

## Criminal Records Checks/Fingerprinting

### Subject Individual Requirements

1. Any individual newly hired employee (whether full-time or part-time) and not requiring licensure under Oregon Revised Statute (ORS) 342.223, such as a teacher, administrator, personnel specialist or school nurse shall submit to a criminal records check and fingerprinting.
2. Any individual applying for reinstatement of an Oregon license with Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo a criminal records check and fingerprinting with TSPC.
3. Any individual registering with TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to submit to a criminal records check and fingerprinting with TSPC.
4. Any individual hired as or by a contractor, whether part-time or full-time, into a position having direct, unsupervised contact with students shall be required to submit to a criminal records check and/or fingerprinting.

The superintendent will identify contractors who are subject to such requirements.

5. 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, shall be required to undergo a nationwide criminal records check and fingerprinting.
6. Any individual who is an employee of a public charter school not requiring licensure under ORS 342.223 shall be required to submit to a criminal records check and fingerprinting.
7. A volunteer allowed by the district into a position that has direct, unsupervised contact with students will be required to submit an Oregon criminal history check.
8. Any individual authorized by the district for volunteer service that does not have direct, unsupervised contact with students will be required to undergo an Oregon criminal records check.
9. Elected and appointed board members, as volunteers, will complete a criminal history background check annually.

**Exceptions**

Any individual hired within the last three months is not subject to fingerprinting if:

1. The district has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district or private school, and has not resided outside the state between the two periods of employment; or
2. Submitted to a criminal records check conducted by Oregon Teacher Standards and Practices Commission (TSPC) within the previous three years; or
3. Remained continuously licensed or registered with the TSPC.

**Notification**

1. The district will provide notification to individuals subject to criminal records checks and fingerprinting of the following:
  - a. Such criminal records checks and/or fingerprinting are required by law and/or Board policy;
  - b. Any action resulting from such completed checks that impact employment or contract 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 or contract status or the ability to volunteer in the district.
  - e. Any 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 may result in immediate termination from employment, contract status, or the ability to volunteer in the district.
  - f. Any 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. Any individual 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 of number will result in immediate termination from the ability to volunteer in the district.
2. The district will provide written notice through such means as employee handbooks, employment applications, contracts or volunteer forms.

**Processing/Reporting Procedures**

1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall, complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the district.
2. If the individual is subject to fingerprinting per state law, he/she will be required to report within five working days to an authorized fingerprinter for fingerprinting.

Individuals shall be subject to fingerprinting only after acceptance of an offer of employment or contract. Results from the fingerprinting process will be kept in the employee's personnel file.

**Fees**

1. Fees associated with the annual criminal records checks for individuals currently employed with the district and not requiring licensure, including contractors and their employees, board members and volunteers shall be paid by the district.
2. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the District and not requiring licensure, including persons hired as or by contractors, and licensed individuals shall be paid by the individual and/or contractors or in accordance with negotiated agreements as applicable.
3. Classified and confidential employees may request that the amount of the fee be withheld from the employee's paycheck over a two month period of time rather than a lump sum payment, in accordance with Oregon law. The district may with hold such fees only upon the written request of the individual.

**Termination of Employment or Withdrawal of Employment, Contract Offer, Volunteer Status**

1. A subject individual required to submit to a criminal records check and/or fingerprinting in accordance with law and/or Board policy will be terminated from consideration as a district volunteer and employment or contract status, or withdrawal of offer of employment or contract by the district immediately upon the following:
  - a. Refusal to consent to a criminal records check and/or fingerprinting; or
  - b. Notification that the subject individual has a conviction of any crime 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.

- c. Any subject individual may be terminated from employment, contract status, or volunteer service upon notification that the individual has knowingly made a false statement as to the conviction of any crime.
2. 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 21<sup>st</sup> Century Law.
3. Any volunteer who refuses to submit to a criminal records check in accordance with law and/or Board policy will be denied such ability to volunteer in the district.

If the district has been notified that a volunteer knowingly made a false statement or has a conviction for any crimes listed in ORS342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different name or number, the individual may be denied the ability to volunteer.

Any volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form may be denied the ability to volunteer in the district.

### **Appeals**

1. A subject individual may appeal a determination which prevents their employment, volunteer service or eligibility to contract with the district to the district Superintendent as a contested case under ORS 183.413 - 183.470.