

Book	Policy Manual
Section	POLICIES FOR THE BOARD, NOVEMBER 2022
Title	Copy of Copy of VOLUNTEERS
Code	po8120
Status	
Adopted	August 14, 2006
Last Revised	February 18, 2020

## 8120 - VOLUNTEERS

The School Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the staff responsible for implementation ~~the conduct~~ of those programs and activities.

The Superintendent shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. The Superintendent shall not be obligated to make use of volunteers whose abilities are not compatible with School Corporation needs.

Before allowing an individual to serve as a volunteer coach, the Corporation shall conduct an expanded criminal history check (as defined in I.C. 20-26-2-1.5) on the volunteer coach ~~him/her~~. With respect to all other volunteers: Each volunteer who is in direct contact with students will be required to submit a Limited Criminal History Record Check, ~~and an expanded child protection index check as defined by I.C. 20-26-2-1.3, and beginning July 1, 2017, a search of the State child abuse registry.~~

### Each volunteer who is in direct contact with students will be required to submit to an Expanded Criminal History Record Check which shall include:

- A. an expanded criminal history check (as defined by I.C. 20-26-2-1.5) of the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or another method of positive identification;
- B. an expanded child protection index check as defined by I.C. 20-26-2-1.3;
- C. search of the national sex offender registry maintained by the United States Department of Justice;
- D. beginning July 1, 2017, a search of the State child abuse registry;
- E. a detailed background history including all prior employment and volunteer positions;
- F. an Indiana Bureau of Motor Vehicles driver history if the position involves driving.

The Board shall prohibit volunteer service by a person who has been convicted of an offense requiring license revocation per I.C. 20-28-5-8(c) unless the conviction has been reversed, vacated, or set aside on appeal.

The procedures shall ensure that information and records obtained from criminal history inquiries under this policy are confidential and shall not be released except as necessary to implement this policy or to defend a decision made pursuant to this policy.

Additionally, before the Corporation hires or allows an individual to coach an Indiana High School Athletic Association recognized sport, the Corporation must take the following steps:

- A. ask the individual ~~him/her~~:

1. whether the individual ~~s/he~~ is or has been accredited by the association; and

2. if **s/he the individual** is or has been accredited by the association, whether **the individual's his/her** accreditation has ever been suspended or revoked;

B. request references from **the individual him/her**;

C. contact the references that **the individual s/he** provides to the Corporation; and

D. contact the association to determine whether **the individual his/her** accreditation has ever been suspended or revoked. The Corporation shall make a report to the Department of Child Services if a volunteer coach has engaged in suspected child abuse or neglect.

The Corporation shall report to the association when a volunteer coach accredited by the association has been convicted of an offense described in I.C. 20-28-5-8(c) or of a known comparable offense in another state. These offenses include:

- A. **A sex crime under I.C. 35-42-4 (including criminal deviate conduct, I.C. 35-42-4-2, before its repeal).**
- B. Kidnapping (I.C. 35-42-3-2).
- C. Criminal Confinement (I.C. 35-42-3-3).
- D. ~~Rape (I.C. 35-42-4-1).~~
- E. ~~Criminal deviate conduct (I.C. 35-42-4-2) (before its repeal).~~
- F. ~~Child molesting (I.C. 35-42-4-3).~~
- G. ~~Child exploitation (I.C. 35-42-4-4(b) or I.C. 35-42-4-4(c)).~~
- H. ~~Vicarious sexual gratification (I.C. 35-42-4-5).~~
- I. ~~Child solicitation (I.C. 35-42-4-6).~~
- J. ~~Child seduction (I.C. 35-42-4-5).~~
- K. ~~Sexual misconduct with a minor (I.C. 35-42-4-9).~~
- L. Incest (I.C. 35-46-1-3).
- M. Dealing in or manufacturing cocaine or a narcotic drug (I.C. 35-48-4-1).
- N. Dealing in methamphetamine (I.C. 35-48-4-1.1).
- O. Manufacturing methamphetamine (I.C. 35-48-4-1.2).
- P. Dealing in a schedule I, II, or III controlled substance (I.C. 35-48-4-2).
- Q. Dealing in a schedule IV controlled substance (I.C. 35-48-4-3).
- R. Dealing in a schedule V controlled substance (I.C. 35-48-4-4).
- S. Dealing in a counterfeit substance (I.C. 35-48-4-5).
- T. **Dealing in marijuana, hash oil, hashish, or salvia as a felony (I.C. 35-48-4-10).**
- U. **An offense under I.C. 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in I.C. 35-31.5-2-321), a synthetic drug lookalike substance (as defined in I.C. 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under I.C. 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in I.C. 35-48-1-9.3), or a substance represented to be a controlled substance (as described in I.C. 35-48-4-4.6).**
- V. **Homicide (I.C. 35-42-1).**
- W. **Voluntary manslaughter (I.C. 35-42-1-3).**
- X. **Reckless homicide (I.C. 35-42-1-5).**
- Y. **Battery as any of the following: (i) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014). (ii) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014). (iii) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).**
- Z. **Aggravated battery (I.C. 35-42-2-1.5).**
- AA. **Robbery (I.C. 35-42-5-1).**
- AB. **Carjacking (I.C. 35-42-5-2) (before its repeal).**
- AC. **Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-1-1(a)).**

- AD. Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (I.C. 35-43-2-1).
- AE. Human trafficking (I.C. 35-42-3.5).
- AF. Dealing in a controlled substance resulting in death (I.C. 35-42-1-1.5).
- AG. Attempt under I.C. 35-41-5-1 to commit an offense listed in this subsection.
- AH. Conspiracy under I.C. 35-41-5-2 to commit an offense listed in this subsection.
- AI. Public indecency (I.C. 35-45-4-1) committed: (A) after June 30, 2003; or (B) before July 1, 2003, if the person committed the offense by, in a public place: (i) engaging in sexual intercourse or other sexual conduct (as defined in I.C. 35-31.5-2-221.5); (ii) appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age, with the intent to be seen by a child less than sixteen (16) years of age; or (iii) fondling the person's genitals or the genitals of another person.

The Corporation shall report suspected misconduct by a volunteer coach that may constitute a crime to local law enforcement.

The Corporation may obtain an expanded criminal history check or an expanded child protection index check at any time if the Corporation has reason to believe that the volunteer:

- A. is the subject of a substantiated report of child abuse or neglect or
- B. has been charged with or convicted of one (1) of the following crimes:
  - 1. Murder (I.C. 35-42-1-1).
  - 2. Causing suicide (I.C. 35-42-1-2).
  - 3. Assisting suicide (I.C. 35-42-1-2.5).
  - 4. Voluntary manslaughter (I.C. 35-42-1-3).
  - 5. Reckless homicide (I.C. 35-42-1-5).
  - 6. Battery (I.C. 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
  - 7. Aggravated battery (I.C. 35-42-2-1.5).
  - 8. Kidnapping (I.C. 35-42-3-2).
  - 9. Criminal confinement (I.C. 35-42-3-3).
  - 10. A sex offense under I.C. 35-42-4 (including criminal deviate conduct, I.C. 35-42-4-2, before its repeal).
  - 11. Carjacking (I.C. 35-42-5-2) (before its repeal).
  - 12. Arson (I.C. 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
  - 13. Incest (I.C. 35-46-1-3).
  - 14. Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (I.C. 35-46-1-4(b)(2) and (3)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
  - 15. Child selling (I.C. 35-46-1-4(d)).
  - 16. Contributing to the delinquency of a minor (I.C. 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
  - 17. An offense involving a weapon under I.C. 35-47 or I.C. 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
  - 18. An offense relating to controlled substances under I.C. 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
  - 19. An offense relating to material or a performance that is harmful to minors or obscene under I.C. 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
  - 20. An offense relating to operating a motor vehicle while intoxicated under I.C. 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

21. Domestic battery (I.C. 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.
22. Public indecency (I.C. 35-45-4-1) committed: (A) after June 30, 2003; or (B) before July 1, 2003, if the person committed the offense by, in a public place: (i) engaging in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5); (ii) appearing in a state of nudity with the intent to arouse the sexual desires of the person or another person, or being at least eighteen (18) years of age with the intent to be seen by a child less than sixteen (16) years of age; or (iii) fondling the person's genitals or the genitals of another person.
23. An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

The Superintendent is to inform each volunteer that **the volunteer s/he**:

- A. shall agree to abide by all Board policies and Corporation guidelines while on duty as a volunteer;
- B. will be covered under the Corporation's liability policy but the Corporation shall not provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the volunteer eligible for workers' compensation;
- C. will be asked to sign a form releasing the Corporation of any obligation should the volunteer become ill or receive an injury as a result of **the his/her** volunteer's services;
- D. will be required to report any arrests, the filing of criminal charges against **the volunteer him/her**, or convictions for a crime while serving as a volunteer; and
- E. will be required to report any substantiated report of child abuse or neglect of which **the volunteer s/he** is the subject.

The Superintendent also shall ensure that each volunteer is properly informed of the Corporation's appreciation for **the volunteer's his/her** time and efforts in assisting the operation of the schools.

Without conferring the rights of an employee on a volunteer coach, the Corporation shall comply with I.C. 22-5-3-1 (Indiana's blacklisting law) regarding a volunteer coach, including the provisions for civil immunity regarding disclosures made about a volunteer coach.

Revised 4/18/17

Revised 3/20/18

© Neola 2019

Legal	I.C. 5-2-22
	I.C. 10-13-3
	I.C. 20-26-2-1.3
	I.C. 20-26-2-1.5
	I.C. 20-26-5-10, -11 and -11.5
	I.C. 20-26-14-2.5
	I.C. 20-26-14-8
	I.C. 20-26-14-9
	I.C. 22-5-3-1