

Criminal Records Checks and Fingerprinting

In a continuing effort to ~~further~~ 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 to undergo a criminal records check and/or fingerprinting. Other individuals, as determined by the district, that will have direct, unsupervised contact with students shall ~~have~~ **submit to** 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.

As required by state law, a criminal records check and/or fingerprinting shall be required of the following ~~individual or individuals¹ (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 **direct**, unsupervised ~~access to~~ **contact with** students;
2. All **district** 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.

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

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

The district shall begin the employment of a subject individual or terms of a district contractor before the return and disposition of the required criminal records checks ~~and/or fingerprinting~~.

¹ **Subject individuals and requirements are further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.**

A subject individual who has been convicted of any crimes prohibiting employment or contract will be terminated and/or will not be employed or contracted. A subject individual who has failed ~~fails~~ 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 by the district. **A subject individual who knowingly made a false statement as to the conviction of any crime may be employed or contracted by the district.**

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

~~An subject individual who knowingly made a false statement as to the conviction of any crime on district volunteer forms, as determined by the district,~~ **or has been convicted of a crime listed in ORS 342.143** may 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 subject 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 **of such** in writing by ~~the~~ ODE.

A volunteer required to submit to a fingerprint-based criminal records check may appeal a determination that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case, if the results of the background check were provided by ODE or ODE's vendor and will be notified of such in writing by 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](#)
[OR 414-061](#)-0010 to -0030
[OR 581-021](#)-0500

OR 581-021-0502
[OR 581-022](#)-2430
[OR 584-050](#)-0012

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