TO: Elizabethtown Board of Education

**FROM**: Cora Wood, Director of Personnel

**SUBJECT**: Changes in Practice for Criminal Background Checks on Volunteers

**DATE**: July 3, 2012

As I’m sure you realize by now, the Administrative Office of the Courts (AOC) will be charging school districts $10 per volunteer to run state criminal background checks as of July 1, 2012. Until now, this service has been provided free of charge to school districts. That change forces us to examine our district’s practice with regard to volunteers and make some decisions as to how we will continue to proceed with regard to the background checks for the volunteers.

**CURRENT DEFINITION and PRACTICE:**

EIS has two categories of volunteers: Level One and Level Two:

* Level One Volunteers – accompany field trips that require being overnight with students, conduct continual work with students such as seasonal coaching, and have supervisory responsibility for students. This level of clearance requires submitting data to the Kentucky State Police through a fingerprinting process as well as conducting a state background check through AOC. The district has always paid the $20 KSP fee, and until now, the AOC check was free of charge. After the volunteer initially met the criteria for Level One status, only the AOC check was conducted annually to ensure that the volunteer’s record of behavior continued to meet the district’s standards. There will now be an annual $10 fee per volunteer for this service, effective this month.
* Level Two Volunteers – participate in school activities with students but are not needed for the conditions described above (Level One). This level of clearance only requires a state background check through the AOC. Until now, this criminal background check was provided free of charge, but volunteers will now be asked to donate the $10 fee for this service. All volunteers will be asked to submit to an annual background check to ensure that their behavior continues to comply with district standards; that means volunteers in this category will be asked to donate $10 annually to serve as a volunteer.

EIS has typically submitted data for approximately 725 volunteers per year to the AOC for a criminal background check. We’ve allowed any parent, guardian, grandparent, etc. an opportunity to volunteer in our schools, and we’ve asked them to complete the district’s volunteer form. The form required them to supply information needed to secure the criminal background check. Once the data was received at central office, a secretary submitted all the data to Frankfort, and the results of the background checks were sent to me for review per Board Procedure 03.6 AP.22. As the superintendent’s designee, I informed any volunteer if they were not approved to serve as a volunteer and informed the school’s administrative staff that they were not to use this person as a volunteer with students.

**RECOMMENDED CHANGE IN DEFINITION and PRACTICE for EIS:**

As of this month, our district would like to interpret the statute regarding volunteers a little differently than it has in past years. Instead of submitting all volunteer forms to the state for a background check, the district would like to implement the following KSBA recommended interpretation of the statute governing volunteers in schools:

***Under KRS 161.148, school districts must at a minimum conduct a ‘state’ criminal records check on the following:***

1. ***Volunteers who have contact with students on a regularly scheduled or continuing basis, or***
2. ***Volunteers who have supervisory responsibility for children at a school site or on school sponsored trips.***

**Note that this records check requirement does not apply to parents who provide assistance with single or sporadically scheduled school events and who are not responsible for supervising children at these events. However, all of these volunteers must be under the direction and supervision of professional administrative and teaching staff.**

The result of this interpretation would impact the district as follows: the district would only do background checks on those volunteers who were needed under conditions (1) and (2) above. We would no longer submit over 700 names to AOC for criminal background checks. We would only submit the names of those volunteers recommended to me by school administrators for service in situations such as the following, thus reducing the number of names submitted from over 700 to approximately 200 volunteers.

* Volunteers who are in schools on a regular basis: As long as they’re working in the schools with students under the direction of a teacher or administrator, they would only need the $10 AOC criminal background check. There are some volunteers in schools that have donated over 1,000 hours of service. These volunteers meet the criteria of volunteering on a regularly scheduled basis or a continuing basis. There aren’t a host of volunteers in this category. We’re estimating approximately 100 volunteers in this category.
* Volunteers who have supervisory responsibility for students or Level One Volunteers: This would include all those working with clubs, band events, and athletic teams that require away or overnight trips with students. They are responsible for the supervision of students. This would also include volunteers that accompany field trips that take students away from the school setting. (It would not include a parent who is only going on a trip with his/her student. If they’re not supervising other students, then they don’t need a Level One clearance to volunteer.) Level One Volunteers are required to undergo the Kentucky State Police criminal background check in addition to the AOC criminal background check. The district would continue to pay the one-time $20 fee for the KSP background check, but the volunteer would be asked to donate the annual $10 fee for the AOC background check. We would continue to conduct the AOC background check to ensure the volunteer’s behavior complies with the district’s standards of conduct. At this time, there are approximately 80 volunteers in this category.

**RECOMMENDED CHANGES TO POLICY AND PROCEDURE:**

In your Board Packet for the July 16 regularly scheduled meeting you’ll find my request to revise Board Policy 03.6 for Volunteers and Board Procedure 03.6 AP.22. The change to Policy 03.6 notes that volunteers will now begin donating the newly required $10 fee for the AOC criminal background check. The district will continue to pay the one-time $20 KSP fee for all Level One volunteers. Our district would, however, maintain its practice of conducting an annual AOC check for all volunteers.

The change in language on Procedure 03.6 AP.22 is recommended in light of the fact that we no longer mail data to the Administrative Office of the Courts (AOC). The data is now submitted electronically.

**GOOD NEWS for 12-13:**

Since we already knew which volunteers our coaches and sponsors of clubs would probably need for the 2012-2013 school year and since that number was less than 150, we secured permission from the AOC to hand-carry requested data for the next school year to Frankfort for q quick processing. We were able to get those requests processed free of charge before the new regulation went in place this month. The cost savings was almost $1400. We won’t have to collect a $10 donation from those volunteers for the 12-13 school year. HOORAY!

However, we will have to collect a $10 donation for any other volunteers whose names are submitted after June 18. This will include any new Level One Volunteers, any volunteers needed on a regular basis at the schools, and any new SBDM Council members.

Administrators will only forward volunteer forms to Central Office for those volunteers who meet the recent interpretation from KSBA. The other volunteers (those who are a one-time only or sporadic visit to the school) won’t need a criminal records check at all.

Unlike some districts, EIS would continue to run an annual criminal records check through the AOC each year. We want to ensure that the civic activity of our volunteers remains at the standard required for those who serve the students of this district. We don’t want to take a chance on one of them having had some altercation about which we were uninformed. We will ask the volunteer to donate the $10 fee for the annual AOC background check.