

# Three Rivers School District

8550 New Hope Rd • PO Box 160 • Murphy, OR 97533

**Policy: GCDA/GDDA**  
Adopted: 5/15/06  
Readopted: 11/17/08, 12/15/15

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## CRIMINAL RECORDS CHECKS/ and FINGERPRINTING

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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 ~~not requiring licensure to undergo a criminal records check and/or fingerprinting~~. Others ~~having~~ individuals, as determined by the district, that will have direct, unsupervised contact with students shall ~~also 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.

~~In addition to the newly hired employees, such checks~~ As required by state law, a criminal records check and/or fingerprinting shall be required of the following individual or individuals<sup>1</sup> ~~subject individuals and requirements are further outlined in GCDA/GDDA-AR – Criminal Records Check 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 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 ~~Employment Department~~ 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; and
5. <sup>2</sup>Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students.
6. ~~Volunteer coaches or advisors;~~
7. ~~Chaperones of overnight field trips; and~~
8. ~~Other individuals designated by District.~~

The district shall require a nationwide criminal records check based on fingerprinting for a volunteer with direct, unsupervised contact with students in the following positions<sup>3</sup>:

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

<sup>2</sup> 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.

<sup>3</sup> If the district requires fingerprinting for certain volunteer positions, the district is required to list those volunteer positions in board policy. The bracketed language is only possible examples; modify to identify the needs of the district.

1. Extracurricular coaches and advisors.
2. Overnight chaperones;
3. Volunteers transporting students, other than their own, in a private vehicle off district property for a district-sponsored activity;
4. Other individuals designated by the district.
5. Individual paid by grant funds, such as 21st Century folks.

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

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

The district shall not begin the employment of a subject individual or terms of a district contractor before the return and disposition of the criminal records checks.

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 to disclose the presence of criminal convictions that would not otherwise prevent prohibit his/her employment or contract with the district as provided by law will may not be employed or contracted with, by the district. A subject individual who knowingly made a false statement as to the conviction of any crime 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 service of a volunteer allowed to have direct, unsupervised contact with students will not begin pending before the return and disposition of a criminal records check.

The service of a volunteer in a position identified by the district as requiring a nationwide criminal records check including fingerprinting will not begin before the return and disposition of the nationwide criminal records check and may begin on a probationary basis pending fingerprinting being completed at the state level.

A subject individual who knowingly made a false statement or has been convicted of a crime listed in ORS 342.143 will 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**

A subject individual may appeal a determination that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case and will be notified of such in writing by 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

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**Legal Reference(s):**

ORS ~~181.555~~ 181A.180

ORS 181A.230

ORS 326.603

ORS 326.607

ORS 322.107

ORS 336.631

~~ORS 338.115~~

ORS 342.143

ORS 342.223

OAR 414-061-0010 to ~~-0030~~

OAR 581-021-0500

OAR 581-021-0502

OAR 581-022-~~4730~~ 2430

~~OAR 584-036-0062~~

OAR 584-050-0012

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (~~2012~~2017).