

Regulation 1240: Volunteer Assistance

Status: ADOPTED

Original Adopted Date: 03/01/2010 | **Last Revised Date:**
12/01/2014 | **Last Reviewed Date:** 12/01/2014

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 and in the performance of instructional tasks which, in the judgment of the certificated personnel to which the volunteer is assigned, may be performed by a person not licensed as a classroom teacher (Education Code 35021, 45343, 45344, 45349)
 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, breakfast, or other nutritional periods (Education Code 35021, 44814, 44815)
 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
-

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)

Basic Skills Proficiency Requirement

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

Criminal Background Check

Prior to assuming a volunteer position working with students in a district-sponsored student activity program, a volunteer 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)

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 to 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)

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; 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 was a minor under age 16 shall not serve as a volunteer in any capacity in which he/she would be working directly and 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 290.95)

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)

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 and 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.

State	Description
22 CCR 101170	Criminal record clearance
22 CCR 101216	Health screening; volunteers in child care centers
Ed. Code 35021	<u>Volunteer aides</u>
Ed. Code 35021.1	<u>Automated records check</u>
Ed. Code 35021.3	<u>Registry of volunteers for before/after school programs</u>
Ed. Code 44010	<u>Sex offense; definition</u>
Ed. Code 44814-44815	<u>Supervision of students during lunch and other nutrition periods</u>
Ed. Code 45125	<u>Fingerprinting requirements</u>
Ed. Code 45125.01	<u>Interagency agreements for criminal record information</u>
Ed. Code 45340-45349	<u>Instructional aides</u>
Ed. Code 45360-45367	<u>Teacher aides</u>
Ed. Code 48981	<u>Parental notifications</u>
Ed. Code 49024	<u>Activity Supervisor Clearance Certificate</u>
Ed. Code 49406	<u>TB risk assessment</u>
Ed. Code 8482-8484.6	<u>After School Education and Safety Program</u>

Ed. Code 8484.7-8484.9
Gov. Code 12940
Gov. Code 3543.5
H&S Code 1596.7995

H&S Code 1596.871

Lab. Code 1720.4
Lab. Code 3352
Lab. Code 3364.5

Pen. Code 290
Pen. Code 290.4
Pen. Code 290.95
Pen. Code 626.81
Management Resources
PERB Decision

Website
Website
Website

Website
Website
Website

Code

0410
0500
1000
1100
1150
1250
1250
1400

1700
3514
3514
3514.1
3514.1
3515.2
3515.2
3515.3
3515.3
3515.5
3515.5
3530
3530
3541.1
3541.1-E(1)
3541.1-E(2)
3543
4030
4030
4112.4
4112.5
4112.5-E(1)
4127
4127
4131

21st Century Community Learning Center program
Unlawful discriminatory employment practices
Prohibited interference with employees' rights
Immunization requirements for volunteers in child care center or preschool
Fingerprints of individuals in contact with child day care facility clients
Public works; exclusion of volunteers from prevailing wage law
Workers' compensation; definitions
Authority to provide workers' compensation insurance for volunteers
Registration of sex offenders
Information re: sex offenders
Disclosure by person required to register as sex offender
Sex offender; permission to volunteer at school

Description

Whisman Elementary School District (1991) PERB Decision No. 868
CSBA District and County Office of Education Legal Services
California Department of Justice, Megan's Law
California Department of Education, Parents/Family and Community
Commission on Teacher Credentialing
CSBA
California State Parent Teacher Association

Description

Nondiscrimination In District Programs And Activities
Accountability
Concepts And Roles
Communication With The Public
Commendations And Awards
Visitors/Outsiders
Visitors/Outsiders
Relations Between Other Governmental Agencies And The Schools
Relations Between Private Industry And The Schools
Environmental Safety
Environmental Safety
Hazardous Substances
Hazardous Substances
Disruptions
Disruptions
District Police/Security Department
District Police/Security Department
Sex Offender Notification
Sex Offender Notification
Risk Management/Insurance
Risk Management/Insurance
Transportation For School-Related Trips
Transportation For School-Related Trips
Transportation For School-Related Trips
Transportation Safety And Emergencies
Nondiscrimination In Employment
Nondiscrimination In Employment
Health Examinations
Criminal Record Check
Criminal Record Check
Temporary Athletic Team Coaches
Temporary Athletic Team Coaches
Staff Development

4141	<u>Collective Bargaining Agreement</u>
4157.1	<u>Work-Related Injuries</u>
4212	<u>Appointment And Conditions Of Employment</u>
4212.4	<u>Health Examinations</u>
4212.5	<u>Criminal Record Check</u>
4212.5-E(1)	<u>Criminal Record Check</u>
4217.3	<u>Layoff/Rehire</u>
4222	<u>Teacher Aides/Paraprofessionals</u>
4222	<u>Teacher Aides/Paraprofessionals</u>
4227	<u>Temporary Athletic Team Coaches</u>
4227	<u>Temporary Athletic Team Coaches</u>
4231	<u>Staff Development</u>
4241	<u>Collective Bargaining Agreement</u>
4257.1	<u>Work-Related Injuries</u>
4312.4	<u>Health Examinations</u>
4312.5	<u>Criminal Record Check</u>
4312.5-E(1)	<u>Criminal Record Check</u>
4327	<u>Temporary Athletic Team Coaches</u>
4327	<u>Temporary Athletic Team Coaches</u>
4331	<u>Staff Development</u>
4357.1	<u>Work-Related Injuries</u>
5020	<u>Parent Rights And Responsibilities</u>
5020	<u>Parent Rights And Responsibilities</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5141.52	<u>Suicide Prevention</u>
5141.52	<u>Suicide Prevention</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E(1)	<u>Parent/Guardian Notifications</u>
5148	<u>Child Care And Development</u>
5148	<u>Child Care And Development</u>
5148.2	<u>Before/After School Programs</u>
5148.2	<u>Before/After School Programs</u>
5148.3	<u>Preschool/Early Childhood Education</u>
5148.3	<u>Preschool/Early Childhood Education</u>
6020	<u>Parent Involvement</u>
6020	<u>Parent Involvement</u>
6116	<u>Classroom Interruptions</u>
6142.2	<u>World Language Instruction</u>
6142.2	<u>World Language Instruction</u>
6142.6	<u>Visual And Performing Arts Education</u>
6142.7	<u>Physical Education And Activity</u>
6142.7	<u>Physical Education And Activity</u>
6142.8	<u>Comprehensive Health Education</u>
6142.8	<u>Comprehensive Health Education</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6154	<u>Homework/Makeup Work</u>
6163.1	<u>Library Media Centers</u>
6171	<u>Title I Programs</u>
6171	<u>Title I Programs</u>
6184	<u>Continuation Education</u>
6184	<u>Continuation Education</u>
7140	<u>Architectural And Engineering Services</u>
7140	<u>Architectural And Engineering Services</u>
9200	<u>Limits Of Board Member Authority</u>