

**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:

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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
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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:

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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
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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.

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| <b>State</b>         | <b>Description</b>  |
|----------------------|---|
| 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>                        |

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|-----------------------------|--|
| Ed. Code 8484.7-8484.9      | <a href="#"><u>21st Century Community Learning Center program</u></a>                              |
| Gov. Code 12940             | <a href="#"><u>Unlawful discriminatory employment practices</u></a>                                |
| Gov. Code 3543.5            | <a href="#"><u>Prohibited interference with employees' rights</u></a>                              |
| H&S Code 1596.7995          | <a href="#"><u>Immunization requirements for volunteers in child care center or preschool</u></a>  |
| H&S Code 1596.871           | <a href="#"><u>Fingerprints of individuals in contact with child day care facility clients</u></a> |
| Lab. Code 1720.4            | <a href="#"><u>Public works; exclusion of volunteers from prevailing wage law</u></a>              |
| Lab. Code 3352              | <a href="#"><u>Workers' compensation; definitions</u></a>  |
| Lab. Code 3364.5            | <a href="#"><u>Authority to provide workers' compensation insurance for volunteers</u></a>         |
| Pen. Code 290               | <a href="#"><u>Registration of sex offenders</u></a>   |
| Pen. Code 290.4             | <a href="#"><u>Information re: sex offenders</u></a>   |
| Pen. Code 290.95            | <a href="#"><u>Disclosure by person required to register as sex offender</u></a>                   |
| Pen. Code 626.81            | <a href="#"><u>Sex offender; permission to volunteer at school</u></a>                             |
| <b>Management Resources</b> | <b>Description</b>   |
| PERB Decision               | Whisman Elementary School District (1991) PERB Decision No. 868                                    |
| Website                     | <a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>                 |
| Website                     | <a href="#"><u>California Department of Justice, Megan's Law</u></a>                               |
| Website                     | <a href="#"><u>California Department of Education, Parents/Family and Community</u></a>            |
| Website                     | <a href="#"><u>Commission on Teacher Credentialing</u></a>   |
| Website                     | <a href="#"><u>CSBA</u></a>  |
| Website                     | <a href="#"><u>California State Parent Teacher Association</u></a>                                 |

| <b>Code</b> | <b>Description</b>   |
|-------------|--|
| 0410        | <a href="#"><u>Nondiscrimination In District Programs And Activities</u></a>         |
| 0500        | <a href="#"><u>Accountability</u></a>  |
| 1000        | <a href="#"><u>Concepts And Roles</u></a>  |
| 1100        | <a href="#"><u>Communication With The Public</u></a>                                 |
| 1150        | <a href="#"><u>Commendations And Awards</u></a>                                      |
| 1250        | <a href="#"><u>Visitors/Outsiders</u></a>  |
| 1250        | <a href="#"><u>Visitors/Outsiders</u></a>  |
| 1400        | <a href="#"><u>Relations Between Other Governmental Agencies And The Schools</u></a> |
| 1700        | <a href="#"><u>Relations Between Private Industry And The Schools</u></a>            |
| 3514        | <a href="#"><u>Environmental Safety</u></a>  |
| 3514        | <a href="#"><u>Environmental Safety</u></a>  |
| 3514.1      | <a href="#"><u>Hazardous Substances</u></a>  |
| 3514.1      | <a href="#"><u>Hazardous Substances</u></a>  |
| 3515.2      | <a href="#"><u>Disruptions</u></a>   |
| 3515.2      | <a href="#"><u>Disruptions</u></a>   |
| 3515.3      | <a href="#"><u>District Police/Security Department</u></a>                           |
| 3515.3      | <a href="#"><u>District Police/Security Department</u></a>                           |
| 3515.5      | <a href="#"><u>Sex Offender Notification</u></a>                                     |
| 3515.5      | <a href="#"><u>Sex Offender Notification</u></a>                                     |
| 3530        | <a href="#"><u>Risk Management/Insurance</u></a>                                     |
| 3530        | <a href="#"><u>Risk Management/Insurance</u></a>                                     |
| 3541.1      | <a href="#"><u>Transportation For School-Related Trips</u></a>                       |
| 3541.1-E(1) | <a href="#"><u>Transportation For School-Related Trips</u></a>                       |
| 3541.1-E(2) | <a href="#"><u>Transportation For School-Related Trips</u></a>                       |
| 3543        | <a href="#"><u>Transportation Safety And Emergencies</u></a>                         |
| 4030        | <a href="#"><u>Nondiscrimination In Employment</u></a>                               |
| 4030        | <a href="#"><u>Nondiscrimination In Employment</u></a>                               |
| 4112.4      | <a href="#"><u>Health Examinations</u></a>   |
| 4112.5      | <a href="#"><u>Criminal Record Check</u></a>   |
| 4112.5-E(1) | <a href="#"><u>Criminal Record Check</u></a>   |
| 4127        | <a href="#"><u>Temporary Athletic Team Coaches</u></a>                               |
| 4127        | <a href="#"><u>Temporary Athletic Team Coaches</u></a>                               |
| 4131        | <a href="#"><u>Staff Development</u></a>   |

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| 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>            |