

Oregon School Boards Association Selected Sample Policy

Code: GCDA/GDDA-AR ✓
Revised/Reviewed:

Criminal Records Checks/Fingerprinting

Subject **Individual** Requirements

1. Any individual newly hired, **full-time or part-time**, 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. **Any individuals applying for reinstatement of an Oregon license with the Teacher Standards and Practices Commission (TSPC) that has lapsed for more than three years shall be required to undergo such checks a nationwide criminal records check and fingerprinting with TSPC.**

~~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 the Teacher Standards and Practices Commission (TSPC).~~

3. Any individual registering with ~~the~~ 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 contractor¹, 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 **who are present on district property and regularly interact with students and are** 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 Oregon Department of Education (ODE), Child Care Division.
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 childhood program, **or at a grade K through 12 school site during the regular school day**, shall be required to undergo a nationwide criminal records check and fingerprinting.
7. Any individual who is an employee of a public charter school **not requiring licensure** shall be required to undergo a nationwide criminal records check and fingerprinting.
8. ~~Any person~~ **individual** authorized by the district for volunteer service into a position having direct, unsupervised contact with students ~~[will] [may]~~ **shall** be required to undergo an Oregon criminal records check.²

¹ Contractor employees may not be required to submit fingerprinting until the contractor has been offered a contract.

9. Any individual authorized by the district for volunteer service that does not have direct, unsupervised contact with students ~~will~~ will not be required to undergo an Oregon criminal records check.

Exceptions

An exception will be made to criminal records checks and fingerprinting if the district has on file evidence from a previous employer documenting a successfully completed Oregon and FBI criminal records check. A newly hired employee is not subject to fingerprinting if the district has on file evidence that the newly hired employee previously and successfully completed an Oregon and a FBI criminal records check for a previous employer that was a school district.

Evidence will be either a copy of the criminal records check or a written statement of verification from a supervisor or officer of the previous employer. Furthermore:

1. The Oregon Department of Education (ODE) or TSPC verification of a previous check shall be acceptable only in the event the district can demonstrate records are not otherwise available;
2. ~~Additional~~ The district shall maintain evidence that the employee has not resided outside the state during the interval between the two periods of time working in the district ~~shall be maintained~~.

Notification

1. The district will provide notification to individuals subject to criminal records checks and/or fingerprinting of the following:
 - a. Such criminal records checks and/or fingerprinting are required by law and/or Board policy;
 - b. Any action resulting from ~~thesesuch~~ checks that impact employment or contract may be appealed as a contested case;
 - c. All employment or contract offers [or the ability to volunteer] are contingent upon the results of such checks;
 - d. A refusal to consent to a required criminal records checks and/or fingerprinting ~~or falsely stating on district employment applications, contracts or ODE fingerprint forms as to conviction of a crime~~ shall result in immediate termination from employment ~~[,] [or] contract status~~ [or the ability to volunteer in the district];
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on district employment applications, contracts ~~[,][or] ODE forms~~ or district volunteer forms ~~(written or electronic)~~ [may] [will] result in immediate termination from employment ~~[,][or] contract status~~ [or the ability to volunteer in the district].
2. The district will provide written notice through such means as employment applications, and contracts or volunteer forms.

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.

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 ~~or requirements~~ as provided ~~approved~~ by ODE (information available through the district).
2. If the individual is subject to fingerprinting per state law, he/she will be required by the district, and is responsible to report within ~~three~~ working days to an authorized fingerprinter for fingerprinting as directed by the district.

Fingerprints may be collected by one of the following:

- a. Employing district staff;
- b. Contracted agent of employing district; ~~or~~
- c. Local or state law enforcement agency.

~~The individuals~~ subject to fingerprinting shall be subject to fingerprinting only after acceptance of an offer of employment or contract.

- ~~3. The individual is responsible for obtaining [two] fingerprint card [s] from an Oregon district, education service district, an Oregon approved teacher education institution, ODE or TSPC.~~
- ~~4. The individual is responsible for submitting to the authorized fingerprinter [two] fingerprint card [s] [and an 8 1/2" x 11" or larger envelope with postage affixed and addressed to the district [personnel office]].~~
5. 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.
6. The authorized fingerprinter will ~~return the fingerprint card[s] to the district in the envelope provided~~ obtain the necessary identification and fingerprinting and notify the ODE with the results. ~~The Fingerprint Criminal History Verification form and fingerprint card[s] will be sent to the ODE. The ODE will notify the district of said results and any subject individual it believes has knowingly made a false statement as to conviction of a crime prohibiting employment or contract.~~
7. A copy of the required form to authorize fingerprinting, and the results of such, will be kept in the employee's personnel file.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the district and not requiring licensure, including contractors³ and their employees, ~~and volunteers~~ shall be paid by the individual ~~district~~.
2. ~~Fees are payable [prior to] [within [three] working days of] beginning employment[, volunteer service] or contract.~~
3. ~~Individuals~~ An individual offered employment in the district may request that the amount of the fee be withheld from the employee's paycheck, including a periodic payroll deduction rather than a lump sum payment, in accordance with Oregon law. The district may withhold such fees only upon the request of the individual.
4. ~~Fees associated with required criminal records checks for volunteers shall be paid by the [individual] [district].~~

Termination of Employment or Withdrawal of Employment/Contract Offer/Volunteer Status

1. Any individual required to submit to ~~a~~ 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 from~~ 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 ~~any~~ crimes prohibiting employment with the district as specified in law.
2. Any individual required to submit to a criminal records check and/or fingerprinting in accordance with law [may] [will] be terminated from employment or contract status, or withdrawal of offer of employment or contract will be made by the superintendent upon notification from the Superintendent of Public Instruction or his/her designee that the employee has knowingly made a false statement as to the conviction of any crime.
3. ~~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.
4. ~~Any~~ Any volunteer who will have direct, unsupervised contact with students that refuses to submit to a required, criminal records check to acquire or maintain a volunteer status in the district in accordance with law and/or Board policy will be denied the ability to volunteer in the district.
5. ~~If~~ If the district has completed a required criminal records check and the district has been notified by the Superintendent of Public Instruction that the individual knowingly made a false statement on an ODE form as to conviction of any crime that may otherwise prevent a volunteer status in the district, the individual will be denied the ability to volunteer.

³Contractor employees may not be required to submit fingerprinting until the contractor has been offered a contract.

6. ~~Any~~ volunteer who knowingly makes a false statement, as determined by the district, on a district volunteer application form ~~may~~ be denied the ability to volunteer in the district.

Appeals

will

All appeals regarding a determination which prevents his/her employment or eligibility to contract with the district will be directed to the Superintendent of Public Instruction. An individual eligible to 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.