

## **Criminal Records Checks/Fingerprinting**

### **Subject Requirements**

1. Any individual newly hired into a position having direct, unsupervised contact with students 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.

“Direct, unsupervised contact” with students, as defined by Oregon Administrative Rule and as used throughout this administrative regulation, means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision.

CESD has determined employees assigned to the following positions may have such contact with students and will therefore be required to meet criminal records checks and fingerprinting requirements:

- a. Educational assistants;
  - b. Related services staff;
  - c. Others, as identified by the superintendent, employed by CESD on a part-time or full-time basis not requiring licensure and having direct, unsupervised contact with students.
2. Individuals applying for reinstatement of a license that has lapsed for more than three years shall also be required to undergo such checks.

Requirements, including applicable fees and the process for the collection and submission of fingerprints, etc., will generally be met by the individual as a part of the licensing process and in accordance with rules established by TSPC.

3. Any individual registering with 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 CESD contractor, whether part-time or full-time, or an employee of a CESD 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 CESD contractors 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.

6. Any person authorized by CESD for volunteer service into a position having direct, unsupervised contact with students will be required to undergo an Oregon criminal history check.

An exception will be made to criminal records checks and fingerprinting if CESD has on file evidence from a previous employer documenting a successfully completed Oregon and FBI criminal records check. Evidence will be either a copy of the records check or a written statement of verification from a supervisor or officer of the previous employer. Furthermore:

1. The Oregon Department of Education (ODE) or TSPC verification of a previous check shall be acceptable only in the event CESD can demonstrate records are not otherwise available;
2. Additional evidence that the employee has not resided outside the state between the two periods of time working in CESD shall be maintained.

### **Notification**

1. A list of those positions subject to criminal records checks and fingerprinting will be maintained in the CESD office and available to the public upon request.
2. CESD will provide notification to individuals subject to criminal records checks and fingerprinting of the following:
  - a. Such checks are required by law and/or Board policy;
  - b. Any action resulting from those checks may be appealed as a contested case;
  - c. All employment or contract offers are contingent upon the results of such checks;
  - d. A refusal to consent to criminal records checks or fingerprinting or falsely stating on CESD employment application, contract or ODE fingerprint forms as to conviction of a crime shall result in immediate termination from employment or contract status.
3. CESD will provide notice through such means as employment applications and contract forms.

### **Processing/Reporting Procedures**

1. Any individual subject to criminal records checks and/or fingerprinting shall, as part of the application process, complete the appropriate forms as provided by ODE.
2. Following acceptance of an offer of employment, the Criminal History Verification of Applicants form for those not subject to fingerprinting will be sent to ODE for processing. A copy will be kept on file by CESD.
3. If the individual is subject to fingerprinting, he/she will be required to report to an authorized fingerprinter for fingerprinting within such time period as required by CESD. Fingerprints may be collected by one of the following:
  - a. CESD staff;
  - b. Contracted agent of CESD;
  - c. Local or state law enforcement agency.

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

4. CESD will provide each individual with a manila envelope containing a Fingerprint-based Criminal History Verification form, a fingerprint card, and another manila envelope.
5. The individual is responsible for submitting the materials to the authorized fingerprinter.
6. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, CESD will provide the name of the individual to be fingerprinted to the authorized fingerprinter and require that the individual submit a photo ID (driver's license or other) containing the individual's name and picture in order to verify the identity of the individual intended to be fingerprinted.
7. The authorized fingerprinter will return the fingerprint card and other materials to the individual, sealed in the second envelope.
8. The individual will return the sealed envelope to the CESD Human Resource Services office no later than the next business day.

### **Employment**

CESD shall begin the employment of a contractor or nonlicensed employee, or begin the service of a volunteer on a temporary basis pending the return and disposition of criminal records checks and/or fingerprinting.

### **Termination of Employment**

1. Any individual required to submit to criminal records checks and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status by the superintendent immediately upon the following:
  - a. Refusal to consent to a criminal records check and/or fingerprinting; or
  - b. Notification by the Superintendent of Public Instruction or his/her designee or the State Board of Education that the employee has made a false statement as to conviction of a crime or conviction of crimes prohibiting employment with CESD as specified in law.
2. The provisions of CESD policies, collective bargaining agreements, and the Accountability for Schools for the 21<sup>st</sup> Century Law do not apply to employees terminated for 1.a. or b. above.

### **Appeals**

An individual may appeal a determination which prevents his/her employment or eligibility to contract with CESD to the Oregon Superintendent of Public Instruction. Individuals eligible to appeal as a contested case will be so notified in writing by ODE.