



OREGON DEPARTMENT OF EDUCATION  
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**SB 104: Criminal Background Checks**  
**House Higher Education & Workforce Development Committee**  
**March 13, 2013**

Chair Dembrow and members of the committee, for the record, my name is Jan McComb, Legislative Director at the Department of Education. I am here today to testify in support of SB 104, brought to you by the Department of Education.

Over the years, the Oregon Legislature has enacted many laws to keep kids safe, and SB 104 proposes another. SB 104 closes an existing loophole by expanding who may be required to submit to a criminal background check to include community college faculty who teach as part of an early childhood education program.

**Background**

Currently, the Teacher Standards and Practices Commission conducts criminal background checks on all licensed and registered personnel: teachers, administrators, student teachers, and personnel specialist.<sup>1</sup>

The Oregon Department of Education is responsible for conducting national and state criminal background checks on *non-licensed* personnel such as teacher assistants, secretaries, bus drivers, custodial staff, and contractors that have unsupervised contact with students.

Included in the list of who must have criminal background checks are community college faculty members teaching at a K-12 school during the regular school day. Missing from the list are community college faculty members who may be present at pre-kindergarten site (such as Oregon Head Start Pre-Kindergarten).

Many community colleges offer degrees and certificates in early childhood education. Students have required practicums in the pre-kindergarten classrooms. The community college faculty member overseeing the practicum may need to observe that student's teaching skills in the classroom setting. These faculty members could have unsupervised access to young children, yet not be cleared through a criminal background check.

**SB 104**

Passage of SB 104 will increase the safety of Oregon's youngest students by ensuring that all the staff around them has been screened for state and national criminal backgrounds through fingerprinting.

The -1 amendment is non-substantive and clarifies the intent of the bill; it was developed with representatives of the Oregon Community College Association.

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<sup>1</sup> ORS 342.223 – 342.232.

## Frequently Asked Questions

### How much do applicants pay for a background check?

Oregon State Police — \$28;

Federal Bureau of Investigation — \$16.50;

Oregon Department of Education — \$14.50;

TOTAL — \$59.

### What crimes (convicted or convicted of attempted crime) prohibit a person from working in a school?

Aggravated Murder	Unlawful manufacture of methadone within 1,000 feet of school
Murder	Unlawful delivery of methadone; and
Assault in the First Degree	Unlawful delivery of methadone within 1,000 feet of school
Kidnapping in the First Degree	Unlawful manufacture of oxycodone within 1,000 feet of school
Rape in the Third Degree	Unlawful delivery of oxycodone
Rape in the Second Degree	Unlawful delivery of oxycodone within 1,000 feet of school
Rape in the First Degree	Unlawful manufacture of heroin within 1,000 feet of school
Sodomy in the Third Degree	Unlawful delivery of heroin within 1,000 feet of school
Sodomy in the Second Degree	Unlawful manufacture of marijuana within 1,000 feet of school
Sodomy in the First Degree	Unlawful delivery of marijuana
Unlawful Sexual Penetration in the Second Degree	Unlawful delivery of marijuana within 1,000 feet of school
Unlawful Sexual Penetration in the First Degree	Unlawful possession of marijuana within 1,000 feet of school
Sexual Abuse in the Third Degree	Unlawful manufacture of 3,4-methylenedioxyamphetamine within 1,000 feet of school
Sexual Abuse in the Second Degree	Unlawful delivery of 3,4-methylenedioxyamphetamine within 1,000 feet of school
Sexual Abuse in the First Degree	Unlawful manufacture of cocaine within 1,000 feet of school
Online sexual corruption of a child in the second degree	Unlawful delivery of cocaine
Online sexual corruption of a child in the first degree	Unlawful delivery of cocaine within 1,000 feet of school
Contributing to the Sexual Delinquency of a Minor	Unlawful manufacture of methamphetamine within 1,000 feet of school
Sexual Misconduct	Unlawful delivery of methamphetamine
Public Indecency;	Unlawful delivery of methamphetamine within 1,000 feet of school
Bigamy	Unlawful manufacture or delivery of controlled substance within 1,000 feet of school
Incest	
Child Neglect in the First Degree	
Endangering the Welfare of a Minor	
Using Child in Display of Sexually Explicit Conduct	
Sale of Exhibition of Visual Reproduction of Sexual Conduct by Child	
Paying for Viewing Sexual Conduct Involving a Child	
Encouraging Child Sex Abuse in the First Degree	
Encouraging Child Sex Abuse in the Second Degree	
Encouraging Child Sex Abuse in the Third Degree	
Possession of Materials Depicting Sexually Explicit Conduct of a Child in the First Degree	
Possession of Materials Depicting Sexually Explicit Conduct of a Child in the Second Degree	
Arson in the First Degree	
Robbery in the First Degree	
Treason	
Abuse of Corpse in the First Degree	
Prostitution	
Patronizing a Prostitute	
Promoting Prostitution	
Compelling Prostitution	
Luring a minor	
Sadomasochistic Abuse or Sexual Conduct in Live Show	
Exhibiting an Obscene Performance to a Minor	
Displaying Obscene Materials to Minors	
Publicly Displaying Nudity or Sex for Advertising Purposes	
Unlawful manufacture of hydrocodone within 1,000 feet of school	
Unlawful delivery of hydrocodone	
Unlawful delivery of hydrocodone within 1,000 feet of school	