LEBANON SPECIAL SCHOOL DISTRICT

"COMMITTED TO A COMMUNITY OF EXCELLENCE"

Volunteer Procedures and Guidelines

The Lebanon Special School District created a three-tiered guideline to protect our students and continue to maintain the high levels of volunteerism that our district enjoys. Volunteers will generally fall under a Tier 2 or Tier 3. The three tiers are identified below:

Tier 1*

Someone who volunteers occasionally and in a highly public setting with little or no contact with students and who are under constant supervision by Lebanon Special School District personnel will not be required to complete a volunteer application or criminal background check. A volunteer fitting this example might be someone working in the concession stand. If you plan to volunteer at the Tier 1 level, you do not need to complete any paperwork. This Tier is rarely used.

Tier 2*

Volunteers with student contact under constant supervision of Lebanon Special School District personnel must complete a volunteer application and confidentiality agreement acknowledging FERPA (student confidentiality) requirements. A volunteer fitting this example might include a room parent, daily/weekly class readers, front door reception and single day field trip chaperones at the middle school level, where it is assured that students will always be supervised by Lebanon Special School District personnel. However, at the principal's discretion they can request their tier 2 volunteers be fingerprinted for duties that they are fulfilling at the school or the school's events.

Tier 3*

Volunteers who have unsupervised contact with students on or off campus will be required to:

1. Complete a volunteer application and confidentiality agreement, which should be returned to the school, and
2. Have a criminal background fingerprint check completed.

A volunteer fitting this example would be someone providing one-on-one tutoring, an overnight field trip chaperone or a single day field trip chaperone where there is no direct supervision by a Lebanon School District employee, volunteers in close proximity with a student or students without supervision, non-faculty/volunteer coach. **All elementary field trips are considered Tier 3**. All non-faculty or staff of the the District who attend an elementary field trip must complete a background check.

For the most up to date information on volunteering, talk to the office personnel at your student's school. The fingerprint check is a one-time check, unless the period extends longer then 5 years, or there is just cause. Everyone must complete a volunteer application each year.

[+] Board Policy 4.501(10)
***All Tiers require a Raptor check**
Updated 07/2024

Volunteer Application/Vetting process

1. Occasional volunteer activity in a highly public setting under constant supervision by an LSSD employee with little or no contact with students does not require a volunteer application or a criminal background check. School administrators must ensure that these volunteers are never left with students outside the presence of a school employee. Such activities may include:
   Occasional classroom speakers or athletic concessions.

2. Regular volunteer activity and volunteer activity with student contact taking place under constant supervision by an LSSD employee requires completion of a volunteer application and a confidentiality agreement acknowledging FERPA requirements. School administrators must ensure that these volunteers are never left with students outside the presence of a school employee. Such activities may include:
   Room Parents
   Class readers
   Front door reception
   Front office volunteers
   Accompanying day field trips when the volunteer is not with students outside the presence of a school employee (Middle School Only)

3. Volunteer activity that involves unsupervised contact with students on or off campus requires (1) completion of a volunteer application and (2) a criminal background & fingerprint check through the LSSD Human Resources Department or submission to the Human Resources Department a report detailing the results of a prior fingerprinting (within the last 6 months). The cost of fingerprinting for volunteers must be borne by the volunteers. Volunteers are responsible for scheduling and paying for background checks. Such activities may include:
   Volunteer/non-faculty coach
   One-on-one tutoring
   Overnight field trip chaperones
   Group leaders/chaperones for day field trips outside a school employee's presence
   PTO volunteers

4. Unpaid coaches and volunteers for club or coaching purposes shall be subject to the application process, including but not limited to criminal background check and fingerprinting process. This would include ANY coach that is not an LSSD employee.

5. Volunteers whose prior history, including but not limited to criminal history, demonstrates a risk to safety or well being of students will be denied participation in volunteer activities involving students. Conditions for denial may include, but not be limited to, the following:
   a. **Appearance on any sex offender registry**
   b. **Conviction of/pleading no contest/pretrial diversion of any felony**
   c. **Conviction of/pleading no contest/pretrial diversion of any misdemeanor that indicates a volunteer may pose a threat to the integrity or safety of the school environment, conviction of/pleading no contest/pretrial diversion of DUI, Reckless Driving, or other related offenses for volunteer drivers**
   d. **A pattern of criminal charges that cause concern that the volunteer may pose a threat to the integrity or safety of the school environment**
   e. **An administrator's determination that the volunteer's behavior renders that volunteer's participation in the activity to be inappropriate.**

6. Volunteers subject to the application process or the criminal background/fingerprinting process described above shall immediately notify a school administrator upon any arrest and immediately cease volunteering, pending a determination. Upon notification, if the volunteer wishes to continue participation as a volunteer, the volunteer's participation shall be reviewed under the standards described in paragraph 5, above.

Frequently Asked Questions

Why do our volunteers need background checks?

One of our main priorities is to keep children safe. We surveyed other Tennessee districts and discovered that all of them required background checks of their volunteers. Since there are three tiers of volunteers, there are many opportunities for volunteers to work in our schools even if they do not want to go through the fingerprinting background check process.

What type of background check is the district conducting?

TBI/FBI nationwide criminal background check through the National Crime Information Center, NCIC.

Could the district use a fingerprint background check that was done by another government agency or my employer?

No. The District only has access to criminal history checks completed using the District's identifiers.

Who determines if someone is "cleared" to volunteer and how will the schools know?

The Director of Operations will receive and review the reports from the background checks, then make a determination if a report reveals any criminal history. Using this information, a list of all volunteers will be shared with the schools.

Do I have to get a fingerprint check every year?

We have structured the check as a one-time check that will clear the volunteer for a 5-year period, with the caveat that each volunteer is responsible for reporting any subsequent events. The fingerprint check is a one-time check, (every 5 years) even if your child transitions to a new school, unless there is just cause.

Is fingerprinting truly necessary or would a background check be a sufficient place to start?

A fingerprinting background check will reveal any criminal history that is in the National Crime Information Center (NCIC) database that is maintained by the FBI. This is the same check that is required of employees and contractors, and this is the information that has been established through appropriate legal due process and can be reasonably relied on for accuracy. Also, this is the information that is relevant to us for volunteer work where the volunteer might be one-on-one with children. We have not found a more reliable criminal background check.

What privacy safeguards are in place? Who will be privy to the information?

LSSD will maintain these reports. The information obtained from these searches includes public records from across the nation. If an individual is concerned that a criminal background check will reveal something that they do not want disclosed, they should not volunteer. LSSD will not disclose this to any member of the public unless required by law to do so.

Can one who is denied appeal a decision?

There will be no appeal procedure since there is no legal right to volunteer; the schools can always refuse volunteer work absent discrimination on the basis of race, color, religion, national origin, age, sex or disability. However, the prospective volunteer can certainly talk with the Principal or Director of Schools if the prospective volunteer has any questions.

AGENCY PRIVACY REQUIREMENTS FOR NONCRIMINAL JUSTICE APPLICANTS

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as employment or a license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy. These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28, Code of Federal Regulations (CFR), Section 50.12, among other authorities.

- Officials must provide to the applicant written notification1[1] that his/her fingerprints will be used to check the criminal history records of the FBI.
- Officials must ensure that an applicant receives, and acknowledges receipt of, an adequate Privacy Act Statement when the applicant submits his/her fingerprints and associated personal information.[2]
- Officials using the FBI criminal history record (if one exists) to make a determination of the applicant's suitability for the employment, license, or other benefit must provide the applicant the opportunity to complete or challenge the accuracy of the information in the record.
- Officials must advise the applicant that procedures for obtaining a change, correction, or update of an FBI criminal history record are set forth at 28 CFR 16.34.
- Officials should not deny the employment, license, or other benefit based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record solely for the purpose requested and cannot disseminate the record outside the receiving department, related agency, or other authorized entity.[3]

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain his/her record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant notice, what constitutes "a reasonable time" for the applicant to correct or complete the record, and any applicant appeal process that is afforded the applicant. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of criminal history records for noncriminal justice purposes.

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[1] Written notification includes electronic notification, but excludes oral notification.
[2] See https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement
[3] See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).