

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 and its employees¹, 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, 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.

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

Exceptions

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

Evidence of the prior check 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; and
2. The public charter school shall maintain evidence that the employee has not resided outside the state between the two periods of time working in the public charter school.

Notification

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

Processing and 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. All individuals subject to fingerprinting pursuant to state law are required to report 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 ODE of the results. ODE will then notify the public charter school of said results as well as the identity of any individual it believes has knowingly made a false statement, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment, or contract or volunteering.
5. A copy of the fingerprinting results will be kept by the public charter school.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the public charter school including contractors² and their employees, shall be paid by the individual.
2. 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.
3. Fees associated with required criminal records checks for volunteers shall be paid by the individual.

Fees associated with a required fingerprinting for volunteers shall be paid by the individual.

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

1. Any individual required to submit to a criminal records check 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 designee that the employee has a conviction of a crime prohibiting employment with the public charter school as specified by law.
2. 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.

²A contractor's employee may not be required to submit to fingerprinting until the contractor has been offered a contract by the public charter school.

3. Any volunteer who will be allowed to have direct, unsupervised contact with students that refuses to submit to a required, criminal records check to acquire or maintain such a volunteer status in the public charter school in accordance with law and/or Board policy will be denied such ability to volunteer in the public charter school.

Appeals

An individual may appeal a determination that prevents employment or eligibility to contract with the public charter school 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 public charter school 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.