

Criminal Records Checks/Fingerprinting

Subject Requirements

1. An individual who is an employee of a public charter school shall be required to undergo a nationwide criminal records check and fingerprinting.
2. Any individual newly hired 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.
3. Individuals applying for reinstatement of a license that has lapsed for more than three years shall be required to undergo such checks.

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).

4. 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.
5. Any public charter school contractor, whether part-time or full-time, or an employee of a public charter school 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 public charter school administrator will identify contractors subject to such requirements.

6. Any contractor or an employee of the contractor who provides early childhood special education or early intervention services shall be required to undergo a nationwide criminal records check and fingerprinting with the Employment Department.
7. Any community college faculty member providing instruction at the site of an early childhood education program or at a school site as part of an early childhood education program shall be required to undergo a nationwide criminal records check and fingerprinting.
8. Any person authorized by the public charter school for volunteer service into a position having direct, unsupervised contact with students will be required to undergo an Oregon criminal records check.

An exception will be made to criminal records checks and fingerprinting if the public charter school 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 public charter school 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 public charter school shall be maintained.

Notification

1. The public charter school 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 public charter school employment applications, contracts or ODE fingerprint forms as to conviction of a crime shall result in immediate termination from employment or contract status.
2. The public charter school 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. If the individual is subject to fingerprinting, he/she will be required to report within five working days to an authorized fingerprinter for fingerprinting. Fingerprints may be collected by one of the following:
 - a. Employing public charter school staff;
 - b. Contracted agent of employing public charter school;
 - 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 district, public charter school, local law enforcement agency, education service district, an Oregon-approved teacher education institution, ODE or TSPC.

4. The individual is responsible for submitting an unopened envelope with the fingerprint card to the superintendent.
5. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the public charter school 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.
6. The authorized fingerprinter will return the fingerprint card to the public charter school in the envelope provided. The Fingerprint Criminal History Verification form and fingerprint card will be sent to the ODE. A copy of the form will be kept in the employee's personnel file.

Fees

1. Fees associated with criminal records checks and/or fingerprinting of a public charter school employee including contractors and their employees and volunteers shall be reimbursed by the public charter school.
2. Fees are payable at the time of the criminal records check and fingerprinting.
3. Individuals may request that the amount of the fee be withheld from the employee's paycheck, including a periodic payroll deduction rather than a lump sum payment, in accordance with Oregon law. The public charter school may withhold such fees only upon the request of the individual.

Termination of Employment or Withdrawal of Employment/Contract Offer

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 public charter school volunteer and employment or contract status or withdrawal of offer of employment or contract will be made by the public charter school administrator immediately upon:
 - 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 public charter school as specified in law.
2. Employment termination shall remove the individual from any public charter school policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

Appeals

All appeals regarding a determination which prevents his/her employment or eligibility to contract with the public charter school will be directed to the Superintendent of Public Instruction. Individuals eligible to appeal as a contested case will be so notified in writing by ODE.