

Criminal Records Checks/Fingerprinting

Subject Requirements

1. All individuals applying for initial issuance of a license as a teacher, administrator, personnel specialist or school nurses.
2. 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.

"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.

3. 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 the Teacher Standards and Practices Commission (TSPC).

4. 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.
5. 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.
6. 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, Child Care Division.
7. 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.
8. An individual who is an employee of a public charter school shall be required to undergo a nationwide criminal records check and fingerprinting.
9. Any person authorized by the district for volunteer service will be required to undergo an Oregon and nationwide criminal records check.

An exception will be made to criminal records checks and fingerprinting if the district has on file evidence from a previous public school district documenting a successfully completed Oregon and FBI criminal records check. Evidence will be a copy of the records check form from the Oregon Department of Education (Form 581-2283). 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 contract status.
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 as soon as scheduled by the district 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 cards from an Oregon school district, education service district, an Oregon-approved teacher education institution, ODE or TSPC.
4. The individual is responsible for submitting to the authorized fingerprinter one fingerprint card and return the completed card to the district human resources department.
5. 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 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 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 personnel file.

Fees

1. Fees associated with criminal records checks and/or fingerprinting, for individuals currently employed by the district having direct, unsupervised contact with students and not requiring licensure shall be paid by the individual.
2. Fees associated with criminal records checks and/or fingerprinting for licensed individuals shall be paid by the individual or in accordance with collective bargaining agreements, as applicable.
3. Individuals not requiring licensure 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.

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 district volunteer and employment or contract status or withdrawal of offer of employment or contract made 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 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

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

Gresham-Barlow School District BACKGROUND CHECK GUIDELINES

The following background check guidelines apply to Gresham-Barlow School District licensed and classified employees, substitutes, service providers and volunteers. In addition, Juvenile Offender checks apply to high school students working with middle, elementary or disabled students and middle school students working with elementary students in school-sponsored programs.

Rare exceptions to background checks will only be made when the administrator can certify that there is no potential for unsupervised contact with students due to all 3 of the following conditions being met at all times: 1) limited onsite visit; 2) no student supervision responsibilities; and 3) direct accompaniment by a District employee.

Anyone who has been convicted of crimes on the back of this page are ineligible to work or volunteer in the Gresham-Barlow School District. Those who have been convicted of lesser crimes will be considered on a case-by-case basis. For more information, please contact the Human Resources Office (x4560).

Group	Procedures	Contacts	Fees
1. Licensed & Classified employees, Substitutes & GBSD retirees	CRIS ¹ and one-time fingerprinting	Human Resources Office x4560	Fingerprinting fee paid by employee or substitute CRIS check paid by the district
2. Service providers ² who receive at least one payment via the GBSD Business Office	One-time CRIS ² check and fingerprinting (Juvenile Offender ³ check if under 18), if no break in service	Human Resources Office x4560	Fingerprinting fee paid by employee (except for seasonal pool employees, facility monitors, HS tutors, and AVID tutors), CRIS check paid by the district
3. Program Services Contractors ⁴	Background checked as outlined in the program services agreement	Deputy Superintendent x4599	NA
4. Volunteers (must be submitted at least 2 weeks in advance of the event)	CRIS ² check, renewed every 4 years.	Community Relations Office x4558	N/A
5. Students working with younger students at another level or with disabled students (between levels)	Juvenile Offender ³ check and CRIS ² check, if over 18	Community Relations Office x4558	N/A
6. Facilities & maintenance contractors and design professionals	District Vendor Background Check Certification Form	Facilities Office (503) 258-4700	N/A

NOTES: Criminal History Verification is completed through the Oregon Department of Education for all newly hired employees with existing licenses or newly hired employees with fingerprint verification from another Oregon School District. Student teachers are background checked by their program before being sent to our schools.

¹Criminal Records Information System (CRIS) is a National and Oregon criminal history database.

²"Service provider" is defined as receiving at least one payment via the GBSD Business Office. Examples include AVID tutors, consultants, onsite independent contractors and casual labor for athletics, activities and seasonal employment.

³Juvenile Offender checks are reports that schools receive from the District Attorney's office. Administrators should refer to this report prior to having students volunteer.

⁴"Program Services Contractors" are defined as outside agencies that provide programs for students. Examples include YMCA, SUN Schools, Sodexo, and First Student, and El Programa Hispano

163.095 - Aggravated Murder;
 163.115 - Murder;
 163.185 - Assault in the First Degree;
 163.235 - Kidnapping in the First Degree;
 163.355 - Rape in the Third Degree;
 163.365 - Rape in the Second Degree;
 163.375 - Rape in the First Degree;
 163.385 - Sodomy in the Third Degree;
 163.395 - Sodomy in the Second Degree;
 163.405 - Sodomy in the First Degree;
 163.408 - Unlawful Sexual Penetration in the Second Degree;
 163.411 - Unlawful Sexual Penetration in the First Degree;
 163.415 - Sexual Abuse in the Third Degree;
 163.425 - Sexual Abuse in the Second Degree;
 163.427 - Sexual Abuse in the First Degree;
 163.432 - Online sexual corruption of a child in the Second Degree;
 163.433 - Online sexual corruption of a child in the First Degree;
 163.435 - Contributing to the Sexual Delinquency of a Minor;
 163.445 - Sexual Misconduct;
 163.465 - Public Indecency;
 163.515 - Bigamy;
 163.525 - Incest;
 163.547 - Child Neglect in the First Degree;
 163.575 - Endangering the Welfare of a Minor;
 163.670 - Using Child in Display of Sexually Explicit Conduct;
 163.675 - Sale of Exhibition of Visual Reproduction Of Sexual Conduct by Child;
 163.680 - Paying for Viewing Sexual Conduct Involving a Child;
 163.684 - Encouraging Child Sex Abuse in the First Degree;
 163.686 - Encouraging Child Sex Abuse in the Second Degree;
 163.687 - Encouraging Child Sex Abuse in the Third Degree;
 163.688 - Possession of Materials Depicting Sexually Explicit Conduct of a Child in the First Degree;
 163.689 - Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree;
 164.325 - Arson in the First Degree;
 164.415 - Robbery in the First Degree;
 166.005 - Treason;
 166.087 - Abuse of Corpse in the First Degree;
 167.007 - Prostitution;
 167.008 - Commercial Sexual Solicitation
 167.012 - Promoting Prostitution;
 167.017 - Compelling Prostitution;
 167.054 - Furnishing sexually explicit material to a Child;
 167.057 - Luring a minor
 167.062 - Sadomasochistic Abuse or Sexual Conduct in Live Show;
 167.075 - Exhibiting an Obscene Performance to minor.
 167.080 - Displaying Obscene Materials to Minors;
 167.090 - Publicly Displaying Nudity or Sex for Advertising Purposes;
 475.808 - Unlawful manufacture of hydrocodone within 1,000 feet of school
 475.810 - Unlawful delivery of hydrocodone
 475.812 - Unlawful delivery of hydrocodone within 1,000 feet of school
 475.818 - Unlawful manufacture of methadone within 1,000 feet of school
 475.820 - Unlawful delivery of methadone
 475.822 - Unlawful delivery of methadone within 1,000 feet of school
 475.828 - Unlawful manufacture of oxycodone within 1,000 feet of school
 475.830 - Unlawful delivery of oxycodone
 475.832 - Unlawful delivery of oxycodone within 1,000 feet of school
 475.846 - Unlawful manufacture of heroin
 475.848 - Unlawful manufacture of heroin within 1,000 feet of school
 475.850 - Unlawful delivery of heroin
 475.852 - Unlawful delivery of heroin within 1,000 feet of school
 475.854 - Unlawful possession of heroin
 475.856 - Unlawful manufacture of marijuana
 475.858 - Unlawful manufacture of marijuana within 1,000 feet of school
 475.860 - Unlawful delivery of marijuana
 475.862 - Unlawful delivery of marijuana within 1,000 Feet of school
 475.864 - Unlawful possession of marijuana
 475.866 - Unlawful manufacture of 3,4-methylenedioxymethamphetamine
 475.868 - Unlawful manufacture of 3,4-methylenedioxymethamphetamine within 1,000 feet of School
 475.870 - Unlawful delivery of 3,4-methylenedioxymethamphetamine
 475.872 - Unlawful delivery of 3,4-methylenedioxymethamphetamine within 1,000 feet of school
 475.874 - Unlawful possession of 3,4-methylenedioxymethamphetamine
 475.876 - Unlawful manufacture of cocaine
 475.878 - Unlawful manufacture of cocaine within 1,000 feet of school
 475.880 - Unlawful delivery of cocaine
 475.882 - Unlawful delivery of cocaine within 1,000 Feet of school
 475.884 - Unlawful possession of cocaine
 475.886 - Unlawful manufacture of methamphetamine
 475.888 - Unlawful manufacture of methamphetamine within 1,000 feet of school
 475.890 - Unlawful delivery of methamphetamine
 475.892 - Unlawful delivery of methamphetamine within 1,000 feet of school
 475.894 - Unlawful possession of methamphetamine
 475.904 - Unlawful manufacture or delivery of controlled substance within 1,000 feet of School;
 475.906 - Penalties for distribution to minors
 475.992 - Unlawful possession, manufacture or delivery of a controlled substance
 161.405 - Attempt to commit any of the above listed crimes.

**CONVICTIONS RENDERING INELIGIBILITY
ORS 342.143**