

Criminal Records Checks/Fingerprinting

Subject Requirements

1. Any individual newly hired into a position not requiring licensure as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a criminal records check and fingerprinting.
2. Any individual licensed as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a nationwide criminal records check and fingerprinting upon license renewal with the Teacher Standards and Practices Commission (TSPC).

Individuals applying for reinstatement of a license that has lapsed for more than three years shall also be required to undergo such checks.

Requirements, including applicable fees and the process for the collection and submission of fingerprints, etc., shall be met by the individual as a part of the licensing process and in accordance with rules established by TSPC.

3. Any individual registering with 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.
4. Any district contractor, whether part-time or full-time, or an employee of a district 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 superintendent shall identify district contractors subject to such requirements.

5. Any person authorized by the district for volunteer service shall be required to undergo a criminal records check in all states the person has lived in the past seven years.

An exception shall be made to criminal records checks and fingerprinting if the district has on file evidence from a previous employer documenting a successfully completed Oregon and FBI criminal records check. Evidence shall be either a copy of the records check or a written statement of verification from a supervisor or officer of the previous employer. Furthermore:

1. The Oregon Department of Education (ODE) or TSPC verification of a previous check shall be acceptable only in the event the district 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 district shall be maintained.

Notification

1. The district shall provide notification to individuals subject to criminal records checks and fingerprinting of the following:
 - a. Such checks are required by law and Board policy;
 - b. Any action resulting from those checks 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 criminal records checks or fingerprinting or falsely stating on district employment application, contract or ODE fingerprint forms as to conviction of a crime shall result in immediate termination from employment or contract status.
2. The district shall provide notice through such means as employment applications and contract forms.

Processing/Reporting Procedures

1. Any individual subject to criminal records checks and/or fingerprinting shall, as part of the application process, complete the appropriate forms as provided by ODE.
2. Individuals shall be required to report to an authorized fingerprinter for fingerprinting. Fingerprints may be collected by one of the following:
 - a. Employing district staff;
 - b. Contracted agent of employing district;
 - c. Local or state law enforcement agency.

Individuals shall be subject to fingerprinting only after acceptance of an offer of employment or contract.

3. The individual is responsible for obtaining one fingerprint card from an Oregon school district, education service district, an Oregon-approved teacher education institution, ODE or TSPC.
4. The individual is responsible for submitting to the authorized fingerprinter one fingerprint card
5. The individual shall return the fingerprint card to the district. The Fingerprint Criminal History Verification form and fingerprint card shall be sent to the ODE. A copy of the form shall be kept in the Human Resource Office.

Employment

The district shall not begin the employment of an individual volunteer service or terms of a district contractor on a probationary basis pending the return and disposition of criminal records checks and/or fingerprinting.

Fees

1. Criminal records checks and fingerprint review fees, as required by the district for employees not requiring licensure, shall be paid by the district with the exception of the fee paid to the authorized fingerprinter to take the employee's fingerprints.
2. Fees associated with criminal records checks and fingerprinting for licensed individuals shall be paid by the individual.

Termination of Employment

1. Any individual required to submit to criminal records checks and/or fingerprinting in accordance with law and Board policy shall be terminated from consideration as a district volunteer and employment or contract status by the superintendent immediately upon the following:
 - a. Refusal to consent to a criminal records check and fingerprinting; or
 - b. Notification by the Superintendent of Public Instruction or his designee or the State Board of Education that the employee has made a false statement as to conviction of a crime or conviction of crimes prohibiting employment with the district as specified in law.
2. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

Appeals

An individual may appeal a determination which prevents his/her employment or eligibility to contract with the district to the Oregon Superintendent of Public Instruction. Individuals eligible to appeal as a contested case shall be so notified in writing by ODE.