

## **Criminal Records Checks/Fingerprinting**

### **Subject Individual Requirements**

1. An individual who is an employee of a public charter school shall be required to undergo a nationwide criminal records check and fingerprinting.
2. Any individual newly hired, full-time or part-time 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.
3. Any individuals applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo a nationwide criminal records check and fingerprinting with TSPC.
4. Any individual registering with the 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.
5. Any public charter school contractor<sup>1</sup>, whether part-time or full-time, or an employee of a public charter school 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 public charter school administrator will identify contractors who are present on public charter school property and regularly interact with students and are subject to such requirements.

6. 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 Oregon Department of Education (ODE), Child Care Division.
7. Any community college faculty member providing instruction at the site of an early childhood education program or at a school site as part of an early childhood program, or at a grade K through 12 school site during the regular school day shall be required to undergo a nationwide criminal records check and fingerprinting.
8. Any individual authorized by the public charter school for volunteer service into a position having direct, unsupervised contact with students shall be required to undergo an Oregon criminal records check.

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<sup>1</sup>Contractor employees may not be required to submit fingerprinting until the contractor has been offered a contract.

9. Any individual authorized by the public charter school for volunteer service that does not have direct, unsupervised contact with students will not be required to undergo an Oregon criminal records check.

### **Exceptions**

A newly hired employee is not subject to fingerprinting if the public charter school has on file evidence that the newly hired employee previously and successfully completed an Oregon and a FBI criminal records check for a previous employer that was a public charter school, ESD or school district.

Evidence will be either a copy of the criminal records check or a written statement of verification from a supervisor or officer of the previous employer. Furthermore:

1. The ODE or TSPC verification of a previous check shall be acceptable only in the event the public charter school can demonstrate records are not otherwise available;
2. Additional evidence that the employee has not resided outside the state between the two periods of time working in the public charter school shall be maintained.

### **Notification**

1. The public charter school will provide notification to individuals subject to criminal records checks and/or fingerprinting of the following:
  - a. Such criminal records checks and/or fingerprinting are required by law and/or Board policy;
  - b. Any action resulting from such checks that impact employment or contract may be appealed as a contested case;
  - c. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
  - d. A refusal to consent to a required criminal records checks and/or fingerprinting shall result in immediate termination from employment or contract status or the ability to volunteer in the public charter school;
  - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on public charter school employment applications, contractor, ODE forms or public charter school volunteer forms (written or electronic) may result in immediate termination from employment, contract status or the ability to volunteer in the public charter school.
2. The public charter school will provide written notice through such means as employment applications, contract or volunteer forms.

### **Processing/Reporting Procedures**

1. Any individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms or requirements as approved by ODE (information available from the public charter school).
2. If the individual is subject to fingerprinting per state law, he/she will be required by the public charter school, and is responsible to report within five working days to an authorized fingerprinter for fingerprinting as directed by the public charter school.

Fingerprints may be collected by one of the following:

- a. Employing public charter school staff;
- b. Contracted agent of employing public charter school; or
- c. Local or state law enforcement agency.

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

3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the public charter school will provide the name of the individual to be fingerprinted to the authorized fingerprinter.
4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify the ODE with the results. The ODE will notify the public charter school of said results and any subject individual it believes has knowingly made a false statement as to conviction of a crime prohibiting employment or contract.
5. A copy of the required form to authorize fingerprinting, and results of such, will be kept in the employee's personnel file.

#### **Fees**

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the public charter school including contractors<sup>2</sup> and their employees, and volunteers shall be paid by the individual.
2. Fees are payable prior to volunteer service, or within 30 days of beginning employment or contract.
3. An individual offered employment in the public charter school may request that the amount of the fee be withheld from the employee's paycheck, including a periodic payroll deduction rather than a lump sum payment, in accordance with Oregon law. The public charter school may withhold such fees only upon the request of the individual.

#### **Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status**

1. Any individual required to submit to a 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 public charter school administrator upon:
  - a. Refusal to consent to a criminal records check and/or fingerprinting; or
  - b. Notification from the Superintendent of Public Instruction or his/her designee that the employee has a conviction of any crimes prohibiting employment with the public charter school as specified in law.

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<sup>2</sup>Contractor employees may not be required to submit fingerprinting until the contract has been offered a contract.

2. Any individual required to submit to a criminal records check and/or fingerprinting in accordance with law may be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the superintendent upon notification from the Superintendent of Public Instruction or his/her designee that the employee has knowingly made a false statement as to the conviction of any crime.
3. Employment termination shall remove the individual from any public charter school policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.
4. Any volunteer who will have direct, unsupervised contact with students that refuses to submit to a required, criminal records check to acquire or maintain a volunteer status in the public charter school in accordance with law and/or Board policy will be denied the ability to volunteer in the public charter school.
5. If the public charter school has completed a required criminal records check and the public charter school has been notified by the Superintendent of Public Instruction that the individual knowingly made a false statement on an ODE form as to conviction of any crime that may otherwise prevent a volunteer status in the public charter school, the individual may be denied the ability to volunteer.

### **Appeals**

An individual 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.