

# Muddy Creek Charter School

Code: GCDA/GDDA  
Adopted: 12/12/24

## Criminal Records Checks and Fingerprinting

In a continuing effort to ensure the safety and welfare of students and staff, the public charter school shall require certain individuals to submit to a criminal records check and fingerprinting as required by law. This includes employees, contractors, volunteers and others.

### Requirements for Employees (not Licensed, Certified or Registered by the Teachers Standards Practices Commission (TSPC))

All newly hired employees<sup>1</sup> not identified under Oregon Revised Statutes (ORS) 342.223<sup>2</sup> are required to submit to a criminal records check and fingerprinting as required by law. A newly hired employee is not subject to fingerprinting if the public charter school has evidence on file that the person successfully completed a state and national criminal records check for a previous employer that was a school district<sup>3</sup>, or private school, and has not resided outside the state between the two periods of employment<sup>4</sup>.

An individual shall be subject to the collection of fingerprint information, only after the offer of employment from the public charter school. Fees associated with criminal records checks and fingerprinting for individuals applying for employment with the school and not requiring licensure shall be paid by the school

The public charter school shall not begin the employment of an individual before the return and disposition of the required criminal records checks.

When the criminal records check indicates an individual has been convicted of any crimes<sup>5</sup> prohibiting employment, the individual will not be employed, or if employed will be terminated. When the criminal records check indicates an individual has knowingly made a false statement as to the conviction of any crime, the individual will not be employed by the school, or if employed by the school may be terminated. An individual who fails to disclose the presence of convictions that would not otherwise prohibit employment or contract with the school as provided by law may be employed by the school. Employment termination shall remove the individual from any school policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of Accountability for Schools for the 21st Century Law.

---

<sup>1</sup> Any individual hired within the last three months. This does not include an employee hired within the last three months if the public charter school has evidence on file that meets the definition in Oregon Administrative Rule (OAR) 581-021-0510(11)(b).

<sup>2</sup> ORS 342.223 includes teachers, administrators, personnel specialist, school nurses, persons participating in supervised clinical practice experience, practicum or internship as a teacher, administrator or personnel specialist. See statute for details.

<sup>3</sup> As is defined in OAR 581-021-0510(9); includes school districts, the Oregon School for the Deaf, and educational program under the Youth Corrections Education Program, public charter schools and ESDs.

<sup>4</sup> Additional exception applies through July 1, 2024. See ORS 326.603(4)(b).

<sup>5</sup> See OAR 581-021-0511(8).

Requirements for individuals in positions requiring licensure, certification or registration with Teacher Standards and Practices Commission (TSPC) are outlined in ORS 342.223.

### **Requirements for Contractors**

All individuals employed as or by a contractor and considered by the public charter school to have direct, unsupervised contact with students<sup>6</sup> or unsupervised access to children are required to submit to a criminal records check and a fingerprint-based criminal records check.

The executive director will identify contractors who are subject to such requirements.

A contractor or an employee of a contractor required to submit to a criminal records check and fingerprinting in accordance with law and Board policy will be terminated from contract status, or withdrawal of offer of contract will be made by the public charter school upon:

1. Refusal to consent to a criminal records check and fingerprinting; or
2. Notification<sup>7</sup> from the Superintendent of Public Instruction that the individual has a conviction of any 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.

A subject individual may be terminated from contract status upon notification from the Superintendent of Public Instruction that the individual has knowingly made a false statement as to the conviction of any crime.

### **Requirements for Volunteers**

The public charter school shall require a fingerprint-based criminal records check for volunteers allowed direct, unsupervised contact with students, in the following positions:

1. Overnight chaperone;
2. Volunteer instructors in the classroom;
3. Volunteers transporting students, other than their own, in a private vehicle off school property for a school-sponsored activity;
4. Afterschool club advisor.

The service of a volunteer into a position identified by the public charter school as requiring a fingerprint-based criminal records check will not begin before the return and disposition of a state and national criminal records check based on fingerprints.

---

<sup>6</sup> “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. (OAR 581-021-0510)

<sup>7</sup> Prior to making a determination that results in this notification and opportunity for a hearing, the Superintendent of Public Instruction may cause an investigation pursuant to OAR 581-021-0511; involved parties shall cooperate with the investigation pursuant to law.

Volunteers allowed by the public charter school into a position designated by the school to have direct, unsupervised contact with students shall submit to an in-state 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.

A volunteer who knowingly made a false statement on a public charter school volunteer application form or has a conviction of a crime 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 school.

Fees associated with a required fingerprinting for volunteers shall be paid by the public charter school. Fees associated with required non-fingerprinting criminal records checks for volunteers shall be paid by the public charter school.

A volunteer who refuses to submit, when required, to a criminal records check or a fingerprint-based criminal records check in accordance with law and Board policy will be denied such ability to volunteer in the public charter school.

### **Requirements for Others**

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 is required to submit to a criminal records check and a fingerprint-based criminal records check.

### **Notification**

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

The public charter school will provide the following notification to individuals subject to criminal records checks and fingerprinting:

1. Such criminal records checks and fingerprinting are required by law or Board policy;
2. All employment or contract offers or the ability to volunteer are contingent upon the results of such checks;
3. A refusal to consent to a required criminal records check and fingerprinting shall result in immediate termination from employment, contract status or the ability to volunteer in the public charter school;
4. A determination by the Oregon Department of Education (ODE) which affects an individual's eligibility to be employed, or contracted with, by the public charter school may be appealed to the Superintendent of Public Instruction under ORS 183.413 – 183.470;

5. An individual determined to have knowingly made a false statement as to the conviction of any crime on public charter school employment applications, contracts, or ODE forms (written or electronic) may result in immediate termination from employment or contract status;
6. 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;
7. 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 will result in immediate termination from the ability to volunteer in the public charter school. The public charter school will remove the volunteer from the position allowing direct, unsupervised contact with students.

### **Processing and Reporting Procedures**

Immediately following an offer and acceptance of employment or contract, an individual subject to criminal records checks and fingerprinting shall complete the appropriate forms authorizing such checks and report to an authorized fingerprinter as directed by the public charter school. The school shall send such authorization, any collection of fingerprint information, and the request to ODE pursuant to law.

Fingerprints may be collected by one of the following:

1. Employing school staff;
2. Contracted agent of employing school;
3. Local or state law enforcement agency; or
4. Statewide vendor identified by the Oregon Department of Administrative Services.

To ensure the integrity of the fingerprinting collection and prevent any compromise of the process, the public charter school will provide the name of the individual to be fingerprinted to the authorized fingerprinter.

The authorized fingerprinter will obtain the necessary identification and fingerprinting and notify ODE of the results. ODE will then review and notify the public charter school 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 or has a conviction of a crime prohibiting employment, contract or volunteering.

A copy of the fingerprinting results will be kept by the public charter school. The school'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 336.631](#)  
[ORS 338.115](#)

[ORS 342.143](#)  
[ORS 342.223](#)  
[OAR 414-061-0010 – 061-0030](#)

[OAR 581-021-0510](#) – 021-0512  
[OAR 581-022-2430](#)

[OAR 584-050-0012](#)  
[OAR 584-050-0100](#)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et. seq. (2018).