

# Helix School District 1R

Code: **GBP-AR**  
Adopted: 1/8/97  
Orig. Code(s): None

## Administrative Rules

### 1. ADMINISTRATIVE RULES

Any individual newly licensed after December 31, 1993, as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a nationwide criminal history records check and fingerprinting.

Individuals applying for reinstatement of a license that has expired for more than three years shall also be required to undergo such checks. Individuals seeking an additional license will not be subject to such checks as a condition of obtaining the license.

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 licensing process and in accordance with rules established by the Teacher Standards and Practices Commission.

Any individual newly hired after December 31, 1993, into a classified position and not requiring licensure as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a nationwide criminal history records check and fingerprinting.

Newly hired, as defined by law and as used throughout this administrative regulation, means the employment of a person after application or request for a position having direct, unsupervised contact with students without regard to the individual's current or previous employer.

Direct, unsupervised contact with students, as defined by law 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.

The District has determined all employees of the Helix School District #1-R, will be required to meet criminal history records checks and fingerprinting, unless specifically exempted by the superintendent/principal.

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 history records check and fingerprinting. The superintendent/principal will identify district contractors subject to such requirements.

An exception will be made to criminal history records checks and fingerprinting if the district has on file evidence from a previous employer documenting a successfully completed Oregon and FBI education 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:

- a. 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:
- b. Additional evidence that the non-licensed employee has not resided outside the state between the two periods of time working in the district shall be maintained.

## 2. **NOTIFICATION**

- a. A list of those positions subject to criminal history records checks and fingerprinting will be maintained in the district office and available to the public upon request.
- b. The District will provide notification to individuals subject to criminal history records checks and fingerprinting as required by law. Notice will include a statement that such checks are required by law and/or board policy and that any action resulting from those checks may be appealed as a contested case.

## 3. **PROCESSING/REPORTING PROCEDURES**

- a. Any individual subject to criminal history records checks and/or fingerprinting shall, as part of the application process, complete either a criminal history verification of applicants form and/or a fingerprint based criminal history verification form as provided by the ODE.
- b. Following acceptance of an offer of employment, the criminal history verification of applicant form will be sent to the ODE for processing. A copy will be kept on file by the district in the individual's personnel file.
- c. The applicant will be required to report within three (3) working days to the designated office for fingerprinting. Individuals shall be subject to fingerprinting only after acceptance of an offer of employment or contract. The individual is responsible for obtaining two fingerprint cards from the personnel office.
- d. The individual is responsible for submitting to the authorized finger printer the two fingerprint and a tamper-proof envelope.
- e. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the District will provide the name of the individual intended to be finger printed.
- f. The applicant will return the fingerprint cards to the personnel office 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.

## 4. **EMPLOYMENT**

The district shall begin the employment of an individual or terms of a school district contractor on a probationary basis pending the return and disposition of criminal history records checks and fingerprinting.

## 5. **FEES**

- a. One-half the fees associated with criminal history records and/or fingerprinting, shall be the responsibility of the individual, the other half the District will pay.
- b. Fees are payable prior to beginning employment or contract.
- c. The applicant may request that the amount of the fee be withheld from the employee's first paycheck. The District may withhold such fees only upon the request of the individual.



## **6. TERMINATION OF EMPLOYMENT**

Any individual required to submit to criminal history records checks and fingerprinting checks will be terminated from employment or contract status by the superintendent/principal immediately upon the following:

- a. Refusal to consent to a criminal history records check and/or fingerprinting; or
- b. Notification by the superintendent of public instruction or his/her designee of the ODE 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.

## **7. APPEALS**

An individual may appeal a determination which prevents their employment or eligibility to contract with the district to the Oregon Superintendent of Public Instruction. Individuals so eligible to appeal as a contested case will be so notified in writing by the superintendent/principal upon the individual's termination from District employment or contract status.