

Parent Volunteer Rejections and Background Checks

Background:

- Parent involvement is vital to the success of students. Nationwide, school districts are revisiting policy that automatically disqualifies persons with a criminal record from volunteering in schools due to the many instances where parents are barred from volunteering in their child's school for past legal troubles. The questions being raised are:
 1. Should parents with records, especially for offenses not connected to children, be automatically banned from volunteering?
 2. How should schools reconcile their need to protect students with the public's interest in helping offenders rejoin society?

(National School Board Association Legal Clips, September 29, 2010)
- The organization 2Not1 requested data regarding JCPS volunteer rejections.

What does the JCPS volunteer rejection data tell us?

A full year of rejection forms were entered into a spreadsheet by the Volunteer Talent Center. Below are the key findings from the data. The full data results can be seen in **Attachment A**.

- In 2010-2011 there were a total of 22,170 parents/guardians that applied to volunteer in JCPS. From this group, a total of 1013 (4.5%) parents/guardians were rejected based on the criminal background check.
- The majority of rejections (over 60%) were based on offenses related to drugs
- The average length of time between conviction and application for volunteering is 6 years (with a range of 1 year to 26 years between conviction and application to volunteer)
- Students/parents in elementary, are black and attend a high poverty school are disproportionality impacted by the current parent rejection policy.
- 82% of all JCPS schools had parents/guardians that were rejected from volunteering (99% of elementary schools, 91% of middle schools, 68% of high schools, and 19% of special schools). Elementary schools were disproportionately impacted.
- Of those rejected, 32% are white females, 27% are black females, 21% are white males, and 20% are black males. Compared with the population, Black parents/students are disproportionality impacted.
- There is a significant correlation between the level of school poverty and the number of parent/guardian rejections. The higher the percentage of students on free/reduced lunch, the more parent rejections they had (See **Attachment B** for list of schools and numbers for each school)

What is the current Kentucky law and JCPS policy on this issue?

- Kentucky passed a law in 2000 that mandates each local school board to develop and adopt a policy requiring a state criminal records check on all volunteers who have contact with students on a regularly scheduled or continuing basis, or who have supervisory responsibility for children at a school site on a school-sponsored trip (KY Acts Ch 336/ HB 136 – 161.148).
- Jefferson County Public Schools has adopted a policy that persons pleading guilty to a *sexual or drug offense or any felony offense* shall not be used as volunteers (JCPS board policy revised 8/8/05).
- Currently, JCPS has no appeals process for those that are rejected regardless of the nature of the offense or length of time since conviction.

What solutions can help address the problem?

1. **Have form letter sent to parents at the same time they are notified of their rejection (as well as to the school principals) on what the rejected parents CAN DO in the school** to make sure they are aware of their rights and can continue to be involved to the extent currently allowed under JCPS policy. Parents that were rejected in the past (and corresponding schools) should also receive this notification.

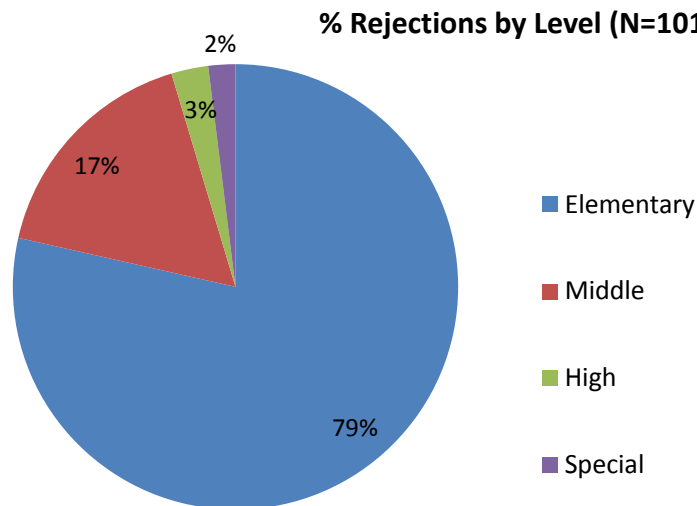
What rejected parents currently CAN do:

- Visit their student's classroom and volunteer in class on an occasional basis as long as JCPS teacher or staff is present
 - Attend parent/teacher conferences and other school activities where parents are invited
 - Belong to the school PTA
 - Have lunch with their student
 - Attend a field trip with their student to a public venue at their own expense provided they do not utilize district transportation and are not responsible for chaperoning other students
2. **Send rejected parents information on expungement programs/procedures** since many have convictions from so long ago (**Attachment C**)
 3. **Create information page and FAQ section on Volunteer Talent Center website** and/or other JCPS website page that describes clearly the policy, what parents can do and links to expungement programs.
 4. **Begin discussions with JCPS legal department and board** around possible revisions to current policy and the implementation of an appeals process based on established criteria that includes the nature of offense and length of time since conviction.

Attachment A: Data from 2010-11 Rejection Forms

There were a total of 1013 rejections in 2010-11

School Level rejections (Specific School numbers are in Attachment A). Elementary schools make up 58% of our schools and make up 79% of the rejections. This means that the youngest students are being disproportionality impacted by the rejections.



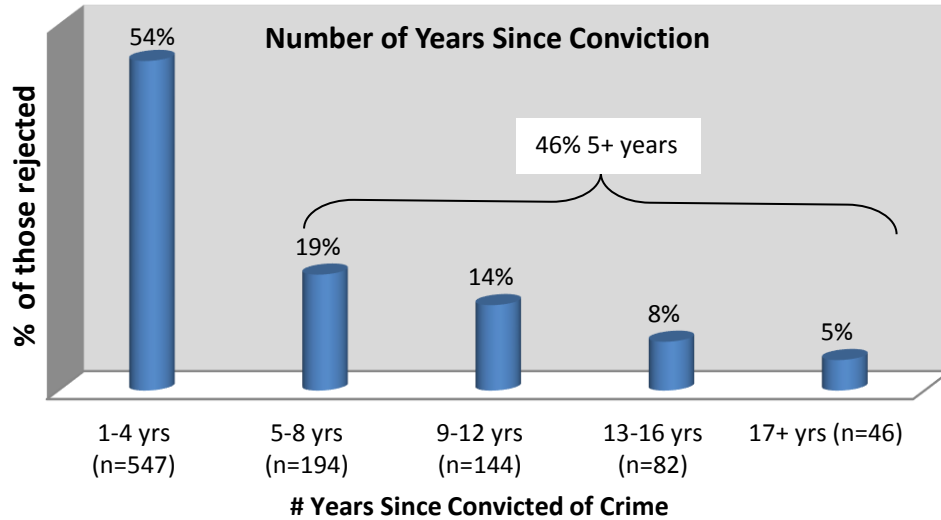
Number of rejections by level and % of schools within level that had at least 1 rejection

School Level/Type	Total N of Rejections (N=1013)	N of Schools	Percent of Schools in Level/Type
Elementary	761	89 Schools	99%
Middle	163	21 Schools	91%
High	26	13 Schools	68%
Combined	21	2 Schools	100%
Special	19	5 Schools	19%
Total	990	128 Schools	82%
Early Childhood (EC)	16	3 EC Sites	6%
JCPS Programs	7	6 Programs	-

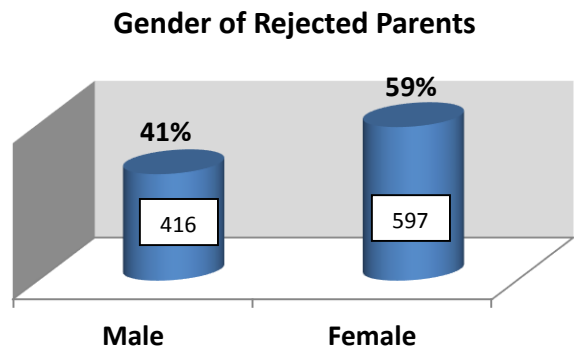
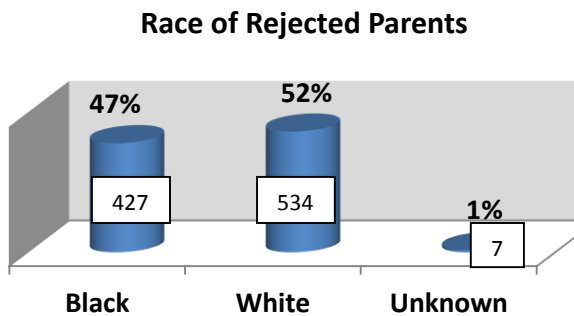
School poverty and Rejections: The data reveal that while the vast majority of JCPS schools have parents/guardians that are rejected from volunteering, schools with a higher level of poverty are disproportionality impacted by the amount of parents that are rejected from being a full school volunteer. There is a significant correlation between number of rejections and free/reduced lunch of school [$r=.503$, $p=000$] which means the higher the poverty level of a school,

the higher the number of parent rejections. It is also important to consider the differential impact the number of rejected parents has on parent involvement. For example,

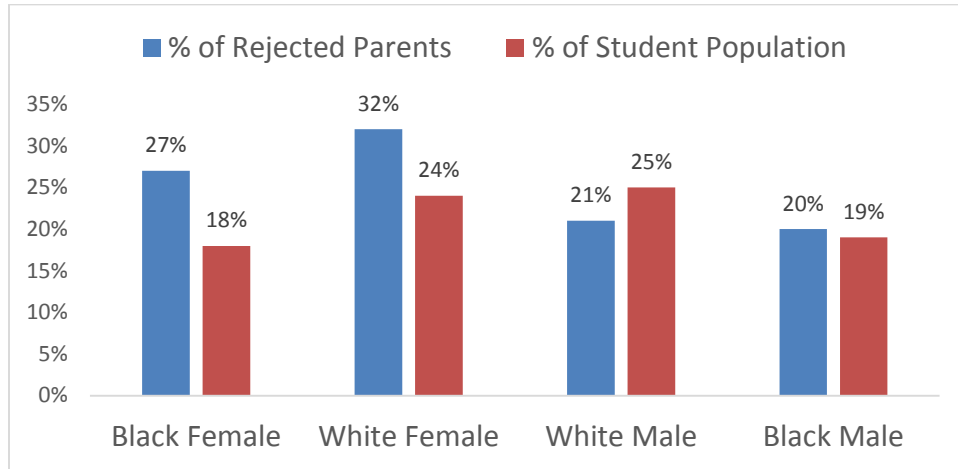
Number of Years between Conviction and Application to Volunteer: The average number of years between the conviction and the parent application/rejection on is **6 years** with a range from 1 year to 26 years. 46% were charged 5 or more years before they were rejected.



Race and Gender of Rejected Parents: When comparing the race of the student population, Black students are disproportionately impacted. Black students make up 37% of the population, but 47% of the rejections (427 rejections). White students make up 49% of the population and 52% of the rejections (534 rejections).



Race and Gender of Rejected Parents (Continued): The chart below comparing the race/gender of the rejected parents with the student population shows that Black females (e.g., mother and grandmothers) are the most disproportionately impacted followed by White females.



Reasons for Rejections

Reason for Rejection	N	%
Drug Charge*	682	67.3%
Other Felony**	148	14.6%
Multiple	86	8.5%
Criminal Charge***	81	8.0%
Prostitution	13	1.3%
Sexual Misconduct	3	.3%
Total	1013	100%

**of the drug charges, approximately 40% are misdemeanors*

****Top Categories under Felony charges:**

- Theft by deception - include cold checks over \$300
- Theft by unlawful taking/ shoplifting
- Criminal possession of forged instrument
- Wanton endangerment
- Flagrant non support
- Traffic in drugs
- Unlawful transaction with a minor

*****Top Categories under Criminal charges:**

- Possession of firearm
- Robbery/burglary 1st degree
- Fraudulent use of credit cards over 6 months period
- Receiving stolen property (over certain limit like \$10,000)
- Traffic in drugs

Attachment B

When reviewing the numbers of rejected parents by school, it is important to consider the potentially differential impact on each school. For example, schools with the highest numbers of parent rejections may be in most need of parent volunteers/involvement and therefore the impact is much greater than schools with lower numbers of rejection may have currently satisfactory levels of parent volunteers/ involvement.

Elementary School Parent Rejections by School

Between 12-22 rejections		Between 8-11 rejections		Between 5-7 rejections		Between 1-4 rejections	
School	N	School	N	School	N	School	N
Jacob	22	Cane Run	11	Audubon	7	Blake	4
Trunnell	22	Frayser	11	Bates	7	Bowen	4
Cochran	17	Hartstern	11	Blue Lick	7	Camp Taylor	4
Indian Trail	17	Maupin	11	Breckin-Frank	7	Engelhard	4
Kenwood	16	Portland	11	Carter	7	Greathouse	4
Tully	16	Atkinson	10	Greenwood	7	Laukhuf	4
Gilmore	15	Chenoweth	10	Jeffersontown	7	Roosevelt-Perry	4
Mill Creek	15	Crums Lane	10	Johnsontown Rd	7	Slaughter	4
Shelby	15	Eisenhower	10	Minors Lane	7	Wellington	4
Auburndale	14	Hazelwood	10	Price	7	Brandeis	3
Dixie	14	Kerrick	10	Wilkerson	7	Cochrane	3
Fern Creek	14	Watson Lane	10	Field	6	Gutermuth	3
Medora	14	Watterson	10	Hawthorne	6	Lowe	3
Okolona	14	Chancey	9	Schaffner	6	St. Matthews	3
King	13	Layne	9	Stonestreet	6	Wheeler	3
Rutherford	13	Young	9	Coleridge-Taylor	5	Zachary Taylor	3
Semple	13	Bloom	8	Dunn	5	Farmer	2
Byck	12	Luhr	8	Hite	5	Kennedy	2
Coral Ridge	12	McFerran	8	Lincoln	5	Wilder	1
Fairdale	12	Norton	8	Middletown	5		
Foster	12	Shacklette	8	Sanders	5		
Goldsmith	12	Smyrna	8	Wheatley	5		
Klondike	12			Wilt	5		
Rangeland	12						

Attachment B (Continued)

Middle School Parent Rejections

between 8-17		Between 2-7	
School	N	School	N
Frost	17	Stuart	7
Conway	14	Kammerer	6
Lassiter	14	Jefferson Co	5
Olmsted South	12	Olmsted North	5
Carrithers	11	Thomas Jefferson	5
Meyzeek	11	Farnsley	4
Newburg	11	Noe	4
Knight	9	Ramsey	4
Westport	9	Highland	3
Johnson	8	Barret	2
		Crosby	2

High School Parent Rejections

School	N
Acad @ Shawnee	5
Central	3
Seneca	3
Eastern	2
Fairdale	2
fern Creek	2
Iroquois	2
Valley	2
Atherton	1
Jefferson Co.	1
Male	1
Waggener	1
YPAS	1

Attachment C

Expungement Information

- There are two types of person who can file for an expungement: (1) A person who has been convicted of a misdemeanor or violation, or a series of misdemeanors or violations arising from a single incident, and, (2) A person who has been charged with a criminal offense and who has been found not guilty of the offense, or against whom charges have been dismissed with prejudice, and not in exchange for a guilty plea for another offense.
- The Legal Aid Network of Kentucky provides support for low income individuals seeking a criminal record expungement in Kentucky. The program was designed for those who cannot afford an attorney <http://kyjustice.org/expungement>. They offer an interactive form online to help start the process of expungement. For parents that can afford an attorney, Kentucky Lawyer Referral (502-583-1801) can provide you with the name of a lawyer.