

Criminal Records Checks/Fingerprinting

Definition:

1. “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 a continuing effort to further ensure the safety and welfare of students and staff, the ESD shall require all newly hired full-time and part-time employees not requiring licensure to undergo a criminal records check and/or fingerprinting. Other individuals, as determined by the ESD, who will have direct, unsupervised contact with students shall have criminal records checks and/or fingerprinting, as required by law.

As required by state law, a criminal records check and/or fingerprinting shall be required of the following individual or individuals (subject individuals and requirements are further outlined in GCDA/GDDA-AR – Criminal Records Checks and Fingerprinting):

1. All ESD contractors and/or their employees, whether employed part-time or full-time, considered by the ESD to have unsupervised access to students;
2. All contractors and/or their employees who provide early childhood special education or early intervention services in accordance with rules established by the 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 education program, or at a grade K through 12 school site during the regular school day;
4. Any individual considered for volunteer service with the ESD who is to have direct, unsupervised contact with students.

The identity of an individual requiring fingerprinting will be provided by the ESD to the authorized fingerprinter for verification.

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

A subject individual who fails to disclose or knowingly makes a false statement as to the presence of convictions that would not otherwise prohibit his/her employment with the ESD as provided by law, may be employed or contracted with, by the ESD. The ESD’s use of criminal history must be relevant to the specific requirement of the position, services or employment.

An individual who fails to disclose or knowingly makes a false statement as to the conviction of any crime on ESD volunteer forms, as determined by the ESD, may immediately be terminated from the ability to volunteer for the ESD.

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

The service of a volunteer may begin on a probationary basis pending the return and disposition of a criminal records check and/or fingerprinting.

The service of a volunteer with direct, unsupervised contact with students may begin on a probationary basis pending the return and disposition of a criminal records check and/or fingerprinting.

The Superintendent shall develop administrative regulations as necessary to meet the requirements of the law.

Appeals

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

END OF POLICY

Legal Reference(s):

[ORS 181A.180](#)

[ORS 181A.230](#)

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

[OAR 581-022-17302430](#)

[ORS 326.603](#)

[ORS 336.631](#)

[ORS 342.127](#)

[ORS 342.143](#)

[ORS 342.223](#)

[OAR 584-050-0012](#)

[ORS 326.607](#)

[ORS 334.125](#)