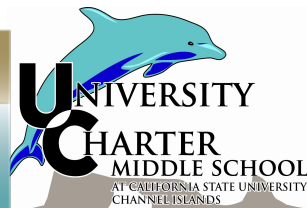
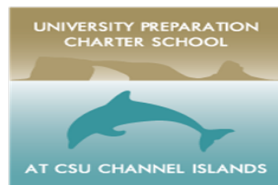


## Board Policy: Community Relations # 103



### **FINGERPRINTING, ~~AND~~ BACKGROUND CHECKS AND TUBERCULOSIS CLEARANCE - VOLUNTEERS**

#### **Purpose**

University Preparation Charter School (“UPCS” or the “School”) flourishes as a result of the School’s collaboration with the local community. Together we foster safe volunteer service relationships with involved and informed parents, guardians, and other qualified community volunteers.

In compliance with state law, UPCS requires all regular school volunteers to be fingerprinted, and pass a background check. Volunteers with frequent and prolonged contact with youth must also show proof of tuberculosis (“TB”) clearance, annually. All volunteers must acknowledge their status as mandated reporters and agree to comply with mandated reporting requirements, as provided herein.

Volunteers must abide by all applicable laws and agree to abide by the policies of UPCS as a condition of volunteer service. The School reserves the right to make volunteer assignment decisions in its sole and unreviewable discretion. No condition or activity will be permitted that may compromise the School’s commitment to the safety and well-being of students taking precedence over all other considerations.

#### **Definitions**

Volunteer: A school volunteer is defined as an adult individual (18 years or older) serving under the direction of a paid UPCS employee. School volunteers are not employees and are not provided compensation in exchange for volunteer services.

Contact: Contact with students includes and is not limited to physical, verbal, or virtual (online) contact.

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**Adopted/Ratified: 10/13/10**

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**Revision Date: 4/18/2012, 3/23/18, 01/09/24**

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Frequent and Prolonged Contact (for TB Clearance): The School defines frequent and prolonged contact with students as exceeding an average of four (4) or more hours of contact weekly.

### **Procedure for Fingerprinting**

UPS/UCMSUPCS shall comply with the applicable provisions of the Education Code regarding fingerprinting and criminal background checks, including Sections 44237, 44803.1 and 45125.1.

Accordingly, all volunteers must successfully clear a criminal background check conducted by the California Department of Justice ("DOJ") and cross-checked with the Federal Bureau of Investigations ("FBI") prior to beginning volunteer service. If cleared, the volunteer must agree to allow UPCS to receive subsequent arrest notifications during the length of their volunteer service.

~~It is the policy of UPS/UCMSUPCS to require fingerprinting and background checks for school volunteers who will come into contact with students outside of the supervision of a UPS/UCMSUPCS employee or who will work with students in excess of ten (10) hours per week, prior to volunteering at UPS/UCMSUPCS. Volunteers are responsible for paying for the fingerprint and background check fees unless they are unable to, due to financial hardship. In such circumstances, UPCS may make payment arrangements. The fingerprints are sent to the Department of Justice to obtain a criminal record summary. A school volunteer is defined as an individual working under the direction of a paid UPS/UCMSUPCS employee to provide a service without compensation on campus while working with or around children. Campus volunteers must abide by all applicable laws and agree to abide by the policies of UPS/UCMSUPCS, including the submission of fingerprints and the approval for UPS/UCMSUPCS or its designee to perform background checks. The fingerprints will be sent to the Department of Justice for the purpose of obtaining a criminal record summary. The volunteer will pay for the fingerprint and background check unless unable to and then UPS/UCMSUPCS will pay.~~

### Procedure for Background Checks

Upon receipt of the criminal record summary, the Director(s) or designee(s) shall review the DOJ Department of Justice reports on prospective volunteers and determine whether a volunteer may provide service to the School pursuant to Section 11105.3 of the Penal Code. Any person with a history of child abuse or another disqualifying conviction shall be excluded from volunteer service. be employed in accordance with Education Code Section 44237, 44803.1 or 45125.1.

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**Commented [LE1]:** The School should consider revising this definition to correlate with the AB506 definition of 16 hours in a month (approx. 4 hours a week) and/or 32 hours in a year. Such a definition would comply with guidelines provided by the California Tuberculosis Controllers Association (CTCA) and the California Department of Public Health (CDPH) that advise volunteers are those with regularly-scheduled volunteering and/or those chaperoning field trips.

**Commented [SC2]:** Assembly Bill 506 requires back ground checks as well as volunteer completion of mandated reporter CANRA training.

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**Commented [LE3]:** Sarah, these provisions specify "employees," do you think we should retain these citations?

**Commented [LE4]:** Same question as above, should this be retained when it specifies "contractor"?

## Board Policy: Community Relations # 103

While the existence of a history of criminal conviction is not a bar to volunteer service, there are some specific convictions that prevent volunteer service as a matter of policy and law. Specific conditions that preclude service at the School include conviction of a violent felony as listed in Penal Code Section 667.5(c), a serious felony as listed in Penal Code Section 1192.7(c), a sex offense as listed in Education Code Section 44010, and/or a controlled substance offense as listed in Education Code Section 44011. Similarly, convictions involving crimes of moral turpitude (e.g., fraud), child abuse or neglect, violence, or any offense which may make the volunteer unsuitable/undesirable to be in contact with students shall also serve as a bar to volunteer service at the School.

After a volunteer is cleared to provide service, their criminal summary report shall be destroyed and a signed clearance certification shall be maintained by the School to memorialize the clearance. The results of the volunteer's criminal record summary are strictly confidential and shall not be shared or discussed with anyone other than those individuals with a need to know.

~~The Director(s) Executive Director or designee shall monitor compliance with this policy and report to the Board of Directors on a quarterly basis.~~

### Procedure for TB Clearance

Volunteers who will have frequent and prolonged contact with students must show proof of tuberculosis ("TB") clearance. Such clearance may be submitted to the School either by utilizing the Risk Assessment Questionnaire or by providing a negative TB certification issued by a qualified healthcare professional. UPCS may request proof of TB at the time of volunteer onboarding if the UPCS volunteer is anticipated to have frequent and prolonged contact with students at some point in the volunteer service relationship.

### Procedure for Mandated Reporter Training

Business & Professions Code section 18975 requires school volunteers to comply with mandated reporting rules and laws. Accordingly, any volunteer who has knowledge of, or observes, a child in his or her volunteer capacity whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident.

UPCS will provide volunteers annual training on the mandated reporting requirements, using the online training module provided by the State Department of Social Services. This training will include information that failure to report an incident of known or reasonably suspected child abuse or neglect, as required by Penal Code section 11166, is a misdemeanor punishable by up to six (6) months confinement in a county jail, or by a fine of one-thousand dollars (\$1,000), or by both that imprisonment and fine.

### Post-Clearance Limitations

**Adopted/Ratified: 10/13/10**

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**Commented [LE5]:** I have attached a template the School may use for this purpose.

**Commented [LE6]:** Here is a link to the appropriate questionnaire: [https://etca.org/wp-content/uploads/TBCB-CA-School-Staff-Volunteer-TB-Risk-Assessment\\_updated-May-20203.pdf](https://etca.org/wp-content/uploads/TBCB-CA-School-Staff-Volunteer-TB-Risk-Assessment_updated-May-20203.pdf)

## Board Policy: Community Relations # 103

Additionally, all volunteers in contact with students must maintain the “two-adult-rule” requiring the presence of at least two mandated reporters whenever adults at the organization are in contact with students. Therefore, volunteers must never be alone with a student, even after obtaining clearance as a volunteer.

### **Compliance**

The Director(s) or designee(s) shall monitor compliance with this policy and report to the Board of Directors quarterly.

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**Adopted/Ratified: 10/13/10**

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**Revision Date: 4/18/2012, 3/23/18, 01/09/24**