

Multnomah Education Service District

Code: **GCDA/GDDA-AR**
Adopted: 5/31/94
Readopted: 10/12/94; 10/10/05; 11/28/11
Orig. Code(s): 3910-1

Criminal History Verification and Fingerprinting

1. MESD Employees - Nationwide Fingerprint Based Criminal History Verification

Any individual newly hired into a position having direct, unsupervised contact with students and not requiring TSPC licensure as a teacher, administrator, personnel specialist or school nurse is a subject individual and shall be required to undergo a nationwide criminal history verification check and fingerprinting.

- a. Newly hired means the employment of an individual after application or request (e.g., voluntary transfer) for a position having direct unsupervised contact with students without regard to the individual's current or previous employer.
- b. Direct, unsupervised contact with students means contact with students that provides the individual opportunity and probability for personal communication or touch when not under direct supervision.
- c. MESD has determined that an individual having direct, unsupervised contact with students includes but is not limited to:
 - (1) Nurses;
 - (2) Audiological staff;
 - (3) Educational assistants;
 - (4) Custodians;
 - (5) School staff: i.e. campus safety monitors, secretaries, etc.;
 - (6) Outdoor School staff;
 - (7) Others, identified as subject individuals by supervisor in consultation with the director, human resource services.
- d. Related services staff including speech pathologists, occupational therapists and physical therapists.

2. MESD Volunteers

- a. Any MESD contractor, or an employee of an MESD volunteer, who has direct, unsupervised contact with students shall be required to undergo a nationwide criminal history verification check and fingerprinting.
- b. The supervisor, in consultation with the human resource services director, will identify MESD contractors subject to such requirements.
- c. Volunteers without unsupervised contact with students will be subject to criminal history verification check and fingerprinting.

3. Volunteers

- a. Any MESD volunteer, or an employee of an MESD volunteer, who has direct, unsupervised contact with students shall be required to undergo a nationwide criminal history verification check and fingerprinting.
- b. The supervisor, in consultation with the human resource services director, will identify MESD contractors subject to such requirements.
- c. Volunteers without unsupervised contact with students will be subject to criminal history verification check and fingerprinting

4. Oregon Criminal History Verification Check and Fingerprinting

Any individual recommended for employment, or authorization as a volunteer or practicum student, by MESD will be required to undergo an Oregon criminal history records check.

5. Exception

An exception will be made to fingerprinting if MESD has on file evidence from a previous employer documenting a successfully completed Oregon and FBI criminal records check (OAR 581-021-0500, and the individual has continuously resided in Oregon since completion of the records check. Evidence will be a copy of the completed records check or verification from a supervisor or officer of the previous employer. Furthermore:

- a. The Oregon Department of Education (ODE) or TSPC verification of a previous check shall be acceptable only in the event that MESD can demonstrate records are not otherwise available;
- b. Additional evidence that the employee has not resided outside the state between the two periods of time working for Oregon school districts shall be maintained.

6. Notification

- a. A list of the positions affected criminal history verification check and fingerprinting will be maintained at MESD's department of human resource services and made available to the public upon request.
- b. MESD will provide notification to subject individuals that such checks are required by law and Board policy and that any adverse determination of the Oregon Department of Education (ODE) resulting from fingerprint-based checks may be appealed to the Oregon Superintendent of Public Instruction as a contested case.

7. Processing/Reporting Procedures

- a. Individuals shall be subject to fingerprinting only after an offer of employment or contract. Individuals not subject to fingerprinting shall be subject to an Oregon criminal history verification check before any offer of employment, contract or volunteer assignment.
- b. Any individual subject to criminal history verification check and/or fingerprinting shall, as part of the application process, complete either a Criminal History Verification of Applicants form ((form 581-2282-M) or a Fingerprint Based Criminal History Verification (form 581-2283-M) as provided by ODE.

- c. Following acceptance of an offer of employment contract or volunteer assignment, the Criminal History Verification of Applicants form for those individuals not subject to fingerprinting will be sent to ODE for processing.
- d. If the individual is subject to fingerprinting, the individual will be required to report within ten business days of acceptance of an employment offer, or no later than the first day of work, whichever day comes first, to an authorized fingerprinter for fingerprinting. Fingerprints will be collected by an authorized fingerprinter.
 - (1) The individual is responsible for obtaining a fingerprint card and instructions from an Oregon school district, education service district or ODE.
 - (2) The individual is responsible for submitting to the authorized fingerprinter a fingerprint card, instructions and an 8½ x 11" or larger envelope.
 - (3) The authorized fingerprinter will seal the fingerprint card in an envelope and initial the sealed flap. The employee will deliver the sealed envelope to the department of human resource services to be notarized. The Fingerprint Based Criminal History Verification form and the fingerprint card will be sent to the ODE.
- e. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the authorized fingerprinter will require that the individual submit photo identification (driver's license or other) containing the individual's name and picture in order to verify the identity of the individual intended to be fingerprinted.
- f. A copy of the Fingerprint Based Criminal History and/or Oregon Criminal History Verification of Applicants form will be kept in the individual's personnel file for regular employees or payroll file for temporary employees.

8. Employment

MESD may begin the employment of an individual, volunteer, practicum student or MESD contractor on a probationary or contingency basis pending the return and disposition of the criminal history verification check and fingerprinting.

9. Fees

- a. With the exception of volunteers and practicum students, any fees associated with criminal history verification check and fingerprinting, not to exceed actual costs, shall be the responsibility of the individual or as provided by collective bargaining agreements.
- b. Subject individuals hired into regular positions and certain temporary positions may request that the amount of the fee be withheld from the individual's paycheck, in accordance with the administrative rules of the ODE. MESD may withhold such fees only upon the request of the individual.

10. Termination of Employment or Contract Status

Any subject individual will be terminated from employment, consideration as an MESD volunteer or practicum student or contract status by the superintendent or designee immediately upon the following:

- a. Refusal of consent to a criminal history verification check and fingerprinting, or
- b. Notification by the Superintendent of Public Instruction that the individual has made a false statement as to conviction of a crime or has been convicted of a crime which prohibits employment or contract status with MESD.

11. Appeals

An individual subject to fingerprint based criminal history verification check and fingerprinting may appeal a determination which prohibits employment or eligibility to contract with MESD to the Oregon Superintendent of Public Instruction.