Jefferson County Education Service District

Code: GCDA/GDDA
Adopted: 5/07/08
Readopted: 11/30/09; 11/02/22

Criminal Records Checks/Fingerprinting

In a continuing effort to ensure the safety and welfare of students and staff, the ESD shall require all newly hired full-time and part-time employees[1] not requiring licensure under Oregon Revised Statute (ORS) 342.223 to submit to a criminal records check and fingerprinting as required by law. Other individuals, as determined by the ESD, that will have direct, unsupervised contact with students shall submit to criminal records checks and/or fingerprinting, as established by Board policy and 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[2]:

1. All individuals employed as or by a contractor, whether employed part-time or full-time, and considered by the ESD to have direct, unsupervised contact with students;

2. 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 education program or at a grade K through 12 school site during the regular school day;

3. [3]Any individual considered for volunteer service with the ESD who is allowed to have direct, unsupervised contact with students.

The ESD will provide the written notice about the requirements of fingerprinting and criminal records checks through means such as staff handbooks, employment applications, contracts or volunteer forms.

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

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

When the ESD 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. When the ESD is notified of a subject individual who knowingly made a false statement as to the conviction of any crime, the individual will not be employed or contracted with by the district, or if employed by the district will be terminated. A subject individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the ESD as provided by law will not be employed or contracted with by the ESD.

The ESD's use of criminal history must be relevant to the specific requirements of the position, services or employment.

A volunteer 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 will result in immediate termination from the ability to volunteer in the ESD.

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

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.

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

END OF POLICY

Legal Reference(s):

ORS 181A.180
ORS 181A.230
ORS 326.603
ORS 326.607
ORS 334.125
ORS 336.631
ORS 342.127
ORS 342.143
ORS 342.223
OAR 414-061-0010 - 0030
OAR 581-021-0510 – 021-0512
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. (2012).

---

[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] Subject individuals and requirements are further outlined in GCDA/GDDA-AR - Criminal Records Checks and Fingerprinting.

[3] If the ESD allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and ESDs are required to conduct criminal records checks on these volunteers.