

## 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. 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 ESD contractor, whether part-time or full-time, or an employee of a ESD 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 ESD 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 Employment Department.
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 childhood education program shall be required to undergo a nationwide criminal records check and fingerprinting.
7. Any person authorized by the ESD 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 the ESD 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 ESD 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 ESD shall be maintained.

### **Notification**

1. The ESD 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 ESD employment application, contract or ODE fingerprint forms as to conviction of a crime shall result in immediate termination from employment or contract status.
2. The ESD 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 to an authorized fingerprinter for fingerprinting within such time period as required by the ESD. Fingerprints may be collected by one of the following:
  - a. Employing ESD staff;
  - b. Contracted agent of employing ESD;
  - 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 fingerprint cards from an Oregon school ESD, education service ESD, an Oregon-approved teacher education institution, ODE or TSPC.
4. The individual is responsible for submitting to the authorized fingerprinter fingerprint cards.

5. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the ESD 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.
6. The authorized fingerprinter will return the fingerprint cards to the ESD in the envelope provided. The Fingerprint Criminal History Verification form and fingerprint cards will be sent to ODE. A copy of the form will be kept in the employee's personnel file.

### **Fees**

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the ESD and not requiring licensure, including contractors and their employees and volunteers shall have a portion of the fee paid by the ESD.
2. Fees are payable prior to beginning employment, volunteer service or contract.
3. Individuals 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 ESD may withhold such fees only upon the request of the individual.

### **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 as a ESD volunteer and employment or contract status or withdrawal of offer of employment or contract will be made by the superintendent immediately upon:
  - 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 the ESD as specified in law.
2. Termination shall remove the individual from any ESD policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of the 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 ESD 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 ODE.