

Siuslaw School District 97J

Code: GCDA/GDDA-AR
Revised/Reviewed: 02/12/14; 10/14/15; 3/13/19

Criminal Records Checks/Fingerprinting

Requirements

1. Any individual newly hired, whether full-time or part-time, 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.
2. Any individual applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo a nationwide criminal records check and fingerprinting with TSPC.
3. Any individual registering with the 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 and its employees¹, 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 who are present on district property and regularly interact with students and are subject to such requirements.

5. 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 Oregon Department of Education (ODE), Child Care Division.
6. Any community college faculty member providing instruction at the site of an early childhood education program, a school site as part of an early childhood program or at a grade K through 12 school site during the regular school day, shall be required to undergo a nationwide criminal records check and fingerprinting.
7. Any individual who is an employee of a public charter school not requiring licensure shall be required to undergo a nationwide criminal records check and fingerprinting.
8. Any individual authorized by the district for volunteer service into a position allowing direct, unsupervised contact with students shall be required to undergo an Oregon criminal records check.
9. Any volunteer allowed to have direct, unsupervised contact with students, in a volunteer position identified in Board policy by the district as requiring fingerprinting, shall be required to undergo a nationwide criminal records check and fingerprinting.

¹A contractor's employee may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

10. Any individual authorized by the district for volunteer service that is not likely to have direct, unsupervised contact with students will be required to undergo an Oregon criminal records check.

Exceptions

A newly hired employee is not subject to fingerprinting if the district has evidence on file that the newly hired employee was previously checked through an Oregon and a FBI criminal records check by a previous employer that was a school district.

Evidence of the prior check will be either a copy of the criminal records check or a written statement of verification from a supervisor or officer of the previous employer.

Furthermore:

1. The ODE or TSPC verification of a previous check shall be acceptable only in the event the district can demonstrate records are not otherwise available; and
2. The district shall maintain evidence that the employee has not resided outside the state during the interval between the two periods of time working in the district.

Notification

1. The district will provide the following notification to individuals subject to criminal records checks and/or fingerprinting:
 - a. Such criminal records checks and/or fingerprinting are required by law or Board policy;
 - b. Any action resulting from such checks that impact employment, contract or volunteering may be appealed as a contested case;
 - c. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
 - d. A refusal to consent to a required criminal records check and/or fingerprinting shall result in immediate termination from employment, contract status or the ability to volunteer in the district;
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts, ODE forms or district volunteer forms (written or electronic) will result in immediate termination from employment or contract status or the ability to volunteer in the district;
 - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status;
 - g. A volunteer candidate² who knowingly makes a false statement regarding past criminal convictions on their application will result in immediate termination from the ability to volunteer in the district. The district will remove the volunteer from the position allowing direct, unsupervised contact with students.
 - h. A potential volunteer⁴ who discloses a past conviction of a crime listed under ORS 342.143 may have their application reviewed by a committee to determine their ability to volunteer in the school system and set the limitation of their volunteer duties. The review committee shall consist of the superintendent, the board chair or vice-chair, and either the board executive

secretary or the human resources specialist. The committee shall review any provided documentation or records and schedule a meeting with the potential volunteer to hear any additional commentary. A written letter of approval or denial of volunteer status, and related conditions will be sent within one week after the meeting.

2. The district will provide the written notice described above through such means as employment applications, contracts or volunteer forms.

Processing/Reporting Procedures

1. Any individual subject to criminal records checks and/or fingerprinting shall complete the appropriate forms or requirements as approved by ODE (information available through the district).
2. All individuals subject to fingerprinting pursuant to state law are required to report to an authorized fingerprinter for fingerprinting as directed by the district.

Fingerprints may be collected by one of the following:

- a. Employing district staff;
- b. Contracted agent of employing district; or
- c. Local or state law enforcement agency.

The individual subject to fingerprinting, shall be subject only after acceptance of an offer of employment or contract or upon submission of a volunteer application for positions listed in policy GCDA/GDDA.

3. 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.
4. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then notify the district of said results as well as the identity of any individual it believes has knowingly made a false statement, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment, contract or volunteering.
5. A copy of the fingerprinting results will be kept by the district.

⁴ Evaluation of criminal records will be based on the district's Background Check Decision Matrix and crimes listed in ORS 342.143

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including contractors³ and their employees, shall be paid by the district with the exception of classified substitutes and volunteer coaches.
2. An individual offered employment in the district may request that the amount of the fee be withheld from the employee's paycheck in accordance with Oregon law. The district may withhold such fees only upon the request of the individual. Fees associated with required criminal records checks for volunteers shall be paid by the district.
3. Fees associated with a required fingerprinting for volunteers shall be paid by the district with the exception of volunteer coaches.

Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

1. Any individual required to submit to a criminal records check and/or fingerprinting in accordance with law and/or Board policy will be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the superintendent upon:
 - a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification from the Superintendent of Public Instruction or designee that the employee has a conviction of a crime prohibiting employment with the district as specified by law.
2. Any individual required to submit to a criminal records check and/or fingerprinting in accordance with law will be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the superintendent upon notification from the Superintendent of Public Instruction or designee that the employee has knowingly made a false statement as to the conviction of any crime.
3. 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.
4. Any volunteer who will be allowed to have direct, unsupervised contact with students that refuses to submit to a required criminal records check to acquire or maintain such a volunteer status in the district in accordance with law and/or Board policy will be denied such ability to volunteer in the district.
5. If the district has been notified by the Superintendent of Public Instruction that an individual knowingly made a false statement or has a conviction of any crime listed in ORS 342.143 the individual will be denied the ability to volunteer.
6. Any volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form will be denied the ability to volunteer in the district.

⁵A contractor's employee may not be required to submit to fingerprinting until the contractor has been offered a contract by the district.

Appeals

An individual may appeal a determination that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case and will be notified of such in writing by ODE.

A volunteer required to submit to a fingerprint-based criminal records check may appeal a determination that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case, if the results of the background check were provided by ODE or ODE's vendor and will be notified of such in writing by ODE.

	Volunteer Background Check Decision Matrix				
	Time Passed Since Last Event				
Level of Crime or Misdemeanor	Within the Last Year	Multiple convictions and/or within the last 3 years	Within the last 5 years	Within the last 10 years	Over 10 years
Extremely serious crimes, under ORS 342.143	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible
	Given the serious nature of the crime and ODE requirements.	Given the serious nature of the crime and ODE requirements.	Given the serious nature of the crime and ODE requirements.	Given the serious nature of the crime and ODE requirements.	Given the serious nature of the crime and ODE requirements.
Involving harm to another person Examples: Assault Weapons Distributing Child Endangerment	Not Eligible	Not Eligible	Not Eligible	Potentially Eligible	Potentially Eligible
	Given serious harm to another person	Given serious harm to another person	Given serious harm to another person	The candidate must disclose the circumstances surrounding the conviction(s). The Superintendent and district office staff will make an eligibility determination.	The candidate must disclose the circumstances surrounding the conviction(s). The Superintendent and district office staff will make an eligibility determination.
Involving harm to property or theft Examples: Burglary Theft 1 Forgery	Not Eligible	Not Eligible	Potentially Eligible	Potentially Eligible	Potentially Eligible
	Given serious harm to property or magnitude of theft	Theft is too recent, people on probation for these offenses are not eligible; multiple crimes indicate a high level of concern.	The candidate must disclose the circumstances surrounding the conviction(s). The Superintendent and district office staff will make an eligibility determination.	The candidate must disclose the circumstances surrounding the conviction(s). The Superintendent and district office staff will make an eligibility determination.	The candidate must disclose the circumstances surrounding the conviction(s). The Superintendent and district office staff will make an eligibility determination.
Misdemeanor crimes not involving harm to another person Examples: Theft 2 Theft 3	Not Eligible	Not Eligible	Potentially Eligible	Potentially Eligible	Eligible
	Theft is too recent, people on probation for these offenses are not eligible.	Theft is too recent, people on probation for these offenses are not eligible; multiple crimes indicate a high level of concern.	The candidate must disclose the circumstances surrounding the conviction(s). The Superintendent and district office staff will make an eligibility determination.	The candidate must disclose the circumstances surrounding the conviction(s). The Superintendent and district office staff may consider length of time since the incident in making the eligibility determination.	Given the length of time and type of crime.
Poor Judgment Crimes Examples: Criminal Mischief DUII MIP Reckless Driving	Potentially Eligible	Potentially Eligible	Potentially Eligible	Eligible	Eligible
	The candidate must disclose the circumstances surrounding the conviction(s). The Superintendent and district office staff will make an eligibility determination.	The candidate must disclose the circumstances surrounding the conviction(s). The Superintendent and district office staff will make an eligibility determination.	The candidate must disclose the circumstances surrounding the conviction(s). The Superintendent and district office staff may consider length of time since the incident in making the eligibility determination.	Given the length of time and type of crime.	Given the length of time and type of crime.