

*Volunteers***Definitions**

A “Volunteer” is an adult (individual who is 18 years or older) applying for or holding an unpaid position in the service of the District. Depending on the type of service provided, volunteers are designated as either “Tier I” or “Tier II” as described below. This definition does not include volunteers for outside groups, such as Parent-Teacher Organizations and Booster Clubs, unless the person is directly acting in the service of the District in relation to a District program, activity, or service.

“Direct volunteer contact with children” or “Direct volunteer contact” means the care, supervision, guidance or control of children and routine interaction with children by a volunteer.

“Routine interaction with children” means regular or repeated contact that is integral to a person’s employment or volunteer responsibilities.

“Person responsible for a/the child’s welfare” means a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training, or control of a child in lieu of parental care, supervision, and control. This includes any person who has direct or regular contact with a child through any school-sponsored program, activity or service.

“Program, activity or service” means any of the following in which children participate: youth camps or programs, recreational camps or programs, sports or athletic programs, community or social outreach programs, enrichment or educational programs, and troops, clubs, or similar organizations.

“Tier I Volunteers” are those volunteers who will either be responsible for a child’s welfare or will have direct volunteer contact with children.

“Tier II Volunteers” are those volunteers who will not be responsible for a child’s welfare and also not have direct volunteer contact with children.

“Immediate vicinity” means an area in which an individual is physically present with a child and can see, hear, direct and assess the activities of the child.

**Requirement to Obtain Certifications**

Pursuant to Pennsylvania law, certain volunteers are required to obtain FBI, State Police, and Department of Human Services certifications, and will be required to renew those certifications every sixty (60) months.

The District respects the privacy of volunteer applicants, and will hold all certification results in strict confidence to the extent permitted by law. There will be only limited personnel access approved by the Superintendent or designee to certification files on a “need-to-know” basis.

### **Tier I Volunteers**

Tier I Volunteers appointed before August 25, 2015 who do not have certifications already must obtain them no later than July 1, 2016. Current Tier I Volunteers with a current certification issued before August 25, 2015 must obtain the required certifications within sixty (60) months of their most recent certification, or if a current certification is older than sixty (60) months on August 25, 2015, no later than August 25, 2016. Tier I Volunteers appointed on or after August 25, 2015 must obtain certifications by July 1, 2016.

All Tier I Volunteers have an ongoing obligation to renew their certifications every sixty (60) months from the date of their oldest certification.

If a Tier I Volunteer has been a resident of Pennsylvania for the entirety of the previous ten-year period and swears or affirms in writing that they have not been disqualified from service and have not been convicted of a prohibited offense listed in existing law or a similar offense in another jurisdiction, only the State Police and DHS certifications will be required. If a Tier I Volunteer is a resident of Pennsylvania but has not resided in Pennsylvania for the entirety of the previous ten-year period, that individual must obtain an FBI criminal history background check only once, and not at successive intervals until that individual has satisfied the ten-year continuous residency requirement in Pennsylvania.

### **Non-Resident Volunteers:**

Employers, administrators, supervisors or other persons responsible for the selection of volunteers may allow a Tier I Volunteer from another state to serve on a provisional basis not to exceed a total of 30 days in a calendar year, if the volunteer is in compliance with the certification standards under the law of the jurisdiction (i.e. state) in which they are domiciled. The non-resident volunteer must provide the employer, administrator, supervisor or other person responsible for selection of volunteers with documentation of certifications.

### **Tier II Volunteers**

Tier II Volunteers do not need certifications.

### **Arrest and Conviction Reporting Requirements for Volunteers**

All volunteers must report new arrests or convictions for any offense that would create a ban on employment or volunteer work with children to an administrator in writing within 72 hours. If a person responsible for employment decisions or

an administrator has a reasonable belief that any volunteer was arrested or convicted for an offense that would constitute grounds for denying employment or volunteer work with children, or was named as a perpetrator in a founded or indicated report of child abuse, or the volunteer has provided notice as required under the law, the employer or administrator must immediately require that individual to submit current FBI, State Police, and DHS certifications. If any volunteer does not disclose arrests or convictions as required, they will be terminated immediately from all services to the District.

### **Other Guidelines**

The District reserves the right to exclude any volunteer based on an offense that would disqualify an employee from obtaining employment with the District.

All volunteers will be expected to follow these guidelines:

1. Respect the authority of the teacher or supervisor as the decision maker and as the person responsible for the instructional program, all classroom activities, and the well-being of all children in the classroom or school. Teachers or supervisors bear the ultimate responsibility for the welfare of students during school activities. When working with students or chaperoning field trips or school activities, parent volunteers must report all incidents of inappropriate behavior or situations in which students might be in danger to the teacher or supervisor in charge of the activity.
2. Respect the privacy and anonymity of each child by maintaining the confidentiality of information regarding students. Information regarding student classroom performance and/or behavior and information contained in student records must be shared only with District employees with an “educational need to know” the information. Information from student records is regulated by the Family Educational Rights Privacy Act.
3. Maintain a professional relationship with students. When issues of a personal or confidential nature are raised by students, volunteers must refrain from imposing their own opinions on students regarding matters of a personal nature.
4. Courteously inform your supervising teacher or supervisor if unable to attend volunteer activity and document attendance as requested by supervising teacher or supervisor.

Tier I Volunteers are expected to be familiar with District policies and receive any training provided by the District for volunteers. In particular, Tier I Volunteers are expected to comply with the following:

1. District policies and administrative regulations regarding child abuse identification and reporting. See Appendix A to Regulation 5436.
2. District policies and administrative regulations regarding the prohibition of discrimination within the District.
3. District policies and administrative regulations regarding unlawful harassment.
4. District policies and administrative regulations regarding student accidents.
5. District policies and administrative regulations regarding student hazing.
6. District policies and administrative regulations regarding student discipline.
7. District policies and administrative regulations regarding drugs, alcohol and tobacco.
8. District policies and administrative regulations regarding the accommodation of special needs students in 22 Pennsylvania Code Chapter 14.

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## ANALYSIS TO DETERMINE WHETHER DISTRICT VOLUNTEERS REQUIRE CERTIFICATIONS

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**Note: This document is for demonstration and discussion purposes – it is intended to provide guidance for highly fact-specific situations that may require a case-by-case analysis. Please contact us as questions arise.**

The following definitions are used to determine whether a volunteer requires certifications:

- A “volunteer” is an adult (individual who is 18 years or older) applying for or holding an unpaid position in the service of the District.
- “Direct volunteer contact with children” or “Direct volunteer contact” means the care, supervision, guidance or control of children and routine interaction with children.
- “Routine interaction with children” means regular or repeated contact that is integral to a person’s employment or volunteer responsibilities.
- “Person responsible for a/the child’s welfare” means a person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training, or control of a child in lieu of parental care, supervision, and control. This includes any person who has direct or regular contact with a child through any school-sponsored program, activity or service.
- “Immediate vicinity” means an area in which an individual is physically present with a child and can see, hear, direct and assess the activities of the child.
- “Program, activity or service” means any of the following in which children participate: youth camps or programs, recreational camps or programs, sports or athletic programs, community or social outreach programs, enrichment or educational programs, and troops, clubs, or similar organizations.
- “Tier I Volunteers” are those volunteers who will either be responsible for a child’s welfare or will have direct volunteer contact with children.
- “Tier II Volunteers” are those volunteers who will not be responsible for a child’s welfare and also not have direct volunteer contact with children.
- “School-sponsored” means either or both of the following:
  - funded in whole or in part by the District either directly or indirectly through a student organization approved by the Board; or
  - supervised by a District employee or contractor acting within the scope of their employment or contractual relationship with the District.

### **Determining Whether Volunteer Needs Certifications:**

**Step 1: Determine whether the volunteer will be responsible for the welfare of a child. Ask whether the volunteer will provide permanent or temporary care, supervision, mental health diagnosis or treatment, training, or control of a child in lieu of parental care, supervision, and control. If “Yes”, the volunteer needs certifications. If “No”, proceed to Step 2 below.**

**Step 2: Determine whether the volunteer will have direct volunteer contact with children. Direct volunteer contact requires BOTH of the following:**

- (a) The care, supervision, guidance or control of children; AND
- (b) Routine interaction with children, meaning regular or repeated contact that is integral to the volunteer’s responsibilities.

If “Yes”, the volunteer needs certifications. If “No” (to inquiries in Step 1 and Step 2), the volunteer does not need certifications.

Using the terms as defined here, we have sought to provide a reasoned, analytical framework that the District can apply consistently as questions arise.

<b>TYPE OF VOLUNTEER OR VISITOR</b>	<b>Step I.</b>  <u>Will the individual be responsible for the welfare of a child? (Ask whether the volunteer will provide permanent or temporary care, supervision, mental health diagnosis or treatment, training, or control of a child in lieu of parental care, supervision, and control.)</u>	<b>OR</b>	<b>Step II.</b>  <b>Will the individual have direct volunteer contact with children? Direct volunteer contact with children requires (a) the care, supervision, guidance or control of children AND (b) routine interaction with children, meaning regular or repeated contact that is integral to the volunteer’s responsibilities</b>	<b>CERTIFICATIONS REQUIRED?</b>  If the answer to <u>EITHER Step 1 or Step II is “YES”, certifications are required.</u>
attend meeting in a private area with school administrator, teacher, or staff	No		No	<b>NO INCIDENTAL VISITOR</b>
attend performance in auditorium or other common area; attend a sporting event	No		No	<b>NO INCIDENTAL VISITOR</b>

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or other extra-curricular activity				
book fair (no students helping in booth)	No		No	<b>NO</b>
booster-club event (school-sponsored activities)	No, unless responsible for the welfare of children – depends on their duties		Very situationally-specific; no clear-cut answer can be given at this time	<b>Contact Principal for guidance</b>
chaperone for a dance or other school-sponsored event (including, but not limited to, field trips)	No, unless responsible for the welfare of children – depends on their duties		N/A	<b>Contact Principal for guidance</b>
class party help	No, unless officially designated as a volunteer responsible for the welfare of children.		No, if a one-time or infrequent event.	<b>NO, UNLESS OFFICIALLY DESIGNATED.</b>
class pictures	No		No, no regular or repeated contact.	<b>NO</b>
college recruiters on campus to talk with children	Not a District volunteer		Not a District volunteer	<b>NOT A VOLUNTEER</b>
concession stand worker (no students working in the stand)	No		No	<b>NO</b>
concession stand worker (with students working in the stand)	No, unless responsible for the welfare of children – depends on their duties		Very situationally-specific; no clear-cut answer can be given at this time	<b>Contact Principal for guidance</b>
current students age 18 or older volunteering to fulfill role in a school-sponsored	Not a volunteer under the terms of the statute (“an adult applying for an unpaid position”)		Not a volunteer under the terms of the statute (“an adult applying for an unpaid position”)	<b>NO</b>

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program, club, or activity				
current students age 18 or older volunteering to as any other	Same analysis would apply to the student as would apply to any other		Same analysis would apply to the student as would apply to any other adult in the community	<b>ANALYSIS APPLIED IS BASED ON POSITION - Contact Principal for guidance</b>
drop off food or non-food items to celebrate a birthday or special event	No		No	<b>NO INCIDENTAL VISITOR</b>
field day assistance	No, unless responsible for the welfare of children – depends on their duties		No, no regular or repeated contact	<b>Contact Principal for guidance</b>
grandparents' day	No		No	<b>NO INCIDENTAL VISITOR</b>
guest speaker or participant in career day or similar event to share information with students	No		No	<b>NO INCIDENTAL VISITOR</b>
job shadowing – an individual allows a student to visit their place of business	No, not assuming responsibility as a school volunteer or for the welfare of a child		No	<b>NO</b>
make a delivery to the school	No		No	<b>NO INCIDENTAL VISITOR</b>
military recruiters on campus to talk with children	Not a District volunteer		Not a District volunteer	<b>NOT A VOLUNTEER</b>
observe child's classroom (parent, guardian, close relative)	No		No	<b>NO INCIDENTAL VISITOR</b>

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pick child up from school	No		No	<b>NO INCIDENTAL VISITOR</b>
produce play or performance, concert, or other curricular/co-curricular, or extracurricular activity	Yes		N/A	<b>YES</b>
PTO-sponsored event	No, unless responsible for the welfare of children – depends on their duties		Very situationally-specific; no clear-cut answer can be given at this time	<b>Contact Principal for guidance</b>
routine classroom help (daily, weekly, or other periodically-scheduled help)	No, unless responsible for the welfare of children – depends on their duties		N/A	<b>Contact Principal for guidance</b>
special classroom projects	No, unless responsible for the welfare of children – depends on their duties		Very situationally-specific; no clear-cut answer can be given at this time	<b>Contact Principal for guidance</b>
sports coach	Yes		N/A	<b>YES</b>
assist with mailings and other clerical duties (no student contact)	No		No	<b>NO</b>
lobby sales/sign-ups including but not limited to gym suits, ticket sales, internship forms	No		No	<b>NO</b>
drivers transporting students to/from District-sponsored activities	Yes		N/A	<b>YES</b>
CPR Instructors	If training school		Very situationally-	<b>YES</b>

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	staff, then NO. If training students, then YES.		specific; no clear-cut answer can be given at this time	
Health screening assistants (height and weight measurements)	No		No	<b>No</b>
Volunteer nurses	Yes		N/A	<b>Yes</b>