

Oregon School Boards Association Selected Sample Policy

Code: GCDA/GDDA ✓
Adopted:

Criminal Records Checks/ and Fingerprinting * (Version 1)

In a continuing effort to further ensure the safety and welfare of students and staff, the district shall require criminal records checks and fingerprinting of all newly hired full-time and part-time employees not requiring licensure to undergo a criminal records check and/or fingerprinting. Others, having individuals, as determined by the district, that will have direct, unsupervised contact with students shall also have criminal records checks and/or fingerprinting, as required by law.

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

~~In addition to the newly hired employees, such checks~~ As required by state law, a criminal records check and/or fingerprinting shall be required of the following individual or individuals (subject individuals and requirements are further outlined in GCDA/GDDA-AR - Criminal Records Checks and Fingerprinting):

1. All district contractors and/or their employees, whether employed part-time or full-time, considered by the district to have unsupervised access to students;
2. All contractors and/or their employees who provide early childhood special education or early intervention services in accordance with rules established by the Oregon Department of Education, Child Care Division;
3. 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 program, or at a grade K through 12 school site during the regular school day;
4. Any individual who is an employee of a public charter school and not requiring licensure; and
5. Any individual considered for volunteer service with the district who is to have direct, unsupervised contact with students.

The identity of an individual requiring fingerprinting will be provided by the district to the authorized fingerprinter for verification.

An individual shall be subject to fingerprinting only after acceptance of an offer of employment or contract.

The district ~~shall~~ [shall not] begin the employment of an subject individual or terms of a district contractor ~~[on a probationary basis pending]~~ [before] the return and disposition of the required criminal records checks and/or fingerprinting.

~~If the district allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and districts are required to conduct background checks on these volunteers.~~

The service of a volunteer with direct, unsupervised access to students ~~may~~ will not begin ~~on a probationary basis pending~~ before the return and disposition of a criminal records check.

An subject individual who has failed to disclose the presence of eriminal convictions that would not otherwise preventprohibit his/her employment with the district as provided by law, [may] [will not] be employed or contracted with by the district. The district's use of criminal history must be relevant to the specific requirements of the position, services or employment.

[An individual who knowingly made a false statement as to the conviction of any crime on district volunteer forms, as determined by the district, [may] [will] result in immediate termination from the ability to volunteer in the district.]

Fees associated with a criminal records check and/or fingerprinting may be charged.

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

Appeals

An individual eligible 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 and will be so notified in writing by the ODE.

END OF POLICY

Legal Reference(s):

ORS 181A.180
ORS 181A.230
ORS 326.603
ORS 326.607
ORS 332.107

ORS 336.631
ORS 342.143
ORS 342.223

OAR 414-061-0010 to -0030

OAR 581-021-0500
OAR 581-022-1730/2430
OAR 584-036-0062
OAR 584-050-0012

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (2012/2017).