

## Criminal Records Checks/Fingerprinting

### Subject Requirements

1. Any individual newly hired into a position having direct, unsupervised contact with students 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.

Newly hired, as defined by law and as used throughout this administrative regulation, means the employment of a person after application or request for a position having direct, unsupervised contact with students without regard to the individual's current or previous employer.

Direct, unsupervised contact with students, as defined by law and as used throughout this administrative regulation, means contact with students that provides the person opportunity and probability for personal communication or touch when not under supervision.

The superintendent has determined all employees will be required to meet criminal records checks and fingerprinting.

2. 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 will identify district contractors subject to such requirements.

3. Any individual currently employed with the district and applying for a different or additional position in the district having direct, unsupervised contact with students shall be required to undergo a nationwide criminal records check and fingerprinting.

Employees who involuntarily transfer into such positions will not be subject to such checks.

4. Any individual newly licensed as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a nationwide criminal records check and fingerprinting.

Individuals applying for reinstatement of a license that has expired for more than three years shall also be required to undergo such checks. Individuals seeking an additional license will not be subject to such checks as a condition of obtaining the license.

Requirements, including applicable fees and the process for the collection and submission of fingerprints, etc., will generally be met by the individual as a part of the licensing process and in accordance with rules established by the Teacher Standards and Practices Commission (TSPC).

An exception will 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 will 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 nonlicensed employee has not resided outside the state between the two periods of time working in the district shall be maintained.

### **Notification**

1. A list of those positions subject to criminal records checks and fingerprinting will be maintained in the district office and available to the public on request.
2. The district will provide notification to individuals subject to criminal records checks and fingerprinting as required by law. Notice will include a statement that such checks are required by law and/or Board policy and that any action resulting from those checks may be appealed as a contested case and a refusal to consent to criminal records checks or fingerprinting or falsely stating on district employment application, contract or ODE finger print forms as to conviction of a crime shall result in immediate termination from employment or contract status.
3. Individuals will be required to complete the following form as a part of the application for employment or contract process.

## **Notification of Requirement for Criminal Record Checks and/or Fingerprinting**

I understand that criminal record checks and/or fingerprinting are required by law and Nyssa School District #26. Employment shall be offered prior to fingerprint collection. Upon notification by the Superintendent of Public Instruction or designee or State Board of Education that an individual has been convicted or has made a false statement as to conviction of any crimes prohibiting employment or contract status with the district, the superintendent shall terminate that employment or contract status immediately.

I understand that an individual so terminated may appeal action taken by the district as a result of such checks in accordance with procedures established by law or by Board policy. Applicable appeal rights will be provided by the district upon such termination from district employment or contract status.

Any fees associated with criminal records checks and fingerprinting not to exceed actual costs, shall be the responsibility of the individual.

Should I refuse to consent to criminal records checks or refuse to be fingerprinted, I shall be terminated from employment or contract status by the superintendent immediately. I understand that individuals who have successfully completed an Oregon and FBI criminal records check by a previous employer and have not since resided outside Oregon may be exempt from this requirement. It is the responsibility of the individual to inform the district of the existence of such records.

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Signature

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Date

## **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 the ODE.
2. Following acceptance of an offer of employment, the Criminal Verification of Applicants form for those not subject to fingerprinting will be sent to the ODE for processing. A copy will be kept on file by the district in the individual's personnel file.
3. If the individual is subject to fingerprinting, he/she will be required to report within three working days 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.

4. The individual is responsible for obtaining two fingerprint cards from an Oregon school district, education service district, an Oregon approved Teacher Education Institution, ODE or TSPC.
5. The individual is responsible for submitting to the authorized fingerprinter two fingerprint cards and an 8 1/2" x 11" or larger envelope with postage affixed and addressed to the district.
6. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter and require that the individual submit a photo ID (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.
7. The authorized fingerprinter will return the fingerprint cards to the district in the envelope provided. The Fingerprint Criminal History Verification form and fingerprint cards will be sent to the ODE. A copy of the form will be kept in the employee's personnel file.

## **Employment**

1. The district shall begin the employment of an individual or terms of a district contractor on a probationary basis pending the return and disposition of criminal records checks and/or fingerprinting.

## **Fees**

1. Any fees associated with criminal records and/or fingerprinting, not to exceed actual costs, shall be the responsibility of the individual.

2. Fees are payable in the following manner:
  - a. Fingerprint fees at the time of service;
  - b. Criminal history records check:
    - (1) Licensed positions - Fees will be sent with the application by the applicant.
3. Individuals hired into positions not requiring licensure shall pay at the time of employment or may request that the amount of the fee be withheld from the employee's paycheck.

### **Termination of Employment**

1. Any individual required to submit to criminal records checks and/or fingerprinting in accordance with the law and/or Board policy will be terminated from employment or contract status by the superintendent immediately upon the following:
  - a. Refusal to consent to a criminal records check and/or fingerprinting; or
  - b. Notification by the Superintendent of Public Instruction or his/her 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 by 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 21<sup>st</sup> Century Law.

### **Appeals**

1. 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 so eligible to appeal as a contested case will be so notified in writing by the ODE.