

VOLUNTEER ASSISTANCE

The Governing Board recognizes that volunteer assistance in school can enrich the educational program, increase supervision of students and contributes to school safety while strengthening the school's relationships with the community. The Board encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with students.

(cf. 1000 - Concepts and Roles)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)
(cf. 6171 - Title I Programs)

The Superintendent or designee shall develop and implement a plan for recruiting, screening and placing volunteers, including strategies for reaching underrepresented groups of parents/guardians and community members. He/she may also recruit community members to serve as mentors and/or make appropriate referrals to community organizations.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

The Board prohibits harassment of any volunteer on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, immigration, or military and veteran status. (Government Code 12940)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

As appropriate, the Superintendent or designee shall provide volunteers with information about school goals, programs and practices and an orientation and other training related to their specific responsibilities. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that utilize their skills and expertise and maximize their contribution to the educational program.

Volunteer work shall be limited to those projects that do not replace the normal duties of classified staff. The Board nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school, and comply with employee commitments and contracts.

(cf. 4141/4241 - Collective Bargaining Agreement)

VOLUNTEER ASSISTANCE (continued)

The Superintendent or designee shall establish procedures for determining whether volunteers possess the qualifications, if any, required by law and administrative regulation for the types of duties they will perform.

Volunteers shall act in accordance with district policies, regulations, and school rules. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

(cf. 3515.2 - Disruptions)

The Board encourages the principal(s) to develop a means for recognizing the contributions of each school's volunteers.

(cf. 1150 - Commendations and Awards)

The Superintendent or designee shall periodically report to the Board regarding the district's volunteer assistance program.

(cf. 0500 - Accountability)

Workers' Compensation Insurance

The Board desires to provide a safe environment for volunteers and minimize the district's exposure to liability.

(cf. 3530 - Risk Management/Insurance)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

Legal Reference: (see next page)

VOLUNTEER ASSISTANCE (continued)

Legal Reference:

EDUCATION CODE

8482-8484.6 *After School education and Safety programs*
8484.7-8484.9 *21st Century community Learning Center program*
35021 *Volunteer aides*
35021.1 *Automated records check*
35021.3 *Registry of volunteers for before/after school programs*
44010 *Sex offense; definition*
44814-44815 *Supervision of students during lunch and other nutrition periods*
45125 *Fingerprinting requirements*
45125.01 *Interagency agreements for criminal record information*
45340-45349 *Instructional aides*
45360-45367 *Teacher aides*
48981 *Parental Notifications*
49024 *Activity Supervisor Clearance Certificate*
49406 *Examination for tuberculosis*

GOVERNMENT CODE

3543.5 *Prohibited interference with employees' rights*
12940 *Prohibited discrimination and harassment*

HEALTH AND SAFETY CODE

1596.871 *Fingerprints of individuals in contact with child day care facility clients*

LABOR CODE

1720.4 *Public works; exclusion of volunteers from prevailing wage law*
3352 *Workers' compensation; definitions*
3364.5 *Authority to provide workers' compensation insurance for volunteers*

PENAL CODE

290 *Registration of sex offenders*
290.4 *Information re sex offenders*
290.95 *Disclosure by person required to register as sex offender*
626.81 *Sex Offender; permission to volunteer at school*

CODE OF REGULATIONS, TITLE 22

101170 *Criminal record clearance*
101216 *Health screening, volunteers in child care centers*

UNITED STATES CODE, TITLE 20

6319 *Qualifications and duties of paraprofessionals, Title I programs*

PUBLIC EMPLOYEES RELATIONS BOARD DECISIONS

Whisman Elementary School District, (1991) PERB Decision No. 868

ATTORNEY GENERAL OPINIONS

62 *Ops. Cal. Atty. Gen. 325 (1979)*

COURT DECISIONS

Whisman Elementary School District, 15 Public Employee Reporter for California, 22043

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education, Parents/Family and Community: <http://www.cde.ca.gov/ps/pf>
California PTA: <http://www.capta.org>
CDE: <http://www.cde.ca.gov>
California Department of Justice, Megan's Law mapping: <http://www.meganslaw.ca.gov>

Policy
adopted: January 27, 2010
Updated: August 16, 2018
Updated:

MOUNTAIN UNION ELEMENTARY SCHOOL DISTRICT
Montgomery Creek, California

VOLUNTEER ASSISTANCE

Duties of Volunteers

The Superintendent or designee may assign volunteers to:

1. Assist certificated personnel in the performance of their duties, including in the supervision of students, the performance of instructional tasks which, the judgment of the certificated personnel to whom which the volunteer is assigned, may be performed by a person not licensed as a classroom teacher. (Education Code 45343, 45344, 45349)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before / After school programs)

2. Serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform noninstructional work which assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code 35021)

3. Supervise students during lunch and/or breakfast periods or

4. Work on short-term facilities projects pursuant to the section below entitled “Volunteer Facilities Projects”

5. Perform other duties in support of district or school operations as approved by the Superintendent or designee.

(cf. 6163.1 - Library Media Centers)

Volunteers shall not be authorized to assign grades to students, and shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code 35021, 45344)

(cf. 4217.3 - Layoff/Rehire)

Basic Skills Proficiency Requirement

Volunteers who supervise or provide instruction of students pursuant to Education Code 45349 shall submit evidence of basic skills proficiency to the Superintendent or designee. (Education Code 45344.5, 45349)

(cf. 4212 - Appointment and Conditions of Employment)

VOLUNTEER ASSISTANCE

Criminal Background Check

Prior to assuming a volunteer position working with students in a district-sponsored student activity program, a volunteer regardless of immigration status, shall obtain fingerprint clearance through the Department of Justice and Federal Bureau of Investigation. At his/her discretion, the volunteer may choose to meet this requirement by obtaining an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing. Student activity programs include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. (Education Code 49024)

(cf. 4112.5/4212.5/4312.5 - Criminal Background Check)

(cf. 41247/427/7327 - Temporary Athletic Club Coaches)

(cf. 6145 - Extracurricular and Cocurricular Activities)

The Superintendent or designee shall determine which volunteer positions in the district are subject to the above requirement.

The criminal background check requirement shall not apply to volunteer supervisors for breakfast, lunch or other nutritional periods or to volunteer nonteaching aides under the immediate supervision and direction of certificated personnel pursuant to Education Code 35021, including parents/guardians volunteering in a classroom or on a field trip or community members providing noninstructional services. (Education Code 49024)

Registered Sex Offenders

The Superintendent or designee may require all volunteers to disclose whether they are a registered sex offender and/or provide the district with sufficient information in order to allow verification of this status on the Department of Justice's Megan's Law web site.

The principal may grant a registered sex offender, who is not the parent/guardian of a student at the school, permission to come into a school building or upon school grounds to volunteer at the school. At least 14 days prior to the first date for which permission has been granted, the principal or designee shall notify the parent/guardian of each student at the school, using one of the methods specified in Education Code 48981. that a person who is required to register as a sex offender pursuant to Penal Code 290 has been granted permission to come into a school building or upon school grounds, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency. (Penal Code 626.81)

(cf. 5145.6 - Parental Notifications)

However, no person who is required to register as a sex offender pursuant to Penal Code 290 shall be assigned as a volunteer to assist certificated personnel in the performance of their duties;

VOLUNTEER ASSISTANCE

supervise students during lunch, breakfast, or other nutritional period; or serve as a nonteaching aide to perform noninstructional tasks. In addition, a person who is required to register as a sex offender because of a conviction for a crime where the victim as a minor under age 16 shall not serve as a volunteer in any capacity in which he/she would be working directly in an unaccompanied setting with minors on more than an incidental and occasional basis or have supervision or disciplinary power over minors. (Education Code 35021, 45349; Penal Code 290.92)

(cf. 3515.5 - Sex Offender Notification)

Tuberculosis Assessment/ Examination

Upon initial volunteer assignment, a volunteer shall have on file with the school a certificate showing that he/she has submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis. (Education Code 49406)

(cf. 4112.4/412.4/4312.4 - Health Examination)

The Superintendent or designee may exempt from the tuberculosis risk assessment and/or examination those volunteers whose functions do not require frequent or prolonged contact with students. (Education Code 49406)

Volunteer Facilities Projects

All volunteer facilities projects shall have approximate start and completion dates and shall be approved by the principal in advance. Projects also shall be approved in advance by the Superintendent or designee if they involve the following types of work:

1. Alterations, additions, or repairs to buildings or grounds
2. Construction involving wall or roof penetration, drilling or nailing
3. Structural modifications
4. Electrical, electronic, plumbing, or heating and cooling work
5. Painting
6. Installation of carpet, playground equipment, benches, sprinkler systems, marquees or signs
7. Paving
8. Tree planting, pruning, or removal

The Superintendent or designee shall ensure that volunteers possess the appropriate license and/or have sufficient expertise required for the project. He/she shall also ensure that such projects comply with building and safety codes and other applicable laws and collective bargaining agreements. The district shall provide on-site assistance and supervision for such projects as necessary.

VOLUNTEER ASSISTANCE

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 7140 - Architectural and Engineering Services)