

Criminal Records Checks/Fingerprinting

Subject Requirements

1. Any individual newly hired into a position and not requiring licensure as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a nationwide criminal records check including fingerprinting.
2. 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 TSPC.

3. 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.
4. Any district contractors, whether part-time or full-time, or an employee of a district contractors, 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 including fingerprinting.

The superintendent will identify district contractors 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 including fingerprinting with the Employment Department.
6. 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.
7. An individual who is an employee of the public charter school shall be required to undergo a nationwide criminal records check and fingerprinting.
8. Any person authorized by the district for volunteer service into a position having direct, unsupervised contact with students will be required to undergo a national criminal records check. Volunteers will be required to under go this check every two years.

An exception will be made to criminal records check and fingerprinting if the district has on file evidence from a previous employer documenting 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 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. 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 stated on district employment application, contract or ODE fingerprint forms as to a conviction of a crime shall result in immediate termination from employment or contract status.
2. 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. Prior to an offer of employment, the Criminal Verification of Applicants form for those not subject to fingerprinting will be sent to 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 fingerprinter for fingerprinting. Fingerprints may be collected by the Clatsop County Sheriff's Department.

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 district, education service district, an Oregon-approved teachers 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 at 820 S.W. Cedar Avenue, Warrenton, Oregon.

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 individual's name and picture in order to verify the identify 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 ODE. A copy of the form will be kept in the employee's personnel file.

Employment

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

Fees

1. Fees associated with fingerprinting, for individuals currently employed by the district and not requiring licensure shall be paid by the individual.
2. Fees associated with fingerprinting for individuals applying for employment with the district and not requiring licensure, including contractors and their employees shall be paid by the individual .
3. Fees associated with fingerprinting for licensed individuals shall be paid by the individual or in accordance with collective bargaining agreements, as applicable.
4. Individuals not requiring licensure will be withheld from the employee's paycheck, including a periodic payroll deduction rather than a lump sum payment 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 district volunteer or employment or contract status or withdrawal of offer of employment or contract will be made 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 a 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 the Accountability for Schools for the 21st Century Law.

Appeals

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