

**Lake Oswego
School District 7J**

Code: **GCDA/GDDA**
Adopted: 12/04/95
Readopted: 6/08/09
Orig. Code(s): 4212

Criminal Records Checks/Fingerprinting

In a continuing effort to further ensure the safety and welfare of students and staff, the district shall require criminal history records checks and fingerprinting of employees and others having direct, unsupervised contact with students.

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

Accordingly, such checks shall be required of the following:

1. All newly licensed educators, and those applying for reinstatement of a license that has expired for more than three years shall submit to a nationwide criminal history records check and fingerprinting in accordance with rules established by the Teacher Standards and Practices Commission.
2. Additionally, all newly hired employees not requiring licensure as a teacher, administrator or district nurse and hired into a position having direct, unsupervised contact with students shall submit to a nationwide criminal history records check and fingerprinting in accordance with rules established by the Oregon Department of Education. Individuals hired as a district contractor, and/or their employees, into such positions shall also be required to submit to such checks.
3. All employees not requiring licensure as a teacher, administrator, personnel specialist or district nurse currently employed in a position having direct, unsupervised contact with students, shall submit to a nationwide criminal history records check and fingerprinting in accordance with rules established by the Oregon Department of Education.
4. An individual who is an employee of a charter school.
5. All individuals registering with TSPC for student teaching, practicum or internship as a teacher, administrator.

The superintendent or designee shall identify the positions requiring nationwide criminal history background checks and fingerprinting. Such criteria as job descriptions, district contracts and the likelihood for unsupervised personal communication or touch with students will be used. A list of these positions will be maintained in the district office and available to the public upon request.

The district shall begin the employment of an individual or terms of a district contractor on a probationary basis pending the return and disposition of such checks. Individuals refusing consent for a criminal history-records check and/or fingerprinting shall be terminated from employment or contract status immediately. Fingerprint collection shall not take place prior to acceptance of an offer of employment or contract.

All those subject to criminal history records checks and fingerprinting shall be notified in writing. Notice will include a statement that all offers of employment are contingent upon the results of such checks and that any resulting action taken by the district may be appealed to the Oregon Department of Education. The superintendent or designee shall notify individuals in writing who have made a false statement as to conviction of a crime or have been convicted of crimes prohibiting employment in the district. Notification will include a statement of intent to terminate and will include an offer of a pre-termination hearing with the director of human resources.

Criminal history record checks are paid by the district. Fingerprinting fees shall be paid by the individual. Employees may request criminal history record check fees be withheld from the paycheck. The criminal history record check fees may be deducted only upon the request of the individual. The individual must pay fingerprinting charge at the time of the fingerprinting.

The superintendent shall implement a procedure which ensures the integrity of the fingerprint collection and prevent any possible compromise of the process. The superintendent will develop administrative regulations.

END OF POLICY

Legal Reference(s):

[ORS 181.525](#)
[ORS 181.555](#)
[ORS 183.413 - 183.470](#)
[ORS 326.603](#)
[ORS 326.607](#)
[ORS 336.631](#)
[ORS 338.115](#)

[ORS 342.127](#)
[ORS 342.223 to-342.232](#)
[ORS 342.143](#)

[OAR 581-021-0500](#)
[OAR 581-022-1730](#)
[OAR 584-036-0062](#)