

Criminal History Records Checks/Fingerprinting

Subject Requirements

1. newly hired after December 31, 1993 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 history 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 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 history records checks and fingerprinting:

- a. Classroom aides/educational assistants;
 - b. Library/media aides;
 - c. School office secretaries;
 - d. Custodians;
 - e. Cooks;
 - f. Bus drivers;
 - g. Extracurricular activity employees, including:
 - 1) Coaches/athletic trainers;
 - 2) Club, organization or other such extracurricular advisors not requiring licensure.
 - h. Others as identified by the superintendent as having a job description not requiring licensure and providing the opportunity and probability for such contact with students.
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 history 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 after December 31, 1993 having direct, unsupervised contact with students shall be required to undergo a nationwide criminal history records check and fingerprinting.

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

4. Any individual newly licensed after December 31, 1993 as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a nationwide criminal history 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).

5. Any individual hired after December 31, 1993 and licensed prior to December 31, 1993 will be required to undergo an Oregon criminal history records check.

An exception will be made to criminal history 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 non-licensed 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 history 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 history 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.
3. Individuals will be required to complete the following form as a part of the application for employment or contract process:

I understand that criminal history record checks and/or fingerprinting are required by law and/or Board policy. 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 history records checks and fingerprinting, not to exceed actual costs, shall be the responsibility of the individual.

Should I refuse to consent to criminal history 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 history 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.

Signature

Date

Processing/Reporting Procedures

1. Any individual subject to criminal history records checks and/or fingerprinting shall, as part of the application process, complete either a Criminal History Verification of Applicants form or a Fingerprint Based Criminal History as provided by the Oregon Department of Education.
2. Following acceptance of an offer of employment, the Criminal History Verification of Applicants form for those not subject to fingerprinting will be sent to the Oregon Department of Education 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 (3) 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 office.
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 (drivers license or other) containing the individuals'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 may begin the employment of an individual or terms of a school district contractor on a probationary basis pending the return and disposition of criminal history records checks and/or fingerprinting.

Fees

1. Any fees associated with criminal history records and/or fingerprinting, not to exceed actual costs, shall be the responsibility of the individual.
2. Fees are payable prior to beginning employment or contract.
3. Fees for individuals hired into positions not requiring licensure and identified in Board policy as having direct, unsupervised contact with students may request that the amount of the fee be withheld from the employee's paycheck, in accordance with Oregon Administrative Rules. The district may withhold such fees only upon the request of the individual.

Termination of Employment

1. Any individual required to submit to criminal history 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 history 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.

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 so eligible to appeal

as a contested case will be so notified in writing by the superintendent upon the individual's termination from district employment or contract status.

2. Any individual newly hired after December 31, 1993 and licensed prior to December 31, 1993 and terminated based on the results of such checks may appeal the decision in accordance with the provisions of law.