

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.

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;
2. 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;
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;
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.

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

Legal Reference(s):

ORS 181.555
ORS 326.603
ORS 326.607
ORS 336.631

ORS 338.115
ORS 342.143
ORS 342.223

OAR 414-061-0010
OAR 581-021-0500
OAR 581-022-1730
OAR 584-036-0062

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