

# Orange County Public Schools Volunteer Eligibility Statement

All volunteer candidates with OCPS are subject to a criminal history check. In Florida, the entire arrest record is revealed to school districts, **including sealed and/or expunged** records and military court proceedings. Applicants must disclose this information even if told differently by a lawyer, judge, or other law enforcement individual. **If you were given this information by a judge then those written instructions would need to be provided to OCPS.** Prior criminal records may or may not result in disqualification for volunteering; however, failure to disclose this information will disqualify you for volunteering. Information that must be disclosed includes any offense that occurred **whether as a juvenile or adult**; therefore all adult and juvenile offenses must be listed.

An applicant's criminal history includes any offense for which the applicant posted bail; entered a pre-trial diversion program, pre-trial intervention program, teen or drug court or juvenile program; had adjudication withheld, was convicted or found guilty; was placed on probation; pled guilty or no contest; was jailed or imprisoned; or appeared in court; as a juvenile or adult. **Sealed records, expunged records** and military court proceedings must be disclosed. Note: DUI and reckless driving are criminal offenses.

The following guidelines apply: **If you are UNCERTAIN, or DON'T UNDERSTAND these guidelines BEFORE completing your application CHECK with the Fingerprint Office at (407) 317.3200, ext. 200-2922. YOU MAY BE DISQUALIFIED.**

INELIGIBLE TO VOLUNTEER	INELIGIBLE TO VOLUNTEER, if Anyone Had Been Convicted of:	CASE BY CASE BASIS
Statutory felony convictions in Florida Statute 1012.315 (1)  Any Other Pending Felony Cases	Any other adult felony offense within the past 25 years (except those enumerated in FS §1012.315)  Juvenile felony offense within the past 5 years (except those enumerated in FS §1012.315)	Any applicant convicted of a felony of more than 25 years, except those convicted of crimes included in 1012.315 (1)
Statutory Misdemeanor convictions Florida Statute 1012.315 (2)  Any Other Pending Misdemeanor Cases	Any other adult misdemeanor offense within the past 5 years (except those enumerated in FS §1012.315)  Juvenile misdemeanor offense within the past 5 years (except those enumerated in FS §1012.315)	Any applicant convicted of a misdemeanor of more than 5 years, except those convicted of crimes included in 1012.315 (2)
		Arrest or charges for: Any crime involving violence (domestic violence, battery, etc.) and/or drug offenses within the past 10 years

The criminal offenses listed below will render applicants **ineligible to volunteer** with Orange County Public Schools.

**WILL NOT BE ELIGIBLE TO VOLUNTEER – Felony charges/convictions including, but not limited to the following:**

- Sexual misconduct with certain developmentally disabled clients and reporting of misconduct
- Sexual misconduct with certain mental health clients and reporting of misconduct
- Sexual misconduct with certain forensic clients and reporting of misconduct
- Adult abuse, neglect or exploitation of aged persons or disabled adults
- Murder
- Manslaughter, aggravated manslaughter of an elderly person, disabled adult, or child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
- Vehicular homicide
- Killing an unborn child by injury to the mother
- Assault of a minor
- Aggravated assault
- Battery of a minor
- Aggravated battery
- Battery on a detention or commitment facility staff member
- Kidnapping
- False imprisonment
- Taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings
- Carrying a child beyond state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person
- Exhibiting a firearm or weapon within 1,000 feet of a school
- Possessing an electric weapon or device, destructive device, or other weapon on school property
- Sexual battery
- Prohibited acts of persons in familial or custodial authority
- Prostitution
- Lewd and lascivious behavior
- Lewd and indecent exposure
- Voyeurism or video voyeurism
- Arson
- Theft, robbery, robbery by sudden snatching, and related crimes if the offense is a felony
- Dealing in stolen property
- Carjacking
- Home-invasion robbery
- Fraudulent sale of controlled substances, only if the offense is a felony
- Abuse, aggravated abuse, or neglect of an elderly disabled adult
- Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult
- Exploitation of an elderly person or disabled adult, if the offense was a felony
- Incest
- Child abuse, aggravated child abuse, or neglect of a child
- Contributing to the delinquency or dependency of a child
- Negligent treatment of children
- Sexual performance by a child
- Resisting arrest with violence
- Depriving a law enforcement, correctional, or correctional probation officer means of protection or communication
- Aiding in an escape
- Aiding in the escape of juvenile inmates in correctional institutions
- Obscene literature
- Encouraging or recruiting another to join a criminal gang
- Drug abuse prevention and control only if the offense was a felony or if any other person involved in the offense was a minor
- Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm
- Harboring, concealing, or aiding an escaped prisoner
- Introduction of contraband into a correctional facility
- Sexual misconduct in juvenile justice programs
- Contraband introduced into detention facilities
- All felony drug related convictions

**WILL NOT BE ELIGIBLE TO VOLUNTEER - Any misdemeanor offenses prohibited under any of the following statutes**

- Battery, if the victim was a child
- Luring or enticing a child

Any criminal act committed in another state or under federal law, which if committed in this state, constitutes an offense prohibited under any statute listed above.

Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. [943.0435\(1\)\(a\)1.d.](#)

**MAY BE CONSIDERED IF CHARGE IS MORE THAN FIVE YEARS OLD**

- Misdemeanor drug or paraphernalia
- Resisting arrest

**MAY BE CONSIDERED ON A CASE BY CASE BASIS**

- Cases pending
- Domestic violence
- Multiple arrests
- On probation (Crimes not listed above)
- City ordinances/criminal traffic offenses not listed above
- Any misdemeanor crime not listed above

**NOTE: If you are considered eligible for volunteering under the above guidelines, this eligibility does not guarantee volunteer placement and/or employment with Orange County Public Schools.**



## ADDITIONS SCHOOL VOLUNTEER - CRIMINAL HISTORY REVIEW AND APPEAL PROCESS

When criminal charges appear in an applicant's background, the district requires specific documents to best clarify any record(s). Those applying to volunteer have the burden of providing court documents and setting forth in writing, a personal statement from your perspective explaining all circumstances surrounding any criminal incident.

### APPEAL PROCESS

If an individual wishes to appeal their volunteer status, they may submit new supporting documentation and information that has not previously been reviewed. Appeals cannot be reviewed until ALL documents listed above and new supporting documentation has been submitted to the office of Fingerprint Services.

The district respects and believes in due process. Therefore, after having been recommended ineligible, you may appeal the decision one time. For the purposes of this notification everyone is referred to as an applicant, whether you are seeking employment, becoming an intern, a substitute teacher, a volunteer or even a contractor wishing to provide goods or services.

All applicants requesting an appeal are instructed to read the district's "Volunteer Eligibility" statement (*see page one of this document*) prior to proceeding. It is a guide used for anyone seeking direct student contact, whether through employment, internships or volunteering.

### CRIMINAL RECORDS

IN ORDER FOR AN APPEAL TO BE CONSIDERED, EACH OF THE FOLLOWING MUST BE SUBMITTED:

- 1) **Copies of official documentation for every charge** appearing in your criminal history:
  - **Arrest affidavit** - (available from the records department of the law enforcement agency that levied the charge).
  - **Final court disposition for all criminal charges** - (available from the records department of the clerk of the court for the county in which the charge was levied).
  - Probation and/or Pretrial Diversion final court document(s) with proof of completion or termination.
  - A copy of all active court ordered injunctions.

When records no longer exist, OCPS requires a statement on letterhead from both the arresting agency and clerk of the court confirming this fact.

- 2) Your **personal statement** must include the following information in this format/order:

- Date the document
- Your full name
- Complete U.S. Postal address
- Phone number and email address
- Insert the word STATEMENT (all caps) in the center of the page
- **Information explaining every charge** that appears in your criminal history
  - The time period that has elapsed since the incident
  - Personal history since the incident
  - The nature of the harm caused to any victim
  - Clear and convincing evidence of rehabilitation
  - Type of volunteering requested
  - Parent or non-parent
- Conclude with a handwritten signature.

#### **Submission**

Email documentation to [Fingerprintingdocuments@ocps.net](mailto:Fingerprintingdocuments@ocps.net)

### APPEAL RATIONALE/EXPLANATION

While the district cannot instruct an applicant on what to state in an appeal, the following four items nonetheless must be incorporated:

- Insert the word APPEAL (all caps) in the center of the page
- Appeals must begin with the subject's acknowledgement as to why they are disqualified and for what you are ineligible. For example, "I am currently ineligible for a vendor badge due to the recency of criminal history."
- Confirm that the application and OCPS guidelines have been read
- The appellant must ask, or tell, the district what it wants from this appeal
- All appellants are encouraged to include mention of any personal or professional accomplishments they believe would be relevant to share

Questions, may be directed to OCPS Compliance at 407.317.3200 extensions 2002922