

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 education 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~~ **shall** be required to undergo an Oregon criminal records check.

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

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

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 ~~nonlicensed~~ employee has not resided outside the state **during the internal** 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 ~~those~~ **such** 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 application, contract 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, ODE forms or district volunteer forms (written or electronic) may result in immediate termination from employment, 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.

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 prior to employment 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 one fingerprint cards from an Oregon school district, education service district, an Oregon approved teacher education institution, ODE or TSPC.~~
4. ~~The individual is responsible for submitting to the authorized fingerprinter one fingerprint cards and an 8 1/2" x 11" or larger envelope with postage affixed and addressed to the district.~~
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 cards 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 cards will be sent to ODE. A copy of the form will be kept in the employee's personnel file. 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 contractors² and their employees, ~~and volunteers~~ shall be paid by the individual;
2. Fees are payable ~~at the time of printing and~~ prior to beginning employment, ~~processing at the beginning employment or~~ volunteer service or contract; ~~or~~
3. ~~Individuals, others than those applying through TSPC,~~ An individual being offered employment in the district may request that the amount of the fee be withheld from the employee's paycheck,

²Contractor employees may not be required to submit fingerprinting until the contractor has been offered a contract.

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.**

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 volunteer and~~ employment or contract status, or withdrawal of offer of employment or contract will be made by the superintendent ~~immediately~~ upon the following:
 - 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 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. Employment termination shall remove the individual from any district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Oregon's Accountability for Schools for the 21st Century Law.
4. **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 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.**

Appeals

An individual may appeal a determination which prevents his/her employment or eligibility to contract with the district to the Oregon Superintendent of Public Instruction. ~~Individuals eligible to appeal as a contested case~~ **and** will be so notified in writing by **the** ODE.