

## Criminal Records Checks/Fingerprinting

### Subject Requirements

1. All staff hired in positions that require certification by the Oregon Teacher Standards and Practices Commission (“TSPC”) will be subject to the criminal background checks/fingerprinting requirements required under Oregon law. This includes:
  - a. Any individual hired into a position requiring TSPC licensure as a teacher, administrator, personnel specialist or school nurse;
  - b. Any individuals applying for reinstatement of a license that has lapsed for more than three years shall also be required to undergo such checks; and
  - c. 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.

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

2. All newly hired employees (other than individuals in positions requiring licensure from “TSPC”) under 1. above shall be required to undergo a nationwide criminal records check and fingerprinting.
3. 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 will identify district contractors subject to such requirements.

4. 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.
5. An individual who is an employee of a public charter school shall be required to undergo a nationwide criminal records check and fingerprinting.
6. 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 history check. The superintendent will determine which volunteer service categories give rise to a potential risk of unsupervised contact with students thereby requiring an Oregon criminal history check.

An exception will 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. A list of those positions subject to criminal records checks and fingerprinting will be maintained in the district office and available to the public upon request.
2. 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.
3. The district will provide notice through such means as employment applications and contract forms.

### **Processing/Reporting Procedures**

All staff hired in positions that require certification by TSPC will be subject to TSPC's criminal background checks/fingerprinting processing/reporting requirements.

All other persons subject to criminal background/fingerprinting checks under this policy will be subject to the following processing/reporting procedures:

1. Individuals shall be subject to fingerprinting only after acceptance of an offer of employment or contract.
2. The individual is responsible for obtaining a fingerprint card, and ODE Fingerprinting-Based Criminal History Verification from and an appropriate submission envelope from the district.
3. Prior to the first day of employment the individual will be required to:
  - a. Report to a local or state law enforcement agency for fingerprinting using the District provided fingerprint card and return the card to the District in the provided envelope sealed by the local or state law enforcement agency; and

- b. Complete and return a notarized ODE Fingerprint-Based Criminal History Verification form.
4. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will ensure that the process requires that the individual submit a photo ID (driver's license or other) containing the individual's name and picture to the local or state law enforcement agency in order to verify the identity of the individual intended to be fingerprinted.
5. The Fingerprint Criminal History Verification form and fingerprint cards will be sent to ODE by the district. 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 individuals applying for employment with the district and not requiring licensure, including contractors and their employees and volunteers, shall be paid by the individual.
3. 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.
4. Fees are payable within three working days of beginning employment, volunteer service or contract.
5. 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**

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 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 ODE.