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Criminal Records Checks/Fingerprinting

Subject Individual Requirements

1. Any individual newly hired, full-time or part-time, and not requiring licensure as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a nationwide criminal records check and fingerprinting.
2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo a nationwide criminal records check and fingerprinting with TSPC.
3. Any individual registering with the TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to undergo a nationwide criminal records check and fingerprinting with TSPC.
4. Any district contractor¹, whether part-time or full-time, or an employee of a district contractor, whether part-time or full-time, hired into a position having direct, unsupervised contact with students shall be required to undergo a nationwide criminal records check and fingerprinting.

The superintendent will identify district contractors who are present on district property and regularly interact with students and are subject to such requirements.

5. Any contractor or an employee of the contractor who provides early childhood special education or early intervention services shall be required to undergo a nationwide criminal records check and fingerprinting with the Oregon Department of Education (ODE), Child Care Division.
6. Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early education program or at a kindergarten through grade 12 school site during the regular school day shall be required to undergo a nationwide criminal records check and fingerprinting.
7. Any individual who is an employee of a public charter school not requiring licensure shall be required to undergo a nationwide criminal records check and fingerprinting.

¹Contractor employees may not be required to submit fingerprinting until the contractor has been offered a contract.

8. ²Any individual authorized by the district for volunteer service into a position having direct, unsupervised contact with students shall be required to undergo an Oregon criminal records check.

Exceptions

A newly hired employee is not subject to fingerprinting if the district has on file evidence that the newly hired employee previously and successfully completed an Oregon and a FBI criminal records check for a previous employer that was a school district.

Evidence will be either a copy of the criminal records check or a written statement of verification from a supervisor or officer of the previous employer. Furthermore:

1. The ODE or TSPC verification of a previous check shall be acceptable only in the event the district can demonstrate records are not otherwise available;
2. The district shall maintain evidence that the employee has not resided outside the state during the interval between the two periods of time working in the district.

Notification

1. The district will provide notification to individuals subject to criminal records check and/or fingerprinting of the following:
 - a. Such criminal records checks and/or fingerprinting are required by law and/or Board policy;
 - b. Any action resulting from such checks that impact employment or contact may be appealed as a contested case;
 - c. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
 - d. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment or contract status;
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts, ODE forms or district volunteer forms (written or electronic) may result in immediate termination from employment, contract status or the ability to volunteer in the district.
2. The district will provide written notice through such means as employment applications, contracts or volunteer forms.

Processing/Reporting Procedures

1. Any individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms or requirements as approved by ODE (information available through the district).

²If the district allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and districts are required to conduct background checks on these volunteers.

2. If the individual is subject to fingerprinting, he/she will be required to report within three working days to an authorized finger printer for fingerprinting. Fingerprints may be collected by one of the following:
 - a. Employing district staff;
 - b. Contracted agent of employing district; or
 - c. Local or state law enforcement agency.

The individual subject to fingerprinting shall be subject only after acceptance of an offer of employment or contract.

3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized finger printer.
4. The authorized finger printer will obtain the necessary identification and fingerprinting and notify the ODE with the results. The ODE will notify the district of said results and any subject individual it believes has knowingly made a false statement as to conviction of a crime prohibiting employment or contract.
5. A copy of the required form to authorize fingerprinting, and the results of such, will be kept on file.
6. It shall be the responsibility of the principal/supervisor under whom the volunteer is working to determine if the work performed by the volunteer is subject to this requirement and to notify the volunteer of the necessity to participate in the Oregon criminal records check. It shall be the responsibility of the volunteer to obtain the application materials from the human resources department and to complete the materials associated with the criminal records check process. All completed materials with the appropriate cost for processing will be returned to human resources for submission to the state for processing.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including contractors³ and their employees, shall be paid by the individual.
2. Fees are payable within three working days of beginning employment or contract.
3. An individual offered employment in the district may request that the amount of the fee be withheld from the employee's paycheck, including a periodic payroll deduction rather than a lump sum payment, in accordance with Oregon law. The district may withhold such fees only upon the request of the individual.
4. Fees associated with required criminal records checks for volunteers shall be paid by the individual.

Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

³Contractor employees may not be required to submit fingerprinting until the contractor has been offered a contract.

1. Any individual required to submit to a criminal records check and/or fingerprinting in accordance with law and/or board policy will be terminated from employment or contract status or withdrawal of offer of employment or contract will be made by the superintendent upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification from the Superintendent of Public Instruction or his/her designee that the employee has a conviction of any crime prohibiting employment with the district as specified in law.
2. Any individual required to submit to a criminal records check and/or fingerprinting in accordance with law may be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the superintendent upon notification from the Superintendent of Public Instruction or his/her designee that the employee has knowingly made a false statement as to the conviction of any crime.
3. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provision of Accountability for Schools for the 21st Century Law.
4. Any volunteer who will have direct, unsupervised contact with students that refuses to submit to a required criminal records check to acquire or maintain a volunteer status in the district in accordance with law and/or Board policy will be denied the ability to volunteer in the district.
5. Any volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form may be denied the ability to volunteer in the district.

Appeals

An individual may appeal a determination, that prevents his/her employment or eligibility to contract with the district, to the Superintendent of Public Instruction as a contested case and will be so notified in writing by the ODE.

Licensed Employees

All licensed employees shall meet state requirements for criminal records check/fingerprinting through requirements established by the ODE and administered through the TSPC when the licensed employee applies for licensing through TSPC.

Students

Students employed by the school district into positions who may have direct unsupervised contact with students are required to go through the same procedures prescribed above. Students employed by the school district into part-time positions in the school that they attend, and who are supervised by an adult at all times will not be required to go through the same procedures as prescribed for volunteers.