

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4030

By COMMITTEE ON RULES

February 17

- 1 On page 1 of the printed A-engrossed bill, delete lines 8 through 10 and delete page 2.
- 2 On page 3, delete lines 1 through 36 and insert:
- 3 **“SECTION 1.** ORS 326.603 is amended to read:
- 4 “326.603. (1) For the purposes of requesting a state or nationwide criminal records check under
- 5 ORS 181A.195, the Department of Education may require the fingerprints of:
- 6 “(a) A school district or private school contractor, whether part-time or full-time, or an em-
- 7 ployee of a contractor, whether part-time or full-time, who has direct, unsupervised contact with
- 8 students as determined by the district or private school.
- 9 “(b) A person newly hired, whether part-time or full-time, by a school district or private school
- 10 in a capacity not described in ORS 342.223 (1).
- 11 “(c) A person who is a community college faculty member providing instruction:
- 12 “(A) At the site of an early childhood education program or at a school site as part of an early
- 13 childhood education program; or
- 14 “(B) At a kindergarten through grade 12 school site during the regular school day.
- 15 “(d) A person who is an employee of a public charter school.
- 16 “(2)(a) A school district shall send to the Department of Education for purposes of a criminal
- 17 records check any information, including fingerprints, for each person described in subsection (1)
- 18 of this section.
- 19 “(b) A private school may send to the Department of Education for purposes of a criminal re-
- 20 cords check any information, including fingerprints, for each person described in subsection (1)(a),
- 21 (b) or (c) of this section.
- 22 “(3) The Department of Education shall request that the Department of State Police conduct a
- 23 criminal records check as provided in ORS 181A.195 and may charge the school district or private
- 24 school a fee as established by rule under ORS 181A.195. The school district or private school may
- 25 recover its costs or a portion thereof from the person described in subsection (1) of this section. If
- 26 the person described in subsection (1)(b) or (d) of this section requests, the school district shall and
- 27 a private school may withhold the amount from amounts otherwise due the person, including a pe-
- 28 riodic payroll deduction rather than a lump sum payment.
- 29 “(4) Notwithstanding subsection (1) of this section, the Department of Education may not require
- 30 fingerprints of a person described in subsection (1) of this section if:
- 31 “(a) The person or the person’s employer was checked in one school district or private school
- 32 and is currently seeking to work in another district or private school unless the person lived outside
- 33 this state during the interval between the two periods of time of working in the district or private
- 34 school[.]; **or**
- 35 **“(b) The department determines that the person:**

1 **“(A) Submitted to a criminal records check for the person’s immediately previous em-**
2 **ployer, the employer is a school district or private school and the person has not lived out-**
3 **side this state between the two periods of employment;**

4 **“(B) Submitted to a criminal records check conducted by the Teacher Standards and**
5 **Practices Commission within the previous three years; or**

6 **“(C) Remained continuously licensed or registered with the commission.**

7 “(5) Nothing in this section requires a person described in subsection (1)(a), (b) or (d) of this
8 section to submit to fingerprinting until the person has been offered employment or a contract by
9 a school district or private school. Contractor employees may not be required to submit to finger-
10 printing until the contractor has been offered a contract.

11 “(6) If a person described in subsection (1) of this section states on a criminal history form
12 provided by the Department of Education that the person has not been convicted of a crime but the
13 criminal records check indicates that the person has a conviction, the department shall determine
14 whether the person knowingly made a false statement as to the conviction. The department shall
15 develop a process and criteria to use for appeals of a determination under this subsection.

16 “(7)(a) The Superintendent of Public Instruction shall inform a school district or private school
17 if a person described in subsection (1) of this section has been convicted of a crime listed in ORS
18 342.143 (3) or has knowingly made a false statement on a criminal history form provided by the
19 Department of Education as to the conviction of any crime.

20 “(b) If a person described in subsection (1) of this section has been convicted of a crime listed
21 in ORS 342.143 (3), a school district may not employ or contract with the person and a private
22 school may choose not to employ or contract with the person. Notification by the superintendent
23 that the school district may not employ or contract with the person shall remove the person from
24 any school district policies, collective bargaining provisions regarding dismissal procedures and ap-
25 peals and the provisions of ORS 342.805 to 342.937.

26 “(c) If a person described in subsection (1) of this section has knowingly made a false statement
27 on a criminal history form provided by the Department of Education as to the conviction of a crime
28 not listed in ORS 342.143 (3), a school district or private school may choose to employ or contract
29 with the person.

30 “(8) If a person described in subsection (1) of this section refuses to consent to the criminal re-
31 cords check or refuses to be fingerprinted, the school district shall terminate the employment or
32 contract status of the person. Termination under this subsection removes the person from any school
33 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
34 provisions of ORS 342.805 to 342.937.

35 “(9) A school district may not hire or continue to employ or contract with or allow the con-
36 tractor to continue to assign a person to the school project if the person described in subsection (1)
37 of this section has been convicted of a crime according to the provisions of ORS 342.143.

38 “(10) As used in this section and ORS 326.607:

39 “(a) ‘Private school’ means a school that:

40 “(A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combi-
41 nation of those grade levels; and

42 “(B) Provides instructional programs that are not limited solely to dancing, drama, music, reli-
43 gious or athletic instruction.

44 “(b) ‘School district’ means:

45 “(A) A school district as defined in ORS 330.003.

1 “(B) The Oregon School for the Deaf.
2 “(C) An educational program under the Youth Corrections Education Program.
3 “(D) A public charter school as defined in ORS 338.005.
4 “(E) An education service district.
5 “**SECTION 1a.** ORS 326.603, as amended by section 1 of this 2022 Act, is amended to read:
6 “326.603. (1) For the purposes of requesting a state or nationwide criminal records check under
7 ORS 181A.195, the Department of Education may require the fingerprints of:
8 “(a) A school district or private school contractor, whether part-time or full-time, or an em-
9 ployee of a contractor, whether part-time or full-time, who has direct, unsupervised contact with
10 students as determined by the district or private school.
11 “(b) A person newly hired, whether part-time or full-time, by a school district or private school
12 in a capacity not described in ORS 342.223 (1).
13 “(c) A person who is a community college faculty member providing instruction:
14 “(A) At the site of an early childhood education program or at a school site as part of an early
15 childhood education program; or
16 “(B) At a kindergarten through grade 12 school site during the regular school day.
17 “(d) A person who is an employee of a public charter school.
18 “(2)(a) A school district shall send to the Department of Education for purposes of a criminal
19 records check any information, including fingerprints, for each person described in subsection (1)
20 of this section.
21 “(b) A private school may send to the Department of Education for purposes of a criminal re-
22 cords check any information, including fingerprints, for each person described in subsection (1)(a),
23 (b) or (c) of this section.
24 “(3) The Department of Education shall request that the Department of State Police conduct a
25 criminal records check as provided in ORS 181A.195 and may charge the school district or private
26 school a fee as established by rule under ORS 181A.195. The school district or private school may
27 recover its costs or a portion thereof from the person described in subsection (1) of this section. If
28 the person described in subsection (1)(b) or (d) of this section requests, the school district shall and
29 a private school may withhold the amount from amounts otherwise due the person, including a pe-
30 riodic payroll deduction rather than a lump sum payment.
31 “(4) Notwithstanding subsection (1) of this section, the Department of Education may not require
32 fingerprints of a person described in subsection (1) of this section if[:]
33 “[*(a)*] the person or the person’s employer was checked in one school district or private school
34 and is currently seeking to work in another district or private school unless the person lived outside
35 this state during the interval between the two periods of time of working in the district or private
36 school[; or].
37 “[*(b)*] *The department determines that the person.*]
38 “[*(A)*] *Submitted to a criminal records check for the person’s immediately previous employer, the*
39 *employer is a school district or private school and the person has not lived outside this state between*
40 *the two periods of employment;*]
41 “[*(B)*] *Submitted to a criminal records check conducted by the Teacher Standards and Practices*
42 *Commission within the previous three years; or]*
43 “[*(C)*] *Remained continuously licensed or registered with the commission.*]
44 “(5) Nothing in this section requires a person described in subsection (1)(a), (b) or (d) of this
45 section to submit to fingerprinting until the person has been offered employment or a contract by

1 a school district or private school. Contractor employees may not be required to submit to finger-
2 printing until the contractor has been offered a contract.

3 “(6) If a person described in subsection (1) of this section states on a criminal history form
4 provided by the Department of Education that the person has not been convicted of a crime but the
5 criminal records check indicates that the person has a conviction, the department shall determine
6 whether the person knowingly made a false statement as to the conviction. The department shall
7 develop a process and criteria to use for appeals of a determination under this subsection.

8 “(7)(a) The Superintendent of Public Instruction shall inform a school district or private school
9 if a person described in subsection (1) of this section has been convicted of a crime listed in ORS
10 342.143 (3) or has knowingly made a false statement on a criminal history form provided by the
11 Department of Education as to the conviction of any crime.

12 “(b) If a person described in subsection (1) of this section has been convicted of a crime listed
13 in ORS 342.143 (3), a school district may not employ or contract with the person and a private
14 school may choose not to employ or contract with the person. Notification by the superintendent
15 that the school district may not employ or contract with the person shall remove the person from
16 any school district policies, collective bargaining provisions regarding dismissal procedures and ap-
17 peals and the provisions of ORS 342.805 to 342.937.

18 “(c) If a person described in subsection (1) of this section has knowingly made a false statement
19 on a criminal history form provided by the Department of Education as to the conviction of a crime
20 not listed in ORS 342.143 (3), a school district or private school may choose to employ or contract
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25 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
26 provisions of ORS 342.805 to 342.937.

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28 tractor to continue to assign a person to the school project if the person described in subsection (1)
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35 gious or athletic instruction.

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39 “(C) An educational program under the Youth Corrections Education Program.

40 “(D) A public charter school as defined in ORS 338.005.

41 “(E) An education service district.

42 “**SECTION 1b. The amendments to ORS 326.603 by section 1a of this 2022 Act become**
43 **operative on July 1, 2024.”.**

44 On page 5, line 23, delete the colon.

45 Delete line 24.

1 In line 25, delete "(2)".
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