

## Criminal Records Checks/Fingerprinting

### Subject Requirements

1. Any individual newly hired 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. An individual applying for reinstatement of a license that has lapsed for more than three years shall 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 the Teacher Standards and Practices Commission (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 district contractor, 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 or designee will identify district 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 Department of Education.
6. Any community college faculty member providing instruction at the site of an early childhood education program or at a school site as part of an early education program shall be required to undergo a nationwide criminal records check and fingerprinting with the Department of Education.
7. Any person authorized by the district for volunteer service into a position having direct, unsupervised contact with students will be required to undergo an Oregon criminal records check.
8. Any individual who is an employee of a public charter school shall be required to undergo a nationwide criminal records check and fingerprinting.

An exception may be made to criminal records checks and fingerprinting if the district 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 the district 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 the district shall be maintained.

### **Notification**

1. The district 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 district employment application, contract or ODE fingerprint forms as to conviction of a crime shall result in immediate termination from employment or withdrawal of employment offer.
2. The district 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. If the individual is subject to fingerprinting, he/she will be required to report within seven working days to an authorized fingerprinter for fingerprinting. Fingerprints may be collected by one of the following:
  - a. Employing district staff;
  - b. Contracted agent of employing district;
  - c. Local or state law enforcement agency.

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

3. The individual is responsible for obtaining one fingerprint card from an Oregon school district, education service district, an Oregon Approved Teacher Education Institution, ODE, TSPC, or local Sheriff's Department.
4. The individual is responsible for submitting to the authorized fingerprinter one fingerprint card and an 8 ½" x 11" or larger envelope with postage affixed and addressed to the district human resources office.
5. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the individual will be required to submit a photo ID (driver's license or other) containing the individual's name and picture to verify the identity of the individual intended to be fingerprinted.
6. The authorized fingerprinter will return the fingerprint cards to the district in the envelope provided. The Fingerprint Criminal History Verification form and fingerprint cards will be sent to the ODE. A copy of the form will be kept in the employee's human resources office file.

## **Fees**

1. Fees associated with criminal records checks and/or fingerprinting for individuals selected for employment with the district shall be paid by the individual.
2. Fees associated with criminal records checks and/or fingerprinting for contractors, their employees or volunteers, selected for employment with the district shall be paid by the contractor.
3. Fees associated with criminal records checks and/or fingerprinting for any community college faculty member providing instruction at the site of an early childhood education program or at a school site as part of an early education program shall be paid by the community college/faculty member.
4. Fees associated with criminal records checks and/or fingerprinting for any individual who is an employee of a public charter school shall be paid by the charter school/individual.
5. Fees associated with a criminal records check for any person authorized by the district for volunteer services shall be paid by the district.
6. Fees are payable prior to beginning employment, substitute duties, or contract. Under certain circumstances payment may be made through their first paycheck.

## **Termination of Employment or Withdrawal of Employment Contract/Offer**

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 consideration for a district volunteer and/or employment, or withdrawal of offer of employment or contract by the superintendent or designee immediately upon the following:
  - a. Refusal to consent to a criminal records check and/or fingerprinting;
  - b. Falsification of any answer on the criminal history background check form; or
  - c. 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 the district as specified in law.
2. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

## **Appeals**

All appeals regarding a determination which prevents his/her employment or eligibility to contract with the district will be directed to the Oregon Superintendent of Public Instruction. Individuals eligible to appeal as a contested case will be so notified in writing by the ODE.