

Criminal Records Checks/Fingerprinting

Subject Requirements

1. Any individual newly hired and not requiring licensure as a teacher, administrator, personnel specialist or school nurse shall be required to undergo a nationwide criminal records check and fingerprinting.
2. Individuals applying for reinstatement of a license that has lapsed for more than three years shall be required to undergo such checks.

Requirements, including applicable fees and the process for the collection and submission of fingerprints, etc., will generally be met by the individual as a part of the licensing process and in accordance with rules established by TSPC.

3. Any individual registering with TSPC for student teaching, practicum or internship as a teacher, administrator or personnel specialist shall be required to undergo a nationwide criminal records check and fingerprinting with TSPC.
4. Any district contractor, whether part-time or full-time, or an employee of a district contractor, whether part-time or full-time, hired into a position having direct, unsupervised contact with students shall be required to undergo a nationwide criminal records check and fingerprinting.

The superintendent will identify district contractors subject to such requirements.

5. Any contractor or an employee of the contractor who provides early childhood special education or early intervention services shall be required to undergo a nationwide criminal records check and fingerprinting with the Employment Department.
6. 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.
7. An individual who is an employee of a public charter school shall be required to undergo a nationwide criminal records check and fingerprinting.

8. Any person authorized by the district for volunteer service into a position having direct, unsupervised contact with students will be required to undergo an Oregon Criminal Records Check. The District shall permit volunteer service to begin on a probationary basis pending the return and disposition of the criminal records check.
 - a. All individuals wanting to volunteer in the schools of the district shall complete the Oregon Department of Education Criminal History Verification of Applicants form. The District will send the form to the Oregon Department of Education for processing in a timely manner.
 - b. A list of those individuals approved to volunteer in the schools will be provided to interested persons in the school district and affiliated with programs co-sponsored by the school district. Only the name of the volunteer and date of criminal history check will be shown on the list.
 - c. Should the district receive notification that an individual has a criminal record, said individual shall be notified by the superintendent. Those individuals will not be permitted to volunteer in the schools until the following steps have been completed:
 - (1) The individual shall have an opportunity, at their expense, to complete a fingerprint-based criminal history verification through the Oregon State Police to show the criminal infraction and disposition thereof;
 - (2) The individual shall have an opportunity to discuss the fingerprint-based criminal history verification results with the superintendent;
 - (3) The superintendent shall have the authority to approve or disapprove the individual's volunteer status based on the evidence provided in the results of the fingerprint-based criminal history verification process.
 - d. Individuals will be notified that they have been cleared to volunteer in the schools.

Notification

1. A list the district contractors subject to criminal records checks and fingerprinting will be maintained in the district office and available to the public upon request.
2. The district will provide notification to individuals subject to criminal records checks and fingerprinting of the following:
 - a. Such checks are required by law and/or Board policy;
 - b. Any action resulting from those checks may be appealed as a contested case;
 - c. All employment or contract offers are contingent upon the results of such checks;
 - d. A refusal to consent to criminal records checks or fingerprinting or falsely stating on district employment application, contract or ODE fingerprint forms as to conviction of a crime shall result in immediate termination from employment or contract status.
3. The district will provide notice through such means as employment applications and contract forms.

Processing/Reporting Procedures

1. Any individual subject to criminal records checks and/or fingerprinting shall, as part of the application process, complete the appropriate forms as provided by ODE.

- ~~2. Following acceptance of an offer of employment, the Criminal Verification of Applicants form for those not subject to fingerprinting will be sent to ODE for processing. A copy will be kept on file by the district in the district office.~~
3. If the individual is subject to fingerprinting, he/she will be required to report within three working days to an authorized fingerprinter for fingerprinting. Fingerprints may be collected by one of the following:
 - a. Employing district staff;
 - b. Contracted agent of employing district;
 - c. Local or state law enforcement agency.

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

4. The individual is responsible for obtaining a fingerprint card from an Oregon school district, education service district, an Oregon-approved teacher education institution, ODE or TSPC.
5. The individual is responsible for submitting to the authorized fingerprinter a fingerprint card and an 8 ½" x 11" or larger envelope with postage affixed and addressed to the district office.
6. To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the district will provide the name of the individual to be fingerprinted to the authorized fingerprinter and require that the individual submit a photo ID (driver's license or other) containing the individual's name and picture in order to verify the identity of the individual intended to be fingerprinted.
7. The authorized fingerprinter will return the fingerprint card to the district in the envelope provided. The Fingerprint Criminal History Verification form and fingerprint card will be sent to the ODE. A copy of the form will be kept in the district office.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district, including contractors and their employees shall be paid by the individual.
2. Fees associated with criminal records checks for volunteers shall be paid by the district.
3. Fees are payable prior to beginning employment or contract.

Termination of Employment or Withdrawal of Employment Contract/Offer

1. Any individual required to submit to criminal records checks 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 will be made by the superintendent immediately upon:

- a. Refusal to consent to a criminal records check and/or fingerprinting; or
 - b. Notification by the Superintendent of Public Instruction or his/her designee or the State Board of Education that the employee has made a false statement as to conviction of a crime or conviction of crimes prohibiting employment with the district as specified in law.
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 21st Century Law.

Appeals

All appeals regarding a determination which prevents his/her employment or eligibility to contract with the district will be directed to the Oregon Superintendent of Public Instruction. Individuals eligible to appeal as a contested case will be so notified in writing by ODE.