

Mary King ✓

Oregon School Boards Association  
Selected Sample Policy

Code: GCDA/GDDA  
Adopted:

**Criminal Records Checks/Fingerprinting\*** (Version 2)

*There are no recommended changes for this version of sample policy GCDA/GDDA.*

All newly hired employees shall be required to submit to a nationwide criminal records check and fingerprinting. Individuals contracting with the district and their employees, who have direct, unsupervised contact with students, shall also be required to submit to a nationwide criminal records check and fingerprinting.

\* from VI  
The Board may require an Oregon criminal history check for other individuals considered for volunteer service for the district who have direct, unsupervised contact with students. *all coaching vol are req'd to submit to fingerprinting thru ODE.*

The district ~~(shall)~~ ~~(shall not)~~ begin the employment of an individual or terms of a district contractor ~~(on a probationary basis pending)~~ ~~(before)~~ the return and disposition of such criminal records check and/or fingerprinting. [The service of a volunteer ~~(may)~~ ~~(will not)~~ begin ~~(on a probationary basis pending)~~ ~~(before)~~ the return and disposition of a criminal records check.]

An individual who has failed to disclose the presence of criminal convictions that would not otherwise prevent 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.

Criminal records checks and fingerprinting fees as required by the Teacher Standards and Practices Commission shall be paid by the individual. Fees ~~as required~~ for all other individuals subject to such checks and/or fingerprinting shall be paid by the ~~(individual)~~ ~~(district)~~.

Employees not requiring licensure may request that the required fees be withheld from the employee's paycheck. Such fees may be deducted only upon the request of the individual.

The superintendent is directed to develop administrative regulations to meet the requirements of applicable Oregon Revised Statutes and Oregon Administrative Rules.

END OF POLICY

**Legal Reference(s):**

- |                                |                    |                          |
|--------------------------------|--------------------|--------------------------|
| <u>ORS 181.525</u>             | <u>ORS 336.631</u> | <u>ORAR 414-061-0010</u> |
| <u>ORS 181.555</u>             | <u>ORS 338.115</u> | <u>ORAR 581-021-0500</u> |
| <u>ORS 183.413 to -183.470</u> | <u>ORS 342.143</u> | <u>ORAR 581-022-1730</u> |
| <u>ORS 326.603</u>             | <u>ORS 342.223</u> | <u>ORAR 584-036-0062</u> |
| <u>ORS 326.607</u>             |                    |                          |

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

DO 8/20/16 intro  
~~7/11/16~~ 8/22/16 1st Read

# Oregon School Boards Association Selected Sample Policy

Code: GCDA/GDDA  
Adopted:

## Criminal Records Checks/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. Others having direct, unsupervised contact with students shall also have criminal records checks and fingerprinting, as required by law.

"Direct, unsupervised contact" means contact with students that provides the person opportunity and probability for personal communication or touch. *See version 2*

In addition to the newly hired employees, such checks shall be required of the following:

1. All district contractors and/or their employees, whether employed part-time or full-time;  
*ADD for v2 \**  
*add to P#1*  
All contractors and/or their employees who provide early childhood special education or early intervention services in accordance with rules established by the Employment Department Oregon Department of Education, Child Care Division;
3. *v2* 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;
4. An individual who is an employee of a public charter school.

An individual who has failed to disclose the presence of criminal convictions that would not otherwise prevent 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. *see version 2*

The district [shall] [shall not] begin the employment of an individual or terms of a district contractor [on a probationary basis pending] [before] the return and disposition of criminal records checks and/or fingerprinting. [The service of a volunteer [may] [will not] begin [on a probationary basis pending] [before] the return and disposition of a criminal records check.]

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

END OF POLICY