

Prospect Academy of Colorado Board Member and Volunteer Background Check Policy

Volunteers, including members of the Board of Directors, must follow all of these policies. Prospect Academy shall not discriminate on the basis of race, sex, color, religion, ancestry, national origin, sexual orientation, marital status, physical handicap, medical condition, age, disability, or any other status protected by law in its educational programs, decision-making, or in applying this policy.

1. Volunteer Registration and Background Checks

- a. All volunteers, regardless of frequency or time volunteered, must go through the sex offender background check using a photo ID scanning system (i.e. Raptor, etc.) and must not be listed on that registry before participating in the School activity.
- b. One-time volunteers must only present a photo ID to the School secretary for an on-site screening, but do not have to register and are not considered regular volunteers. This includes persons invited or coming to the School on a one-time basis (i.e. parents assisting with holiday parties or field day).
- c. Volunteers who plan to volunteer in the School on a regular basis (“Regular Volunteers”) must register and go through a full background check. This includes, for example, School board members and volunteers who work after-School or with extra-curricular programming.
- d. Guests who are visiting the School without volunteering (i.e. attendees at a musical production, parent/teacher conferences, etc.) will not typically be required to undergo any sort of background check (the School reserves the right to require a check in instances when the School has reason to suspect an individual coming on campus has a background that may pose a risk to student or staff welfare and safety).

2. Background Check Procedures

- a. All Regular Volunteers must complete a volunteer registration packet, to include without limitation paperwork requisite to conduct a background check. Regular Volunteers must sign a volunteer agreement that addresses issues like conduct with students, confidentiality, and expectations for volunteers.

- b. Regular Volunteers, including board members, must complete a satisfactory background check.
- c. The results of the background checks are reviewed and approved by the School leader or designee for Regular Volunteers and by the board chairperson for board members. The board vice-chairperson will review and approve the background check of the board chairperson. Any disputes about the approval of a board member's background check may be brought to the entire board of directors for a final approval or disapproval. A majority vote of the board of directors will be the final decision of the School with regards to a board member's background check. Regular Volunteers will be notified via e-mail or letter if they are approved or not to volunteer. If a Regular Volunteer does not satisfactorily pass the background check the notice will provide information as to the reason for the unsatisfactory outcome. The results of background checks shall be maintained strictly confidential.
- d. Background checks are conducted at the School's expense. All information provided in the volunteer registration/application and all information received by the School through the volunteer background check and/or other sources, shall be considered and maintained as confidential personnel file information under the Colorado Open Records Act and not subject to disclosure except on a "need to know" basis as authorized by law.
- e. Regular Volunteers may not start volunteering in areas where students are or may be present until the background check results are received, reviewed, and approved.
- f. Every active, Regular Volunteer must receive a follow-up background check at least every three years to ensure the safety of our children. Any Regular Volunteer who is arrested and/or charged for a crime that would disqualify him or her from volunteering may have their ability to volunteer revoked or suspended.

3. Reasons for Denial of Regular Volunteers and Board Members

- a. Notwithstanding anything in this policy, the ability to volunteer in the School and denial of that ability remains at the sole discretion of the School. Volunteering in the School is a privilege and the School reserves the right to select those individuals it approves to volunteer in the School, regardless of background check information (or a lack thereof).
- b. The following minimum standards apply as disqualifying factors with regards to background check results for Regular Volunteers. An

applicant is disqualified from volunteering in the School if they have been convicted of any of the following (“convicted” means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with a felony or misdemeanor, the payment of a fine, a guilty plea accepted by a court, a plea of nolo contendere, and the imposition of a deferred or suspended sentence by the court):

- i. Felony child abuse, as described in section 18-6-401, C.R.S.;
- ii. A crime of violence, as defined in section 18-1.3-406(2), C.R.S.;
- iii. A felony involving unlawful sexual behavior, as defined in section 16-22-102(9), C.R.S.;
- iv. Except as provided in paragraph (1) below, a felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3, C.R.S.;
- v. Except as provided in paragraph (1) below, a felony drug offense described in part 4 of article 18 of title 18, C.R.S., committed on or after August 25, 2012;
- vi. Felony indecent exposure, as described in section 18-7-302, C.R.S.; or
- vii. An offense in any other state, the United States, or any territory subject to the jurisdiction of the United States, which, if committed in this state, would constitute an offense described in sub-subparagraphs (i) to (vi);

1. The disqualification from volunteering pursuant to sub-subparagraphs (iv) and (v) shall only apply for a period of five years following the date the offense was committed, and, for the offense described in sub-subparagraph (iv), the person shall have successfully completed any domestic violence treatment required by the court prior to employment. A volunteer denied the ability to volunteer solely on the basis of the disqualification contained in sub-subparagraphs (iv) and (v) may reapply to

volunteer after five years have passed since the date the offense was committed.

c. A person who is or would be disqualified from volunteering pursuant to sub-subparagraphs (iv) and (v) may submit a written request to the school leader (or board for board members) for reconsideration of the disqualification from volunteering.

Reconsideration shall be based upon the school leader's (or board of directors') assessment of the current safety risk in allowing the person to volunteer after considering:

- i. The seriousness and nature of the disqualifying offense;
- ii. The time elapsed since the date the offense was committed;
- iii. The nature of the volunteer work sought by the person; and
- iv. Any other relevant information.

d. For purposes of this section, a person is deemed to be convicted of committing a felony or misdemeanor as described in this section if the person has been convicted under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States of an unlawful act which, if committed within this state, would be a felony or misdemeanor.

e. The decision of the school leader (or board of directors for board members) in all cases of denial shall be final and not subject to appeal.