



FREQUENTLY ASKED QUESTIONS

PRIVATE SCHOOL

CRIMINAL HISTORY RECORD CHECKS / BACKGROUND CHECKS FOR SCHOOLS PARTICIPATING IN SCHOLARSHIP PROGRAMS

UNDER THE PROVISIONS OF SECTION 1002.421, FLORIDA STATUTES

The Florida Department of Education (DOE) Office of Independent Education and Parental Choice or your attorney will be able to confirm who is required to be fingerprinted in order to have state and national criminal history record checks. They will also be able to confirm when these must be submitted.

For your convenience, we have added supplemental information about the VECHS program to this site. Questions and Answers 1 to 13 are specifically for private schools with **Questions 3 to 11 dealing directly with electronic submissions**. We have added a set of Questions and Answers about VECHS starting with Question 14 which explains the VECHS program more generally.



1. How do I enroll in the FDLE VECHS program?

Private schools are authorized to participate in FDLE's Volunteer and Employee Criminal History System (VECHS) because of the service they offer to Children. VECHS is a voluntary program — however; under the provisions of Section 1002.421, F.S., private schools participating in scholarship programs must conduct criminal history record checks on employees and contracted personnel. Those criminal history checks will be conducted through the FDLE VECHS program.

Enrollment materials include the [VECHS Application, User Agreement](#), and [CWCS Registration Form](#). All of these documents must be submitted to FDLE via mail as they must be signed by the appropriate school authority. The forms may be printed from the internet, completed, signed mailed to FDLE. FDLE will mail these forms to private schools upon request.

2. Once I sign up, what is involved?

You will be provided with a packet of information from the VECHS program. It will include:

- * A cover letter giving your account numbers to use. These are your **Qualified Entity Numbers**. One is for employees and contracted personnel and the other is for volunteers. While s. 1002.421, F.S. indicates that, in order to receive scholarship money, employees and contracted personnel must submit fingerprints, some schools may want to check volunteers as well. Using the volunteer entity number for checking volunteers will result in a reduced fee.
- * Forms and information for submitting fingerprints electronically. These forms are required regardless of whether your private school purchases a livescan device or if the employees and contracted personnel go to a "service provider" or another livescan device owner and have the fingerprints taken and submitted by this company.
- * A Private Schools Waiver Agreement and Statement to be signed by each employee, contracted person or volunteer that you submit.
- * Contacts for criminal record repositories in other states which are useful in obtaining additional criminal history information.
- * Florida Clerks of Court and their contact information. This contact information may be needed when there is an arrest in Florida but the criminal record does not indicate whether the offender was convicted.
- * Instructions as to how a person can obtain his or her own criminal record for review and possible correction, which may be given to an employee, contracted person or volunteer.
- * A sample dissemination log which must be used if a private school shares criminal history information with another private school. Private schools may NOT share criminal history information with any VECHS entities except other private schools registered with VECHS. Private schools are the only VECHS entities authorized to receive sealed information and expunge notifications.

Similarly, private schools may not use criminal history results obtained for employees or contracted personnel for volunteers or vice versa. If a volunteer becomes an employee, that person's fingerprints should be submitted again under the Employee Qualified Entity Number; the volunteer results should NOT be used to screen the candidate as an employee. Likewise, employee results should not be used to screen a person for a volunteer position. The rules for criminal history information sharing are included in the User Agreement, signed by all private schools participating in the VECHS program.

- * Reminders of important provisions regarding the VECHS program.

- * Results definitions.
- * Instructions for procedures for “name-based” searches from the FBI to be used when the subject’s fingerprints are rejected twice based on poor fingerprint quality.

3. What does the law mean when it says that fingerprints must be submitted electronically?



As of July 1, 2007, s. 1002.421, F.S. requires all fingerprint submissions for employees and contracted personnel be made electronically. Fingerprints submitted “electronically” are fingerprints taken on a “livescan” device and submitted electronically to FDLE. It can also include fingerprints taken with ink on a hard copy fingerprint card that are subsequently scanned and submitted electronically to FDLE. These electronic submissions are processed through our Civil Workflow Control System (CWCS).

This link on [vendors who sell livescan devices and “service providers” who take fingerprints on livescan devices for other customers](#) is provided for your convenience.

4. What is the Civil Workflow Control System (CWCS)?

The Civil Workflow Control System (CWCS), pronounced “QUICKS”, is an automated system used to receive, process and respond to electronic applicant submissions. Processing that once took several weeks with fingerprint cards now takes 24 – 72 hours with electronic submissions. CWCS allows different types of applicants to be scanned on a single device and allows input from a variety of livescan devices that adhere to FDLE and FBI standards and requirements.



5. What do I need to do to start submitting electronically?

- * First, you must already be a registered VECHS entity. If you are not, please see Question 1: How do I enroll in the FDLE VECHS program?
- * Second, you must complete the [CWCS VECHS Customer Registration Form](#) and return it to FDLE. Once the information is registered in our systems, you will receive an e-mail notification that you can start submitting electronically.
- * Third, you must make arrangement to be fingerprinted on a livescan device.



6. Where can I get fingerprinted on a livescan device and submit electronically?

Private schools have the following options in submitting fingerprints electronically:

- * Purchase their own [livescan device](#). While the cost may be prohibitive it can be cost effective depending on the number of submissions necessary for your school.
- * Use "[service providers](#)" to submit fingerprints electronically on your behalf.
- * Inquire to other livescan device owners, such as local school boards, if they are willing to assist with your electronic submissions.

7. What are the costs associated with criminal history background checks for private school employees and contracted personnel?

	Effective February 1, 2015		
	State Fee	National Fee Electronic Submissions	Total
Employees & Contractors	\$24	\$14.75	\$38.75
Volunteers	\$18	\$13.50	\$31.50

- * Some livescan device owners and all "service providers" add a fee for rolling the fingerprints.
- * Since livescan submissions are charged to the livescan device owner, private schools must make payment arrangements with the device owner.
- * In addition to the costs associated with the initial criminal history background check, there is an annual fee for the retention of fingerprints. The retention fee is \$6 per person per year.

8. How do I receive and view the criminal history results after submitting electronically?

Criminal history results for electronic submissions are posted to FDLE's secure mail application called "CertifiedMail". Once the criminal history results are ready, the private school will receive an e-mail notification, containing the link to the application. The viewing of criminal history results will occur within this secure application.

9. What is meant by "retention of applicant fingerprints for reverse searches" and "arrest hit notifications"?



Section 1002.421, F.S. instructs FDLE to retain employee fingerprints submitted by the private school on or after July 1, 2007. Incoming Florida arrest fingerprints are searched against these retained private school fingerprints. If a fingerprint match is made on an individual, FDLE notifies the private school that the employee or contracted person was arrested, and provides the name of the county where the arrest occurred as well as contact information for the arresting agency. It is important to note fingerprints submitted prior to July 1, 2007, were not retained.

10. What are the fees associated with the retention of prints?

The fee for the retention of applicant fingerprints is \$6 per year per applicant. The retention of the fingerprints eliminates the necessity to have a future state criminal history record recheck at a cost of \$24, since all incoming Florida arrest information is continuously compared to the retained applicant database. If a recheck is required, it would only need to be for a national criminal history background check

11. May I retain volunteer fingerprints?

Yes. FDLE has authority to retain fingerprints for agencies or qualified entities which have formally requested it. If the agency or qualified entity uses volunteers and requests that volunteers be retained, they will be retained in accordance with Section 943.05(3)(g), F.S.

12. To whom may my private school release criminal history information?

With the permission of the applicant, the criminal history information may be shared with other private schools registered with VECHS. Each VECHS private school agrees to only release criminal history information after confirming with FDLE the private school to which they are releasing the information is a current, registered VECHS entity. Such dissemination of criminal history information must be logged by noting what record was released, to whom it was released, and on what date it was released. Also, private schools are required to release the criminal history information to the Department of Education personnel consistent with the applicant's approval on the waiver form.

13. Are owners under the same requirements as private school employees and contracted personnel?



The provisions in s.1002.42(2)(c)1, F.S., were not changed. Private school owners must have fingerprints taken and sent to FDLE for a state-level background check upon taking ownership. FDLE will return the state criminal record or an indication that there is not a state record to the school so that it can be made available for public inspection and sent by the school to DOE. The owner fingerprint submissions must be on a fingerprint card that clearly indicates, "state check only."

The owner's fingerprint submission may not be submitted with the VECHS account information. If state and national criminal record checks are required as a part of scholarship funding, the owner will have to submit under VECHS in addition to the state level check defined in s. 1002.42(2)(c)1, F.S.

Definitions:

Criminal History Background Check: The term "background check" has been used interchangeably with "criminal history check" or "criminal history background check" which has caused some confusion. From the FDLE perspective, a background check is a criminal history record check to determine if a person has been arrested and/or convicted of a crime. Although some companies use the phrase background check to include drivers record checks, credit checks, or interviews with neighbors and employers, for purposes of this paper, it includes a search of the following databases:

- * the Florida Computerized Criminal History Central Repository for Florida arrests (**STATE CHECK**),
- * the Florida Computerized Criminal History Central Repository for Florida arrests AND the national criminal history database at the FBI for federal arrests and arrests from other states (**STATE AND NATIONAL CHECK**) and
- * the Florida Crime Information Center for warrants and domestic violence injunctions (**HOT FILES CHECK**).

The national check is based on the submission of fingerprints. For state checks, submissions may be based on a name (and other descriptors) or fingerprints.

Level 1 and Level 2 Background checks: Level 1 and Level 2 Background Checks are terms used in Florida Statutes to convey the method of the criminal record check and the extent of the data searched, however, the terms may also refer to certain disqualifying offenses if certain statutes are used as reference. Level 1 and Level 2 are terms that pertain only to Florida and are not used by the FBI or other states. They are defined in Chapter 435, F.S., but are used elsewhere in statute without definition and appear not to be associated with all of the provisions in Chapter 435.

- * **Level 1** generally refers to a state only name based check AND an employment history check.
- * **Level 2** generally refers to a state and national fingerprint based check and consideration of disqualifying offenses, and applies to those employees designated by law as holding positions of responsibility or trust. Section 435.04, mandates that Level 2 background security investigations be conducted on employees, defined as individuals required by law to be fingerprinted pursuant to Chapter 435. (This only applies as stated in statute, not to all employees fingerprinted under ch. 435.)

It should be noted that both the state and national criminal history databases can be searched for arrests, warrants, and other information pertaining to an individual, however, neither database has the capability of searching for specific offenses on an individual record.

14. What is the difference between the National Child Protection Act (NCPA) and the Volunteers for Children Act?

Names you may hear that refer to the same federal law and its amendment are as follows: the National Child Protection Act, the Foley Act, and the Volunteers for Children Act. These laws are sometimes named for sponsors or persons who supported the new laws or amendments. For the purposes of the available criminal history information, these different names refer to the same basic law. Section 943.0542 of the 1999 Florida Statutes was enacted to implement this federal legislation.



15. On what legislation is the VECHS program based?

The Florida Department of Law Enforcement initiated the VECHS program in 1999, after the Florida Legislature enacted section 943.0542 of the Florida Statutes (1999). This statute is based upon the National Child Protection Act (NCPA), as amended. The federal guidelines for the NCPA offer further interpretations of the NCPA, along with mandates for states that choose to implement corresponding legislation and programs.

The federal guidelines apply to the interpretation of our legislation in Florida, and therefore, to the implementation of the VECHS program. Although FDLE desires to offer the broadest services and protection available under the authorizing legislation, we are not permitted to expand the coverage of the governing laws.

16. What is a "qualified entity"?

Who can obtain criminal history record checks under the NCPA and Florida statute?

To be qualified to participate in the VECHS program, an entity must provide some type of "care" or "care placement services" for children, the elderly, or the disabled, even if only as a limited part of the entity's overall business. Once qualified to participate in the program, an entity may request criminal history information on all current and prospective employees and volunteers, not only those who work with vulnerable persons. A qualified entity may also request criminal history information on contractors and vendors who have or who seek to have unsupervised access to a child to whom the qualified entity provides child care.



"Qualified entities" are authorized to obtain criminal history record information as described under the NCPA and related federal guidelines. Under the NCPA as implemented in Florida law, a "qualified entity" is a business or organization, whether public, private, for profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services. "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

17. Who are considered "children, the elderly, or individuals with disabilities" under the applicable laws and the VECHS?

The term "child" means any unmarried person less than 18 years of age, who has not been emancipated by order of the court. An "elderly person" is a person who is 60 years of age or older. "Individuals with disabilities" are persons with a mental or physical impairment who require assistance to perform one or more daily living tasks.



18. How can my organization become a qualified entity?

If you believe your business or organization meets the criteria of a "qualified entity," you may download a copy of the [Qualified Entity Application](#), [User Agreement](#), and [CWCS Registration Form](#) from this site or contact the Florida Department of Law Enforcement's VECHS Unit at (850) 410-VECHS (850-410-8324), to have copies of these documents mailed to you.

Your next step would be to complete the application, explaining what functions the entity performs that would serve children, elderly or disabled persons, and whether the requests for criminal history records would be for your entity's employees or volunteers, or both. You would then have an authorized representative of the entity sign the User Agreement, stating that your entity will abide by all laws, regulations, and instructions pertaining to this program, particularly that your entity will use the criminal history information supplied through the program only to screen your entity's employees and volunteers. You would complete the electronic registration form.

When you have completed the Qualified Entity Application, User Agreement, and CWCS Registration Form and obtained the necessary signatures from a representative of your entity, you will need to send the originals of all documents to the VECHS Unit. We will accept an initial faxed copy of both documents, to expedite the qualifying process.

19. What will I receive when I submit requests (and appropriate payment) for criminal history record checks?

If FDLE qualifies your entity to participate in the VECHS program, and your entity submits authorized requests and payment for criminal history record information to FDLE, FDLE/the FBI will provide either of the following to your entity, for each criminal history record request:



- 1) A notification that the individual as described on the electronic submission does not have a criminal history record; or
- 2) A copy of the individual's criminal history record. In addition, FDLE will advise the entity if the individual is subject to a Florida warrant for arrest or a Florida domestic violence injunction and what agency has the warrant or injunction.

20. How long will it take for me to get the results?



The state and national criminal record search results are packaged together for each applicant and are made available to the regulatory agency within two to three working days.

21. How should my organization use the results of our requests for criminal history record checks?

You will need to review the information to determine if there is any reason that the employee or volunteer should not be allowed to work with children, the elderly, or the disabled.

If no criminal history record is found, you should not necessarily assume that there are no risks to employing or using the volunteer services of the individual. Simply stated, "no record" means that he or she does not have an arrest or conviction reported to FDLE or the FBI. Other recommended practices would include checking former places of employment, conducting neighborhood interviews, obtaining information from local law enforcement agencies, and asking for more information from the individual.

If the employee or volunteer has a criminal record, you should evaluate whether the individual should be permitted contact with children, the elderly, or the disabled consistent with the requirements in the law.

22. Can I get information from other qualified entities if they have already checked my employees and volunteers?

You may obtain criminal history information from other qualified entities, if the employee or volunteer agreed to this on the waiver form required to be signed when originally fingerprinted, and if the transfer of information is recorded by the other qualified entity on its Dissemination Log. The restrictions on this process are described in the [User Agreement](#) qualified entities must sign.

Remember, private schools may not use criminal history results obtained for employees or contracted personnel for volunteers or vice versa. If a volunteer becomes an employee, that person's fingerprints should be submitted again under the Employee Qualified Entity Number; the volunteer results should NOT be used to screen the candidate as an employee. Likewise, employee results should not be used to screen a person for a volunteer position.

23. For what period of time should I rely on the criminal history record that I receive on an employee or volunteer?

The criminal history repository is a dynamic file with new arrests added daily and changes frequently. Currency of information is critical because the qualified entities will want to know about all arrests, no matter how recent.

On the practical side, however, the qualified entities will not be able to request the criminal history information daily. Each qualified entity will have to determine how frequently its employees or volunteers need to be checked. The qualified entity will also need to determine whether criminal history information available from another qualified entity is too old to use for its screening purposes.

24. What if there is no disposition in the criminal history record showing what happened in court?

When the court disposition of a Florida arrest is sent to FDLE, it is added to the criminal history record. If there is an arrest in the Florida criminal history record of the employee or volunteer that does not reflect a court disposition, FDLE will not have any further information on that specific arrest.



The qualified entity may determine if the nature of the arrest is something that it would be concerned about if the employee or volunteer were convicted. If the court disposition is important, the qualified entity may call the Clerk of Court in the county where the arrest took place. The Clerk will retrieve and provide the court disposition if one is available. There may be a charge for this service depending on which county you contact. FDLE has a list of phone numbers for Florida Clerks of Court. This will be provided to entities after they are qualified.

When the court disposition on an arrest from another state is missing, the same process can be followed. However, FDLE does not have a listing for all of the Clerks of Court or their equivalent in other states. If the qualified entity needs the court disposition in these cases, it will be necessary to work with the repository in the state of arrest or to contact the court which heard the case.

25. *Why are sealed data and expunge notifications returned to private schools but not other VECHS entities?*

Florida law restricts the dissemination of sealed data and expunge notifications to agencies and purposes outlined in the law itself. Private schools are specifically authorized to receive this criminal history information. See ss. 943.0585(4)(a) and 943.059(4)(a), Florida Statutes for more detail.

26. *Is it possible that VECHS agencies will be able to access criminal history records with terminals connected directly to FDLE?*

No. There is no direct terminal access for entities to acquire this information. However, VECHS entities will have applicants submit their data from a "livescan" device which transfers the data electronically to FDLE and allows for the electronic transfer of results in two to three working days.

27. *Can I contact a local law enforcement agency to do these checks and not pay the \$24 fee?*

Law enforcement agencies are not authorized to conduct searches for VECHS entities through the Florida Crime Information Center. Doing so could cause an agency to be denied access to state or national criminal information systems. Local agencies may provide data from local systems. The only authorized way for the VECHS entity to obtain state or national criminal information is through the submission of a fingerprint card and payment of established fees.

28. *How often will VECHS audits be performed?*

There is not a scheduled time for VECHS audits. They will be scheduled periodically and a sample of agencies will be audited. Some audits may be conducted via a telephone interview, a letter asking specific questions or an on-site audit. When questions arise regarding the confidentiality or the security of information from a specific qualified entity, FDLE may conduct an audit of the entity to ensure that all provisions in the User Agreement are being enforced.

29. *If I deny a person the opportunity to volunteer with or be employed by the qualified entity, may I give a copy of the FDLE and FBI criminal record to this applicant? What if the applicant indicates the record is incorrect?*

If a person challenges his or her opportunity to volunteer or be employed, and the reason for the decision was based on criminal history results, the person can be shown the criminal history record after ensuring the identity of the requestor. If the challenge results in civil litigation, a copy of the record can be provided for the purpose of a hearing, but cannot be made part of any record or file available to the public.

If the person believes his or her criminal record is in error, he or she may contact FDLE for assistance in correcting the record.

30. Does FDLE maintain records of all arrests, including Notices to Appear and Direct Files?

FDLE's criminal record repository contains information on all arrested persons in Florida where the arresting agency submitted a fingerprint at the time of the arrest. For the most part, this means that all felony and serious misdemeanor arrests are available.



However, if there was not an arrest but, rather, a *Notice to Appear* was issued or the State Attorney issued a *Direct File*, this information would not be "fingerprint based" and therefore not be contained in the criminal history repository. It is possible that a fingerprint-based record would be created without an arrest. An example of this would be when a state prison sends the fingerprints of an incarcerated person and FDLE creates a criminal record based on the incarceration fingerprints. FDLE creates the criminal record on this individual even though "arrest" fingerprints were not sent to FDLE.

31. Does FDLE maintain a record of all criminal history records in the nation or just for the state of Florida?

The FDLE repository contains Florida arrest information only. Arrests by the federal government or another state are not included in the Florida repository. VECHS customers are eligible for the out-of-state criminal record information and will be provided it either directly from the FBI or FDLE.



32. May VECHS fingerprints be submitted electronically from a livescan device?

Live scan devices allow for fingerprint information to be sent to FDLE electronically by collecting the descriptive data on the applicant as well as the digitized images of their fingerprints.. The state and national criminal record search results are packaged together for each applicant and are made available to the entity within two to three working days.



NOTE --- There are multiple companies that sell live scan equipment that can be used for the electronic submissions. Please contact a member of the FDLE Civil Workflow Control System (CWCS) Operation Team at (850) 410-8161, for further information regarding electronic submission process.



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www.fdle.state.fl.us/backgroundchecks