

## **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 under Oregon Revised Statute (ORS) 342.223 to submit to a criminal records check and/or fingerprinting as required by law. Volunteers that will have direct, unsupervised contact with students shall have criminal records checks and/or fingerprinting. As established by Board policy 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.

Pursuant to state law, a criminal records check or fingerprint based criminal records checks shall be required of the following individuals:

1. All individuals employed as or by a contractor, whether employed part-time or full-time, considered by the district to have unsupervised access to students;
2. 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;
3. Any individual who is an employee of a public charter school and not requiring licensure under ORS 342.223; and
4. Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students

The procedure for processing fingerprint collection is further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting.

An individual shall be subject to the collection of fingerprinting information only after offer of employment or contract from the district and may be charged a fee by the district. A subject individual may request the fee be withheld from the amount otherwise due the individual.

The district shall begin the employment of a subject individual or terms of a district contractor on a probationary basis pending the return and disposition of the required criminal records checks and/or fingerprinting.

The service of a volunteer with direct, unsupervised access to students will not begin before the return and disposition of a criminal records check and/or fingerprinting.

When the district is notified of a subject individual who has been convicted of any crimes prohibiting employment or contract the individual will not be employed or contracted, or if employed will be terminated.

When the district is notified of a subject individual who knowingly made a false statement as to the convictions of any crime, the individual will not be employed or contracted by the district, or if employed by the district may be terminated. A subject individual who has failed to disclose the presence of convictions that would not otherwise prohibit employment or contract with the district as provided by law, 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 before the return and disposition of a criminal records check.

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 individual eligible may appeal a determination from ODE that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

A volunteer may appeal a determination from a fingerprint-based criminal records checks by ODE that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case under ORS 183.413 – 183.470.

### **END OF POLICY**

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#### Legal References:

[ORS 181A.180](#)

[ORS 181A.230](#)

[ORS 326.603](#)

[ORS 326.607](#)

[ORS 332.107](#)

[ORS 336.631](#)

[ORS 342.143](#)

[ORS 342.223](#)

[OAR 414-061-0010 to -0030](#)

[OAR 581-021-0510-21-0512](#)

[OAR 581-022-2430](#)

[OAR 584-050-0012](#)

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

