

Jessica Lunsford Act

5.12 JESSICA LUNSFORD ACT

(1) **Jessica Lunsford Act:** In order to comply with the Jessica Lunsford Act (JLA) as amended, relating to vendors and contractors the following policy shall apply. Although the JLA, as amended, may allow more latitude for contractors than the policies outlined herein, the Escambia County School Board reserves the right to set more stringent policies than the threshold required by the statute.

(2) **Screening Standards:**

The revised JLA has narrowed the list of prior offenses which disqualify non-instructional contractor personnel from access to school facilities, allowing a wider range of potential workers to be employed at school jobsites. However, it is the ongoing duty of the Board to protect student welfare. Therefore, the School Board of Escambia County reserves the right to restrict access to a higher standard than the threshold set forth in the revised statute. Screening shall be commensurate with the screening standards in Level 2 as defined by Section 435.04, Florida Statutes.

(3) **Appeals:**

In cases where non-instructional contractors who under Section 1012.467(2)(a), Florida Statutes, would be subject to reduced screening standards are denied access as a result of Level 2 screening, the contractor may appeal the decision in writing within 10 days of notification of denial. The Superintendent shall act upon the appeal within 30 days of receipt of the appeal. In the review of all appeals a reasonable basis shall apply.

(4) **Line-of-Sight Provision:**

(a) The JLA Section 1012.468(2)(a), Florida Statutes, as amended, allows contractors who have not passed background screening to work on school grounds as long as they are under direct line of sight supervision of a screened supervisor or district employee. Except as outlined in (b) and (c) of this rule, the School Board of Escambia County does not grant this degree of latitude due to the possibility that the screened supervisor may be called away by an emergency or lose sight of an employee.

(b) Line-of-sight provisions may be used for individual contractors providing training or educational resource presentations provided they are escorted by responsible District administrative staff to and from the delivery venues and remain under constant supervision throughout their lecture/training delivery obligation. Departments utilizing such individual contractors must notify the Protection Services Division in writing prior to their arrival. Furthermore, these exempted individual contractors must be checked against the national sexual offender database by the responsible District administrative staff member.

(c) Line-of-sight provisions may be used for contractors responding to time sensitive critical emergencies provided they are escorted by responsible District administrative staff to and from the work site and remain under constant supervision throughout their service/repair obligation. Departments utilizing such individual contractors should coordinate with the Protection Services Division. Furthermore, these exempted individual contractors must be checked against the national sexual offender database by the responsible District administrative staff member.

(5) Physical Barrier Provision:

The JLA Section 1012.468(2)(e), Florida Statutes, as amended, allows personnel who have not passed background screening to work on a school campus if there is a barrier in place configured so as to ensure reasonable physical separation from normal student activity. This requires a 6-foot chain link fence, with a single ingress/egress point allowing access only from off-campus/public right-of-way. The physical barrier provision is allowed, however, the fence must also include a visual fabric screen and remain intact throughout the time workers are on campus. Should the fence be damaged, repairing it shall be the contractor's immediate priority. If the fence is not repaired, all unscreened workers will be required to leave the jobsite.

(6) Screening Exemption Provisions:

- (a) Section 1012.468(2)(f), Florida Statutes, allowing exemption for delivery personnel is reasonable shall be applied. Contractor personnel who enter campuses only briefly to pick up or deliver materials, commodities, or property and who are under supervision of school employees their entire time on campus will be exempt from screening. This does not include service technicians who make more lengthy visits to work on equipment on campuses.
- (b) District properties where students are not present during the course of the normal education process are exempt from the requirements of JLA screening. District facilities employing student workers are not exempt.

(7) Periodic Background Screening:

Background checks, where required, are to be done at least every five (5) years. However, the Board reserves the right to limit some credentials to shorter term and can require more frequent background checks for renewal as deemed necessary.

(8) Screening Result Sharing:

Screening information will be shared with other districts as provided in Section 1012.467(7)(a).

Company

Signature

Date