Washington County School District
121 West Tabernacle Street
Saint George, Utah 84770
435-673-3553

Administrative Letter A111

Background Checks for Volunteers

Administrative Letter #111 Background Checks for Volunteers - Approved 08-17-2016; Revised 09-2023; Revised 09-04-2025

DATE: August 17, 2016 - Revised 09-2023; Revised 09-04-2025

FROM: Human Resources

REGARDING: Background Checks for Volunteers

Question: When is a volunteer required to complete a background check?

Answer: A volunteer who will be given significant unsupervised access to a student in connection with the volunteer's assignment must submit to a nationwide criminal background check and ongoing monitoring. UCA §53G-11-402(1)

Question: Who pays for the background check?

Answer: The Washington County School District will cover the cost of the background check.

Question: What do I need to do to have the volunteer complete a background check?

Answer: School administration must fill out and have the volunteer sign District form 544. The volunteer will bring form 544 and a government issued photo identification (state issued driver's license, passport) to the appointment. UCA §53G-11-402(1)

Question: How does the volunteer schedule an appointment for fingerprints?

Answer: The volunteer may schedule an appointment on-line at: https://wcsdfingerprints.youcanbook.me/

Question: Can prints be taken without the form 544?

Answer: No. The Utah Code forbids a district from allowing a volunteer, with unsupervised access, to work unless their assignment is properly documented and authorized.

Question: Is school administration required to check prior employment references for a volunteer with unsupervised access?

Answer: Yes, if the volunteer had previously worked in a paid position that required direct care for, supervision, control, or custody of a child. UCA §53G-11-410(2) In such cases administration must contact the prior employer and ask if any employment action was taken or discipline was imposed for the physical abuse or sexual abuse of a child or student by the volunteer.

Question: Must I document the results of a reference check?

Answer: Yes. Utah State law requires the District to document efforts taken to check references. Schools should keep records documenting these efforts in their files.

Question: What if the reference cannot be contacted?

Answer: Utah State law requires public schools make good faith efforts to collect reference data. It a reference is not obtained after a reasonable attempt to do so the effort should be documented. A reasonable effort would include more than one attempt.

Question: Am I required to check references on all volunteers?

Answer: No, only if the volunteer was previously employed in a position that required direct care for, supervision, control, or custody of a child AND the volunteer will be given significant unsupervised access.

Question: What is “significant unsupervised access?”

Answer: While the term “unsupervised access” appears to be self-explanatory, courts routinely consider the ability of a perpetrator to create opportunities for unsupervised access. For example, “He selected locations out of public view..” *People v. Dancer*, 45 Cal. App. 4th 1677 (Ct. App. 1996). It is critical to make sure opportunities are not available to create access. If school administration concludes that the volunteer has no significant unsupervised access and has no real opportunity to create it, then a

background and reference check is not required.

Links:

Utah Code §53G-11-402, https://le.utah.gov/xcode/Title53G/Chapter11/53G-11-S402.html?v=C53G-11-S402_2023050320230503

Utah Code §53G-11-410, https://le.utah.gov/xcode/Title53G/Chapter11/53G-11-S410.html?v=C53G-11-S410_2021050520210901

District Policy 1101, https://www.washk12.org/policywiki/index.php?page=1101-criminal-background-check-and-employee-reporting-of-arrests