

Criminal Records Checks/Fingerprinting

In a continuing effort to ensure the safety and welfare of students and staff, the ESD shall require all newly hired full-time and part-time employees not requiring licensure to undergo a criminal records check and/or fingerprinting. Other individuals, as determined by the ESD, that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting, as required by law.

"Direct, unsupervised contact with students" means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision.

As required by state law, a criminal records check and/or fingerprinting shall be required of the following individuals:

1. All ESD contractors and their employees, whether employed part-time or full-time, considered by the ESD to have direct, unsupervised contact with students;
2. All ESD contractors and their employees who provide early childhood special education or early intervention services in accordance with rules established by the Oregon Department of Education, Child Care Division;
3. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood education program or at a grade K through 12 school site during the regular school day.

The identity of a subject individual requiring fingerprinting will be provided by the ESD to the authorized finger printer for verification.

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

A subject individual who has been convicted of any crimes prohibiting employment or contract will be terminated and/or will not be employed or contracted. A subject individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the ESD as provided by law may be employed or contracted with by the ESD. A subject individual who knowingly made a false statement as to the conviction of any crime may be employed or contracted with by the ESD.

The ESD's use of criminal history must be relevant to the specific requirements of the position, services or employment.

The ESD shall begin the employment of a subject individual or terms of an ESD contractor on a probationary basis pending the return and disposition of criminal records check.

Fees associated with a criminal records check and/or fingerprinting may be charged.

The superintendent shall develop administrative regulations as necessary to meet the requirements of law.

Appeals

A subject individual may appeal a determination that prevents employment or eligibility to contract with the ESD to the Superintendent of Public Instruction as a contested case and will be notified of such in writing by ODE.

A volunteer required to submit to a fingerprint-based criminal records check may appeal a determination that prevents the ability to volunteer with the ESD to the Superintendent of Public Instruction as a contested case, if the results of the background check were provided by ODE or ODE's vendor and will be notified of such in writing by ODE.

END OF POLICY

Legal Reference(s):

[ORS 181A.180](#)
[ORS 181A.230](#)
[ORS 326.603](#)
[ORS 326.607](#)
[ORS 334.125](#)

[ORS 336.631](#)
[ORS 342.127](#)
[ORS 342.143](#)
[ORS 342.223](#)

[OAR 414-061-0010 - 0030](#)
[OAR 581-021-0500](#)
[OAR 581-021-0502](#)
[OAR 581-022-2430](#)
[OAR 584-050-0012](#)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (2012).

Cross Reference(s):

ICC - Volunteers