

Criminal Records Checks and 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 also 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 ESD 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.
5. The superintendent will identify ESD contractors who are present on ESD property and regularly interact with students and are 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 Oregon Department of Education (ODE), Child Care Division.
7. 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.
8. Any individual authorized by the ESD for volunteer service is not allowed direct, unsupervised contact with students.
9. Any individual authorized by the ESD for volunteer service that does not have direct, unsupervised contact with students will be required to undergo an Oregon criminal records check.

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

Exceptions

A newly hired employee is not subject to fingerprinting if the ESD has evidence 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 or ESD.

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 ESD can demonstrate records are not otherwise available; and
2. The ESD shall maintain evidence that the employee has not resided outside the state during the interval between the two periods of time working in the ESD.

Notification

1. The ESD will provide the following notification to individuals subject to criminal records checks and 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 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 ESD;
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on ESD employment applications, contracts or ODE forms will result in immediate termination from employment or contract status;
 - 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 candidate who knowingly made a false statement or has been convicted of any crime listed in ORS 342.143 will result in immediate termination from the ability to volunteer in the ESD.
2. The ESD will provide the written notice described above through such means as employment applications, contracts or volunteer forms.

Processing and 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 ESD).
2. All individuals subject to fingerprinting pursuant to state law, are required to report to an authorized fingerprinter for fingerprinting as directed by the ESD.

Fingerprints may be collected by one of the following:

- a. Employing ESD staff;
- b. Contracted agent of employing ESD; 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.

3. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the ESD 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 ESD of said results as well as the identity of any individual it believes has knowingly made a false statement, as to conviction of any crime or has a conviction of a crime prohibiting employment or contract.
5. A copy of the fingerprinting results will be kept by the ESD.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the ESD and not requiring licensure, including contractors² and their employees, and volunteers, shall be paid by the individual. With permission of the Superintendent, invited guests and volunteers may have their criminal records check fee waived.
2. An individual offered employment in the ESD 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 ESD may withhold such fees only upon the request of the individual.

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 any crime prohibiting employment with the ESD 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

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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 ESD policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of the Accountability for Schools for the 21st Century Law.
4. Any volunteer who refuses to submit to a required criminal records check to acquire or maintain such a volunteer status in the ESD in accordance with law and/or Board policy will be denied such ability to volunteer in the ESD.
5. If the ESD 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 ESD, on an ESD volunteer application form will be denied the ability to volunteer in the ESD.

Appeals

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