pursuant to Section 110.1127,

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Florida Statutes. Employees in this position shall not work in or on the grounds of a facility or program where youth are housed or receiving services.

**Prison Rape Elimination Act (PREA)** - Federal law that required the Bureau of Justice Statistics to collect and report data on the incidence of sexual assault in federal, state, and local corrections facilities.

**Providers** - Individuals or companies who contract with or receive grants to provide services for the Department and its youth. This includes: provider owners, operators, directors, direct care employees, non-direct care employees, and certain services paid for by purchase order.

**Rating** – The classification that is applied to an applicant’s screening that determines if the applicant can or cannot work with the Department or a provider and if the applicant can or cannot work in a facility/program where youth are housed or receiving services. The ratings that may be applied to an applicant’s screening are eligible, ineligible, identified-non caretaker, closed-required documents not received, and withdrawn.

**Requestor** – The Department or contract provider employee that is requesting the background screening and whose name is written in the requestor section on the background screening request form.

**Rescreen** - The employment screening check that is required of all Department and contract provider employees and volunteers every five years of consecutive employment or service. The five-year rescreen date is calculated from the employee’s or volunteer’s agency hire or service start date.

**Screeener** – The Background Screening Unit (BSU) employee that conducts the background screening check.

**Transaction Control Number** - The number assigned by the Livescan device to each set of fingerprints electronically submitted to FDLE for a criminal records check.

**Withdrawn** – When the requestor no longer wants to consider the applicant for employment or as a volunteer and notifies the BSU to stop the screening process. The screening process is not complete, therefore, an applicant with a rating of “Withdrawn” is not eligible for employment until a new background screening is completed and the rating is eligible.

## **II. STANDARDS/PROCEDURES**

### **A. Who Must Be Screened:**

1. The following persons are required to follow the background screening process:
  - a. DJJ applicants for employment;
  - b. DJJ contract/grant provider applicants for employment in any program for children or who have access to confidential youth records;
  - c. DJJ contract/grant provider facility owners and operators, in any program for children or who have access to confidential youth records;
  - d. DJJ service providers, regardless of how contracted, when such services are provided to youth, or has access with confidential youth records;

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- e. DJJ volunteers, mentors and interns; *(Note: Once the volunteer screening is completed, the volunteer is considered active as long as the fingerprints are being retained by FDLE/FBI and the 5-Year Rescreen is being completed.)*
- f. DJJ contract/grant provider volunteers, mentors and interns that provide assistance on a continuous basis or at regular intervals or who volunteer 10 hours or more each month;
- g. DJJ and contract/grant provider volunteers, mentors and interns described above in subsection d and e, regardless of age;
- h. DJJ and provider employees and volunteers who continue to work in five year increments;
- i. Researchers involved with DJJ youth or confidential records;
- j. Health Care Professionals such as Physicians, Advanced Registered Nurse Practitioner (ARNP), etc., that are contracted with the Department;
- k. Instructional personnel, administrative personnel, and educational support employees who are employed by the Department or a contract provider or who are paid through funding provided by the Department or a contract provider; and
- l. Law enforcement officers and non-certified or unsworn personnel who are employed by the Department or a contract provider or who are paid through funding provided by the Department or a contract provider.
- m. Guest speakers, guest performers, ministers, or others who interact with Department or provider youth on an intermittent basis, but seek to conduct unsupervised activities with youth, shall be background screened based on the standards established for all Department and contract provider employees.
- n. Department and provider subcontractors or consultants shall be required to undergo background screening if:
  - (1) The purpose will bring them into contact with youth under the Department's care.
  - (2) The purpose will bring them on the grounds of a facility or program where youth are being housed or receiving services.
  - (3) They will have access to sensitive or confidential youth records.
- o. Department and provider applicants who were previously screened by the Department and have a break in service shall complete a background screening check prior to being re-employed.
- p. A current employee that moves from DJJ (state employment) to a contract provider, from a contract provider to DJJ (state employment) or from one contract provider company to another is considered a new hire and shall require a new background screening. (See page 13 section G for more information on employee transfers and promotions.)

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2. The BSU shall process background screening and exemption requests only on applicants who are actively seeking to volunteer or work with the Department or a contract provider. The Department or contract provider shall also be actively seeking to employ the applicant.
3. The BSU shall not process background screening requests that are submitted by an individual, when that individual is not actively seeking employment with the Department or a contract provider.

### B. When Background Screening Is Not Required:

1. A current DJJ or contract/grant provider employee, volunteer, mentor or intern can temporarily visit another DJJ or contract/grant provider program, when the visit is related to their duties as an employee, volunteer, mentor or intern, without completing a new background screening. (*Note: For purposes of this policy, "temporarily" refers to short-term, non-recurring activities such as observation or a meeting.*)
2. Current employees of the Department or a provider are not required to submit a new background screening request when they are promoted, demoted or transferred into another position within their organization, i.e. a state employee transferring within DJJ or a contract provider employee transferring from one facility to another within the same company, as long as there is no break in service. However, a new background screening is required when a Department employee is hired by a provider or when a provider employee is hired by the Department or another contract provider company.
3. Contract/grant provider volunteers, mentors, and interns who assist or interact with provider youth on an intermittent basis for less than 10 hours a month do not need to be background screened if an employee who has been background screened is always present and has the volunteer within his or her line of sight. (*Note: Intermittent basis means the volunteer provides assistance on a noncontinuous basis or at irregular intervals.*)
4. Guest speakers, guest performers, guest ministers/faith partner representatives or other occasional visitors who interact with Department or provider youth on an intermittent basis shall not be background screened if they are under the constant and direct supervision of a Department or contract provider employee who has been background screened. (*Note: Intermittent basis means on a non-continuous basis or at irregular intervals; visiting no more than once a quarter.*)
5. Instructional personnel, administrative personnel and educational support employees as described in section 1012.1, Florida Statutes, are not required to undergo background screening by the Department when they are paid by the school board or through funding provided by the school board or the Department of Education to provide instruction to youth in a Department or contract provider facility or program.
  - a. In lieu of background screening, the contract provider or school board shall complete on an annual basis **Form IG/BSU-008-** Annual Affidavit of Level 2 Screening Standards for School Board Personnel. This document certifies that all instructional personnel, administrative personnel, and educational support employees who are employed or

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funded by the school board and provide services in a Department or provider facility or program successfully completed a Level 2 employment screening, as outlined in Chapter 435 Florida Statutes, and the screening was completed prior to them entering a Department or provider facility or program. (*Note: When the contract provider receives funding from the school board or Department of Education to hire instructional personnel, administrative personnel, and educational support employees in a program, the contract provider is responsible for completing and submitting the Annual Affidavit.*)

- b. The facility/program where the instructional personnel, administrative personnel, and educational support employees are providing services is responsible for ensuring the Annual Affidavit is completed and submitted to the BSU before January 31 of each year.
  - c. The facility/ program shall also maintain a copy of the Annual Affidavit on site for Quality Improvement review.
6. Law enforcement officers, security officers and non-certified/unsworn personnel who are not paid by the Department or through funding provided by the Department or a department contract provider to provide services in a Department or contract provider facility are not required to undergo background screening by the Department.
- a. In lieu of background screening, law enforcement and security agencies shall complete on an annual basis **Form IG/BSU-009**-Annual Affidavit of Level 2 Screening Standards for Law Enforcement/Security Personnel. This document certifies that all law enforcement officers, security officers and non-certified/unsworn personnel that are employed by the law enforcement or security agency and providing services in a Department or provider facility or program successfully completed an employment background screening that meets Level 2 screening standards, as outlined in Chapter 435 Florida Statutes, and the screening was completed prior to entering a Department or provider facility or program.
  - b. The facility/program where law enforcement or security personnel provide services is responsible for ensuring the Annual Affidavit is completed and submitted to the BSU before January 31 of each year.
  - c. The facility/program shall also maintain a copy of the Annual Affidavit on site for Quality Improvement review.

**C. Contact Information for the Department’s Background Screening Unit:**

Department of Juvenile Justice  
Office of the Inspector General  
Background Screening Unit  
2737 Centerview Drive, Suite 3400  
Tallahassee, FL 32399-3100

- 1. Requests for background screening shall include the request for background screening form, the Criminal History Acknowledgement and Prison Rape Elimination Act (PREA)\*, legible copies

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of the applicant's driver's license and social security card, a fingerprint card, a company check or money order made out to the Department or a copy of the credit card payment confirmation page (only provider requests require payment). The complete packet shall be mailed to the BSU. (*\*The Criminal History Acknowledgement & PREA form is required with Detention and Residential screening requests.*)

2. Inquiries relating to background screening may be made by email to:

GeneralBSU@djj.state.fl.us.

- a. The business conducted by the BSU is confidential and sensitive in nature; therefore, only the requestor may contact the screener with questions.
- b. The requestor **shall not give the name of the screener or the BSU email address to the applicant** unless the screener asks the requestor to do so.
- c. Communication about an applicant's criminal charges:
  - (1) The requestor shall receive notification in writing about the charges that caused the applicant to be rated ineligible.
  - (2) Provider requestors shall receive a copy of the Florida criminal record because it is considered a public record.
  - (3) Provider requestors shall not receive confidential information, which may include criminal charges from another state, sealed and expunged records, and some juvenile criminal records.
  - (4) DJJ requestors shall receive the entire criminal record, which may include confidential information. Criminal records that are provided to DJJ requestors may not be shared or discussed with contract providers or persons outside the agency and may not be given to the employee.

D. Screening Standards Used to Conduct Background Screenings:

1. Pursuant to Section 435.04, Florida Statutes, the Department uses Level 2 screening standards to conduct all employment and volunteer background screenings. Level 2 screening uses fingerprints to check for a criminal record in the Florida Crime Information Center (FCIC) and the National Crime Information Center (NCIC).
2. The criminal offenses used by the Department to determine who meets Level 2 standards are listed in Attachment 3 and in Section 435.04 and 985.644, Florida Statutes.

E. When to Complete a Background Screening:

1. Background screenings for state employees and volunteers shall be completed by the hiring authority prior to making an offer of employment for a position that requires background screening. No applicant may be hired, nor may the services of any volunteer, intern, subcontractor staff, or service provider be utilized until the background screening is completed and has a rating of "eligible".



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2. A contract provider may hire an employee to a position that requires background screening before the employee completes the screening process, *but only for training and orientation purposes*. However, these employees **may not** have contact with youth or confidential youth records until the screening is completed, the rating is eligible and the employee demonstrates that he or she exhibits no behaviors that warrant the denial or termination of employment.
3. Applicants with an eligible rating may be considered for employment/volunteering up to 180 calendar days from the date the fingerprints are scanned. However, if the applicant/volunteer is not hired or utilized within the 180 calendar days, a new background screening request shall be required before the applicant may be hired or used as a volunteer.
4. Applicants who are screened, but not hired and terminated employees/volunteers, shall be removed from FDLE's retention database. As a result, these individuals will be required to complete a new background screening prior to being hired or providing services. *(See section L. for details about removing retained fingerprints.)*

F. How to Submit a Background Screening:

1. Department and provider requestors may obtain copies of the background screening forms and documents from the DJJ Internet website.
2. The following documents are required for a background screening:
  - a. **Form IG/BSU-001** - Request for Livescan Background Screening for DJJ Personnel Only (see Attachment 1)

**OR**

  - b. **Form IG/BSU-002** – Request for Livescan Background Screening for Contract Providers Only (see Attachment 2).
  - c. **Form IG/BSU-003**- The “Criminal History Acknowledgement and Prison Rape Elimination Act (PREA) Compliance Form” (see Attachment 3) *(Note: This form is only required when submitting screening requests for employment/volunteers in detention and residential.)*
  - d. A legible copy of the applicant's driver's license or Florida identification card.
  - e. A legible copy of the applicant's social security card.
    - (1) If the applicant does not have a social security card, a W-2 from a previous employer or the letter from the Social Security Administration that displays the applicant's name and social security number may be used.
    - (2) If the applicant is from a foreign country, is a student in the United States, and is seeking to volunteer as an intern with the Department or a contract provider and does not have a social security card, a Department of the Treasury Internal Revenue Service Individual Taxpayer Identification Card or a Student Visa may be used. *(This statement only applies to student interns seeking to volunteer.)*

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- f. Documentation showing fingerprints were electronically transmitted by a Livescan vendor or a completed fingerprint card.
  - (1) Electronic fingerprints submitted by a Livescan vendor for a DJJ applicant, employee or volunteer shall be submitted to the FBI and FDLE using ORI FL037055C.
  - (2) Electronic fingerprints submitted by a Livescan vendor for a contract provider applicant, employee or volunteer shall be submitted to the FBI and FDLE using ORI FL921940Z.
  - (3) Fingerprint cards submitted for a DJJ applicant, employee or volunteer shall have ORI FL037055C in the ORI box and FS.943.13/Criminal Justice Employment in the Reason Fingerprinted box.
  - (4) Fingerprint cards submitted for a provider applicant, employee or volunteer shall have ORI FL921940Z in the ORI box and FS.984.01/Caretaker entered in the Reason Fingerprinted box.
  - (5) Fingerprint cards submitted with a provider screening require payment. However, fingerprint cards submitted with Department (state) employee/volunteer screenings do not require a payment
  - (6) The fingerprint card submitted shall be of the type that is issued by the FBI. The form number is FD-258. The card has a white background with blue lines.
  - (7) Fingerprint cards for Department employees are included in the packet each employee receives from Personnel.
  - (8) Providers may obtain fingerprint cards from the DJJ Regional Manager or from the BSU. Requests for fingerprint cards shall be sent by e-mail to the BSU at **GeneralBSU@djj.state.fl.us**.
  - (9) The facility administrator may designate a staff member to roll the fingerprints of applicants and employees, however, prior to staff rolling fingerprints, the staff shall become familiar with and adhere to the FBI Legible Fingerprint Manual. Requests for a copy of this manual shall be sent by e-mail to the BSU at **GeneralBSU@djj.state.fl.us**.
3. All Department and provider hiring authorities shall have the applicant complete Section A and sign and date **Form IG/BSU-001 or Form IG/BSU-002** (see Attachments 1 and 2).
  - a. DJJ faith partner volunteers that are screened by DJJ Prevention, Probation, Detention and Residential services staff may be screened as DJJ volunteers. Form IG/BSU-001 shall be used when submitting these screenings to the BSU.
  - b. Faith partner programs that are contracted or grant recipients must screen their employees and volunteers as contract providers. Form IG/BSU-002 shall be used when submitting these screenings to the BSU.

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4. All Department and provider requestors shall complete Section B of **Form IG/BSU-001 or Form IG/BSU-002** (see Attachments 1 and 2).
5. **Form IG/BSU-003** (see Attachment 3) is for DJJ and contract provider use, but only has to be submitted with detention and residential screening requests.
  - a. All hiring authorities, at their discretion, may use Form IG/BSU-003 to discuss disqualifying offenses with the applicant.
  - b. The applicant shall carefully read the compliance form and disclose the offenses listed.
    - (1) The compliance form is designed to:
      - i. Assist the hiring authority in determining if the applicant has been found guilty of, had adjudication withheld, or entered a plea of nolo contendere, no contest, or guilty to, any offense prohibited under any of the listed provisions of the Florida Statutes or under similar laws of other jurisdictions.
      - ii. If the applicant may be eligible for an exemption.
      - iii. Ensure compliance with the Prison Rape Elimination Act (PREA).
        - a) The Department does not hire, promote or contract with anyone who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997) or has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt, or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.
        - b) The Department shall ask all applicants and employees who may have contact with youth about previous misconduct in written applications or interviews for hiring or promotions and in any interview or written self-evaluations conducted as part of review of current employees.
        - c) The Department shall consider any substantiated incidents of sexual misconduct in determining whether to hire, promote, or contract with anyone.
        - d) Employees being considered for promotion shall disclose any sexual misconduct and material omission regarding such misconduct, or the provision of materially false information shall be grounds for termination.
    - (2) All applicants seeking employment or to volunteer with Detention and Residential services, whether DJJ or a contract provider, shall complete the compliance form and submit it to the BSU at the time the request for background screening is made.
6. The hiring authority, if different from the requestor, shall give all completed forms to the requestor.

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7. The requestor shall review the applicant's background screening packet to ensure all required forms have been completed.
  - a. If an applicant indicates he or she has criminal charges that appear on **Form IG/BSU-003**, the requestor may review the charges to determine if the applicant is eligible for employment and if the hiring authority wants to move forward with the background screening process.
  - b. **Form IG/BSU-003** should be thoroughly discussed with the applicant prior to forwarding the screening request to the **BSU**. **If clear evidence exists** that it *has not been* at least three (3) years since the applicant completed or was lawfully released from confinement, supervision, or sanction for the disqualifying offense, in most cases, the applicant will not be eligible for employment or to volunteer their services.
  - c. If the applicant has a conviction listed on **Form IG/BSU-003** and it has been at least three (3) years since the applicant completed or was lawfully released from confinement, supervision, or sanction for the disqualifying offense or if the charge was dropped, abandoned, or dismissed or if the charge was resolved through successful completion of pre-trial intervention, and the requestor wants to continue with the employment process, the requestor may have the applicant provide copies of relevant arrest reports and court dispositions for each charge of concern and submit them to the BSU with the background screening packet.
  - d. The requestor must decide if he or she wants to forward background screening requests on applicants whose criminal history acknowledgement is not acceptable to the hiring authority.
8. The requestor shall submit the applicant's background screening packet by fax or mail (see Section II. B. 1. for mailing address).
  - a. Provider requestors shall include a check or money order for the cost of the background screening or use the BSU online credit card payment system.
  - b. Background screening requests for Department staff and volunteers do not require payment.
9. In lieu of submitting a fingerprint card, a Livescan device may be used to fingerprint applicants.
  - a. The hiring authority shall complete the steps as outlined in section D.1 with the exception of completing a fingerprint card.
  - b. The hiring authority shall call a local Livescan vendor to request an appointment for Livescan fingerprinting. (*If located in the Tallahassee area, you can schedule an appointment by calling the BSU.*)
  - c. The use of Livescan fingerprinting is optional. The hiring authority may submit a fingerprint card if the hiring authority does not want to send the applicant to a local Livescan vendor or to the headquarters office in Tallahassee for fingerprinting.

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- d. If Livescan will be completed by the BSU, the hiring authority shall have the applicant report to the appointment with a completed **Form IG/BSU-001 or Form IG/BSU-002**.
- e. The hiring authority shall inform the applicant to bring their driver's license and social security card to the appointment.
- f. Contract provider applicants shall bring a form of payment with them to the appointment. (*Cash and personal checks will not be accepted.*)

**G. BSU Processing of Background Screening Requests:**

- 1. The BSU intake coordinator shall receive the applicant's background screening packet by mail or in person. The intake coordinator shall review each background screening packet to confirm the required information has been submitted.
- 2. The intake coordinator shall inform the requestor by telephone, e-mail or in person of incomplete background screening forms. The intake coordinator shall indicate the problem with the background screening packet and give the requestor seven (7) calendar days to submit corrected forms.
- 3. The requestor shall coordinate with the applicant to correct incomplete background screening forms as directed by the intake coordinator.
- 4. The requestor shall re-submit the correct forms to the BSU via mail courier, fax, or email within seven (7) calendar days.
- 5. The intake coordinator shall close the file if corrected forms are not received after seven (7) calendar days.
- 6. The intake coordinator shall shred the closed background screening forms, including the fingerprint card.
- 7. The requestor shall re-submit, to the BSU, a new and complete screening packet if the correct forms are not submitted to the BSU within seven (7) calendar days of receiving notification from the intake coordinator of the deficiency.
- 8. The intake coordinator shall assign background screening packets to a screener.
- 9. The BSU Screener shall scan and transmit the fingerprint card to the Florida Department of Law Enforcement (FDLE).
- 10. The screener shall request disposition information from the requestor or applicant when the disposition of the charge does not appear on the criminal history report.
- 11. The screener shall not rate a charge that may be disqualifying until the disposition is received.
- 12. The screener shall contact Department requestors for the disposition of in-state and out-of-state charges.

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- a. The requestor shall contact the applicant and coordinate obtaining the arrest report or disposition for all charges the screener is requesting.
  - b. The screener shall contact requestors that work for a contract provider to request dispositions that are required for a Florida charge. However, when an out-of-state charge requires a disposition, the screener will ask the contract provider requestor to have the applicant call the BSU and the screener will request the disposition from the applicant directly. (The screener shall not discuss out-of-state charges with a contract provider.)
  - c. The requestor shall advise the applicant that it is his/her responsibility to obtain the requested arrest report or court disposition from the law enforcement agency or courthouse in the jurisdiction where the offense occurred and to submit legible copies of these documents to the requestor.
  - d. The requestor shall forward court documents and dispositions obtained from the applicant to the screener.
  - e. If the requested document is not received within **30** calendar days of notification, the screening shall be rated "Closed/Ineligible-requested information not received," and a copy shall be emailed to the requestor.
  - f. An applicant with a "Closed/Ineligible" rating may not be hired or utilized as a volunteer.
13. The screener shall rate the applicant's screening based on the results of the applicant's criminal history.
14. The screener shall email the completed screening to the requestor.
15. Charges that are revealed on the Florida criminal history report shall be sent to provider requestors, but charges revealed on the national criminal history report (out-of-state charges) will not be disclosed.
16. A requestor may withdraw the background screening request of an applicant whose screening has not been completed by notifying the BSU that they no longer wish to consider the applicant for employment. The requestor shall receive a copy of the screening that shall show "WITHDRAWN" in the rating section. Applicants with a WITHDRAWN rating are not eligible for employment until a new screening with an eligible rating is completed.
17. The time for completing a Livescan request is five to ten business days. If the requestor does not receive results after ten days, the requestor should follow-up with the BSU by sending an email to [GeneralBSU@djj.state.fl.us](mailto:GeneralBSU@djj.state.fl.us).

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### H. Hiring of Applicants Who Have Been Screened:

1. An applicant or volunteer cannot have contact with youth or confidential youth records until:  
*(Note: This statement does not apply to contract provider volunteers that provide services on an intermittent basis for less than 10 hours per month.)*
  - a. An “Eligible” background screening rating has been received.
  - b. An applicant/employee with an “Ineligible” rating has been granted an exemption from disqualification from the Department.
2. The hiring authority may proceed with the hiring process once a background screening with an “Eligible” rating is received or an exemption from disqualification has been granted to an applicant with a disqualifying offense.
3. If an applicant receives an “Ineligible” rating, the criminal charge that caused the rating and an explanation of the applicant’s option to seek an exemption from disqualification shall be provided, in writing, to the requestor. The requestor shall provide the information to the applicant, but it is the responsibility of the applicant to request an exemption.

### I. A Current Employee Who Receives an “Ineligible” Rating:

1. When the BSU receives information that a current employee or volunteer is “Ineligible” for employment/volunteering due to a new arrest or becomes ineligible as a result of a rescreening due to an offense that occurred prior to initial hiring, it shall notify the hiring authority.
2. The hiring authority shall immediately inform the employee/volunteer and remove them from contact with youth or confidential youth records. If the employee is a Department employee, the hiring authority shall consult with the Assistant General Counsel assigned to handle personnel and employment issues about whether to initiate the disciplinary or dismissal process and whether to place the employee on administrative leave.
3. If the “Ineligible” rating is due to a new arrest, the hiring authority shall report the arrest to the Central Communications Center (CCC) as outlined in the CCC policy and procedures.

### J. Employee Promotions and Transfers:

1. A new background screening **is not required** when an employee is promoted or transferred within the Department or within a contract provider company if there is no break in service. However, prior to initiating the promotion/transfer the hiring authority shall:
  - a. Confirm the employee has a completed Livescan on file or request a copy from the BSU.
  - b. If all background screening documents are properly completed and on file, the hiring authority may initiate the promotion/transfer.

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2. If there is no current screening on file, a Request for Live Scan screening shall be submitted to the BSU prior to initiating the promotion/transfer.

**K. Steps for Completing Employee Five (5) Year Rescreens:**

1. All Department and contract provider employees and volunteers shall be rescreened every five years of employment or service. *Employee agency hire dates shall be tracked by the facility/program human resource staff to ensure timely submission of the Rescreen.*
2. The purpose of rescreening is to ensure current employees maintain Level 2 Screening standards or meet statutory screening requirements throughout the term of their employment.
  - a. 5-Year Rescreens shall be completed every five years of employment and shall be calculated from the agency hire date.
  - b. 5-Year Rescreens shall not be completed more than twelve (12) months prior to the employee's 5-year anniversary date. (*Note: Rescreen due dates shall occur every five years of employment. For instance, if an employee was hired 01/01/2000, a Rescreen must be completed by 01/01/2005, 01/01/2010, 01/01/2015....*)
  - c. 5-Year Rescreens shall be completed on or before the 5-year anniversary date to meet Quality Improvement (QI) standards of compliance.
    - i. When a rescreening is submitted to the BSU at least 10 business days prior to the 5-year anniversary date, but it is not completed by the BSU on or before the anniversary date, the screening shall meet QI standards of compliance.
    - ii. When a rescreening **is not submitted** to the BSU at least 10 business days prior to the 5-Year anniversary date and the BSU does not complete the rescreening prior to the anniversary date, the screening shall not meet QI standards of compliance.
3. One of the following forms is required for re-screening:
  - a. **Form IG/BSU-004** – Request for Re-screening (Five-Year) Check for DJJ Personnel Only (see Attachment 4).
  - b. **Form IG/BSU-005** – Request for Re-screening (Five-Year) Check for Contract Providers Only (see Attachment 5).
4. The requestor shall obtain a copy of the appropriate form.
5. The requestor shall make copies of the employee's driver's license and social security card.
6. The employee shall complete Section A of the Request for Re-screening form and the requestor shall complete Section B of the form.
7. The field "Employee Hire Date" must be completed by the requestor.



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8. The requestor shall submit the forms via mail or fax to the BSU prior to the five-year anniversary date. (*Rescreens shall not be submitted more than twelve (12) months prior to the anniversary date.*)
9. The requestor shall submit the rescreen form, and processing fee to the BSU. (*Note: Employment dates shall be tracked by the facility/program human resource staff to ensure employees are submitted for re-screening every five years of employment.*)
  - a. Providers can fax the request for rescreening packet if payment is submitted via the On-line Credit Card Payment System.
  - b. Provider rescreening packets must be mailed to the BSU when payment is made using a company check or money order.
  - c. Department requestors may fax, email or mail the packet but are not required to submit payment.
  - d. The time for completing a rescreen is five to ten business days. If the requestor does not receive results from a rescreening packet after **10** days, the requestor should follow-up with the BSU by sending an email to **GeneralBSU@djj.state.fl.us**.
10. The intake coordinator shall receive the request for rescreen and shall review each packet to confirm that the appropriate fee and the required documentation have been submitted.
11. Requestors will be notified if the rescreen packet submitted is incomplete or not properly filled out. The BSU shall notify the requestor to submit the missing information. The screening will not be processed until the missing information is received by the BSU.
12. Providers are encouraged to review their packets prior to submittal to ensure prompt processing.
13. The applicant's retained fingerprints will be used to complete the 5-Year Rescreen. If the FBI rejects the retained fingerprints, the requestor will be notified to submit a new set of applicant fingerprints.
14. If a disqualifying offense appears on an employee's criminal record and the following conditions apply, the employee is not eligible for continued employment without first being granted an exemption:
  - a. The employee was convicted of or had adjudication withheld or plead guilty or nolo contendere (no contest) to a disqualifying offense,
  - b. The employee has not previously received an exemption from disqualification for the disqualifying offense from the Department.

*(Note: If the conditions listed in 12.a and 12.b apply, any employee in a position that requires background screening shall be immediately removed from a position that has contact with youth or confidential youth records pending the outcome of an Exemption Review.)*

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15. If it has not been at least three (3) years since the employee completed or was lawfully released from confinement, supervision, or sanction for the disqualifying offense, the employee cannot continue employment in a position that has contact with youth, confidential youth records or that requires background screening, nor is he/she able to receive an exemption.
16. The Screener shall process the screening as described in Section D and write the employee's new Transaction Control Number (TCN) on the screening form.

**L. Retaining Applicant or Employee Fingerprints:**

1. Section 985.644, Florida Statutes, require fingerprint information for all persons currently employed or seeking employment with the Department or a contract provider to electronically submit their fingerprints to the Florida Department of Law Enforcement (FDLE). The fingerprints submitted shall be retained by FDLE in their automated fingerprint identification system until a fingerprint removal request is made. A request for removal shall be made when:
  - a. DJJ or a contract provider no longer employs an individual.
  - b. A provider is no longer under contract with the Department.
  - c. The applicant's fingerprints were submitted to FDLE, but the applicant was not hired.
2. FDLE will retain fingerprints for the purpose of notifying the Department of employee arrests.
3. FDLE will not charge the Department for retaining the fingerprints of Department (state) employees and volunteers, but FDLE will charge the Department for retaining the fingerprints of contract provider employees and volunteers.
4. The Department will be billed \$6.00 per person per year, by FDLE for retaining the fingerprints of contract providers in their database. The Department will forward an invoice to contract providers for their proportionate cost for retaining fingerprints. Applicable trust fund and surcharge fees will also be included on the invoice.
5. Providers shall submit retention payments in the form of a company check, money order or via our Online Credit Card Payment System. To ensure fees are properly receipted, providers shall submit a copy of the invoice with the payment. (*Note: Payments made online shall be faxed to the BSU. A copy of the invoice and the payment confirmation page shall be included in the fax.*)

**M. Steps Associated with Removing Retained Applicant or Employee Fingerprints:**

1. Section 985.644, Florida Statutes, require the Department to notify FDLE when a person whose fingerprints have been submitted has either:
  - a. Terminated employment/volunteers with the Department or the contract provider, or
  - b. Was not hired/utilized by the Department or the contract provider.

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2. The BSU shall notify FDLE when an applicant, employee or volunteer is terminated or was not hired/utilized to comply with Florida statute and to keep the Department or the contract provider from incurring fees for FDLE retaining the person's fingerprints.
3. When an applicant's fingerprints are submitted for Livescan and the applicant terminates employment or is not hired, the hiring authority (facility/program) shall follow the steps listed below to remove the fingerprints from FDLE's retention database:
  - a. Send an email to **GeneralBSU@djj.state.fl.us** notifying the BSU of the termination or the decision not to hire the applicant. To properly classify the e-mail, the subject line shall read: Termination/Scanned Not Hired. Using this subject line shall allow the BSU to electronically archive these emails for future access.
  - b. The email shall contain the applicant's name, last 4 digits of the social security number, transaction control number (TCN) and the name of the facility requesting removal.
  - c. To avoid billing for retention fees, a request for removal must be received by the BSU at least two weeks prior to DJJ receiving the FDLE invoice. Once FDLE invoices DJJ, the requestor/provider is responsible for paying the fees.

**N. Steps Associated with the Annual Affidavits of Compliance with Level 2 Screening Standards:**

1. The **Form IG/BSU-006**, Annual Affidavit of Compliance With Level 2 Screening Standards (see Attachment 6), required by Section 435.05 F.S., shall be completed annually by each Department and contract provider facility or program. This also includes programs that receive grants or funding from the Department. Forms **IG/BSU-008** and **IG/BSU-009** shall also be completed and submitted according to the instructions listed below.
  - a. The completed forms **IG/BSU-006**, **IG/BSU-008**, and **IG/BSU-009** are due to the BSU by January 31 of each year and may be submitted to the BSU at least three (3) months prior to the deadline date.
  - b. Copies of these forms may be obtained from the Department Internet website.
2. The appropriate manager or designee for each department and provider facility shall complete Form **IG/BSU-006**. The contract provider or designated liaison for the local school board and/or law enforcement agency shall complete **Forms IG/BSU-008 and IG/BSU-009**. Instructions for completing the affidavit are as follows.
  - a. The manager or designee shall enter his/her name and sign the form.
  - b. The facility or agency name shall be entered.
  - c. The document shall be signed in front of a Notary Public and notarized.
  - d. The completed form shall be sent to the BSU by U.S. mail, courier, fax or e-mail before January 31 of each year.

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- e. A list of employees is not required when submitting **Form IG/BSU-006**; however, submitting a list of all employees is encouraged.
  - f. When an agency submits form **IG/BSU-008** or **IG/BSU-009**, a list shall be attached and submitted to the BSU of all instructional personnel, administrative personnel, and educational support employees or law enforcement/security personnel who currently or within the past year worked in the Department or contract provider facility or program.
3. Upon receipt, the BSU intake coordinator shall process Forms **IG/BSU-006**, **IG/BSU-008**, and **IG/BSU-009** in the following manner:
- a. Verify the information provided on the form.
  - b. Record receipt of the form.
  - c. File or scan the form.
  - d. Fax or e-mail the form to the facility or agency contact upon request.
- O. Steps in the Exemption Process:
1. The **Form IG/BSU-007**, Request for Exemption from Ineligibility (See Attachment 7) is required when requesting an Exemption from Disqualification.
  2. The Department provides for an exemption process consistent with the provisions of section 435.07, Florida Statutes. Within this process, it is incumbent upon the person seeking the exemption to demonstrate by clear and convincing evidence that he/she should no longer be disqualified from employment.
  3. An exemption from disqualification cannot be granted to a person solely by reason of a pardon, executive clemency, or restoration of civil rights.
  4. An exemption from disqualification cannot be granted to any person who is a:
    - a. Sexual predator as designated pursuant to s. 775.21;
    - b. Career offender pursuant to s 775.261; or
    - c. Sexual offender pursuant to s. 943.0435, unless the requirement to register as a sexual offender has been removed pursuant to s. 943.04354.
  5. The exemption process becomes an option for an offense that is a felony, including juvenile charges that would be felonies if committed by an adult (if the juvenile charge has not been sealed or expunged) when at least three (3) years have elapsed since the applicant has completed or been lawfully released from confinement, supervision, or sanction for the disqualifying offense. If the disqualifying offense is a misdemeanor, or was a felony when committed, but is now a misdemeanor, the applicant can apply for an exemption once all sanctions associated with that offense have been completed.

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6. Exemptions granted by other agencies shall be considered by the Department, but are not binding on the Department. However, any person who received an Exemption from Disqualification as an Health and Rehabilitative Services (HRS) employee prior to the establishment of the Department Of Juvenile Justice (DJJ) in October 1994 is eligible to work for the Department unless he or she received another disqualifying offense after the HRS exemption was granted.
7. Applicants seeking an exemption have the burden of setting forth clear and convincing evidence of rehabilitation, including, but not limited to:
  - a. The circumstances surrounding the criminal incident for which an exemption is sought,
  - b. The time period that has lapsed since the incident,
  - c. The nature of the harm caused to the victim,
  - d. The history of the person since the incident,
  - e. Or any other evidence or circumstances indicating the person will not present a danger if employment is allowed.
8. Applicants may contest the **accuracy** of the records used to determine the applicant's ineligibility by demonstrating the records do not apply to that individual, as in the case of mistaken identity, or where the record itself contains inaccurate information on the charge or disposition.
9. The facts of the court case shall not be reassessed and a previous determination of guilt by the sentencing authority shall not be challenged through this process.
10. A **new** applicant or **current** employee/volunteer shall request an exemption within **45** calendar days of receiving notice of ineligibility.
11. Any **current** employee or volunteer in a position requiring background screening, who has a disqualifying offense and has not been previously granted an exemption for that offense, shall be immediately removed from a position that has contact with youth or confidential youth records until an exemption has been granted by the Department. However, if the exemption is denied or the individual cannot apply for an exemption, he/she shall be permanently removed from the position.
12. The BSU shall notify the requestor as to whether the applicant, employee, or volunteer can or cannot request an exemption.
13. The requestor shall notify the employee/applicant if he or she can or cannot request an exemption. The Department will not process exemption requests that is submitted 45 days after the notice of ineligibility.
14. The employee/applicant shall submit the required documents and request for exemption review to the BSU for processing.
15. The request for review shall be submitted within **45** calendar days and shall be addressed to:

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Office of the Inspector General  
Attention: Background Screening Unit  
2737 Centerview Drive, Suite 3400  
Tallahassee, FL 32399-3100  
Fax Number: (850) 921-6348

16. The BSU will forward the completed exemption file to the Agency Clerk within **10** calendar days of receiving all required documents.
17. The Agency Clerk shall handle the review request until the review is concluded.
18. The Agency Clerk shall provide a copy of the final agency decision to the applicant and the BSU.
19. The Agency Head may grant an exemption from disqualification. An exemption denial made by the Agency Head or his or her designee may be appealed to the Division of Administrative Hearing (DOAH) pursuant to section 120.57, Florida Statutes.

**III. RESPONSIBILITY AND DUTIES**

A. The Executive Leadership Team (ELT)

1. ELT members shall ensure staff under their leadership comply with initial and five-year re-screening requirements. (*Note: Employment dates shall be tracked so employees are submitted for re-screening every five years of employment.*)
2. ELT members shall ensure that all Department and contract provider employees and volunteers within their respective bureaus and offices are background screened prior to being hired.
3. ELT members shall ensure confidential background screening information that is released to authorized personnel within their bureaus and offices is only divulged to authorized persons. (*See section D.2. for provider exception*)

B. Office of the Inspector General

1. The Office of the Inspector General has the responsibility of operating and managing the Department's Background Screening Unit, which conducts background screenings, five year re-screenings, and maintains the Annual Affidavits of Compliance with Level 2 Screening submitted by facilities, local school boards, and law enforcement agencies.
2. The Office of the Inspector General shall ensure that confidential background screening information is only divulged to authorized persons.

C. Contract/Grant Providers

1. Contract/Grant providers are responsible for ensuring all staff working for any program with youth or confidential youth records have been background screened prior to hiring them. This includes all owners, operators, employees, and volunteers who have access to a facility or program where

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Department youth are being housed or receiving services or who have access to confidential youth information. *(See section D.2. for provider exception)*

**IV. ATTACHMENTS**

Form IG/BSU-001 –Request for Livescan Background Screening for DJJ Personnel Only (Attachment 1)

Form IG/BSU-002 –Request for Livescan Background Screening for Contract Providers Only (Attachment 2)

Form IG/BSU-003 – The “Criminal History Acknowledgement and Prison Rape Elimination Act (PREA) Compliance Form” (Attachment 3)

Form IG/BSU-004 – Request for Re-Screening (Five-Year) Check for DJJ Personnel Only (Attachment 4)

Form IG/BSU-005 – Request for Re-Screening (Five-Year) Check for Contract Providers Only (Attachment 5)

Form IG/BSU-006 – Annual Affidavit of Compliance with Level 2 Screening Standards (Attachment 6)

Form IG/BSU-007 – Standard Disqualifying Letter and Request for Exemption from Ineligibility (Attachment 7, Parts 1 and 2)

Form IG/BSU-008 – Annual Affidavit of Compliance with Level 2 Screening Standards School Board Personnel (Attachment 8)

Form IG/BSU-009 – Annual Affidavit of Compliance with Level 2 Screening Standards Law Enforcement & Security Personnel (Attachment 9)