

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 expired 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 & Practices Commission (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 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/principal will identify district 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. An individual who is an employee of a public charter school shall be required to undergo a nationwide criminal records check and fingerprinting.
7. Any person authorized by the district for volunteer service into a position having direct, unsupervised contact with students may be required to undergo an Oregon criminal records 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 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:

1. The Oregon Department of Education (ODE) or TSPC verification or a previous check shall be acceptable only in the event the district can demonstrate records are not otherwise available;

2. 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.

Notification

1. 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.
2. 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. Individuals will be required to complete the attached form as a part of the application for employment or contract process.

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 the ODE.
2. If the individual is subject to fingerprinting, he/she will be required to report within three working days 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 card from an Oregon district, education service district, an Oregon-approved teacher education institution, ODE or TSPC.
4. The individual is responsible for submitting to the authorized fingerprinter two fingerprint cards and addressed to the district personnel office.
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 (drivers 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. Any fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district, including contractors and their employees and volunteers, shall be paid by the individual.
2. Fees are payable prior to beginning employment or contract or volunteer service.
3. The applicant may request that the amount of the fee be withheld from the employee's first 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 employment or contract status or withdrawal of offer of employment or contract will be made by the superintendent/principal 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 will be directed to the State Superintendent of Public Instruction. Individuals so eligible to appeal as a contested case will be so notified in writing by ODE.