



# Administrative Letter A111

## Background Checks for Volunteers

*Administrative Letter #111 Background Checks for Volunteers - Approved 08-17-2016*

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**DATE:** August 17, 2016; Revised 09-2023

**FROM:** Lyle Cox, Executive Director of Human Resources

**REGARDING:** Background Checks for Volunteers

I am sending all employees this information because we have received several questions about volunteers and I suspect others may benefit by knowing the answers.

**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 school or organization of assignment must pay the fee for the background check for volunteers. Policy 1101-2.3.3.

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

**Answer:** The volunteer must consent to the background check by signing WCSD Form 544. The volunteer must bring a completed form 544 and a check, debit card, credit card, or cash to pay the fee when the prints are taken. UCA §53G-11-402(1)

**Question:** Can the volunteer pay the fee and get reimbursed?

**Answer:** Yes, if the volunteer pays the fee at the time fingerprints are taken, we will give her/him a receipt, and it can be submitted to the school for reimbursement.

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

**Answer:** The volunteer may schedule an appointment on-line at: <https://wcsdfingerprints.youcanbook.me/> Again... the volunteer must bring the completed WCSD Form 544 and fee payment with them to the appointment.

**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 he/she signs a release.

**Question:** Am I also required to check prior employment references for a volunteer with unsupervised access?

**Answer:** YES... IF, the volunteer had previously work in a paid position that required direct care for, supervision, control, or custody of a child then, UCA §53G-11-410(2), requires administration to 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... the law requires you to document the efforts taken to check references and you should keep those documents in your volunteer files.

**Question:** What if I cannot contract the reference?

**Answer:** The law states that you MUST use your best efforts to request information. If you cannot contract the reference after reasonably attempting to do so, you must document your efforts. We assume a reasonable effort includes 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 you conclude 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.

If you have any questions please give us a call.

Links:

Utah Code §53G-11-402, [https://le.utah.gov/xcode/Title53G/Chapter11/53G-11-S402.html?v=C53G-11-S402\\_2023050320230503](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](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>

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