



# Internal Audit Report



## Employee Instructional Certification, Fingerprinting and Background Checks



Employees are certified and fingerprinted, but non-routine background checks are prolonged and improvements over cash receipts are needed.

December 2007

# THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

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Ms. Perla Tabares Hantman, Vice Chair  
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# Miami-Dade County Public Schools

*giving our students the world*

## **Superintendent of Schools**

**Rudolph F. Crew, Ed.D.**

## **Miami-Dade County School Board**

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**Dr. Solomon C. Stinson**

December 5, 2007

Members of The School Board of Miami-Dade County, Florida

Members of The School Board Audit Committee

Dr. Rudolph F. Crew, Superintendent of Schools

Ladies and Gentlemen:

In accordance with the FY2006-2007 approved audit plan, we performed an audit of the employee instructional certification, fingerprinting and background check functions at M-DCPS. The objectives of the audit were to determine whether: adequate internal controls are in place over these functions; all applicants for employment, vendors and volunteers are fingerprinted and the necessary background checks are completed timely; adequate controls over cash receipts are in place at the appropriate departments; and a process is in place to validate employee certification requirements.

Our audit concluded that there is a seemingly good process in place to monitor employee's certification requirements, but the process for determining whether waivers for out-of-field teachers were approved by the Board is cumbersome and inefficient. Fingerprinting, background checks and reviews of vendors with offense(s) need to be completed more timely. Internal controls and processes over the receipt of cash for fingerprinting were good, but controls and practices over cash received for processing employee certification renewals need improvement.

We discussed our findings and recommendations with management. Their responses along with explanations are included herein. As always, we would like to thank the management for their cooperation and courtesies extended to our staff during the audit.

Sincerely,

Allen M. Vann, CPA

Chief Auditor

*Office of Management and Compliance Audits*

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## EXECUTIVE SUMMARY

The employee instructional certification function is handled by the Office of Instructional Certification (Instructional Certification). The fingerprinting and background checking functions for applicants, volunteers and vendors are handled by the Fingerprinting Department. Ancillary to those functions are the review and determination functions performed by the Office of Employment Standards (OES) for vendors and the Office of Professional Standards (OPS) applicants and volunteers, when deemed warranted. The functions these departments perform contribute to a safe environment for students by ensuring that all individuals having contact with students are screened through a fingerprint and background check process; and that students receive instruction at the highest level from certified instructional and adult education staff.

Based on the audit, we concluded the following:

- Staff fingerprinted and performed backgrounds checks on all vendors, applicants and volunteers sampled. For applicants and volunteers with offense(s), the complete process, from being fingerprinted to final determination, takes 43 working days on average. Nevertheless, for vendors with offense(s), the complete process, from being fingerprinted to final determination, takes an excessively long time to complete – on average 149 working days. Moreover, certain information used to document the process was inconsistent. Developing practical timelines for completing the analyses and reviews and implementing an effective chain of custody for interdepartmental handoffs could shorten the process. According to the written and unwritten timelines of the departments involved, as communicated to us during the audit, a goal for completing the entire process within 60 working days would not be unreasonable.
- Internal controls and management practices over funds collected for processing fingerprints are adequate. However, our audit revealed several areas where improvements are needed in the management and control over funds collected to process certification applications. Receipts are not reconciled to deposits; funds are not deposited timely and incompatible duties are not segregated. Instructional Certification collected more fees during FY2006-07 than could be accounted for by the reported number of certificates issued during the same period. It should be noted that some differences in the amount collected and certificates issued are expected; however, differences were not documented appropriately.

Necessity dictates that out-of-field assignments are made by each school Principal. Instructional Certification makes a diligent effort to ensure Board approval is obtained for out-of-field waivers. All but one of the 26 instructors tested had either the required certification or Board approved out-of-field waiver. However, the routine involved in determining whether a teacher has a Board-approved out-of-field waiver is cumbersome and inefficient.

Our detailed findings and recommendations start on page 9 of this report. Based on our audit, we have made 10 recommendations. We have received responses to our findings and recommendations from management.

## INTERNAL CONTROLS

Our overall evaluation of internal controls over the three processes is summarized in the table below.

| INTERNAL CONTROLS RATING       |                                   |   |   |
|--------------------------------|-----------------------------------|---|---|
| CRITERIA                       | SATISFACTORY                      | NEEDS IMPROVEMENT   | INADEQUATE  |
| Process Controls               | Fingerprinting<br>OES/OPS Reviews | Certification   |   |
| Policy & Procedures Compliance |                                   | Certification<br>Fingerprinting<br>OES/OPS Reviews  |   |
| Effect                         |                                   | Certification<br>Fingerprinting<br>OES/OPS Reviews  |   |
| Information Risk               |                                   | Certification<br>Complete Fingerprinting,<br>Background Checks OES<br>& OPS Reviews Cycle |   |
| External Risk                  | Certification                     | Complete Fingerprinting,<br>Background Checks &<br>OPS Reviews Cycle                      | Complete<br>Fingerprinting,<br>Background Checks &<br>OES Reviews Cycle |

| INTERNAL CONTROLS LEGEND       |  |   |  |
|--------------------------------|--|---|--|
| CRITERIA                       | SATISFACTORY   | NEEDS IMPROVEMENT                                     | INADEQUATE   |
| Process Controls               | Effective  | Opportunities exist to improve effectiveness.         | Do not exist or are not reliable.  |
| Policy & Procedures Compliance | In compliance  | Non-Compliance Issues exist.                          | Non-compliance issues are pervasive, significant, or have severe consequences.                                   |
| Effect                         | Not likely to impact operations or program outcomes. | Impact on outcomes contained.                         | Negative impact on outcomes  |
| Information Risk               | Information systems are reliable.                    | Data systems are mostly accurate but can be improved. | Systems produce incomplete or inaccurate data which may cause inappropriate financial and operational decisions. |
| External Risk                  | None or low  | Potential for damage                                  | Severe risk of damage  |

## **BACKGROUND**

The processes reviewed are central to employment with Miami-Dade County Public Schools (M-DCPS) and/or allowing access to individuals who may come into contact with students. The Office of Instructional Certification (Instructional Certification) and the Office of Employment Standards (OES) report to the Office of Human Resources, Recruiting and Performance Management. The Fingerprinting Department reports to the Police Department and the Office of Professional Standards (OPS) comes under School Operations. See organizational charts on pages 5 through 7.

### **Employee Certification**

The Office of Instructional Certification's mission is to ensure that instructional staff meet the State requirements issued by Florida Department of Education (DOE) and adult education personnel are certified via District-issued certification. Instructional Certification achieves its mission through the following functions:

- Processes applicant's certification renewals for state issued certificates
- Issues District-specific certificates
- Monitors certification status of both certified and temporarily certified instructors
- Approves waivers for out-of-field instructors

Instructional Certification collects an application processing fee of \$56 from each applicant. During the audit period of July 1, 2005 through June 30, 2007, the department collected \$528,269 for State-issued certificates and \$132,612 for District issued certificates. The department had 15 full-time staff (including 3 open positions) during FY2005-06 and 15 full-time staff (including 1 open position) during FY2006-07. At present, the department has 17 full-time and 4 part-time employees. See organizational chart on page 5. Instructional Certifications' budget for FY2006-07 was \$1,218,530. Actual expenditures and commitments were \$1,115,183.

### **Fingerprinting and Background Checking**

The Fingerprinting Department is responsible for ensuring that all applicants for employment, vendors and volunteers with M-DCPS are fingerprinted, background checked and cleared. Applicants', vendors' and volunteers' fingerprints are digitally captured and sent electronically to the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI) for processing.

Pursuant to Florida Statute 1012.32, individuals with criminal records involving moral turpitude shall not be employed in any position requiring direct contact with students. If warranted, the Fingerprinting Department forwards the fingerprint and background check results to either the Office of Employee Standards (OES) or the Office of Professional Standards (OPS) to perform an eligibility or determination review. A determination review is done by OES when a vendor is involved and an eligibility review is done by OPS when an applicant or volunteer is involved. According to reports

generated by OES, during FY2005-06 and FY2006-07, 382 and 8,169 vendors were fingerprinted, respectively.

On March 14, 2007, the School Board approved School Board Rule 6Gx13-3F-1.024, which delineates screening criteria for contracted personnel in accordance with the Jessica Lunsford Act. The Rule identified new disqualifying offenses. The OES completes a review of each vendor file containing fingerprint and background check results that show a criminal history of disqualifying offense(s).

During FY2005-06, approximately 370 of the 382 vendors with criminal histories were reviewed by OES. During FY2006-07, OES reviewed approximately 520 of the 1,503 vendors with criminal histories. Their review determines whether the vendor is approved or disapproved, subject to appeal. If denied approval, the vendor may appeal OES' decision to the Jessica Lunsford Act (JLA) Review Panel. The JLA Review Panel consists of representatives from OES, School Operations and Risk Management. The review panel makes the final decision to approve or deny the vendor. Within 15 working days after the final review, OES will notify the vendor of their clearance status via certified U.S. mail. The OES has undergone three major changes for reviewing fingerprint and background check results since beginning the review process in the latter part of 2005. The first phase was utilizing the District's Employment Standards.

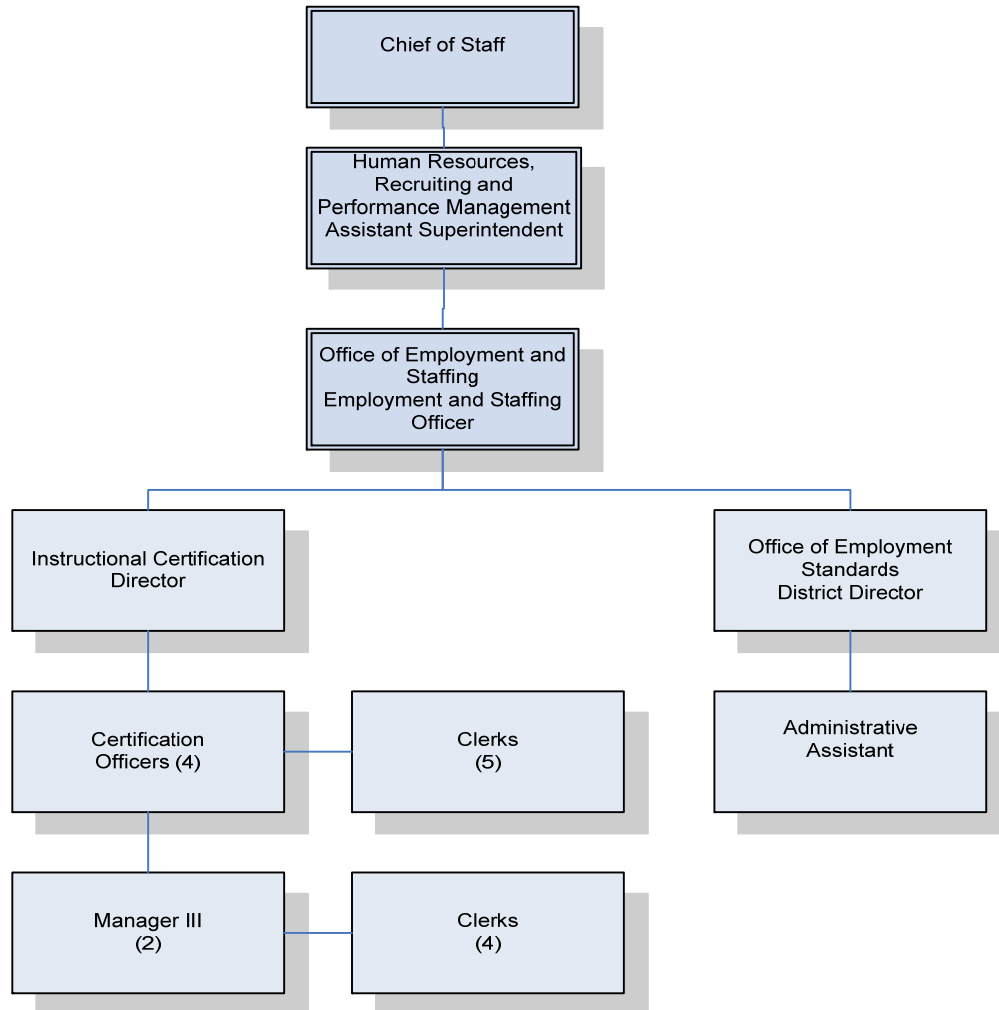
Upon receipt of fingerprint and background check results from the Fingerprinting Department, OPS performs a review of the applicant's or volunteer's file. The review determines the applicant's or volunteer's eligibility. According to OPS' staff, the department's policy is to notify the applicant or volunteer of their eligibility status within 10 to 15 working days.

The Fingerprinting Department collects a processing fee of \$71 from each applicant. Vendors pay a \$61 processing fee. Volunteers do not pay any fees for fingerprint processing. Of the \$71 and \$61 charged applicants and vendors, respectively, the FBI and FDLE receive a total of \$47. The District pays a total of \$36 to the FBI and FDLE for processing a volunteer's fingerprint. At present, the department has seven (7) full-time and 20 part-time employees. See organizational chart on page 6. The Fingerprinting Department's budget for FY2006-07 was \$751,174. Actual expenditures and commitments totaled \$670,662.

The OES has two (2) full-time employees. See organizational chart on page 5. The office budget is reflected in the budget for Human Resources, Recruiting, and Performance Management.

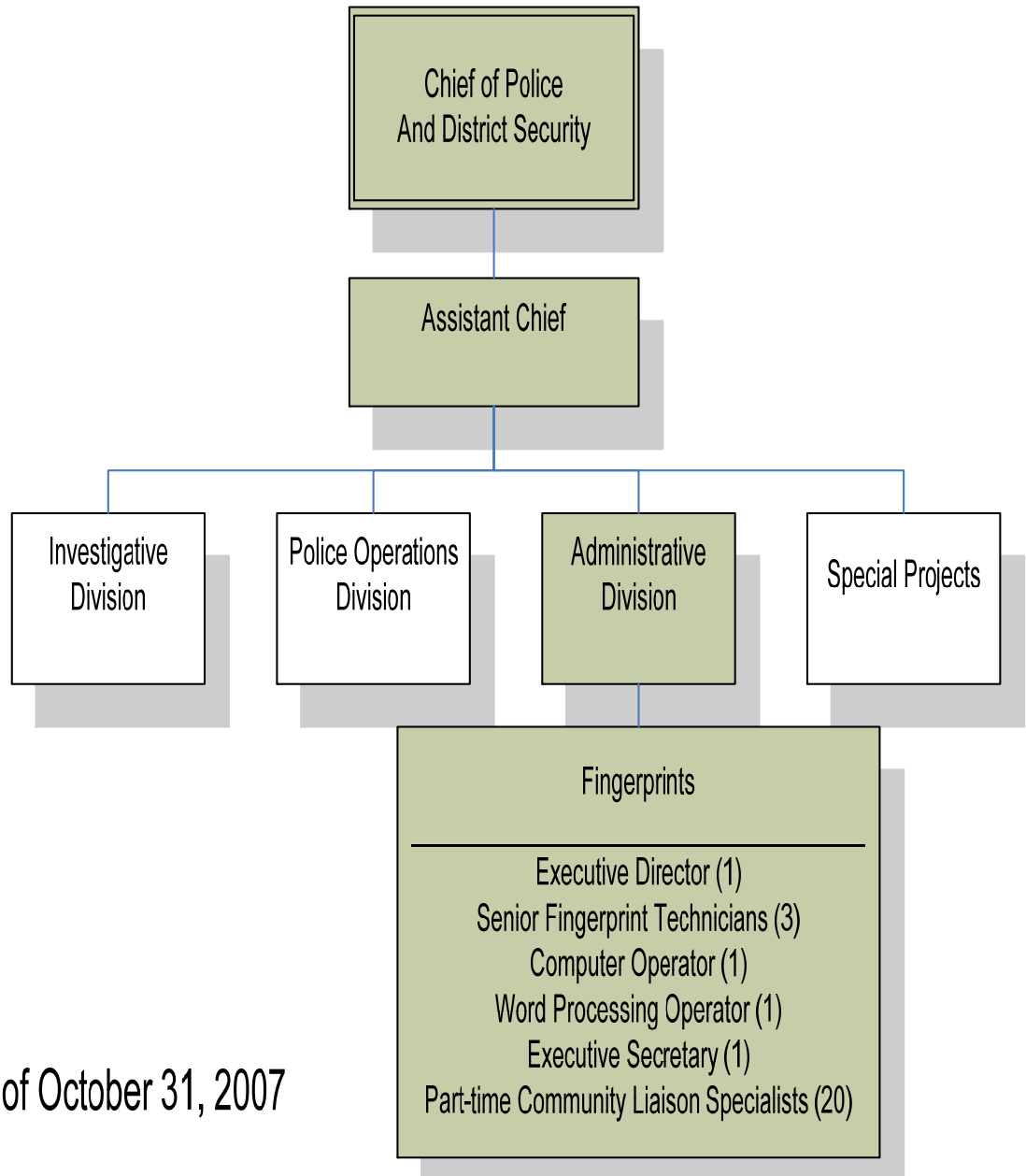
OPS has five (5) full-time employees and one (1) part-time employee. See organizational chart on page 7. Of these, only the part-time employee performs duties that are 100% related to the fingerprint and background check review process. Participation in that process ranged between 5% and 50% for the other employees. The OPS budget for FY2006-07 was \$2,065,361. Actual expenditures and commitments totaled \$1,914,401.

OFFICE OF HUMAN RESOURCES-CERTIFICATION  
& VENDOR REVIEW  
PARTIAL ORGANIZATIONAL CHART



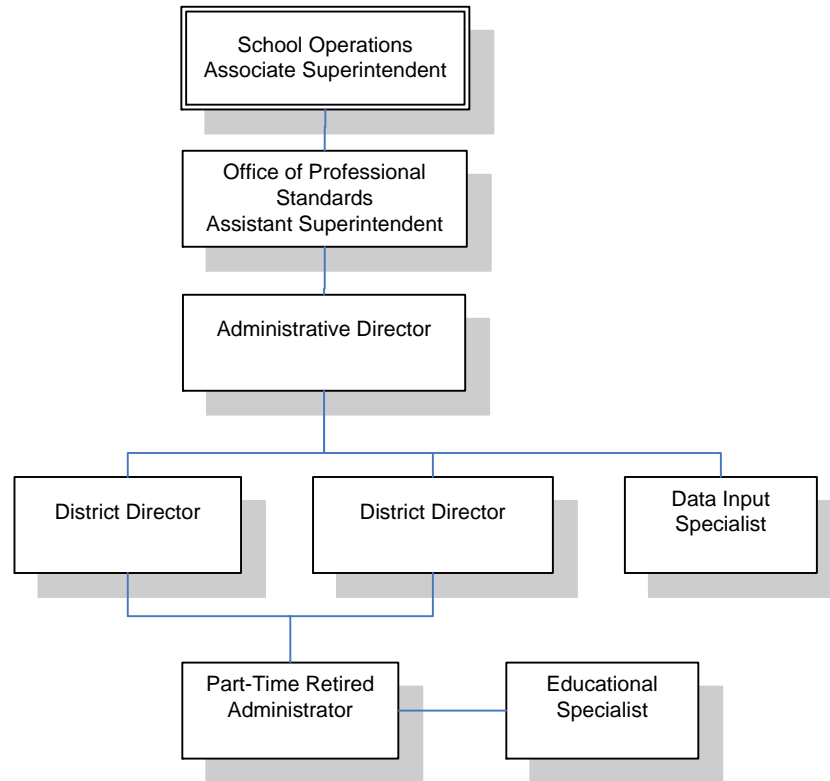
As of October 31, 2007

## PARTIAL ORGANIZATIONAL CHART (FINGERPRINTING DEPARTMENT)



As of October 31, 2007

**PARTIAL ORGANIZATIONAL CHART  
(OFFICE OF PROFESSIONAL STANDARDS)**



As of October 31, 2007

## OBJECTIVES, SCOPE AND METHODOLOGY

In accordance with the FY2006-2007 approved audit plan, we performed an audit of the employee instructional certification, fingerprinting and background checking functions at M-DCPS. The objectives of the audit were to determine whether:

- All employees, vendors and volunteers are fingerprinted and the necessary background checks are completed timely.
- Adequate controls over cash receipts are in place at the appropriate departments; and
- A process is in place to validate employee certification requirements.

Regarding the first audit objective stated above, our audit focused on those applicants, volunteers and vendors with criminal histories because only individuals with criminal histories would go through the complete review cycle, and the risks are contained for individuals with no criminal history.

The scope of our audit covered operations during the period of July 1, 2005 to June 30, 2007. Procedures performed to satisfy the audit objectives were as follow:

- Interviewed District staff;
- Reviewed operating policies and procedures, school board rules and applicable Florida Statutes;
- Examined bank statements and cash receipts transactions and records;
- Reviewed job classifications and certificates held by selected instructional staff;
- Reconciled records of certificates issued by the Florida Department of Education and M-DCPS to certification records maintained by the Office of Instructional Certification;
- Analyzed the duration of the processing cycle for fingerprinting and background checking; and
- Performed various other audit procedures as deemed necessary.

Our audit was conducted in accordance with Generally Accepted Government Auditing Standards applicable to performance audits contained in Government Auditing Standards issued by the Comptroller General of the United States of America. This audit included an assessment of applicable internal controls.

## **FINDINGS AND RECOMMENDATIONS**

### **1. TIMELINESS OF COMPLETING FINGERPRINTING AND BACKGROUND CHECKS**

All applicants for employment, vendors and volunteers with M-DCPS must be fingerprinted and provided disposition prior to being associated with M-DCPS. The fingerprints are sent electronically to the FDLE and the FBI for processing. If the result reveals no criminal history, the subject is notified and the process is deemed complete. On the other hand, if the result reveals a criminal history, and further review is necessary, Fingerprinting forwards the subject's file to either OES or OPS for review. OES reviews for vendors and OPS reviews applicants for employment and volunteers. According to staff, the OES reviews commenced sometime around December 2005 and have been subjected to various revisions due to changes in the Jessica Lunsford Act. If denied clearance, the vendor may choose to appeal the decision to the Jessica Lunsford Act (JLA) Review Panel.

We tested the process where a complete interdepartmental analysis and review of fingerprinting results are performed. To do this, we randomly sampled 19 vendors and 20 applicants (including one volunteer), all of whose fingerprinting results revealed a criminal history, to ensure that all were fingerprinted and the necessary background checks were completed timely. We performed the following procedures:

- Compared the date the applicant, vendor or volunteer results were received from the Florida Department of Law Enforcement (FDLE) to the date the results were reviewed by the Fingerprinting Department.
- Compared the date the Fingerprinting Department sent the file containing exceptions to the Office of Employee Standards (OES) or the Office of Professional Standards (OPS).
- Compared the date the applicant, vendor or volunteer file was reviewed by the OES or OPS to the date the applicant, vendor or volunteer was notified by the District of their final status.

Our analysis indicated that all individuals tested were properly fingerprinted and background-checked. Nevertheless, the following conditions indicate that improvements are needed in some areas.

- 1.1 The fingerprinting, background checking and review processes could benefit from having defined timeframes for completing the reviews and adhering to those timelines. Our review found that written standards establishing the time allowed to complete the necessary reviews are not in place. While OES and OPS both have desired goals for completing their reviews within 15 working days, a firm written standard is not in place. Only Fingerprinting has a written standard of 15

working days, although not adhered to. Consequently, the reviews could be prolonged without being noticed. Having established standards for the duration of the review cycles could bring efficiencies to the process.

- 1.2 Overall, the complete process from being fingerprinted to issuing final notification of an individual's clearance status appears to be excessively long, particularly for vendors. In 15 instances or 38% of the cases tested, the duration was more than 90 working days (weekends not included). In eight (8) of those cases, the duration was greater than 200 working days. The table below stratifies the results of our analysis. It must be noted that all individuals sampled had a criminal history with at least one incident.

| <b>Stratified Results of Fingerprinting, Background Checking and Determination/Eligibility Review Sampled</b> |   |  |
|---|---|--|
| <b>Range of Days<br/>(Working Days)</b>   | <b>Number of<br/>Individuals in Range</b> | <b>Percent of Individuals<br/>in Range</b> |
| 16 to 30 days   | 4   | 10%  |
| 31 to 45 days   | 12  | 31%  |
| 46 to 60 days   | 3   | 8%   |
| 61 to 90 days   | 5   | 13%  |
| 90 to 200 days  | 7   | 18%  |
| Over 200 days   | 8   | 20%  |
| Totals  | 39  | 100%                                       |

Further analysis of the results indicated that on average:

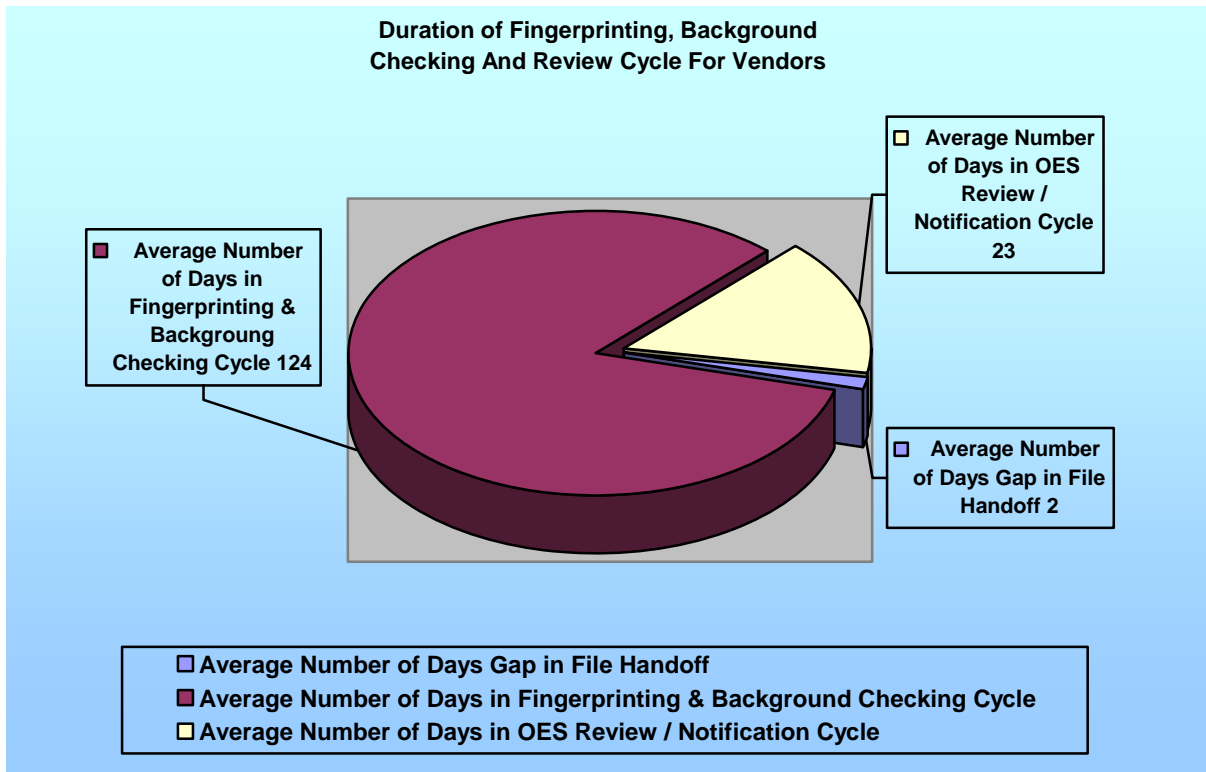
- The complete fingerprinting, background checking and review cycle for vendors – from the time the vendors were fingerprinted to the time vendors were notified of their disposition, was 149 working days. (See chart on page 12.) Management's goal is to complete this process within 60 working days for vendors with criminal histories.
  - The complete review cycle in OES, based on the date OES indicated they received the results from Fingerprinting to the date the vendor was notified was 23 days, on average. (See chart on page 12.) According to OES administration, the department's goal is to complete the review and notification cycle once all documents are received within 10 working days.
- The complete fingerprinting, background checking and review cycle for applicants and volunteers – from the time the applicant or volunteer was fingerprinted to the time OPS indicated the applicant or volunteer was notified of their disposition, was 43 working days. (See Chart 1 on page 12.) Management's goal is to complete this process within 60 working days for applicants and volunteers with criminal histories.

- The complete review cycle in OPS, based on the date OPS indicated they received the results from Fingerprinting to the date the applicant was notified was 22 days, on average. (See Chart 2 on page 12.) According to OPS administration, the department's goal is to complete the review and notification cycle within 10 to 15 working days.
- The complete fingerprinting and background checking cycle – from the time the vendor, applicant or volunteer was fingerprinted to the time Fingerprinting indicated the results were forwarded to either OES or OPS, was 70 working days, on average. When separated between vendors and applicants/volunteers, the durations of the fingerprinting and background checking cycles were 124 working days for vendors and 19 working days for applicants/volunteers. (See charts on page 12.) Management's standard is to complete the fingerprinting cycle within 50 working days.

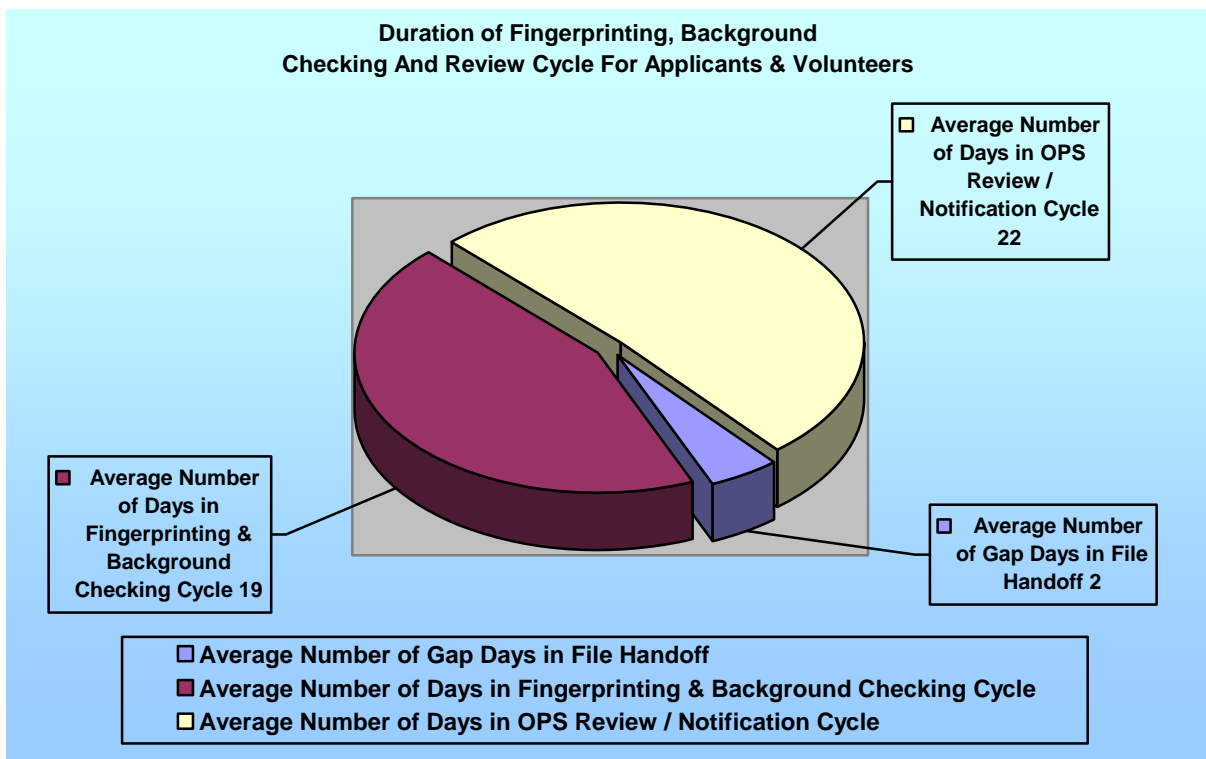
Our analysis revealed that there was an average gap of 2 days between the dates the respective departments indicated they received the fingerprint results from Fingerprinting. None of the above-described cycles, except for the complete fingerprinting, background checking and review cycle include these days.

According to management, several factors may affect the length of the analysis and reviews cycles. The time an applicant/vendor takes to provide original copies of required documents was principal among those factors. Management stated that applicants might have to go out-of-state to obtain the required documents. However, insufficient documentation existed on file to determine whether these circumstances were factors that applied to the cases tested; particularly where the cycle was prolonged.

Management also stated there were other conditions occurring in late 2005 which may have impacted the length of the analysis and review cycle for vendors. They indicated that the Jessica Lunsford Act and department procedures underwent various changes. Of the 19 vendors sampled, seven (7) were fingerprinted prior to November 2005. The length of the analysis and review cycle for these seven vendors ranged between 166 and 256 working days. The length of the analysis and review cycle for the remaining 12 vendors ranged between five (5) and 275 working days. The cycle length for seven (7) of these 12 vendors was over 90 days.



**Chart 1**



**Chart 2**

The table below stratifies the results of our analysis according to function. As noted in the table, all individuals sampled were subject to a fingerprint and background check review by Fingerprinting, while only 19 and 20 of those individuals were subject to reviews by OES and OPS, respectively. All individuals sampled had criminal histories. Also, see chart on page 12.

| <b>Stratified Results of Fingerprinting, Background Checking and Determination/Eligibility Review Sampled By Function</b> |  |   |   |
|---|--|---|---|
| <b>Range of Days (Working Days)</b>   | <b>Fingerprinting and Background Checking Result Review by Fingerprinting (Number of Individuals in Range)</b> | <b>Determination Review By OES (Number of Individuals in Range)</b> | <b>Eligibility Review By OPS (Number of Individuals in Range)</b> |
| 7 days or less  | 6  | 6   | 2   |
| 8 to 15 days  | 6  | 3   | 5   |
| 16 to 30 days   | 7  | 4   | 8   |
| 31 to 45 days   | 5  | 3   | 3   |
| 46 to 60 days   | -  | -   | 1   |
| 61 to 90 days   | 3  | 3   | 1   |
| Over 90 days  | 12   | -   | -   |
| <b>Total</b>  | <b>39</b>  | <b>19</b>   | <b>20</b>   |

- 1.3 Each department involved in these processes uses a computerized system to track the date certain actions occur. Among the dates tracked is the handoff date from one department to the other. While performing our analysis, a comparison of the handoff dates and certain other dates revealed inconsistencies. For example, the date Fingerprinting reported as forwarding an applicant's file to OES or OPS differed from the date OES or OPS reported as receiving the applicant's file. In 12 of 39 cases, or 31%, the differences exceeded three (3) days. For example, in one case Fingerprinting reported forwarding an applicant's file to OPS on May 22, 2007, but OPS reported receiving the applicant's file on June 4, 2007. Similarly, in another case Fingerprinting reported forwarding an applicant's file to OES on January 3, 2007, but OES reported receiving the applicant's file on January 17, 2007.

Proper internal controls require information maintained to be accurate and reliable. Inaccurate information in this function could adversely impact the District's credibility; render the information unreliable and may even diminish the District's position in matters of litigation involving this function.

## RECOMMENDATIONS

- 1.1 **Develop specific practical timelines for the completion of each review cycle for individuals who have criminal histories. Approaching due dates and past due dates should be flagged for follow-up.**

**Responsible Department: Fingerprinting; OES and OPS**

### **Management Response:**

**Fingerprinting** – The fingerprinting of vendors was initiated per Florida Statute on September 1, 2005. At that time, the Fingerprint Office was under the umbrella of the Office of Human Resources. No procedures to handle criminal history records for vendors were established by the District. In an effort to have a database of vendor criminal history records, the Executive Director of Fingerprinting began to input the criminal history records in the Fingerprint Tracking System (FITS) database in October 2005 and issue letters requesting court documents. In the FITS database, the Date to Admin field reflected the date the letter requesting court documents was sent to the vendor. On the Fingerprint Criminal History Record Transmittal sheet, the review signature date by the Executive Director is the same date as the hand-off date to the Office of Employment Standards (OES). There were still no procedures to govern the processing of files when court documents were or were not received.

On November 4, 2005, Mr. Paul J. Greenfield, former Administrator on Special Assignment, was hired to head OES and conduct the final review for the criminal history records of vendors. Mr. Greenfield had to hire support staff, create procedures and processes for OES and draft letters and memos to be approved by the Legal Department. During this time, the vendor criminal history records were kept in the Fingerprint Office with no hand-off date to OES. Of the 19 vendors selected for this audit, 14 were fingerprinted as vendors during Mr. Greenfield's administration. Three were originally fingerprinted as charter and instructional applicants and were subsequently reviewed as vendors. Two were fingerprinted during Dr. Isabel Siblesz's administration in OES. Dr. Siblesz was hired into the position in August 2006, and during this time, review procedures changed and the Date to Admin field reflected the date the file was opened, reviewed and handed-off to OES. During Dr. Siblesz's tenure, the Florida Statute for vendors and the review procedure requirement has changed twice.

It takes up to three days to receive fingerprint results from the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). If the prints are rejected by the FBI for illegibility, the person has to come back to the office to be refingerprinted and receipt of subsequent results takes up to three additional days. If the prints are rejected by the FBI a second time, a request for the FBI to conduct a manual name search is faxed to the FBI. It takes up to two weeks to receive manual name search results from the FBI. This

increases the cycle time for a criminal history record to be held in the Fingerprint Office.

Per Florida Statute, if a vendor is fingerprinted in a Florida Public School District, other public school districts are required to pull those fingerprint results from the Florida Shared System Results (FSSR) and the vendor is not required to pay to be refingerprinted. It is possible for a vendor to be fingerprinted in one county in October 2005 and those results to be used two years later by another county. In this case, there could be an extended lapse between the original print date and receipt date from the FSSR.

If a person is fingerprinted as an applicant then later notifies the district they will be a vendor, the Fingerprint Office is required to use the same fingerprint results as long as the results are valid. Per the state retention schedule, applicant results are valid for two years if the person has not been hired, or as long as the hired employee has no break in service. The Jessica Lunsford Act and Florida Statute 1012.32 governing applicants require a Level II state and national clearance. In these cases, the original date to FDLE and date from FDLE/FBI are used which causes the fingerprint cycle to be increased.

It should be noted there is only one administrator in the Fingerprint Office to review, sign-off and process criminal history records. The Executive Director in the Fingerprint Office reviews all criminal history records of vendors, applicants, volunteers, and field experience students. It takes two days to process criminal history cases to determine if court documents were previously submitted to another office or send a certified letter to the applicant requesting court documents. The 15 workday deadline to return court documents to the Fingerprint Office will be enforced and applicants will be denied employment if the deadline is not met, unless the applicant requests an extension due to delays from the clerks of court. In this case an extension of 15 weekdays will be authorized. The Fingerprint Office will review all court documents submitted within five days. Barring any uncontrollable or unforeseen circumstances, management's goal is to complete the fingerprint review and background check within 50 workdays.

**Office of Employment Standards (OES)** – OES will work with Fingerprinting to establish a standard and process of completing the cycle in 60 working days for vendors with criminal histories. The following is a history and context of the Office of Employment Standards (OES) related to the fingerprinting process of vendors/contracted personnel with the District:

The Jessica Lunsford Act began implementation in the latter part of 2005 and the Office of Employment Standards hired an administrator on November 4, 2005, to develop procedures in reviewing fingerprints for vendors with the District.

It should be noted that of the 19 vendors reviewed in the sample, 7 vendors were fingerprinted prior to the establishment of OES. Six vendors were fingerprinted within one month of the inception of OES, and 6 other vendors were fingerprinted 3 to 6 months after OES was established. Of the 19 vendors sampled, the earliest date that the Fingerprinting Department conducted their first review was April 10, 2006. The Fingerprinting Department had to hire additional staff to assist in fingerprinting the volume of vendors wishing to do business with the District while being in compliance with statutory requirements of the Jessica Lunsford Act.

The Florida Department of Education published the Technical Assistant Paper (Jessica Lunsford Act) in August 2005 to assist School Districts in establishing procedures for screening vendors. A copy of this document is attached. OES was responsible for developing a database to monitor fingerprint results, and established procedures to notify vendors of their status/disposition. The District's Employment Standards were used to screen fingerprint results through March 14, 2007.

School Board Rule 6Gx13-3F-1.024, Screening Criteria for Contracted Personnel in Accordance with the Jessica Lunsford Act, was approved by the School Board on March 14, 2007, thereby requiring a different approach to screening individuals with criminal history. A Review Panel was established to listen to individual appeals subsequent to this School Board meeting. A total of 99 appeals were held from March 20, 2007 to June 26, 2007, and a summary is attached. The process once again changed when the amendments to the Jessica Lunsford Act were approved by the legislature. This prompted the JLA Review Panel to convene and a total of 443 files were reviewed resulting in 310 vendors being approved. The amendments to the Jessica Lunsford Act focus on 9 disqualifying offenses. As a result, the review process for screening vendors has changed three times since the initial approval of the Jessica Lunsford Act.

**Office of Professional Standards (OPS)** – On average, OPS had a review cycle time of 22 days. Specific practical timelines, as specified in the board rule, refer to the amount of days an applicant has to appeal, only due to the nature of the arrests, if they have not been approved. The review cycle time for OPS begins with the receipt of the file from the Office of Fingerprinting. The Office of Professional Standards will increase the review cycle time to 30 to 45 workdays. This timeline begins from the time OPS receives the file to the time the applicant is notified. Files will only be accepted by OPS when all court documents are evident. This practice will ensure that OPS adheres to timelines barring cases with unusual circumstances.

A log will be initiated, monitored and maintained by OPS on a weekly basis to flag approaching deadlines for open cases. The log will consist of the date the file is received and the date it is closed. Additionally, OPS will indicate whether

this is a newly opened file or an existing file that must be retrieved from the warehouse.

**1.2 Shorten the review cycles for notifying applicants, vendors and volunteers of their Level II clearance Status.**

**Responsible Department: Fingerprinting; OES and OPS**

**Management Response:**

**Fingerprinting** – The Fingerprint Office will ensure the dates in the database accurately reflect the actions to each criminal history file. A tickler file will be maintained for all criminal history records in which letters are sent to applicants requesting court documents. The 15 weekday timeline for receipt of court documents will be enforced and the applicant will be denied employment and sent a letter unless the applicant requests an extension due to clerk of court delays in which an additional 15 weekday timeline will be issued. Barring any uncontrollable or unforeseen circumstances, management's goal is to complete the fingerprint review and background check within 50 workdays.

**Office of Employment Standards (OES)** – (See response and Auditors' Comment to 1.1.)

**Office of Professional Standards (OPS)** – The Office of Professional Standards will increase the review cycle time to 30 to 45 workdays. The cycle time for OPS begins from the date of receipt of the file to the date the notification letter is sent to the applicant. The goal will be for the entire process, from the initiation in the Office of Fingerprinting until the fruition through OPS, to take no more than 60 workdays for individuals with criminal histories. There are several mitigating circumstances that need to be considered when identifying the review cycle time for OPS. For example:

- Applicants must provide court documents and the time they take is not something that we can control. On many instances, it involves travel out of the state for the applicant to acquire said documents.
- If the applicant has a past history with MDCPS, OPS does not create a new file. Instead the original file for that person is requested from the warehouse. OPS cannot control the length of time it takes to retrieve that file.
- Periodically, directors reviewing the cases need legal guidance. Meetings have to be scheduled with the attorney's office and the assistant superintendent of OPS to review these cases as they pertain to the current employment standards and board rule related to fingerprinting of all employees.

- 1.3 **Develop a system of chain of custody whereby inter-department handoff dates can be accurately documented and recorded in the respective tracking systems with consistency.**

**Responsible Department: Fingerprinting; OES and OPS**

**Management Response:**

**Fingerprinting** – The Fingerprint Office will develop a chain of custody form for transmitting files to OES and OPS with names, SSN and the date files are being sent. The receiving office will have to sign for receipt of the files. Each office will receive and maintain a copy of the chain of custody form.

**Office of Employment Standards (OES)** – OES will work with Fingerprinting to develop specific procedures for inter-office “handoffs” and tracking.

**Auditors’ Comment:** Given that information is maintained by two different departments that contribute to the fingerprint/background check function, having articulation between the two sets of information would enhance the integrity of the information. Therefore, procedures should be put into place to ensure that accurate and consistent information is captured and maintained.

**Office of Professional Standards (OPS)** – The Office of Professional Standards has a system to accurately document when a file is received. Upon receipt of the file, it is stamped and entered into the database. However, in addition to the existing procedures, we will implement a transmittal process in order to adhere to timelines and the handing off of a case from department to department. This will include a signature as evidence of receipt of a file. Each office will receive and maintain a copy of the transmittal form.

## **2. CONTROLS FOR PROCESSING CERTIFICATION APPLICATION FEES NEED IMPROVEMENT**

Certified teachers employed by M-DCPS are required to apply to the FDOE to renew their FDOE-issued certificates upon their expiration. The application is processed by Instructional Certification for a fee of \$56 per application. The fee is shared between the FDOE and M-DCPS. Instructional Certification also received a fee of \$56 per application for processing District-issued certificates. In addition, fees of \$71 and \$61 for processing fingerprints of applicants for employment and vendors, respectively, are collected.

The audit concluded that internal controls and management practices over funds collected for processing fingerprints are in place and functioning properly. Notwithstanding, our audit revealed several areas where improvements are needed in the management and controls over the funds collected to process certification applications.

### **2.1 Reconciliation of Funds**

According to Instructional Certification written procedures, a monthly reconciliation of application fees should be performed. However, there was no evidence of such reconciliation actually taking place.

To test the completeness of application fees processed for FDOE-issued certificates, we compared the amount Instructional Certification collected and deposited (\$188,334) to the amount (\$176,169) remitted to the FDOE for each month of the audit period July 1, 2005 to June 30, 2007 and found un-reconciled differences for each month. We attempted, but were unable to reconcile the amount Instructional Certification collected and deposited (\$20,061) to the amount remitted (\$13,614) to the FDOE for March 2006. Staff indicated that the difference may include fees received from individuals to whom the FDOE did not issue certificates. In such cases, the FDOE would not be due any amounts. However, we were not able to verify that this is in fact the nature of the difference, since variances are not identified or documented. Moreover, Instructional Certification indicated that March 2006 deposits totaled \$56,298. However, the amount remitted to Treasury Management for March 2006 was \$54,635.

In addition to the department's written procedures, proper internal controls and good business practices require that periodic reconciliation of cash balances be completed. Timely reconciliations may serve to identify and prevent errors and irregularities.

## 2.2 Receipt Log

Instructional Certification maintains a log of fees received for processing certification applications. The log could be more useful as an audit trail if certain key information were recorded in the log. The clerk maintaining the log enters into the log the amount received, the money order number and the applicant's last name. Neither the applicant's first name nor any traceable unique identification number is entered into the log. In contrast, FDOE invoices the District for all certification applications processed and identifies each applicant by his/her name and social security numbers. Because the Department is unable to positively distinguish between applicants, particularly those with the same surname, the ability to audit and/or reconcile the receipts is diminished.

## 2.3 Endorsement

Payments for certificates issued and renewed are made payable to the District via check or money order. However, upon receipt, Instructional Certification does not restrictively endorse checks or money orders received "For Deposit Only". Instructional Certification was unaware of the need to restrictively endorse receipts. Established best practices necessitate that checks be restrictively endorsed upon receipt. Restrictively endorsing checks or money orders decreases the risk of loss due to fraud or mishandling.

## 2.4 Segregation of Duties

Based on our review of the practices for handling application fees received, we concluded that incompatible functions are performed by the same individual. According to the department's procedures, the Instructional Certification clerk accepts the funds, prepares the deposit memorandum that is sent to Treasury Management and should reconcile the funds received. The department explained that all these functions are performed by the one individual because it is consistent with existing procedures found in the District's internal accounting manual and with that individual's job description.

This condition is not unique to Instructional Certification, as the job description of school site treasurers, for example, requires them to perform similar incompatible functions. However, there are a number of compensating controls in place at the school sites that reduce the risks created by having these incompatible functions performed by one person. Examples of those compensating controls include:

1. The Principal reviews and approves the Treasurer's work.
2. The use of controlled pre-numbered receipts.
3. The Treasurer submits monthly reconciliation to the principal and subsequently to the Internal Funds Accounting Division in the Office of the Controller for review.
4. The Region Offices perform periodic audits of some schools.

5. The Treasurer's work is audited annually by the Office of Management and Compliance Audits.

Recommended best practices for state and local governments<sup>1</sup> and proper internal controls necessitate the responsibilities for authorizing, recording and reconciling transactions and maintaining custody of the underlying asset be assigned to different individuals. This ensures proper segregation of duties. Moreover, it reduces the risk of any one person being in a position to both perpetrate and conceal errors or irregularities.

## 2.5 Timeliness of Deposits

We analyzed the lapsed time for processing certification application fee and found that Instructional Certification neglected to deposit funds in a timely manner. Our analysis included a review of 26 receipts. Of those receipts, only 2 or 8% were remitted to Treasury Management within seven (7) days for deposit. The average days in which funds were deposited were 27 days. Recommended best practices for state and local governments<sup>2</sup> and proper internal controls necessitate that funds received be deposited within one day of receipt or in a timely manner (typically within 7 days).

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<sup>1</sup> Government Finance Officers Association (GFOA) Recommended Practice, Revenue Policy: Cash Receipts Controls (2003) and Bank Account Fraud Prevention (2007) (CASH).

<sup>2</sup> Ibid.

The chart listed below is an excerpt of the deposits analyzed:

| Deposit Time Lapsed Analysis Excerpt<br>(Based on Week Days – Excluding Weekends) |  |   |  |  |
|---|--|---|--|--|
| Certificate Type  | Date Money Order & Application Was Received by Instructional Certification | Date Instructional Certification Logged Deposit Into System | Total Amount Of Days Instructional Certification Logged In Deposit | Date Instructional Certification Created Deposit Memorandum To Treasury Management |
| Renewal   | 1/5/2006   | 1/24/2006   | 13   | 1/24/2006  |
| Renewal   | 3/20/2006  | 4/5/2006  | 12   | 4/11/2006  |
| Renewal   | 3/22/2006  | 5/18/2006   | 41   | 5/19/2006  |
| Renewal   | 3/22/2006  | 5/5/2006  | 32   | 5/9/2006   |
| Renewal   | 4/6/2006   | 5/12/2006   | 26   | 5/17/2006  |
| Renewal   | 4/6/2006   | 5/17/2006   | 29   | 5/18/2006  |
| Renewal   | 4/6/2006   | 5/17/2006   | 29   | 5/18/2006  |
| Renewal   | 5/15/2006  | 8/1/2006  | 60   | 8/1/2006   |
| Renewal   | 6/21/2006  | 6/28/2006   | 5  | 6/30/2006  |
| Renewal   | 6/23/2006  | 6/26/2006   | 1  | 6/26/2006  |
| Renewal   | 8/24/2006  | 11/7/2006   | 53   | 11/7/2006  |
| Renewal   | 10/3/2006  | 1/9/2007  | 70   | Unknown  |
| Renewal   | 10/18/2006   | 1/24/2007   | 60   | 1/24/2007  |
| Renewal   | 10/23/2006   | 1/9/2007  | 49   | Unknown  |

Not making timely deposits may increase the risk of funds being stolen or becoming stale-dated and allows for the forfeiture of earned interest income. In fact, the audit noted 17 cases where applicants' money orders valued at \$952 were not honored by the bank due to non-sufficient funds (NSF) because of being stale-dated. All the applicants were issued professional certificates. In addition, there were 3 deposits the department could not verify the date the deposits were forwarded to Treasury Management.

## RECOMMENDATIONS

### 2.1 Periodically reconcile application fees received to fees deposited.

**Responsible Department:** Instructional Certification

**Management Response:** Written procedures in Instructional Certification require a reconciliation to be completed monthly. However, we acknowledge that receipts were not time-stamped. Fees collected by Instructional Certification are processing and handling fees and are earned during the processing of the

application, not issuance of certificate; therefore, the amount received by Instructional Certification will most likely always exceed the amount remitted to the DOE. A deposit made for an application received may not be invoiced by the State that same month, or ever, if the application is incomplete or missing official documentation to support the add-on or renewal certificate. (Incomplete application, renewal requirements not met and application expires.) In these instances diligent documentation will be maintained for review.

As recommended by the Office of Management and Compliance Audits and to comply with good business practices, Instructional Certification implemented a process for a monthly reconciliation; receipts will be time-stamped and tracked through an approved accounting program.

- 2.2 Maintain receipt log in a more complete fashion. Traceable information that is unique to each individual should be logged. At a minimum, the employee's full name, the last 4 digits of their social security number and the amount received should be logged.**

**Responsible Department: Instructional Certification**

**Management Response:** As recommended by the Office of Management and Compliance Audits and to comply with good business practices, Instructional Certification began including the social security number on the receipt log at the beginning of May 2007.

- 2.3 Restrictively endorse all money orders received in payment for application fees "For deposit only".**

**Responsible Department: Instructional Certification**

**Management Response:** The Office of Instructional Certification does not accept personal checks for certificate services. As recommended by the Office of Management and Compliance Audits and to comply with good business practices, Instructional Certification began stamping all money orders "For Deposit Only" on November 1, 2007.

- 2.4 Segregate incompatible duties performed by staff to ensure that no one person authorizes, records and reconciles transactions or maintains custody of the underlying assets. Where present job descriptions include these incompatible functions, the job descriptions should be revised.**

**Responsible Department: Instructional Certification**

**Management Response:** The processing of applications involves several employees who are responsible for the handling of funds to the end product-issuance of certificates. As recommended by the Office of Management and Compliance Audits and to comply with good business practices, Instructional

Certification has implemented a process for segregation of duties to insure that the handling of funds, recording of funds, reconciling and depositing of funds will be done by two separate staff members. In addition, job descriptions will be changed to reflect this segregation.

**2.5 Remit funds received from applicants to Treasury Management for deposit daily.**

**Responsible Department: Instructional Certification**

**Management Response:** As recommended by the Office of Management and Compliance Audits and to comply with good business practices, Instructional Certification implemented a process that all funds are deposited daily by having a dedicated clerk to make daily deposits.

### **3. VARIANCES IN DISTRICT-ISSUED CERTIFICATES**

An applicant is eligible to receive a District-issued certificate if the applicant can demonstrate employment within the area of interest. The District issues certificates for temporary instructor, career specialist, non-degreed and adult vocational instructors.

The fee for the District-issued certificate is \$56. Staff provided us two different reports on the total number of District-issued certificates Instructional Certification issued during the FY2006-2007. One report showed Instructional Certification issued 870 District-issued certificates during FY2006-07. The other report totaled 1,024 certificates. Total reported fees collected during the same period were \$59,901.

From the available records, it appears that Instructional Certification collected more fees than certificates issued during the same period. To determine the completeness of District-issued certificates during the stated period, we compared the amount of funds collected to the calculated amount (\$48,720 or \$57,344), depending on which report is used) due from applicants based on the number of certificates issued (i.e., 870 or 1,024 certificates issued at \$56 each). The reported fees collected exceeded the calculated amounts by \$11,181 and \$2,557. The second report reflected an additional 45 certificates entered between August 2007 and September 2007. According to staff, these certificates were also issued in FY2006-07, but were not entered into the tracking system until after the close of the fiscal year. The disparity may have resulted from the manner that records are maintained for the issuance of certificates.

### **RECOMMENDATION**

#### **3.1 Periodically reconcile the certificates issued to ensure that the amount of application fees collected agree to the amount of certificates issued.**

**Responsible Department: Instructional Certification**

**Management Response:** Fees collected by Instructional Certification are processing and handling fees and are earned during the processing of the application, not issuance of certificate. The funds for processing applications are retained and a Statement of Status of Eligibility (SOE) is issued to the applicant by the District. Certificates are only issued once the applicant is employed by the District. These applicants may never receive the certificate and therefore the amount of funds collected will almost always exceed the number of certificates issued. In these instances diligent documentation will be maintained for review.

As recommended by the Office of Management and Compliance Audits and to comply with good business practices, Instructional Certification implemented a process for a monthly reconciliation on November 1, 2007.

#### **4. OUT-OF-FIELD WAIVER VERIFICATION PROCESS**

Pursuant to Rule 6A-1.0503(4), FAC, Definition of Qualified Instructional Personnel, the School Board must approve those teachers assigned to teach out-of-field. We sampled 31 individuals to determine if each individual:

1. was certified in the area of their teaching assignment;
2. was granted a wavier if not certified in the area of their teaching assignment; and
3. was the wavier approved by the Board.

Of the 31 individuals, 26 met the valid profile for our tests. All but one instructor tested had either the required certification or Board approved out-of-field waiver. However, our tests could not be completed without the assistance of Instructional Certification. The following conditions were noted:

- 4.1 The routine through which Instructional Certification researches and retrieves information concerning the date the School Board approves an out-of-field waiver for a teacher is cumbersome, inefficient and subject to error. While the District maintains out of field information in a database and out of field waivers are approved by the Board monthly, the Board approval date is not linked back to the teacher in the database. Since the database does not contain a field for the date the board approved the waiver, Instructional Certification must peruse another database and then manually search through School Board agenda items – based on their estimation of when the item would have gone to the School Board, to determine when a waiver was approved by the Board. Instructional Certification staff stated that this is the process that is followed each time a request for information about a waiver approval date is received. Staff also stated that customarily, a significant amount of dedicated staff time – typically six (6) months – is expended gathering this information for the State Auditors, who periodically audit this process. The cumbersome nature of this routine is inefficient and time consuming.

#### **RECOMMENDATIONS**

- 4.1 **Link the School Board approval date and agenda item number to the database containing out-of-field teaching information.**

**Responsible Department:** Instructional Certification

**Management Response:** The Out-of-Field Board Item is presented each month for approval by the School Board. The data in the board item is a snapshot

retrieved from the Integrated Student Information System (ISIS) on the day report is generated. In response to this recommendation, this functionality is not available with our current system.

The District has embarked on a project to replace our current legacy system with an Enterprise Resource Planning System (ERP) that will support a wide range of administrative functions and will allow the District the opportunity to provide better services to all constituents. This additional functionality, linking the School Board approval date and agenda item number to Personnel Reporting System (PERS) containing out-of-field teaching information, will be added to the programming request list for the ERP Project.

**MEMORANDUM**

2007 DEC 15 PM 2:00  
2007 DEC 15 PM 2:00

GLD/2007-08#185

**Revised** December 4, 2007

GLD/305-757-7708

**TO:** Mr. Allen M. Vann, Chief Auditor  
Office of Management and Compliance Audits



**FROM:** Gerald L. Darling, Chief of Police  
Miami-Dade School Police Department

**SUBJECT: RESPONSE TO DRAFT INTERNAL AUDIT REPORT**

The Miami-Dade School Police Department Fingerprint Office is in receipt of the Draft Internal Audit Report: Employee Instructional Certification, Fingerprinting and Background Checks, December 2007. Several recommendations were made and management responses are as follows:

- 1.1 Develop specific practical timelines for the completion of each review cycle for individuals who have criminal histories. Approaching due dates and past due dates should be flagged.

Responsible Department: Fingerprinting, OES and OPS

**Management Response:** The fingerprinting of vendors was initiated per Florida Statute on September 1, 2005. At that time, the Fingerprint Office was under the umbrella of the Office of Human Resources. No procedures to handle criminal history records for vendors were established by the District. In an effort to have a database of vendor criminal history records, the Executive Director of Fingerprinting began to input the criminal history records in the Fingerprint Tracking System (FITS) database in October 2005 and issue letters requesting court documents. In the FITS database, the Date to Admin field reflected the date the letter requesting court documents was sent to the vendor. On the Fingerprint Criminal History Record Transmittal sheet, the review signature date by the Executive Director is the same date as the hand-off date to the Office of Employment Standards (OES). There were still no procedures to govern the processing of files when court documents were or were not received.

On November 4, 2005, Mr. Paul J. Greenfield, former Administrator on Special Assignment, was hired to head OES and conduct the final review for the criminal history records of vendors. Mr. Greenfield had to hire support staff, create procedures and processes for OES and draft letters and memos to be approved by the Legal Department. During this time, the vendor criminal history records were kept in the

Response to Draft Internal Audit Report  
**Revised** December 4, 2007  
Page 2

Fingerprint Office with no hand-off date to OES. Of the 19 vendors selected for this audit, 14 were fingerprinted as vendors during Mr. Greenfield's administration. Three were originally fingerprinted as charter and instructional applicants and were subsequently reviewed as vendors. Two were fingerprinted during Dr. Isabel Siblesz's administration in OES. Dr. Siblesz was hired into the position in August 2006, and during this time, review procedures changed and the Date to Admin field reflected the date the file was opened, reviewed and handed-off to OES. During Dr. Siblesz's tenure, the Florida Statute for vendors and the review procedure requirement has changed twice.

It takes up to three days to receive fingerprint results from the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). If the prints are rejected by the FBI for illegibility, the person has to come back to the office to be refingerprinted and receipt of subsequent results takes up to three additional days. If the prints are rejected by the FBI a second time, a request for the FBI to conduct a manual name search is faxed to the FBI. It takes up to two weeks to receive manual name search results from the FBI. This increases the cycle time for a criminal history record to be held in the Fingerprint Office.

Per Florida Statute, if a vendor is fingerprinted in a Florida Public School District, other public school districts are required to pull those fingerprint results from the Florida Shared System Results (FSSR) and the vendor is not required to pay to be refingerprinted. It is possible for a vendor to be fingerprinted in one county in October 2005 and those results to be used two years later by another county. In this case, there could be an extended lapse between the original print date and receipt date from the FSSR.

If a person is fingerprinted as an applicant then later notifies the district they will be a vendor, the Fingerprint Office is required to use the same fingerprint results as long as the results are valid. Per the state retention schedule, applicant results are valid for two years if the person has not been hired, or as long as the hired employee has no break in service. The Jessica Lunsford Act and Florida Statute 1012.32 governing applicants require a Level II state and national clearance. In these cases, the original date to FDLE and date from FDLE/FBI are used which causes the fingerprint cycle to be increased.

It should be noted there is only one administrator in the Fingerprint Office to review, sign-off and process criminal history records. The Executive Director in the Fingerprint Office reviews all criminal history records of vendors, applicants,

Response to Draft Internal Audit Report

Revised December 4, 2007

Page 3

volunteers, and field experience students. It takes two days to process criminal history cases to determine if court documents were previously submitted to another office or send a certified letter to the applicant requesting court documents. The 15 workday deadline to return court documents to the Fingerprint Office will be enforced and applicants will be denied employment if the deadline is not met, unless the applicant requests an extension due to delays from the clerks of court. In this case an extension of 15 weekdays will be authorized. The Fingerprint Office will review all court documents submitted within five days. Barring any uncontrollable or unforeseen circumstances, management's goal is to complete the fingerprint review and background check within 50 workdays.

- 1.2 Shorten the review cycles for notifying applicants, vendors, and volunteers of their Level II clearance status.

Responsible Department: Fingerprinting, OES and OPS

**Management Response:** The Fingerprint Office will ensure the dates in the database accurately reflect the actions to each criminal history file. A tickler file will be maintained for all criminal history records in which letters are sent to applicants requesting court documents. The 15 weekday timeline for receipt of court documents will be enforced and the applicant will be denied employment and sent a letter unless the applicant requests an extension due to clerk of court delays in which an additional 15 weekday timeline will be issued. Barring any uncontrollable or unforeseen circumstances, management's goal is to complete the fingerprint review and background check within 50 workdays.

- 1.3 Develop a system of chain of custody whereby inter-department hand-off dates can be accurately documented and recorded in the respective tracking systems.

Responsible Department: Fingerprinting, OES and OPS

**Management Response:** The Fingerprint Office will develop a chain of custody form for transmitting files to OES and OPS with names, SSN and the date files are being sent. The receiving office will have to sign for receipt of the files. Each office will receive and maintain a copy of the chain of custody form.

GLD:sm

cc: Assistant Chief Charles Martin  
Mr. Trevor L. Williams  
Major Richard Blom  
Captain Dorene Baker  
Ms. Sigilenda Miles

MEMORANDUM

December 5, 2007

TO: Mr. Allen Vann, Chief Auditor  
Office of Management and Compliance Audits

FROM: Vera A. Hirsh, Assistant Superintendent *Vera A. Hirsh, meV*  
Office of Human Resources, Recruiting and Performance Management

SUBJECT: **MANAGEMENT RESPONSE TO INTERNAL AUDIT – EMPLOYEE  
INSTRUCTIONAL CERTIFICATION, FINGERPRINTING AND  
BACKGROUND CHECKS (2005-2007)**

Recommendations

- 1.1 **Develop specific practical timelines for the completion of each review cycle for individuals who have criminal histories. Approaching due dates and past due dates should be flagged for follow-up.**

Management Response:

OES will work with Fingerprinting to establish a standard and process of completing the cycle in 60 working days for vendors with criminal histories. The following is a history and context of the Office of Employment Standards (OES) related to the fingerprinting process of vendors/contracted personnel with the District:

The Jessica Lunsford Act began implementation in the latter part of 2005 and the Office of Employment Standards hired an administrator on November 4, 2005, to develop procedures in reviewing fingerprints for vendors with the District.

It should be noted that of the 19 vendors reviewed in the sample, 7 vendors were fingerprinted prior to the establishment of OES. Six vendors were fingerprinted within one month of the inception of OES, and 6 other vendors were fingerprinted 3 to 6 months after OES was established. Of the 19 vendors sampled, the earliest date that the Fingerprinting Department conducted their first review was April 10, 2006. The Fingerprinting Department had to hire additional staff to assist in fingerprinting the volume of vendors wishing to do business with the District while being in compliance with statutory requirements of the Jessica Lunsford Act.

The Florida Department of Education published the Technical Assistant Paper (Jessica Lunsford Act) in August 2005 to assist School Districts in establishing procedures for screening vendors. A copy of this document is attached. OES was responsible for developing a database to monitor fingerprint results, and established procedures to notify vendors of their status/disposition. The District's Employment Standards were used to screen fingerprint results through March 14, 2007.

School Board Rule 6Gx13-3F-1.024, Screening Criteria for Contracted Personnel in Accordance with the Jessica Lunsford Act, was approved by the School Board on March 14, 2007, thereby requiring a different approach to screening individuals with criminal history. A Review Panel was established to listen to individual appeals subsequent to this School Board meeting. A total of 99 appeals were held from March 20, 2007 to June 26, 2007, and a summary is attached. The process once again changed when the amendments to the Jessica Lunsford Act were approved by the legislature. This prompted the JLA Review Panel to convene and a total of 443 files were reviewed resulting in 310 vendors being approved. The amendments to the Jessica Lunsford Act focus on 9 disqualifying offenses. As a result, the review

## **Appendix I – Management's Responses**

process for screening vendors has changed three times since the initial approval of the Jessica Lunsford Act.

- 1.2 Shorten the review cycles for notifying applicants, vendors and volunteers of their Level II clearance Status.**

**Management Response:**

See response to Recommendation 1.1.

- 1.3 Develop a system of chain of custody whereby inter-department handoff dates can be accurately documented and recorded in the respective tracking systems with consistency.**

**Management Response:**

OES will work with Fingerprinting to develop specific procedures for inter-office "handoffs" and tracking.

If additional information is needed, please feel free to contact me at (305) 995-7008.

VAH/ml  
M129

cc: Ms. Carolyn Spaht  
Ms. Mariaelena Vidal  
Dr. Isabel M. Siblesz


MEMORANDUM

2007 DEC -4 PM 4:11

**REVISED**

December 4, 2007  
MTR/2007-08/2111  
305 995-7007

**TO:** Mr. Allen M. Vann, Chief Auditor  
Management & Compliance

**FROM:** Maria Teresa Rojas, Assistant Superintendent  
Office of Professional Standards 

**SUBJECT: RESPONSE TO DRAFT AUDIT OF EMPLOYEE INSTRUCTIONAL  
CERTIFICATION, FINGERPRINTING AND BACKGROUND CHECKS**

The Office of Professional Standards is in receipt of the Draft Internal Audit Report: Employee Instructional Certification, Fingerprinting and Background Checks, December 2007. Three recommendations were made that directly impact the Office of Professional Standards and management responses are as follows:

**RECOMMENDATIONS**

- 1.1 **Develop specific practical timelines for the completion of each review cycle. Approaching due dates and past due dates should be flagged.**

Responsible Department: Fingerprinting, OES and OPS.

**Management Response:** On average, OPS had a review cycle time of 22 days. Specific practical timelines, as specified in the board rule, refer to the amount of days an applicant has to appeal, only due to the nature of the arrests, if they have not been approved (see attachment A). The review cycle time for OPS begins with the receipt of the file from the Office of Fingerprinting. The Office of Professional Standards will increase the review cycle time to 30 to 45 workdays. This timeline begins from the time OPS receives the file to the time the applicant is notified. Files will only be accepted by OPS when all court documents are evident. This practice will ensure that OPS adheres to timelines barring cases with unusual circumstances.

A log will be initiated, monitored and maintained by OPS on a weekly basis to flag approaching deadlines for open cases. The log will consist of the date the file is received and the date it is closed. Additionally, OPS will indicate whether this is a newly opened file or an existing file that must be retrieved from the warehouse.

**1.2 Shorten the review cycles for notifying applicants, vendors and volunteers of their Level II clearance status.**

Responsible Department: Fingerprinting, OES and OPS.

**Management Response:** The Office of Professional Standards will increase the review cycle time to 30 to 45 workdays. The cycle time for OPS begins from the date of receipt of the file to the date the notification letter is sent to the applicant. The goal will be for the entire process, from the initiation in the Office of Fingerprinting until the fruition through OPS, to take no more than 60 workdays for individuals with criminal histories. There are several mitigating circumstances that need to be considered when identifying the review cycle time for OPS. For example:

- Applicants must provide court documents and the time they take is not something that we can control. On many instances, it involves travel out of the state for the applicant to acquire said documents.
- If the applicant has a past history with MDCPS, OPS does not create a new file. Instead the original file for that person is requested from the warehouse. OPS cannot control the length of time it takes to retrieve that file.
- Periodically, directors reviewing the cases need legal guidance. Meetings have to be scheduled with the attorney's office and the assistant superintendent of OPS to review these cases as they pertain to the current employment standards and board rule related to fingerprinting of all employees.

**1.3 Develop a system of chain of custody whereby inter-department handoff dates can be accurately documented and recorded in the respective tracking systems with consistency.**

Responsible Department: Fingerprinting, OES and OPS.

**Management Response:** The Office of Professional Standards has a system to accurately document when a file is received. Upon receipt of the file, it is stamped and entered into the database. However, in addition to the existing procedures, we will implement a transmittal process in order to adhere to timelines and the handing off of a case from department to department. This will include a signature as evidence of receipt of a file. Each office will receive and maintain a copy of the transmittal form.

If you have any questions, please feel free to contact my office at 305-995-7007.

Attachment

cc: Freddie Woodson

## Appendix I – Management's Responses

### MEMORANDUM

MANAGEMENT AND  
COMPLIANCE AUDIT  
2007RC/29 1.112.2

November 27, 2007

**TO:** Mr. Allen Vann, Chief Auditor  
Office of Management and Compliance Audits

**FROM:** Vera A. Hirsh, Assistant Superintendent *VAH*  
Office of Human Resources, Recruiting, and Performance Management

**SUBJECT: MANAGEMENT'S RESPONSE TO DRAFT INTERNAL AUDIT**

Attached herewith please find Management's Response to the Draft Internal Audit Report, Employee Instructional Certification, Fingerprinting and Background Checks dated December 2007.

Please note that in general, the Office of Human Resources, Recruiting and Performance Management agrees with the recommendations and, in its response to each recommendation throughout the report, indicates its observations, corrections and concerns as well as actions it has implemented or plans to implement to address the recommendations.

We appreciate your efforts in identifying and reporting areas that may be deficient and as noted, we will make every effort to determine the organizational resources that should be expended to correct them.

Thank you in advance for your continued cooperation and as always, should you need further information or documentation, please do not hesitate to contact me directly.

VAH:amd  
M128

Attachment

cc: Ms. Carolyn Spaht  
Ms. Mariaelena Vidal  
Dr. Isabel Siblesz  
Ms. Charlene Burks

**Instructional Certification  
Audit Response**

**2.1 Reconciliation of Funds**

Written procedures in Instructional Certification require a reconciliation to be completed monthly. However, we acknowledge that receipts were not time-stamped. Fees collected by Instructional Certification are processing and handling fees and are earned during the processing of the application, not issuance of certificate; therefore, the amount received by Instructional Certification will most likely always exceed the amount remitted to the DOE. A deposit made for an application received may not be invoiced by the State that same month, or ever, if the application is incomplete or missing official documentation to support the add-on or renewal certificate. (Incomplete application, renewal requirements not met and application expires.) In these instances diligent documentation will be maintained for review.

As recommended by the Office of Management and Compliance Audits and to comply with good business practices, Instructional Certification implemented a process for a monthly reconciliation; receipts will be time-stamped and tracked through an approved accounting program.

**2.2 Receipt Log**

As recommended by the Office of Management and Compliance Audits and to comply with good business practices, Instructional Certification began including the social security number on the receipt log at the beginning of May 2007.

**2.3 Endorsement**

The Office of Instructional Certification does not accept personal checks for certificate services. As recommended by the Office of Management and Compliance Audits and to comply with good business practices, Instructional Certification began stamping all money orders “For Deposit Only” on November 1, 2007.

**2.4 Segregation of Duties**

The processing of applications involves several employees who are responsible for the handling of funds to the end product-issuance of certificates. As recommended by the Office of Management and Compliance Audits and to comply with good business practices, Instructional Certification has implemented a process for segregation of duties to insure that the handling of funds, recording of funds, reconciling and depositing of funds will be done by two separate staff members. In addition, job descriptions will be changed to reflect this segregation.

### **2.5 Timeliness of Deposits**

As recommended by the Office of Management and Compliance Audits and to comply with good business practices, Instructional Certification implemented a process that all funds are deposited daily by having a dedicated clerk to make daily deposits.

### **3.1 Variance in District-Issued Certificates**

Fees collected by Instructional Certification are processing and handling fees and are earned during the processing of the application, not issuance of certificate. The funds for processing applications are retained and a Statement of Status of Eligibility (SOE) is issued to the applicant by the District. Certificates are only issued once the applicant is employed by the District. These applicants may never receive the certificate and therefore the amount of funds collected will almost always exceed the number of certificates issued. In these instances diligent documentation will be maintained for review.

As recommended by the Office of Management and Compliance Audits and to comply with good business practices, Instructional Certification implemented a process for a monthly reconciliation on November 1, 2007.

## **Audit Response**

### **4.1**

The Out-of-Field Board Item is presented each month for approval by the School Board. The data in the board item is a snapshot retrieved from the Integrated Student Information System (ISIS) on the day report is generated. In response to this recommendation, this functionality is not available with our current system.

The District has embarked on a project to replace our current legacy system with an Enterprise Resource Planning System (ERP) that will support a wide range of administrative functions and will allow the District the opportunity to provide better services to all constituents. This additional functionality, linking the School Board approval date and agenda item number to Personnel Reporting System (PERS) containing out-of-field teaching information, will be added to the programming request list for the ERP Project.

The School Board of Miami-Dade County, Florida, adheres to a policy of nondiscrimination in employment and educational programs/activities and programs/activities receiving Federal financial assistance from the Department of Education, and strives affirmatively to provide equal opportunity for all as required by:

**Title VI of the Civil Rights Act of 1964** - prohibits discrimination on the basis of race, color, religion, or national origin.

**Title VII of the Civil Rights Act of 1964**, as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

**Title IX of the Education Amendments of 1972** - prohibits discrimination on the basis of gender.

**Age Discrimination in Employment Act of 1967 (ADEA)**, as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

**The Equal Pay Act of 1963**, as amended - prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

**Section 504 of the Rehabilitation Act of 1973** - prohibits discrimination against the disabled.

**Americans with Disabilities Act of 1990 (ADA)** - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

**The Family and Medical Leave Act of 1993 (FMLA)** - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

**The Pregnancy Discrimination Act of 1978** - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

**Florida Educational Equity Act (FEEA)** - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

**Florida Civil Rights Act of 1992** - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

**School Board Rules 6Gx13- 4A-1.01, 6Gx13- 4A-1.32, and 6Gx13- 5D-1.10** - prohibit harassment and/or discrimination against a student or employee on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability.

*Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.*

***INTERNAL AUDIT REPORT***  
***Employee Instructional Certification,***  
***Fingerprinting and Background Checks***  
***DECEMBER 2007***



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