

Board Office Use: Legislative File Info.	
File ID Number	14-0798
Introduction Date	5-14-14
Enactment Number	
Enactment Date	



Memo

To Board of Education

From Jacqueline Minor, General Counsel
Curtiss Sarikey, Associate Superintendent, Family, School and Community Partnerships

Board Meeting Date May 14, 2014

Subject Amendments to Board Policy and Administrative Regulation 1240

Action Requested Approval of updates to Board Policy and Administrative Regulation 1240

Background The revisions to Board Policy and Administrative Regulation 1240 bring the policy and regulation in line with requirements of the Education Code, including legislation that allows volunteers to obtain an Activity Supervisor Clearance Certificate. The revisions also increase the level of background check required for certain volunteers.

Discussion The revisions address legislation that allows volunteers to obtain an Activity Supervisor Clearance Certificate. The revisions also provide clarity around the level of background check required for volunteers depending on the nature of their work and frequency of their visits to schools.

The modifications have been reviewed and vetted by the General Counsel.

The changes to the policy are shown on the attachment.

Recommendation Approval of modifications to the Oakland Unified School District Board Policy and Administrative Regulation 1240

Fiscal Impact N/A

Attachments

- Board Policy and Administrative Regulation 1240

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 1240

Community Relations

-Volunteer Assistance

The Governing Board encourages parents/guardians and other members of the community to share their time, knowledge and abilities with students. Volunteer assistance in schools enriches the educational program, enhances supervision of students and contributes to school safety while strengthening the schools' relationships with the community. The Board also encourages community members to serve as mentors providing support and motivation to 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. [5148 - Child Care and Development](#))

(cf. [5148.2 - Before/After School Programs](#))

(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 to students and/or make appropriate referrals to community organizations.

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

(cf. 1020 - Youth Services)

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

The Superintendent or designee shall establish procedures to protect the safety of students and adults. These procedures shall include laws/rules related to tuberculosis testing and ~~may also include laws related to~~ criminal record checks. Fingerprinting and clearance may be required of volunteer applicants, depending upon the volunteer's responsibilities and the frequency of their volunteer work.

Any volunteer whose responsibilities may result in unsupervised work with students in a district-sponsored student activity program must either obtain an Activity Supervisor

Clearance Certificate issued by the Commission on Teacher Credentialing or a criminal background check from the Department of Justice and Federal Bureau of Investigation through the district. (Education Code 49024)

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 be provided with information about school goals, programs and practices and shall receive an orientation and other training related to their specific responsibilities as appropriate. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that capitalize on their skills and expertise and maximize their contribution to the educational program.

Volunteers shall act in accordance with district policies, regulations and school rules. At their discretion, employees who supervise volunteers may ask any volunteer who violates school rules to leave the campus. Employees also may confer with the principal or designee regarding any such volunteers. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3515.2 - Disruptions)

Volunteer maintenance work shall be limited to those projects that do not replace the normal maintenance 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, do not significantly increase maintenance workloads and comply with employee ~~commitments and contracts~~ negotiated agreements.

Volunteer aides 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)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3515.2 - Disruptions)

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

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

Legal Reference:
EDUCATION CODE

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[8482-8484.6 After School Education and Safety program](#)
[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
44227.5 Classroom participation by college methodology faculty
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
[49024 Activity Supervisor Clearance Certificate](#)
49406 Examination for tuberculosis
GOVERNMENT CODE
[3100-3109 Oath or affirmation of allegiance](#)
3543.5 Prohibited interference with employees' rights
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](#)
3364.5 Persons performing voluntary services for school districts
PENAL CODE
290 Registration of sex offenders
290.4 Information re: sex offenders
[290.95 Disclosure by person required to register as sex offender](#)
CODE OF REGULATIONS, TITLE 22
101170 Criminal record ~~clearance~~clearance
101216 Health screening, volunteers in child care centers
UNITED STATES CODE, TITLE 20
6319 Qualifications and duties of paraprofessionals, Title I programs
ATTORNEY GENERAL OPINIONS
62 Ops.-Cal.-Atty: Gen. 325 (1979)
COURT DECISIONS
Whisman Elementary School District, ~~15 Public Employee Reporter for California,~~
[22043\(1991\) PERB Decision No. 868](#)

Management Resources:

[NATIONAL PTA PUBLICATIONS](#)

[National Standards for Parent/Family Involvement Programs, 1997](#)

[Building Successful Partnerships: A Guide for Developing Parent and Family Involvement Programs, 2000](#)

[COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE](#)

[10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate \(ASCC\), July 20, 2010](#)

WEB SITES

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CSBA: <http://www.csba.org>

California PTA: <http://www.capta.org>

National PTA Department of Education, Parents Family and Community:
http://www.pta.org/ede.ca.gov/ls_pf

California Partners in Education: Department of Justice, Megan's Law:
<http://www.eapie.org/meganslaw.ca.gov>

California Parent Teacher Association: <http://www.capta.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

U.S. Department of Education, Partnership for Family Involvement in Education:
<http://pfie.ed.gov>

CDPE National Parent Teacher Association: <http://www.ede.ca.gov/pta.org>

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| 7/14/04; 5/14/14

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 1240

Community Relations

Volunteer Assistance

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- (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. 5148 - Child Care and Development)
- (cf. 5148.2 - Before/After School Programs)
- (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 to students and/or make appropriate referrals to community organizations.

- (cf. 0420.3 - School-Based Student Motivation and Maintenance Program)
- (cf. 1020 - Youth Services)
- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

The Superintendent or designee shall establish procedures to protect the safety of students and adults. These procedures shall include rules related to tuberculosis and criminal record checks. Fingerprinting and clearance may be required of volunteer applicants, depending upon the volunteer's responsibilities and the frequency of their volunteer work.

Any volunteer whose responsibilities may result in unsupervised work with students in a district-sponsored student activity program must either obtain an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing or a criminal background check from the Department of Justice and Federal Bureau of Investigation

through the district. (Education Code 49024)

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 be provided with information about school goals, programs and practices and shall receive an orientation and other training related to their specific responsibilities as appropriate. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that capitalize on their skills and expertise and maximize their contribution to the educational program.

Volunteers shall act in accordance with district policies, regulations and school rules. At their discretion, employees who supervise volunteers may ask any volunteer who violates school rules to leave the campus. Employees also may confer with the principal or designee regarding any such volunteers. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3515.2 - Disruptions)

Volunteer maintenance work shall be limited to those projects that do not replace the normal maintenance 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, do not significantly increase maintenance workloads and comply with employee negotiated agreements.

Volunteer aides 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)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3515.2 - Disruptions)

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Legal Reference:

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8484.7-8484.9 21st Century Community Learning Center program

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45340-45349 Instructional aides
45360-45367 Teacher aides
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49406 Examination for tuberculosis
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3543.5 Prohibited interference with employees' rights
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1596.871 Fingerprints of individuals in contact with child day care facility clients
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COURT DECISIONS
Whisman Elementary School District, (1991) PERB Decision No. 868

Management Resources:

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE
10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Parents/Family and Community:

<http://www.cde.ca.gov/lp/pf>

California Department of Justice, Megan's Law: <http://www.meganslaw.ca.gov>

California Parent Teacher Association: <http://www.capta.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

National Parent Teacher Association: <http://www.pta.org>

7/14/04; 5/14/14

Oakland Unified School District

Administrative Regulation

AR 1240

Community Relations

Volunteer Assistance

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Duties of Volunteers

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Volunteers may assist certificated personnel in the performance of their duties, in the supervision of students, and in instructional tasks which, in the judgment of the certificated personnel to whom the ~~instructional aide~~ volunteer is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45343, 45344, 45349)

(cf. 4222 - Teacher Aides/Paraprofessionals)

Volunteers may supervise students during lunch ~~and/or~~, breakfast, ~~or other nutritional~~ periods or may serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform non-instructional work which assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code 35021, 44814, 44815)

Volunteers may work on short-term facilities projects pursuant to ~~Governing~~ Board policy and administrative regulation.

Qualifications of Volunteers

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Volunteers providing supervision or instruction of students pursuant to Education Code 45349 shall give evidence of basic skills proficiency. (Education Code 45344.5, 45349)

(cf. 4212 - Appointment and Conditions of Employment)

Department of Justice and FBI fingerprinting and fingerprint clearance are required of volunteers whose responsibilities may result in unsupervised work with students.

Unsupervised refers to situations and/or volunteer roles in which the volunteer will be alone with one or more students. ~~Examples include: such as one-on-one tutoring in a private space and facilitating yard duty without an OUSD staff member nearby. The Superintendent or designee shall determine which volunteer positions in the district are subject to this requirement.~~

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Any volunteer whose responsibilities may result in unsupervised work with students in a district-sponsored student activity program may obtain an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing instead of a criminal background check.

"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)

Supervised volunteers—those that remain in the same room as a teacher and/or OUSD staff member may be required to undergo a background check depending on the frequency and nature of the volunteer work performed and whether or not the volunteer is a parent/guardian of a student at all times—do not need to be fingerprinted at the school. Examples of supervised volunteer work include: working in a library with a District librarian staff member present, one-on-one tutoring at the back of the classroom with teacher present and classroom helpers with teacher present.

The chart below indicates the type of background check required for different categories of volunteers.

<u>Category of Volunteer</u>	<u>Level of Background Check Required</u>
<u>Unsupervised volunteers (community and parent volunteers)</u>	<u>DOJ/FBI background check</u>
<u>Supervised, community members who <i>regularly</i> volunteer (i.e. more than once a month)</u>	<u>DOJ/FBI background check</u>
<u>Supervised, parent volunteers</u>	<u>Confirmation that the volunteer is not listed in Megan's Law Database</u>
<u>Supervised, community volunteers who volunteer no more than 10 times per school year</u>	<u>Confirmation that the volunteer is not listed in Megan's Law Database</u>
<u>Supervised volunteers who come only once or twice a year</u>	<u>No background check required</u>
<u>Overnight fieldtrip volunteers</u>	<u>DOJ/FBI background check</u>
<u>Daytime fieldtrip volunteers</u>	<u>Confirmation that the volunteer is not listed in Megan's Law Database</u>
<u>Supervised facility project volunteers</u>	<u>Confirmation that the volunteer is not listed in Megan's Law Database</u>

Volunteers for overnight field trips are required to get fingerprint clearance. ~~Volunteers for day field trips are not required to get fingerprint clearance.~~

(cf. 6153 – Field Trips and Excursions)

Volunteers who continue volunteering beyond one school year will need to get fingerprint clearance once every three years from the time they begin volunteering with the school district.

Volunteers shall act in accordance with district policies, regulations and school rules.

(cf. 4212—Volunteer Field Trip policy added)

The Superintendent or designee may require all volunteers to disclose their status as 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. A person who is required to register as a sex offender pursuant to Penal Code 290 shall not serve as a volunteer instructional aide or without express authorization of the Superintendent or designee. The Superintendent or designee shall not assign any person required to register as a sex offender pursuant to Penal Code 290 as a volunteer nonteaching aide under the direct supervision of a certificated employee in any role that works directly with students or that may result in unsupervised time with students. (Education Code 35021, 45349; Penal Code 290.95)

No volunteer shall be assigned to provide supervision or instruction of students unless he/she has submitted evidence of an examination within the past 60 days to determine that he/she is free of active tuberculosis. Volunteers who skin test negative shall thereafter be required to take tuberculosis test every four years in accordance with Education Code 49406. (Education Code 45106, 45347, 45349, 49406)

The Superintendent or designee may exempt from tuberculosis testing requirements those volunteers who serve less than a school year and whose functions do not require frequent or prolonged contact with students. (Education Code 49406)

Volunteer Facilities Projects

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The Superintendent or designee shall ensure that volunteers possess the appropriate license and/or have sufficient expertise appropriate to 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. Projects shall be inspected upon completion to ensure that the work was done satisfactorily.

(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 7111 - Evaluating Existing Buildings)
(cf. 7140 - Architectural and Engineering Services)

7/14/07; 3/17/08A; 5/14/14

Oakland Unified School District

Administrative Regulation

AR 1240

Community Relations

Volunteer Assistance

Duties of Volunteers

Volunteers may assist certificated personnel in the performance of their duties, in the supervision of students, and in instructional tasks which, in the judgment of the certificated personnel to whom the volunteer is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45343, 45344, 45349)

(cf. 4222 - Teacher Aides/Paraprofessionals)

Volunteers may supervise students during lunch, breakfast, or other nutritional periods or may serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform non-instructional work which assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code 35021, 44814, 44815)

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"Student activity programs" include, but are not limited to, scholastic programs, interscholastic

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Supervised, parent volunteers	Confirmation that the volunteer is not listed in Megan's Law Database
Supervised, community volunteers who volunteer no more than 10 times per school year	Confirmation that the volunteer is not listed in Megan's Law Database
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No volunteer shall be assigned to provide supervision or instruction of students unless he/she has submitted evidence of an examination within the past 60 days to determine that he/she is free of active tuberculosis. Volunteers who skin test negative shall thereafter be required to take tuberculosis test every four years in accordance with Education Code 49406. (Education Code 45106, 45347, 45349, 49406)

The Superintendent or designee may exempt from tuberculosis testing requirements those volunteers who serve less than a school year and whose functions do not require frequent or prolonged contact with students. (Education Code 49406)

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(cf. 7111 - Evaluating Existing Buildings)

(cf. 7140 - Architectural and Engineering Services)

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OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Board of Education

From Jacqueline Minor, General Counsel
Curtiss Sarikey, Associate Superintendent, Family, School and Community Partnerships

Board Meeting Date May 14, 2014

Subject Amendments to Board Policy and Administrative Regulation 1240

Action Requested Approval of updates to Board Policy and Administrative Regulation 1240

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Discussion The revisions address legislation that allows volunteers to obtain an Activity Supervisor Clearance Certificate. The revisions also provide clarity around the level of background check required for volunteers depending on the nature of their work and frequency of their visits to schools.

The modifications have been reviewed and vetted by the General Counsel.

The changes to the policy are shown on the attachment.

Recommendation Approval of modifications to the Oakland Unified School District Board Policy and Administrative Regulation 1240

Fiscal Impact N/A

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