

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.

Direct, unsupervised contact with students, as defined by Oregon Administrative Rule 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 direct supervision.

The district has determined employees assigned to the following positions may have such contact with students and will therefore be required to meet criminal records checks and fingerprinting requirements:

- a. Classroom aides/Educational assistants;
 - b. Library/Media aides;
 - c. School office secretaries;
 - d. Custodians;
 - e. Cooks;
 - f. Bus drivers;
 - g. Paid and volunteer extracurricular activity employees, including
 - 1) Coaches/Athletic trainers;
 - 2) Club, organization or other such extracurricular advisers not requiring licensure..
 - h. Others, as identified by the superintendent, employed by the district on a part-time or full-time basis not requiring licensure and having direct, unsupervised contact with students.
2. Any person authorized by the district for volunteer service into a position having direct, unsupervised contact with students may be required to undergo an Oregon criminal history check.

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:

- I. The Oregon Department of Education (ODE) or Teacher Standards and Practices Commission (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. A list of those positions subject to criminal records checks and fingerprinting will be maintained in the district office and available to the public upon request.
2. The district will provide notification to individuals subject to criminal records checks and fingerprinting of the following:
 - a. Such checks are required by law and/or 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.
3. The district will 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. 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 to an authorized finger printer for fingerprinting as required by the district.

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

Termination of Employment

1. Any individual required to submit to criminal records checks and/or fingerprinting in accordance with law and/or Board policy will 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/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 in law.
2. Termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Oregon Fair Dismissal Law.

Appeals

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