

Northwest Regional ESD

Code: GCDA/GDDA-AR
Revised/Reviewed: 6/20/17
Orig. Code: GCDA/GDDA-AR

Criminal Records Checks and Fingerprinting

(Does the ESD have volunteers? Volunteer language would not be applicable if not.)

Requirements

1. Any newly hired employee¹, whether full-time or part-time, and not requiring licensure under Oregon Revised Statute (ORS) 342.223 as a teacher, administrator, personnel specialist or school nurse, shall submit to a 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 also be required to undergo a 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 Teacher Standards and Practices Commission (TSPC).

3. Any individual hired as or by a contractor, whether part-time or full-time, into a position having direct, unsupervised contact with students as determined by NWRES D shall be required to submit to a nationwide criminal records check and fingerprinting.

The superintendent will identify contractors subject to such requirements.

4. Any community college faculty member providing instruction at the site of an early childhood education program, 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 criminal records check and fingerprinting.
5. A volunteer allowed by the NWRES D into a position that has direct, unsupervised contact with students shall undergo an in- state criminal history check.
6. A volunteer allowed to have direct, unsupervised contact with students, into a volunteer position identified in Board policy² by the ESD as requiring a finger-print based criminal records check, shall undergo a state and national criminal records check based on fingerprints.

¹ Any individual hired within the last three months. A subject individual does not include an employee hired within the last three months if the ESD has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

² See policy GCDA/GDDA – Criminal Records Checks and Fingerprinting.

7. A volunteer that is not likely to have direct, unsupervised contact with students will be required to undergo an in-state criminal records check.

Exceptions

A newly hired employee³ is not subject to fingerprinting if the ESD has evidence on file that the employee successfully completed a state and national criminal records check for a previous employer that was a school district, private school or ESD, and has not resided outside the state between the two periods of employment.

Notification

1. The NWRESD 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 completed by the Oregon Department of Education (ODE) that impact employment, contract or volunteering may be appealed as a contested case to ODE;
 - 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 criminal records checks or fingerprinting shall result in immediate termination from employment or contract status or the ability to volunteer in the ESD.
 - e. An individual determined to have knowingly made a false statement as to the conviction of any crime on ESD employment applications, contracts, or ODE forms (written or electronic) may result in immediate termination from employment or contract status;
 - f. An individual determined to have been convicted of any crime that would prohibit employment or contract will be immediately terminated from employment or contract status
 - g. A volunteer candidate who knowingly made a false statement or has a conviction of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if the conviction occurred in another jurisdiction or in Oregon under a different statutory name or number may result in immediate termination from the ability to volunteer in the ESD. The ESD will remove the volunteer from the position allowing direct, unsupervised contact with students.
2. The NWRESD will provide written notice above through means such as staff handbooks, employment applications and contract or volunteer forms.

Processing/Reporting Procedures

1. Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and/or fingerprinting shall, as part of the application process, complete the appropriate forms. authorizing such checks and reporting to an authorized fingerprinter as directed by the ESD. The ESD shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

³ Any individual hired within the last three months.

2. The individual is responsible for scheduling an appointment with Fieldprint to electronically submit their fingerprints, and pay associated fees to Fieldprint for capturing the fingerprint and to ODE for processing.
3. The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the ESD of said results as well as the identity of any individual it believes has knowingly made a false statement as to conviction of a crime, has knowingly made a false statement as to conviction of any crime or has a conviction of a crime prohibiting employment, contract or volunteering.
4. A copy of the fingerprinting results will be kept by the ESD.

Fees

1. Fees associated with criminal records checks and/or fingerprinting for individuals applying for employment with the NWRESD and not requiring licensure, including persons hired as or by contractors, shall be paid by the individual.
2. Individuals offered a contract or employment by the ESD may, only upon request, may request that the amount of the fee be withheld from the amount otherwise due the individual in accordance with Oregon law. Fees associated with required criminal records checks for volunteers shall be paid by the ESD.
3. Fees associated with a required fingerprinting for volunteers shall be paid by the individual.

Termination of Employment or Withdrawal of Employment/Contract Offer

1. A subject 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 NWRESD 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 NWRESD as specified in law.
2. Termination shall remove the individual from any NWRESD policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of the Accountability for Schools for the 21st Century Law.

Appeals

A subject individual may appeal a determination from ODE that prevents employment or eligibility to contract with the ESD to the Superintendent of Public Instruction as under ORS 183.413 – 183.470.

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