

## **School Volunteers Administrative Procedures**

**NEPN/NSBA Code: IJOC-R**

To protect school children, RSU 26 is committed to ensuring that all current and prospective RSU 26 volunteers are appropriate for serving in their positions. The following relates to the RSU 26 School Volunteer Policy – IJOC with regard to the Criminal History Record Check (CHRC), fingerprinting and/or online criminal background checks.

All persons interested in volunteering will complete a written application as well as have an online criminal background check completed annually. Additionally, some volunteers may be required to have a Criminal History Record Check (CHRC) and fingerprinting completed; the CHRC requires renewal every five years.

Volunteer information will be maintained confidentially, on a need-to-know basis only by RSU 26, which will designate one or two administrators who will routinely review volunteer information. CHRC information for volunteers will be kept on file at central office.

Based upon a review of the CHRC, the following processes and standards will apply to determine fitness for service with the RSU 26 school system.

1. Convictions for rape; performing an unnatural act; indecent assault and battery; the crime of attempting any of the aforementioned offenses; the sale, use, manufacture, distribution, or possession with intent to distribute any substance that is unlawful; or a felony constituting a crime of violence within five years of the CHRC request will render said individual ineligible for service with RSU 26; and
2. Convictions for any other felony other than those previously enumerated; any misdemeanor with an incarceration date or conviction date within five years of the CHRC request; any multiple (i.e., more than one) misdemeanor convictions within ten years for drunkenness, simple assault, affray or disturbing the peace may be reviewed by the Superintendent who may or may not determine such individual ineligible for service with RSU 26 based upon a set of criteria. In making this determination, the Superintendent will consider and evaluate whether the nature of the conviction poses any threat or concern for the safety and well-being of RSU 26 students.

3. Case-by-case determinations will need to be made. A chaperone at a high school dance would not fall within this category, but a chaperone of an overnight field trip would, since such chaperone would be in an unsupervised setting. An individual may dispute information contained in their CHRC in writing to the Maine Department of Education, MorphoTrust USA and/or the Maine State Police to correct any alleged error.

The District will use CHRC information only to further the protection of children and for no other purpose. Improper use of this information is both a civil and criminal offense, and would subject an employee to discipline.

#### Procedure for Obtaining CHRC Information

The administration will be responsible for the implementation of CHRC information.

1. An online criminal background check using the volunteer's birthdate will be done by RSU 26 utilizing the Maine State Bureau of Identification on a yearly basis.
2. A full federal criminal background check may be required. This is done by completing a Fingerprint Registration application. This is a two-step process. After registering for a fingerprinting appointment, the applicant must also complete the Maine Department of Education Application for Initial Educational Approval. RSU 26 will pay the fingerprinting fees and CHRC fees for volunteers who are involved in academic programming as well as RSU 26 coaches and advisors of athletics and activities.
3. Any volunteer who can provide proof of a current CHRC will not be required to undergo another fingerprinting until the expiration date.
4. All staff will have an awareness training regarding volunteers. RSU 26 will first notify all volunteers that the school district will be reviewing CHRC information provided by the Maine State Bureau of Identification and that, once reviewed, appropriate action will be taken that may affect current or future volunteerism with RSU 26. The notice will state that all volunteers must complete the RSU 26 School Volunteer Registration Form – IJOC-E and allow for RSU 26 to request an online criminal background check and/or a CHRC and fingerprinting.

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Procedure for Obtaining Fingerprinting

The Superintendent will consider the following when determining whether a particular position entails “direct and unmonitored contact with children” and will require a full federal fingerprinting through the Maine State Police.

1. Direct and unmonitored contact with children means such contact on a regular, not irregular, basis with RSU 26 students when no other CHRC-cleared RSU 26 employee is present; and
2. Substantial contact is on a regular, not infrequent, basis.

Requesting, Reviewing and Maintaining CHRC

It is RSU 26’s desire that only one or two individuals have responsibility for obtaining and receiving online criminal background checks and CHRC information. The Superintendent’s designee(s) will receive and maintain all properly obtained online criminal background checks and CHRC information. Such designee(s) will notify the Superintendent if any discretion is found in these checks. The Superintendent, Assistant Superintendent and Legal Advisor will also have access to online criminal background checks and CHRC record information.

Review of CHRC Information

**Mandatory Disqualification**

An individual will not be eligible as a RSU 26 volunteer if he or she:

- Has been convicted of committing the crime of rape, performing an unnatural act, indecent assault or battery, or the crime of attempting any of the above offenses;
- Has been convicted of committing the crime of the use, sale, manufacture, distribution, or possession with intent to distribute any of the controlled substances that are unlawful (except for simple possession of marijuana if the date of conviction is five or more years prior to the request for criminal record information); or
- Has been convicted of committing a felony constituting a crime of violence, where the date of the conviction is within five years immediately preceding the request for criminal record information.

### Discretionary Disqualification

An individual may be deemed ineligible as a RSU 26 volunteer by the Superintendent, if he or she:

- Has been convicted of committing a felony other than those described in the section above;
- Has been convicted of committing a misdemeanor (other than a first conviction for the offenses listed in the next section, within the 10 years immediately preceding the request for such information); or
- Has been convicted more than once of committing any of the following misdemeanors, where the date of at least one of the convictions occurred within the 10 years immediately preceding the request for criminal record information: drunkenness, simple assault, affray, or disturbance of the peace.

In reviewing the applications of individuals who have criminal records, but who are not excluded under the mandatory disqualification portion of this policy, the Superintendent will give due weight to the following: the age of conviction, the age of the applicant when convicted, the nexus between the conviction and the individual's fitness to serve as a school volunteer; the type of offense; the age of the offense; whether there was a conviction; the sentence; whether probation was successfully completed; the date of the offense; and whether there were subsequent arrests. Upon reviewing this information, the Superintendent will determine whether to allow the individual to volunteer in the RSU 26 schools.

### Correcting CHRC Record Information Errors

If a volunteer applicant disputes the information contained in the CHRC, he or she should inform the Superintendent in writing. Such individual should then contact the Maine Department of Education, MorphoTrust USA and/or the Maine State Police for review and correction. The RSU 26 process in interpreting the information will be stayed for a brief time. It is the applicant's responsibility to contact the Maine Department of Education, MorphoTrust USA and/or the Maine State Police to make and obtain any modification to the CHRC information. The applicant may have no contact whatsoever with any RSU 26 student during the process of disputing and potentially correcting the information contained in the CHRC.

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Unlawful Release of CHRC Information

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CHRC information obtained under Policy IJOC – School Volunteers and IJOC-R School Volunteers Administrative Procedures must be used to “further the protection of children,” and for no other purpose.

Cross Reference: IJOC – School Volunteers  
IJOC-E – Volunteer Registration Form

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