

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H1/31/97 S3/13/97

A Bill

ACT 1012 OF 1997
HOUSE BILL 1220

5 *By: Representatives Molinaro and Young*
6 *By: Senator Gwatney*
7
8

For An Act To Be Entitled

10 "AN ACT TO ESTABLISH A REGISTERED VOLUNTEERS PROGRAM IN
11 ORDER THAT THE PUBLIC SCHOOLS MAY PROVIDE GREATER
12 OPPORTUNITIES FOR STUDENTS TO PARTICIPATE IN
13 EXTRACURRICULAR *AND INTERSCHOLASTIC* ACTIVITIES AND MAY
14 UTILIZE VALUABLE HUMAN RESOURCES WITHIN THE LOCAL
15 COMMUNITY; TO DECLARE AN EMERGENCY; AND FOR OTHER
16 PURPOSES."

Subtitle

17
18
19 "TO ESTABLISH A REGISTERED VOLUNTEERS
20 PROGRAM FOR THE BENEFIT OF STUDENTS IN
21 THE PUBLIC SCHOOLS."
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

SECTION 1. LEGISLATIVE FINDINGS AND INTENT.

25
26 (a) The General Assembly recognizes that the effective use of
27 volunteers in the public schools can provide greater opportunities for
28 students to participate in school-sponsored extracurricular and
29 interscholastic activities, which many local school districts otherwise could
30 not provide due to funding limitations and lack of availability of certified
31 personnel.

32 (b) The General Assembly further recognizes that volunteers in the
33 public schools should be properly screened and have effective training before
34 they have significant unsupervised contact with students.

35 (c) The General Assembly intends by this Act to provide for the
36 establishment of a registered volunteers program in order that local school

1 districts, students, and staff may have the advantages of services from duly
2 qualified volunteers who, in turn, will have more incentive to offer their
3 time and talents for the benefit of Arkansas school children.

4

5 SECTION 2. TITLE.

6 This Act may be cited as the "Arkansas Registered Volunteers Program
7 Act".

8

9 SECTION 3. DEFINITIONS.

10 As used in this Act:

11 (1) "Volunteer" means any person who, of his or her own free will,
12 provides services without any financial gain to any local school district.

13 (2) "Interscholastic activity" means any inter-school activity that is
14 outside the regular curriculum, including, but not limited to, sports and
15 special interest clubs or groups which are subject to regulations of the
16 Arkansas Activities Association.

17 (3) "Extracurricular activity" means any intra-school activity that is
18 outside the regular curriculum, including, but not limited to, sports and
19 special interest clubs or groups.

20 (4) "Registered volunteer" means any volunteer who, subject to Arkansas
21 Activities Association regulations and rules set by the local school district,
22 is given written authorization by the school district to lead extracurricular
23 activities or assist a staff member who is a certified employee of the school
24 district in extracurricular or interscholastic activities.

25

26 SECTION 4. OPTIONAL PROGRAM DEVELOPMENT - REQUIREMENTS.

27 (a) Each local school district may develop a registered volunteers
28 program and may accept the services of volunteers who qualify under the
29 program to assist in extracurricular and interscholastic activities which are
30 sponsored by the district.

31 (b) A school district that develops a registered volunteers program as
32 set forth in this Act shall:

33 (1) Take actions as are necessary to develop meaningful
34 opportunities for qualified volunteers to assist in extracurricular and
35 interscholastic activities;

1 (2) Take actions as are necessary to ensure that qualified
2 volunteers have written job descriptions that define their duties and
3 responsibilities;

4 (3) Provide for the recognition of qualified volunteers who have
5 offered exceptional service to the district; and

6 (4) Provide support for the volunteer program established under
7 § 21-13-101 et seq.

8

9 SECTION 5. REGISTERED VOLUNTEERS - REQUIREMENTS.

10 The superintendent of any school district that develops a registered
11 volunteers program as set forth in this Act shall require all potential
12 registered volunteers to meet the following qualifications before the
13 volunteers have any significant unsupervised contact with students:

14 (1) To authorize release of the results of a state and nationwide
15 criminal records check by the Identification Bureau of the Department of
16 Arkansas State Police, which conforms to the applicable federal standards,
17 includes the taking of the potential volunteer's fingerprints, and is dated
18 not more than ninety (90) days prior to the date of its presentation;

19 (2)(A) To present a certificate of health dated not more than ninety
20 (90) days prior to the date of its presentation stating that the potential
21 volunteer is free from tuberculosis;

22 (B) Such certificate may be issued by a regularly licensed
23 physician or regularly constituted health authority, but interpretation of any
24 X-ray film must be made by a competent roentgenologist or physician
25 experienced in tuberculosis;

26 (3) To complete a minimum of six (6) hours of training conducted under
27 the direction of the district for nonathletic extracurricular or nonathletic
28 interscholastic activities and a minimum of twelve (12) hours of training
29 conducted under the direction of the district for athletic extracurricular
30 activities or under the direction of the Arkansas Activities Association for
31 athletic interscholastic activities.

32

33 SECTION 6. Sovereign immunity.

34 Qualified volunteers in a registered volunteers program shall enjoy the
35 protection of the State's sovereign immunity to the same extent as the local

1 school district's employees.

2

3 SECTION 7. Arkansas Code Annotated § 6-17-1113 is amended to read as
4 follows:

5 "6-17-1113. Civil liability insurance.

6 (a) The Department of Education is authorized and directed to establish
7 a self-insurance fund or to negotiate for and procure a group or blanket
8 policy or policies of insurance, or both, insuring school board members,
9 school nurses, school secretaries, substitute teachers, authorized volunteers,
10 volunteers in a registered volunteers program, school custodians, food service
11 workers employed by public schools, bus drivers and mechanics employed by
12 public schools, maintenance personnel employed by public schools, each
13 employee of a public school district and each employee of the Arkansas School
14 for the Deaf and the Arkansas School for the Blind who is required to hold a
15 teaching certificate issued by the Department of Education, each teacher's
16 aide and each student teacher in a public school district or in the Arkansas
17 School for the Deaf or the Arkansas School for the Blind, and each member of
18 the dormitory staff of the Arkansas School for the Deaf or the Arkansas School
19 for the Blind against civil liability for acts or omissions of each employee
20 or volunteer in the performance of his or her duties as a volunteer or his or
21 her official duties as a school employee, including civil liability for
22 administering corporal punishment to students, in the amount of two hundred
23 fifty thousand dollars (\$250,000) for each incident.

24 (b) The premium on such policy or policies shall be paid annually out
25 of funds in the Public School Fund that are set aside for distribution to the
26 various school districts under Acts 1977, No. 384 [repealed].

27 (c) The Department of Education shall adopt appropriate rules and
28 regulations necessary to carry out the purposes of this section."

29

30 SECTION 8. APPLICABILITY.

31 (a) The provisions of this act shall not apply to the following sports
32 administered by the Arkansas Activities Association:

33 (1) Football;

34 (2) Basketball; and

35 (3) Track and field.

1 (b) The provisions of this act shall apply to those schools and
2 institutions that voluntarily join the Arkansas Activities Association.

3 (c) None of the provisions of this act shall be construed as to
4 prohibit a school district from utilizing the services of the volunteers who
5 operate under the supervision of certified school personnel.

6
7 SECTION 9. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

10

11 SECTION 10. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

16

17 SECTION 11. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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20 SECTION 12. EMERGENCY. It is found and determined by the General
21 Assembly that the immediate passage of this Act is necessary for the
22 establishment of a registered volunteers program whereby local school
23 districts can utilize the services of qualified volunteers in certain
24 extracurricular and interscholastic activities and that any delay will cause
25 irreparable harm to those students who will be unable to participate in
26 extracurricular and interscholastic activities during the current school year
27 and each year thereafter because school districts cannot afford to pay
28 certified teachers to sponsor the activities or there are no certified
29 teachers available to act as sponsors. Therefore, an emergency is declared to
30 exist and this Act being immediately necessary for the preservation of the
31 public peace, health, and safety shall become effective on the date of its
32 approval by the Governor. If the bill is neither approved nor vetoed by the
33 Governor, it shall become effective on the expiration of the period of time
34 during which the Governor may veto the bill. If the bill is vetoed by the
35 Governor and the veto is overridden, it shall become effective on the date the

1 last house overrides the veto.

2 /s/Rep. Molinaro et al

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4 APPROVED: 4-02-97

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