

**ANALYSIS TO DETERMINE WHETHER
DISTRICT VOLUNTEERS REQUIRE CLEARANCES**

Note: This document is for demonstration and discussion purposes – it is intended to provide guidance for highly fact-specific situations that may require a case-by-case analysis. Please contact us as questions arise. Revised: April 24, 2015

The following definitions are used to determine whether a volunteer requires clearances:

Volunteer: an adult applying for an unpaid position responsible for the welfare of a child or having direct contact with children. §6344.2

Person responsible for a child’s welfare: a person who provides permanent or temporary care, supervision . . . training, or control of a child in lieu of parental care, supervision, and control. The term includes any such person who has direct or regular contact with a child through any program, activity, or service sponsored by a school. §6302

Program, activity, or service: a public or private educational, athletic, or other pursuit in which children participate. The term includes, but is not limited to, the following: a youth camp or program; a recreational camp or program; a sports or athletic program; an outreach program; an enrichment program; a troop, club, or similar organization. §6302

Direct contact with children: the care, supervision, guidance, or control of children or routine interaction with children. §6302

To determine whether a volunteer needs clearances, one must ask under the definitions above: (1) whether he or she is responsible for the welfare of a child or (2) whether he or she has direct contact with children.

The CPSL does not define “regular contact” or “routine interaction” although these terms are used in the definitions above. We therefore have looked to other statutes, interpretations, and discussions, both in Pennsylvania and elsewhere, as well as to standard dictionary definitions, to provide the following guidance in construing these terms in a common-sense, methodical way that is in line with what we consider to be the intent of the CPSL.

- I. **Responsible for the welfare of a child**: This means providing care, supervision, training, or control in the place of a parent on a direct or regular basis. This typically involves the coordination of, supervision of, or provision of care in a relationship of trust as a coach, instructor, leader, mentor, chaperone or other role. Direct contact can involve, among other things, face-to-face or hands-on assistance, standing by, or monitoring activities. The contact must be direct and immediate, rather than through an intermediary. Regular contact can mean

contact on some typical, recurring, or consistent basis, and not contact that is one-time, sporadic, or on an emergency basis.

II. Direct contact with children: This means providing care, supervision, guidance, or control or having routine interaction with children. Direct contact can involve, among other things, face-to-face or hands-on assistance, standing by, or monitoring activities. The contact must be direct and immediate, rather than through an intermediary. Routine interaction is ongoing contact that is part of the volunteer’s standard responsibilities; repeated; done as a normal part of a job, situation, or process; in accordance with established procedure; standard; or usual.

Using the terms as defined here, we have sought to provide a reasoned, analytical framework that the District can apply consistently as questions arise.

TYPE OF VOLUNTEER OR VISITOR	I. Is the individual responsible for the welfare of a child (this includes any individual standing in loco parentis with direct or regular contact with a child through any program, activity, or service sponsored by a school)?	OR	II. Does the individual have direct contact with children?	CLEARANCES REQUIRED?
attend meeting in a private area with school administrator, teacher, or staff	one is not providing care, supervision, training, or control of children in lieu of parental care; there is no direct or regular contact with children		one is not assuming care, supervision, guidance, or control of children; this does not involve routine interaction with other children	NO INCIDENTAL VISITOR
attend performance in auditorium or other common area; attend a sporting event or other extra-curricular activity	one is not providing care, supervision, training, or control of children in lieu of parental care; there is no direct or regular contact with children		one is not assuming care, supervision, guidance, or control of children; this does not involve routine interaction with other children	NO INCIDENTAL VISITOR

book fair (no students helping in booth)	one is not providing care, supervision, training, or control of children in lieu of parental care; there is no direct or regular contact with children		one is not assuming care, supervision, guidance, or control of children; this does not involve routine interaction with other children	NO
booster-club event	very situationally-specific; no clear-cut answer can be given at this time		very situationally-specific; no clear-cut answer can be given at this time	
chaperone for a dance or other school-sponsored event (including, but not limited to, field trips)	yes responsible for the welfare of children – even though not necessarily direct or regular, in a position of trust and standing in place of parent		yes direct contact	YES
class party help (if officially designated as such)	not responsible for the welfare of children		yes direct contact	YES IF OFFICIALLY DESIGNATED, OTHERWISE INCIDENTAL VISITOR
class pictures	not responsible for the welfare of children		yes direct contact	YES
college recruiters on campus to talk with children	not a District volunteer		not a District volunteer	NOT A VOLUNTEER
concession stand worker (no students working in the stand)	not responsible for the welfare of children		no direct contact	NO
concession stand worker (with students working in the stand)	could be responsible for the welfare of children if a position of trust, and direct and regular		yes direct contact and could be routine interaction	YES

current students age 18 or older volunteering to fulfill role in a school-sponsored program, club, or activity	not a volunteer under the terms of the statute (“an adult applying for an unpaid position”)		not a volunteer under the terms of the statute (“an adult applying for an unpaid position”)	NO
current students age 18 or older volunteering to as any other adult member of the community outside of school	same analysis would apply to the student as would apply to any other adult in the community applying for a volunteer position		same analysis would apply to the student as would apply to any other adult in the community applying for a volunteer position	ANALYSIS WOULD APPLY BASED ON POSITION
drop off birthday cake or holiday treats	not responsible for the welfare of children		no direct contact	NO INCIDENTAL VISITOR
field day assistance (or similar events like Fall Festival, for example)	perhaps standing in loco parentis (responsible for the welfare of children) – similar to a chaperone in some instances		yes direct contact	YES
grandparents’ day	not providing care, supervision, training, or control of children in lieu of parental care; no direct or regular contact with children		not assuming care, supervision, guidance, or control of children; does not involve routine interaction with other children	NO INCIDENTAL VISITOR
guest speaker or participant in career day or similar event to share information with students	one is not providing care, supervision, training, or control of children in lieu of parental care; there is no direct or regular contact with children		one is not assuming care, supervision, guidance, or control of children; this does not involve routine interaction with other children	NO INCIDENTAL VISITOR
job shadowing – an individual allows a student to visit his or her place of business	not assuming responsibility as a school volunteer		not assuming responsibility as a school volunteer	NO

make a delivery to the school	not responsible for the welfare of children		no direct contact	NO INCIDENTAL VISITOR
military recruiters on campus to talk with children	not a District volunteer		not a District volunteer	NOT A VOLUNTEER
observe child's classroom (parent, guardian, close relative)	one is not providing care, supervision, training, or control of children in lieu of parental care; no direct or regular contact with children		one is not assuming care, supervision, guidance, or control of children; does not involve routine interaction with other children	NO INCIDENTAL VISITOR
pick child up from school	one is not providing care, supervision, training, or control of children in lieu of parental care; no direct or regular contact with children		one is not assuming care, supervision, guidance, or control of children; does not involve routine interaction with other children	NO INCIDENTAL VISITOR
produce play or performance, concert, or other curricular/co-curricular, or extracurricular activity	responsible for the welfare of children		yes direct contact	YES
PTO-sponsored event	very situationally-specific; no clear-cut answer can be given at this time		very situationally-specific; no clear-cut answer can be given at this time	
routine classroom help (daily, weekly, or other periodically-scheduled help)	responsible for the welfare of children		yes direct contact	YES
special classroom projects	not responsible for the welfare of children		yes direct contact	YES
sports coach	responsible for the welfare of children		yes direct contact	YES