



Code: **GCDA/GDDA**
Adopted: 2/27/17
Readopted: 10/23/17

Criminal Records Checks and Fingerprinting

In a continuing effort to further ensure the safety and welfare of students and staff, the public charter school 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 public charter school, that will have direct, unsupervised contact with students shall also have 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 fingerprinting shall be required of the following individual or individuals (subject individuals and requirements are further outlined in GCDA/GDDA-AR - Criminal Records Checks and Fingerprinting):

1. All public charter school contractors and/or their employees, whether employed part-time or full-time, considered by the public charter school to have unsupervised access to student;
2. All contractors and/or their employees who provide early childhood special education or early intervention services in accordance with rules established by the Oregon Department of Education, (ODE) Child Care Division;
3. Any community college faculty member providing instruction at the site of an early childhood education program, at a school site as part of an early childhood program or at a kindergarten through grade 12 school site during the regular school day;
4. ¹Any individual considered for volunteer service with the public charter school who is to have direct, unsupervised contact with students.

The identity of an individual requiring fingerprinting will be provided by the public charter school to the authorized fingerprinter for verification.

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

¹If the public charter school allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and public charter schools are required to conduct background checks on these volunteers.

A subject individual who has failed to disclose the presence of convictions, that would not otherwise prohibit his or her employment with the public charter school as provided by law, may be employed or contracted with, by the public charter school. The public charter school's use of criminal history must be relevant to the specific requirements of the position, services or employment.

The public charter school shall begin the employment of a subject individual or terms of a public charter school contractor on a probationary basis pending the return and disposition of the required criminal records check and/or fingerprinting.

The service of a volunteer with direct, unsupervised access to students may begin on a probationary basis pending the return and disposition of a criminal records check.

An individual who knowingly made a false statement as to the conviction of any crime on public charter school volunteer forms, as determined by the public charter school, may result in immediate termination from the ability to volunteer in the public charter school.

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

The public charter school executive director shall develop administrative regulations as necessary to meet the requirements of law.

Appeals

An individual eligible may appeal a determination that prevents his/her employment or eligibility to contract with the public charter school to the Superintendent of Public Instruction as a contested case and will be so notified in writing by the ODE.

END OF POLICY

Legal Reference(s):

[ORS 181A.180](#)
[ORS 181A.230](#)
[ORS 326.603](#)
[ORS 326.607](#)
[ORS 336.631](#)

[ORS 338.115\(h\)](#)
[ORS 342.127](#)
[ORS 342.143](#)
[ORS 342.223](#)

[OAR 414-061-0010 to -0030](#)
[OAR 581-021-0500](#)
[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. (2017).