

Multnomah Education Service District

Code: **GCDA/GDDA**
Adopted: 1/18/94; 9/20/94
Revised/Readopted: 11/15/05; 1/18/11
Orig. Code(s): 3440; 9430; 3510

Criminal History Verification and Fingerprinting

The superintendent and cabinet shall establish administrative regulations for the recruitment, selection, hiring, sexual conduct background checks, criminal history verification and fingerprinting of MESD employees.

MESD shall require criminal history verification and fingerprinting of all newly hired full-time and part-time employees. Other employees having direct, unsupervised contact with students shall also have, criminal history verification and fingerprinting, as required by law.

Direct, unsupervised contact means contact with students that provides the person opportunity and probability for personal communication or touch.

In addition to the newly hired employees, criminal history verification shall be required by the following:

1. Any MESD contractors and/or their employees, whether employed part-time or full-time, who will have direct, unsupervised contact with students.
2. All contractors and/or their employees who provide early childhood special education or early intervention services in accordance with the rules established by the State of Oregon.

All educators newly licensed by the Teacher Standards and Practices Commission (TSPC) and those applying for reinstatement of an Oregon license that has expired for more than three years shall submit to a nationwide , criminal history verification and fingerprinting in accordance with rules established by the TSPC.

All newly hired employees, not requiring TSPC licensure, who have direct, unsupervised contact with students shall submit to a nationwide , criminal history verification and fingerprinting in accordance with rules established by the Oregon Department of Education. Individuals hired as an MESD contractor into such positions and/or their employees shall also be required to submit to such checks.

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

Individuals refusing consent for a, criminal history verification 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 verification and fingerprinting shall be notified in writing when feasible. Notices shall include a statement that all offers of employment are contingent upon the result of such checks and that any resulting action taken by MESD may be appealed to the Oregon Department of Education.

An individual who has failed to disclose the presence of criminal convictions that would not otherwise prevent his/her employment with MESD as provided by law shall not be employed or contracted with by MESD.

The MESD may begin the employment of an individual on a probationary basis pending the return and disposition of criminal history verification and/or fingerprinting.

The superintendent 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 at MESD. Notification may include a statement of termination.

Criminal history verification and/or fingerprinting fees as required by the TSPC, Department of Education or by MESD shall be paid by the individual unless otherwise provided for by negotiated agreement. Newly hired regular employees not requiring TSPC licensure may request that the required fees be withheld from the employee's paycheck. Such fees may be deducted only upon the request of the individual. Newly hired temporary employees shall pay fingerprint fee at time of fingerprint collection.

The superintendent shall implement a procedure that ensures the integrity of fingerprinting collection and prevents any possible compromise of the process.

The Board shall require criminal history verification and fingerprint checks for volunteers and any other individuals who have direct, unsupervised contact with students.

The superintendent and cabinet shall develop administrative regulations to meet the requirements of applicable Oregon Revised Statutes and Oregon Administrative Rules.

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 342.143](#)

[ORS 342.223 to-342.232](#)

[OAR 414-061-0010](#)

[OAR 581-021-0500](#)

[OAR 581-022-1730](#)

[OAR 584-036-0062](#)

MESD Policy Cross Reference(s):

AB - Mission, Vision, Values

AC - Non-discrimination

ACA - Americans with Disabilities Act

CC - Administrative Organization

GA - Personnel Policy Goals

GAB - Position Descriptions

GB - Personnel Policies

GBA - Equal Employment Opportunity

GCC - Recruitment of Staff

GCDA/GDDA - Recruitment, Selection, Hiring, Criminal History

IICC - School/Agency/Program Volunteers