A district shall develop a volunteer program. In developing the program, a district shall consider volunteers a resource that requires advance planning and preparation for effective use. If practicable, a district shall include volunteers in addition to paid staff in planning the implementation of the program. *Gov't Code 2109.003*

Program Requirements and Guidelines

A volunteer program shall include:

1. An effective training program for paid staff and prospective volunteers.
2. The use of paid staff to plan and implement the volunteer program.
3. An evaluation mechanism to assess the performance of volunteers, the cooperation of paid staff with the volunteers, and the overall volunteer program.
4. Follow-up studies to ensure the effectiveness of the program.

Gov't Code 2109.004(a)

A volunteer program may:

1. Establish a program to reimburse volunteers for actual and necessary expenses incurred in the performance of volunteer services.
2. Establish an insurance program to protect volunteers in the performance of volunteer services.
3. Cooperate with private organizations that provide services similar to those provided by a district.
4. Purchase engraved certificates, plaques, pins, and/or other awards of a similar nature that do not exceed $75 per person in value to recognize special achievement and outstanding service of volunteers.

Gov't Code 2109.004(b)

Criminal History Record

A district or shared services arrangement shall obtain from the Texas Department of Public Safety (DPS) and may obtain from any other law enforcement or criminal justice agency or a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), all criminal history record information (CHRI) that relates to a volunteer or person who has indicated, in writing, an intention to serve as a volunteer with the district or shared services arrangement. *Education Code 22.0835(a)*

The prospective volunteer must provide the district a driver's license or another form of identification containing the person's photograph issued by an entity of the United States government. *Education Code 22.0835(c)*

A person may not perform any volunteer duties until these requirements have been satisfied. *Education Code 22.0835(d)*

Exception

A district is not required to obtain all CHRI that relates to a person who volunteers or is applying to volunteer with a district or shared services arrangement if the person:

1. Is the parent, guardian, or grandparent of a child who is enrolled in the district for which the person volunteers or is applying to volunteer;
2. Will be accompanied by a district employee while on a school campus; or
3. Is volunteering for a single event on the school campus.

A district may obtain from DPS or any law enforcement or criminal justice agency all CHRI that relates to a person to whom this exception applies.

Education Code 22.0835(e)-(f)

Costs

A district may require a volunteer or volunteer applicant to pay any costs related to obtaining CHRI. *Education Code 22.0835(g)*

[See DBAA(LEGAL) for definitions and provisions regarding confidentiality, records retention, and criminal history record checks of employees.]

Immunity

Generally

A volunteer who is serving as a direct service volunteer in a district is immune from civil liability to the same extent as a district employee under Education Code 22.0511. However, this section of law does not limit the liability of a person for intentional misconduct or gross negligence.

A "volunteer" is a person rendering services for or on behalf of a district on district premises or at a school-sponsored or school-related activity on or off school property who does not receive compensation in excess of reimbursement for expenses.

Education Code 22.053

Extracurricular Activities

A person who volunteers to assist with an extracurricular activity is not liable for civil damages arising out of an act or omission relating to the requirements under Education Code 33.205 regarding safety precautions [see FM(LEGAL)] unless the act or omission is willfully or wantonly negligent. *Education Code 33.211*

Physical Examinations

Subject to Civil Practice and Remedies Code 91.003 (liability insurance requirements), a health-care practitioner who, without compensation or expectation of compensation, conducts a physical examination or medical screening for the purpose of determining the physical health and fitness of the patient to participate in a school-sponsored extracurricular or sporting activity is immune from civil liability for any act or omission resulting in the death of or injury to the patient if:

1. The health care practitioner was acting in good faith and in the course and scope of the health-care practitioner's duties;
2. The health-care practitioner commits the act or omission in the course of conducting the physical examination or medical screening of the patient;
3. The services provided to the patient are within the scope of the license of the health-care practitioner; and
4. Before the health-care practitioner conducts the physical examination or medical screening, the patient signs a written statement that acknowledges:
    a. That the health-care practitioner is conducting a physical examination or medical screening that is not administered for or in expectation of compensation; and
    b. The limitations on the recovery of damages from the health-care practitioner in connection with the physical examination or medical screening being performed.

    If the patient is a minor or is otherwise legally incompetent, the patient's parent, managing conservator, legal guardian, or other person with legal responsibility for the care of the patient must sign the written statement.

Civ. Prac. & Rem. Code 91.002

Immunity for Shelter Workers

A district volunteer is not civilly liable for an act performed in the discharge of duty if the person is performing an activity related to sheltering or housing individuals in connection with the evacuation of an area stricken or threatened by disaster. *Gov't Code 418.006*