

Criminal Records Checks/Fingerprinting

In a continuing effort to ensure the safety and welfare of students and staff, the district shall require all newly hired full-time and part-time employees not requiring licensure under Oregon Revised Statute (ORS) 342.223 to submit to a criminal records check and/or fingerprinting as required by law. Other individuals, as determined by the district, that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting as established by Board policy and as required by law. Annual criminal records checks will be required for all non-licensed employees, volunteers, and board members.

“Direct, unsupervised contact” means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision.

Pursuant to state law, a criminal records check or fingerprint based criminal records checks shall be required of the following individuals:

1. All individuals employed as or by a contractor, whether employed part-time or full-time, and considered by the district to have unsupervised access to students;
2. 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 education program or at a grade K through 12 school site during the regular school day;
3. Any individual who is an employee of a public charter school and not requiring licensure under ORS 342.223; and;
4. Any individual considered for volunteer service with the district who is to have direct, unsupervised contact with students.

The district will provide the written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or volunteer forms.

The procedure for processing fingerprinting collection is further outlined in GCDA/GDDA-AR Criminal Records Checks and Fingerprinting.

A subject individual shall be subject to the collection of fingerprint information only after the offer of employment or contract from the district and may be charged a fee by the district. A subject individual may request the fee be withheld from the amount otherwise due the individual.

The district shall begin the employment of a subject individual or terms of a district contractor on a probationary basis pending the return and disposition of the required criminal records and/or fingerprinting.

The service of a volunteer will not begin before the return and disposition of a criminal records check. The service of a Board member may begin before the return of a criminal records check.

When the district is notified a subject individual who has been convicted of any crimes prohibiting employment or contract the individual will not be employed or contracted, or if employed will be terminated. When the district is notified of a subject individual who knowingly made a false statement as to the conviction of any crime, the individual will not be employed or contracted with by the district, or if employed by the district may be terminated. A subject individual who has failed to disclose the presence of convictions that would not otherwise prohibit his/her employment or contract with the district as provided by law may be employed or contracted with the district.

The district’s use of criminal history must be relevant to the specific requirements of the position, services or employment.

A volunteer who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number, will result in immediate termination from the ability to volunteer in the district.

The superintendent shall develop administrative regulations as necessary to meet the requirements of the law.

A subject individual may appeal a determination that prevents his/her employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413-183.470.

END OF POLICY

Legal References:

ORS 181A.180	ORS 332.107	OAR 414-061-0010 to -0030
ORS 181A.230	ORS 336.631	OAR 581-021-0512
ORS 326.603	ORS 342.143	OAR 581-022-2430
ORS 326.607	ORS 342.223	OAR 584-050-0012

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. Seq. (2017).