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Sent: Wednesday, August 31, 2005 4:51 PM  
To: DL DOH CHD Directors 2; DL CHD School Health Coordinators; DL DOH CHD Nursing Directors  
Cc: Sorensen, Bonita J; Sentman, Michael L  
Subject: Background Screening Guidance for School Health  
Importance: High

Based upon county questions and the imminent implementation of the Jessica Lunsford Act by school districts, the following e-mail is proposed to provide some additional guidance as been given to us by Legal Counsel. The text below has been reviewed by Veronica McCracken.

The following provides information and guidance for school health programs regarding the Jessica Lunsford Act, which adds additional background level 2 screening requirements to s. 1012.465, F.S.

1. Florida Department of Education (DOE) has issued a memorandum and technical assistance paper to school districts to answer questions and provide clarification regarding the background screening issue per the Jessica Lunsford Act. In addition, the DOH Legal Counsel has issued a memorandum that provides some interim guidance for school health programs. These documents are available through the DOH intranet at the following link:

[http://dohiws.doh.state.fl.us/Divisions/Family\\_Health/schoolhealth/whats\\_new/new.html](http://dohiws.doh.state.fl.us/Divisions/Family_Health/schoolhealth/whats_new/new.html)

2. DOE Legal Counsel has provided the following interpretation regarding the issue of background screenings of school health services personnel conducted per s. 381.0059, F.S.

“Since s. 381.0059, F.S., is the more specific statute and the Lunsford Act (s. 1012.465, F.S.) is a general statute, our interpretation is that the more specific controls and therefore school districts should accept the results of the level 2 screenings provided pursuant to s. 381.0059 for school health personnel, with no additional screenings required.”

3. As it currently stands, county level school health program staff (and volunteers) who have a level 2 screening in accordance with s. 381.0059, F.S. are in compliance with existing background screening requirements. The additional level 2 requirements per s. 1012.465, F.S. apply only to school district noninstructional staff and school district contract staff.
4. Each school district should be aware of the DOE guidance and hopefully has established a uniform screening policy and legal interpretation of these new requirements. The DOH Legal Counsel advises that if there is a dispute to ask the school district's attorney to contact the local county health department attorney, or even the General Counsel's office in Tallahassee, so the issues can be discussed and an acceptable conclusion can be reached.

Contact the School Health Program Office if additional assistance can be provided. Also, be aware that this is an ongoing issue and further guidance will be provided.