



**Employee, Contractor and Volunteer  
Criminal History Verification**

**I. Introduction**

To implement District policy stated in 5.10.140-P, the District will follow these procedures in requiring fingerprint-based criminal history verification with the Oregon Department of Education (ODE) and a preliminary Portland Public Schools (PPS) criminal history verification. These procedures apply to all employees and contractors not requiring licensure or registration under ORS 342.223 (pertaining to Teachers, Administrators, Personnel Specialists, and School Nurses).

**II. General Definitions**

For the purposes of this directive:

- (1) “Employee” means: Any person currently employed either part time or full time.
- (2) “Volunteer” means: Any person assisting staff within a school who is not an employee and who does not receive payment for his/her work and who may have the opportunity for direct, unsupervised contact with students.
- (3) “Contractor” means: Any person who contracts with or who is an employee or agent of a person or business who contracts with the District to provide services or products for the District.
- (4) “Conviction of a crime” means:
  - (a) Any adjudication in any criminal court of law, in this state or any other jurisdiction, finding the individual committed a crime. A crime is an offense for which a sentence of imprisonment is authorized.
  - (b) Any adjudication in a juvenile proceeding, in this state or any other jurisdiction, determining that the individual committed an offense, which if done by an adult, would constitute a crime listed in ORS 342.143(3).
  - (c) Any conduct which resulted in mandatory registration reporting as a sex offender in this state or any other jurisdiction. A later court order or other action relieving the individual of sex offender registration/reporting requirement does not affect the status of the conduct as a conviction for purposes of this rule.
  - (d) Any plea of guilty or no contest in connection with a crime, in this state or in any other jurisdiction.
  - (e) A conviction exists for purposes of this rule, regardless of whether a dismissal was later entered into the record in connection with a diversion or on any sort of deferred adjudication or delayed entry of judgment.
  - (f) A conviction exists for purposes of this rule even if a crime was expunged or removed from the record of the individual under the laws of another jurisdiction if the crime would be ineligible under ORS 137.225 for expunction



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or removal from the record if the conviction had occurred in Oregon. A conviction does not exist where an Oregon court has expunged or otherwise removed a conviction from the record of an individual.

- (g) A conviction does not exist, except as noted above, where there was a judicial adjudication that the individual did not commit the offense in question, or when a conviction, adjudication or plea is overturned by an appellate court of record and no later conviction, adjudication or pleas indicating the individual committed the offense in question is on the record.
- (5) “Applicant” means: Any person for whom a fingerprint card and other required information have been submitted to ODE, for a criminal history check and review.
- (6) “Newly hired” means: The employment of a person after application or request for a position without regard to that person’s current or previous employer.
- (7) “Direct, unsupervised contact with students” means: Contact with students that provides the person opportunity and probability for personal communication or touch when not under the direct supervision of PPS personnel.
- (8) “Preliminary Criminal History Verification” means verification of potential criminal history by checking name, date of birth, and social security number against law enforcement and consumer reporting databases in all jurisdictions in which the applicant has resided in the past ten years.
- (9) “Volunteer Criminal History Screening” means verification of potential criminal history by checking name and date of birth against law enforcement and non-law enforcement databases.

### **III. Notice**

District employment postings shall contain the notification that fingerprinting and criminal record checks are required by law and that any action resulting from those checks may be appealed as a contested case under ORS 183.413 to 183.470 to the Oregon Superintendent of Public Instruction.

### **IV. Security Services**

Security Services is the department of primary responsibility for ensuring preliminary criminal history verifications are processed and conducted.

- A. Security Services shall complete the Preliminary Criminal History Verifications for contractors or employees prior to the first day the contractor or employee begins work.
- B. Departments must submit the PPS Criminal History Verification form to Security Services at least five (5) working days prior to the start date of contract or employment. In some instances, records from other states may take longer than



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5 days to obtain.

**V. Conditions Which May Affect Employment.**

**A. Conviction of a Crime**

1. Applicants, employees or contractors who have been convicted of any of the crimes or an attempt to commit any of the crimes listed in ORS 342.143(3), shall be refused continued employment or have employment terminated when such notification is received by the District.
2. Prior to making a determination that results in a notice and opportunity for hearing, ODE may undertake an investigation. The employee, applicant, or contractor and the district shall cooperate with this investigation and may be required to provide oral or written statements.
3. Persons may appeal a determination which prevents their employment or eligibility to contract with the school district as a contested case under ORS 183.413 to 183.470 to the Oregon Superintendent of Public Instruction.

**B. Refusal to Consent**

1. Employees or contractors who refuse to consent to the criminal records check or refuse to be fingerprinted will be terminated from employment or contract or have their job offer rescinded by the District.

**C. Falsification of Statement as to Criminal Conviction(s)**

1. Applicants, newly hired employees, employees and contractors who have made false statements as to the conviction of a crime may, at the District's sole discretion, be refused continued employment, or have employment terminated or, in the instance of contractors, be prohibited from continuing to work on District contracts, when such notification is received by the District.

**VI. Employee Fingerprinting Requirement**

- A. All employees shall be required to undergo fingerprint-based criminal history verification at the time of employment.
- B. Any employee, regardless of previous tenure, having a break in service with the district and then returning to employment with the district, shall undergo an Oregon and FBI fingerprint-based criminal records check if they resided outside the state between the two periods of employment.
- C. Employment may be offered prior to collecting fingerprint card for submission to the Oregon Department of Education.
- D. Portland Public Schools' Security Services, or an approved agency designated by Security Services, will perform preliminary criminal background checks prior to



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the first day of work and prior to the criminal records check by the FBI and Oregon State police. Once a preliminary criminal background check has been conducted by Security Services or their designee, employees may begin to carry out terms of employment, on a probationary basis pending the return of the fingerprint-based criminal record check from ODE.

- E. Newly hired or re-hired teachers, administrators, and other persons licensed under the Teacher Standards and Practices Commission are exempt from the ODE fingerprint-based criminal history verification provided their license is current or an application is in process. Portland Public Schools' Security Services will perform Preliminary Criminal History Verifications on all licensed applicants.

**VII. Contractor Fingerprinting Requirements.**

- A. All Contractors who will have direct, unsupervised contact with students must undergo fingerprint-based criminal history verification and have the appropriate ODE Form 2283 (Oregon Department of Education Criminal History Verification Form) on file with the District showing approval.
- B. Contractors shall undergo a fingerprint-based criminal history verification at least every three years.
- C. Portland Public Schools' Security Services will perform Preliminary Criminal History Verifications prior to the first day of work and prior to the criminal records check by the FBI and Oregon State police. Once a Preliminary Criminal History Verification has been conducted, contractors may begin to carry out terms of the contract on a probationary basis, pending the return of the fingerprint-based criminal history verification from ODE.
- D. An exception may be made at the discretion of the Superintendent or designee where the contractor is a state-licensed business or organization that conducts fingerprint-based criminal history verifications on its own staff as a requirement of state licensure and provides written assurance or proof thereof.

**VIII. Volunteer Criminal History Screening Requirement.**

- A. General Guidelines
  - 1. In order to maintain a safe environment for students, staff and our community, Portland Public Schools conducts criminal history screening on all individuals who want to volunteer to provide services in District schools or in the presence of District students.
  - 2. In order to promote safety, all volunteers are presumed to have the potential to have direct, unsupervised contact with students and must undergo criminal history screening every three years which will be conducted by Security



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Services. Individuals who have not had their criminal history verified by Security Services are not allowed to volunteer.

3. Individuals wishing to volunteer may complete an online application. In addition, paper forms in several languages are available within schools for individuals that do not have the use of a computer or do not read/write in English.
4. The District reserves the right to deny volunteer privileges to persons based on the nature and recentness of crimes and overall criminal record. Security Services shall develop a matrix for this purpose that ensures fairness, consistency, and equity when evaluating criminal backgrounds. Security Services or any administrator may also revoke a volunteer's privileges at any time if the volunteer's presence is considered disruptive or unsafe to the learning environment.

**B. Volunteer Criminal History Appeals Process**

1. Individuals whose application to volunteer in Portland Public Schools is denied, may appeal.
2. Appeals must be written and can be mailed, emailed, faxed, or hand delivered to the District's Security Services Department. Appeals must be received no later than thirty days from the date the applicant was notified that their background check was denied. The District's Security Services Department will time/date stamp the appeals request upon receipt.
3. Appeals will be reviewed by the District's Volunteer Criminal History Screening Appeals Panel and results will be mailed no later than fifteen business days from the date the appeal request is received by the district.
4. Volunteer applicants may also request to appeal in person. Applicants requesting an in-person meeting must indicate so by checking the appropriate block on the appeals request form.
5. Requests for an in-person meeting will be scheduled no later than thirty days from the date the appeals request is received by the Security Services department.

**C. Volunteer Criminal History Screening Appeals Panel**

1. In order to monitor and supervise the enforcement of the District's Volunteer Criminal History Screening policy, the Superintendent or designee establishes a Volunteer Criminal History Screening Appeals Panel, which shall consist of three members. The composition of the Volunteer Criminal History Screening Appeals Panel shall be as follows:



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- (a) One member of the Volunteer Criminal History Screening Appeals Panel shall be the Chief Operating Officer or his/her designee
  - (b) One member of the Volunteer Criminal History Screening Appeals Panel shall be the Chief Equity Officer or his/her designee.
  - (c) One member of the Volunteer Criminal History Screening Appeals Panel shall be the Chief of Human Resources or his/her designee.
  - (d) The Security Services Department shall provide a non-voting member whom is familiar with the volunteer screening process.
- 2. Applicants who appear in person will be notified of the Panel's decision within 15 business days.
  - 3. All decisions made by the Volunteer Criminal History Screening Appeals Panel are final.

**IX. Fees**

**A. Fingerprint-based Criminal History Verification**

- 1. A fee, in the amount identified in OAR 581.021.0500 plus a District charge may be collected from the employee or contractor having the fingerprint records check. All payments due the District will be made to the PPS Finance Department.

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