

GrammaBEND-LA PINE SCHOOLS

Administrative School District No. 1

Deschutes County, Oregon

ADMINISTRATIVE POLICY

Name: Criminal Records Check / Fingerprinting

Section: Required Policies

Code: GCDA/GDDA-AP

In a continuing effort to further ensure the safety and welfare of students and staff, the district shall require criminal records checks fingerprint based criminal records checks (Fingerprint Background Check) of all newly hired full-time and part-time employees not requiring licensure under ORS 342.223 to submit to a criminal records check and/or fingerprinting as required by law. Other individuals having direct, unsupervised contact with students shall also submit to criminal records checks and/or a Fingerprint Background Check, as required by law. It is the intention of the Board to ensure that the most thorough criminal history records checks are conducted, using nationwide databases when available, in addition to a Fingerprint Background Check.

The district will not hire any person who has committed a crime listed in ORS 342.143(3). The district will not contract with a contractor, if the contractor or the contractor's employees who have direct unsupervised contact with students, have committed a crime listed in ORS 342.143(3). The district shall have the authority to deny employment to applicants and contractors who have a criminal history in addition to the exclusionary crimes listed in ORS 342.143(3), if the district determines it to be necessary to ensure the safety and welfare of students and staff. 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 may result in immediate termination from the ability to volunteer in the district.

"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 addition to the newly hired employees, a criminal records check or Fingerprint Background Checks shall be required of the following individuals:

1. All individuals employed as or by a contractor, whether employed part-time or full-time, and considered by the district to have direct, unsupervised contact with students;
2. Any community college faculty member providing instruction at the site of an early childhood education program, 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. An individual who is an employee of a public charter school not requiring licensure under ORS 342.223;
4. Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students.

The district may begin the employment of an individual, or terms of a district contractor on a probationary basis pending the return and disposition of criminal records checks and/or fingerprinting. The service of a volunteer into a position identified by the district will not begin on a probationary basis before the return and disposition of a criminal records check as described in KCA-AR: Volunteers / Criminal History Records Check.

When the district is notified of a subject individual who has been convicted of any crimes prohibiting employment or contract with 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 conviction 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 fails 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 the district.

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

END OF POLICY

Legal Reference(s):

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 – 061-0030
OAR 581-021-0510 – 021-0512
OAR 581-021-0501
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)

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