

May 19, 2015

TO: MEMBERS OF THE SCHOOL BOARD OF PINELLAS COUNTY

FROM: MICHAEL A. GREGO, Ed. D., SUPERINTENDENT

SUBJECT: Public Hearing to Consider the Amendment to Policy 9180 – VOLUNTEERS  
(This is the second reading.)

**BACKGROUND:**

Pursuant to Chapter 120, Florida Statutes, an amendment to policy (rule) is being proposed regarding Policy 9180 – VOLUNTEERS. No economic impact is expected. This is the second reading of the proposed amendment to policy. There have been changes since the first reading. Changes include the inclusion the following sentence: “Crimes involving worthless checks committed within the last five (5) years will disqualify a volunteer from handling money.” (page 3, line 8)

In January 2015, a Volunteer Review Committee met to discuss the process for volunteer registration and screening. They reviewed other districts’ policies, reviewed the number of volunteers registered and disqualified each year, discussed the history and purpose of the policy, and any changes that might increase volunteer participation without jeopardizing the safety of the students.

The committee determined that both a policy change and increased communication of the appeals process was appropriate to foster volunteer participation without adversely affecting student safety. The Board discussed this policy change at the workshop on March 17, 2015.

Included as part of this agenda item are the proposed policy amendments which include portions of the policy that are being amended. Words ~~struck through~~ are deletions; words underlined are additions.

STRATEGIC DIRECTION: Learning in a Safe Environment

**ALTERNATIVES:**

1. Adopt the proposed amendment to policy.
2. Modify and adopt the amendment to policy.
3. Do not adopt the proposed amendment to policy

**RECOMMENDATION:**

Alternative #1 is recommended.

**RATIONALE:**

In order to increase volunteer participation without jeopardizing the safety of the students, Category Two offenses were removed (felony crimes of violence and felony sale of controlled substances) as the committee deemed the 25-year disqualification period excessive (page 2 lines 23-29). These offenses will now fall under the next Category (other felony crimes and misdemeanors of sexual or child-related offenses) and now have a 10-year disqualification

period. Additionally, disqualifications based on convictions for worthless checks were removed completely (page 2 lines 32-33, page 3 lines 1-2).

**IMPACT STATEMENT:**

Impact as to the District: If Alternative 1 is adopted, no economic impact is expected. Impact to the Public: If Alternative 1 is adopted, the School Board determines that a formal economic impact statement is not required pursuant to Section 120.54(2)(b) Florida Statutes.

**DATA SOURCES:**

Mary Beth Corace, Ph.D., Director, Strategic Planning and Policy

Laurie Dart, Staff Attorney

David Koperski, School Board Attorney - reviewed as to form and legality

**SUBMITTED BY:**

Lori Matway, Associate Superintendent Student and Community Support Services

1 9180 - VOLUNTEERS

2 **Purpose**

3 The purpose of this policy is to promote and encourage school volunteers in order to expand and enhance  
4 parental, community, and civic involvement within schools while maintaining an adequate level of school safety  
5 and security. This policy establishes the framework for volunteer service in schools through the Office of  
6 Strategic Partnerships.

7 **Applicability and Scope**

8 This policy applies to all volunteers and volunteer applicants in the District.

9 This policy shall not apply to a person who visits a school for a one (1) time special event, such as guest  
10 speakers; celebrity readers; persons attending student performances; parent or family members who have lunch  
11 with their own child; career day special guests; and attendance at parent conferences. These people are  
12 considered school visitors. They must sign in as visitors in the main office and school staff should provide them  
13 with appropriate direction.

14 The use of volunteers in schools of the District enhances the educational process for students and promotes  
15 community involvement in education. The School Board encourages volunteer participation by individuals and  
16 groups in Board sponsored programs in local schools, in District and area offices, and for Board sponsored and  
17 supervised off-school campus activities before, during, and after regular school hours.

18 A volunteer is a non-paid person functioning under the sponsorship of the District. The Board authorizes the  
19 Superintendent to approve volunteers to assist in organized school programs following the submission of an  
20 application, completion of a background check as provided herein, and upon successful completion of a volunteer  
21 orientation and training program, in accordance with State Board of Education rules and laws of the State of  
22 Florida.

23 **Enrollment Procedures for Volunteers**

24 Prospective volunteers must complete all registration forms and a volunteer release as provided by the Office of  
25 Strategic Partnerships. False or misleading statements/answers or omissions made by an applicant may result in  
26 denial or, if discovered after appointment, may result in discontinuance of services.

27 **Status of Volunteers**

28 Volunteers may be used to assist District personnel in local schools and District programs. However, instructional  
29 personnel retain responsibility for supervising, diagnosing, prescribing, instructing, and evaluating students.

30 The acceptance and utilization of the services of any person on a voluntary basis shall be at the discretion of the  
31 District, and the District may discontinue the utilization of such services at any time. Persons have no right to  
32 volunteer in District schools, and the discontinuance of the utilization of such services shall not affect any  
33 substantial interest.

34 Volunteers shall not engage in political or religious activities while on District premises and while performing  
35 District duties.

36 **Criminal Background Investigation**

37 In order to protect the safety and security of students and staff, volunteers must submit to a background screening  
38 consisting of answering of arrest and criminal history questions on the application form, a search of that person's  
39 name or other identifying information against the registration information regarding sexual predators and sexual  
40 offenders maintained by the Department of Law Enforcement under F.S. 943.043, as amended from time to time,

1 as well as a local criminal history background check. No volunteer shall be allowed unsupervised contact with  
2 students unless approved in advance by the site administrator. Volunteers who are allowed unsupervised contact  
3 with students shall first successfully complete level 2 background screening pursuant to the procedures described  
4 for Jessica Lunsford Act level 2 screening set forth at <http://www.pcsb.org/jlahome.html>. "Unsupervised contact"  
5 shall not include unanticipated unsupervised contact that is infrequent and incidental.

6 **Qualifications**

7 To be eligible to serve as a school volunteer, an individual must be of good moral character. A person who is  
8 found through background screening to have been convicted of any crime involving moral turpitude as defined by  
9 rule of the State Board of Education shall not be appointed to the position of school volunteer. The term  
10 conviction means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or  
11 other security deposited to secure appearance by a person charged with having committed a felony or  
12 misdemeanor, the payment of a fine, a plea of nolo contendere (no contest), the imposition of a deferred or  
13 suspended sentence by the court, adjudication withheld, finding of guilt, or the date of entry into a pre-trial  
14 intervention, pre-trial diversion, or similar program, so long as such PTI/PTD program is completed by the end of  
15 the relevant waiting period.

16 Additionally, the following guidelines shall apply:

17 A. Category One

18  
19 Felony sexual related crimes, felony lewd and lascivious crimes, felony child abuse crimes,  
20 and any other crime involving moral turpitude.

21  
22 May not volunteer if convicted of Category One offenses.

23 ~~B. Category Two~~

24  
25 ~~Felony crimes of violence and felony sale of controlled substances.~~

26  
27 ~~May not volunteer if the conviction for a Category Two offense was within the last twenty-five~~  
28 ~~(25) years. The District will consider and carefully review if the conviction for a Category Two~~  
29 ~~offense was beyond twenty-five (25) years.~~

30 ~~B.~~ Category ~~Three~~Two

31  
32 Other felony crimes (except those designated under Category ~~Five~~One and excluding  
33 ~~worthless checks~~), any ~~other~~ misdemeanor crimes of a sexual nature, and misdemeanor  
34 crimes related to children.

35  
36 May not volunteer if the conviction for a Category ~~Three~~Two offense was within the last ten  
37 (10) years. The District will consider and carefully review if the conviction for a Category  
38 ~~Three~~Two offense was beyond ten (10) years.

39 ~~D.~~ Category ~~Four~~Three

40  
41 Misdemeanor drugs, misdemeanor crimes of violence, and misdemeanor crimes involving  
42 weapons.

43  
44 May not volunteer if the conviction for a Category ~~Four~~Three offense was within the last five  
45 (5) years. The District will consider and carefully review if the conviction for a Category ~~Four~~  
46 Three offense was committed beyond five (5) years.

47 ~~E.~~ Category ~~Five~~Four

48

1 Other misdemeanors ~~and felony~~ (crimes involving worthless checks, whether felony or  
2 misdemeanor, will not be considered as a disqualifying offense.)

3  
4 The District will consider the convictions in Category ~~Five-Four offenses~~ on a case-by-case  
5 basis.

6  
7 **EF.** Other Restrictions

8  
9 May not drive students if DUI conviction within the past five (5) years, or ten (10) years if  
10 volunteer has two (2) DUI convictions. Cannot drive students with three (3) or more DUI  
11 convictions. Crimes involving worthless checks committed within the last five (5) years will  
12 disqualify a volunteer from handling money.

9 All volunteers must self-report any arrest, conviction, finding of guilt, withholding of adjudication, commitment to a  
10 pre-trial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a  
11 minor traffic violation within forty-eight (48) hours to the Office of Professional Standards and the Director of the  
12 Office of Strategic Partnerships.

An applicant whose application has been rejected due to conviction of a disqualifying criminal offense may appeal  
to the Criminal History Appeal Committee. The Committee shall be made up of the ~~School Board~~Staff Attorney,  
or designee, an administrator from the Office of Professional Standards, and the Assistant Superintendent for  
Human Resources. Applicants appealing to the Committee shall have the burden of setting forth the  
circumstances surrounding the criminal incident for which an exemption is sought, and sufficient evidence of  
rehabilitation including, but not necessarily limited to, the time period that has elapsed since the incident, the  
nature of the harm caused to the victim, the history of the applicant since the incident, and any other evidence or  
circumstances indicating that the applicant will not present a danger if the appeal is granted. In the case of  
rejection due to an adjudication of guilt for an offense listed in F.S. 1012.315, the only basis for appeal to the  
Committee shall be mistaken identity. The decision of the Committee is final.

13 **Responsibility**

- 14 Principals and administrators are responsible for coordination and supervision of volunteers.
- 15 Principals and administrators are responsible for identifying appropriate tasks for volunteers.
- 16 The Office of Strategic Partnerships is responsible for coordinating the background checks on volunteers.
- 17 The Superintendent shall issue directives concerning school volunteers included but not limited to more stringent  
18 guidelines for background screening as deemed necessary.

19 F.S. 110.504, 440.02, 768.28, 943.04351, 1001.41, 1001.42, 1001.43, 1012.01  
20 F.A.C. 6A-1.070 and 6A-1.0502

21  
22 Adopted 12/9/09; Revised 6/29/10, 12/7/10, ~~---/--~~

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24 Approved as to form and legality:

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28 \_\_\_\_\_  
29 School Board Attorney  
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