

**West Linn-Wilsonville
School District 3J**

Code: **GCDA/GDDA**
Adopted: 2/04/13
Readopted: 1/11/16
Readopted: 7/12/19
Orig. Code(s): GCDA/GDDA

Criminal Records Checks/Fingerprinting

All newly hired employees shall be required to submit to a nationwide criminal records check and fingerprinting. Individuals contracting with the district and their employees, who have direct, unsupervised contact with students, shall also be required to submit to a nationwide criminal records check and fingerprinting as required by law.

“Direct, unsupervised contact” means contact with students that provide the person opportunity and probability for personal communication or touch when not under direct supervision.

As required by state law, a criminal records check and/or fingerprinting shall be required of the following individuals¹

1. All district contractors and their employees, whether employed part-time or full-time, considered by the district to have direct, unsupervised contact with students;
2. All district contractors and their employees who provide early childhood special education or early interventions services in accordance with rules established by the Department of Education, Child Care Division;
3. 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;
4. Any individual who is an employee of a public charter school and not requiring licensure; and
5. ²Any individual considered for volunteer service with the district who is allowed to have direct, unsupervised contact with students.

The district shall require a nationwide criminal records check based on fingerprinting for a volunteer with direct, unsupervised contact with students in the following positions:³

¹ Subject individuals and requirements are further outlined in GCDA/GDDA-AR-Criminal Records Checks and Fingerprinting

² If the district allows volunteer service and the volunteers have direct, unsupervised contact with students, this policy language is required, and district are required to conduct background checks on these volunteers.

³ If the district requires fingerprinting for certain volunteer positions, the district is required to list those volunteer positions in board policy.

1. Coaches;
2. Overnight chaperone;
3. Volunteer or paid students over the age of 18;
4. Volunteer or paid enrichment instructors;

An individual who fails to disclose the presence of criminal convictions that would not otherwise prevent employment or contract with the district as provided by law may not be employed or contracted with by the district. The district's use of criminal history shall be relevant to the specific requirements of the position, services or employment.

The district will terminate an employee immediately if it receives notification by the Superintendent of Public Instruction that the person has been convicted of the crimes prohibiting employment that are listed in section (9) of OAR 581-021-0500.

Individuals may not begin to carry out terms of a contract or employment on a probationary basis pending the return of criminal record checks.

Criminal records checks and fingerprinting fees as required by the Teacher Standards and Practices Commission shall be paid by the individual. Fees as required for all other individuals subject to such checks and/or fingerprinting shall be paid by the individual.

District employees not requiring licensure may pay for fingerprint processing at time of hire or may request that the required processing fees be withheld from the employee's first paycheck.

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

Appeals

A subject individual may appeal a determination that prevents employment or eligibility to contract with the district to the Superintendent of Public Instruction as a contested case and will be notified in writing by ODE.

A volunteer required to submit to a fingerprint-based criminal records check may appeal a determination that prevents the ability to volunteer with the district to the Superintendent of Public Instruction as a contested case, if the results of the background check were provided by ODE or ODE's vendor and will be notified of such in writing by ODE.

Legal Reference(s):

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| ORS 181A.180 | ORS 336.631 | OAR 581-021-0502 |
| ORS 181A.230 | ORS 342.143 | OAR 581-022-2430 |
| ORS 326.603 | ORS 342.223 | OAR 584-050-0012 |
| ORS 326.607 | OAR 414-061-0010-0030 | |
| ORS 326.107 | OAR 581-021-0500 | |

Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. § 2000e et. Seq. (2012).