

**A-Engrossed**  
**Senate Bill 66**

Ordered by the Senate April 7  
Including Senate Amendments dated April 7

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Superintendent of Public Instruction Susan Castillo for Department of Education)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows Department of Education to conduct criminal records checks of person who is employed or applying for employment by department or who is providing services or seeking to provide services to department.

*[Declares emergency, effective July 1, 2009.]*

**A BILL FOR AN ACT**

1  
2 Relating to criminal records checks requested by Department of Education.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. For the purpose of requesting a state or nationwide criminal records check**  
5 **under ORS 181.534, the Department of Education may require the fingerprints of a person**  
6 **who:**

7 (1)(a) **Is employed or applying for employment by the department; or**

8 (b) **Provides services or seeks to provide services to the department as a contractor,**  
9 **vendor or volunteer; and**

10 (2) **Is, or will be, working or providing services in a position:**

11 (a) **In which the person has unsupervised access to children;**

12 (b) **In which the person has access to confidential or personal information about children,**  
13 **as may be further defined by the State Board of Education by rule;**

14 (c) **In which the person is providing information technology services and has control**  
15 **over, or access to, information technology systems that would allow the person to harm the**  
16 **information technology systems or the information contained in the systems;**

17 (d) **In which the person has access to information, the disclosure of which is prohibited**  
18 **by state or federal laws, rules or regulations or information that is defined as confidential**  
19 **under state or federal laws, rules or regulations;**

20 (e) **That has payroll functions or in which the person has responsibility for receiving,**  
21 **receipting or depositing money or negotiable instruments, for billing, collections or other fi-**  
22 **ancial transactions or for purchasing or selling property or has access to property held in**  
23 **trust or to private property in the temporary custody of the department;**

24 (f) **That has mailroom duties as the primary duty or job function of the position;**

25 (g) **In which the person has responsibility for auditing the department;**

26 (h) **That has personnel or human resources functions as one of the position's primary**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 responsibilities; or

2 (i) In which the person has access to personal information about employees or members  
3 of the public, including Social Security numbers, dates of birth, driver license numbers,  
4 medical information, personal financial information or criminal background information.

5 **SECTION 2.** Notwithstanding ORS 183.335 (5), the Department of Education may not  
6 adopt a rule related to criminal records checks, as provided by section 1 of this 2009 Act,  
7 without prior notice or hearing or upon abbreviated notice and hearing.

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