

M.S.A.D. #72

FILE CODE: IJOC-R

ADMINISTRATIVE PROCEDURE FOR SCHOOL VOLUNTEERS

To protect school children, M.S.A.D. #72 is committed to ensuring that all current and prospective volunteers who may have direct and/or unsupervised contact with children are appropriate for serving in their positions. The following relates to policy IJOC: School Volunteers 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 prior to volunteering in District schools.

Applications must be reviewed annually, which will indicate that their personal information and criminal history has not changed. 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 M.S.A.D. #72, 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 District.

1. Convictions for rape; 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 ten years of the CHRC request will render said individual ineligible for service with M.S.A.D. #72; 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, 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 wellbeing of students.
3. Case-by-case determinations will need to be made. 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 procedures.

1. All volunteers must complete the M.S.A.D. #72 Volunteer Application, and a Volunteer Agreement form which allows for a criminal background check.
2. An online criminal background check using the volunteer's birthdate will be done by M.S.A.D. #72 utilizing the Maine State Bureau of Identification *prior to volunteering*.
3. Should a full federal criminal background check be required, the cost will be borne by the individual seeking eligibility as a volunteer. The background check will be 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.
4. Any volunteer who can provide proof of a current CHRC will not be required to undergo another fingerprinting until the expiration date.
5. All staff will have an awareness training regarding volunteers, including the District policy, the School Volunteer Regulations sheet. Awareness training will include proper use of Volunteers in the classroom, avoiding one-on-one situations, and supervision of volunteers with a group.

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. Unsupervised contact with children means such contact on a regular, not irregular, basis with students when no other M.S.A.D. #72 employee is present; and
2. Substantial contact is on a regular, not infrequent, basis.

Requesting, Reviewing and Maintaining CHRC

It is M.S.A.D. #72'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 discrepancies are found in these checks. The 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 M.S.A.D. #72 volunteer if he or she:

- Has been convicted of committing, or attempting to commit any sex offense, including (but not limited to): the crime of distribution of pornography, indecent exposure, assault or battery or any sexual act involving a child.
- 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 ten years immediately preceding the request for criminal record information.

Discretionary Disqualification

An individual may be deemed ineligible as a M.S.A.D. #72 volunteer by the Superintendent, if he or she:

- The Applicant is currently on probation;
- 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 5 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 District 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 individuals should then contact the Maine Department of Education, MorphoTrust USA and/or the Maine State Police for review and correction. The District 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 is ineligible to volunteer in M.S.A.D. #72 during the process of disputing and potentially correcting the information contained in the CHRC.

Unlawful Release of CHRC Information

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 1: Volunteer Application Form
IJOC-E2: Volunteer Agreement Form

Adopted: 7/11/2018