**581-053-0050**
**Driving and Criminal Records**

(1) The Oregon Department of Education shall review the driving record of each applicant for certification or approval as a school bus or school activity driver. Applicants who have held a driver license in a state other than Oregon anytime during the preceding three-year period may be required to furnish a copy of the driving record from each state in which the applicant has held a driver license to ODE. If the driver currently holds a driver license from another state, the driving record shall be printed no more than 30 days prior to the date received by ODE.

(2) ODE shall review the criminal record of each applicant for certification or approval as a school bus or school activity driver.

(3) An applicant does not qualify as a school bus or school activity driver if the applicant:

(a) Has ever been convicted of a crime listed in ORS 342.143 (Forever Crime); or,

(b) Is currently subject to mandatory registration reporting as a sex offender in this state or any other jurisdiction; or,

 (c) Has ever been convicted of a crime involving violence, threat of violence or theft. This shall not apply if the applicant or driver has been free from custody, probation and parole for the preceding three-year period from date of application; or,

(d) Has ever been convicted of a crime involving activity in drugs or alcoholic beverages. This shall not apply if the applicant or driver has been free from custody, probation, and parole for the preceding three-year period from date of application; or,

(e) Has had his or her driving privileges suspended by any state, within the preceding three-year period, for a cause involving the unsafe operation of a motor vehicle or because of driving record.

(f) Is required to use an ignition interlock device (IID).

(g) Has been convicted within the preceding three-year period of:

(A) Driving under the influence of intoxicants, as defined in ORS 813.010;

(B) Reckless driving, as defined in ORS 811.140;

(C) Fleeing or attempting to elude a police officer, as defined in under ORS 811.540;

(D) Failure to perform the duties of a driver involved in an accident or collision which results in injury or death of any person, as described in ORS 811.705; or

(E) An equivalent out of state conviction for any of the above.

(h) Has had his or her driving privileges revoked or suspended as a habitual offender under ORS 809.600. This shall not apply if applicant or driver has had his or her driving privileges restored under ORS 809.660 for the preceding three years;

(i) Has a driving record for the preceding three-year period that has an accumulation of 31 or more points based upon the following point system:

(A) Each chargeable accident shall have a value of 10 points. Applicable traffic code and preventability guidelines published by the National Safety Council and the Pupil Transportation Safety Institute may be used to determine if an accident is chargeable; and

(B) Each of the traffic violations on Table 1 shall have a value of 10 points.

(C) One point shall be subtracted from the total number of points for each full month, since the last chargeable accident or conviction, to the time of driving record check; however, all subtracted points will be reinstated if any additional qualifying convictions or chargeable accidents occur within the three-year calculation period.

[ED. NOTE: Tables referenced are available from the agency.]

[[ED. NOTE: To view attachments referenced in rule text, click here for PDF copy.]](https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=147084)

**Statutory/Other Authority:** ORS 327.013 & 820.100 - 820.120
**Statutes/Other Implemented:** ORS 327.013, 820.100, 820.105, 820.110 & 820.120

**581-021-0510**
**Fingerprinting: Definitions**

As used in OAR 581-021-0510 through 581-021-0512, the following definitions apply:

(1)(a) “Conviction” means:

(A) Any adjudication in any criminal court of law, in this state or in 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 in 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.

(C) Any conduct which resulted in mandatory registration reporting as a sex offender in this state or any other jurisdiction or current requirement to register as a sex offender. A later court order or other action relieving the individual of the 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, no contest or nolo contendere in connection with a crime, in this state or in any other jurisdiction.

(b) Notwithstanding subsection (a) of this section, the following additional guidelines apply when determining whether a conviction exists:

(A) A conviction does not exist where 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.

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

(C) A conviction does not exist where an individual was granted a full pardon by executive order of the Governor of this state. A conviction does exist for purposes of this rule even if a crime was pardoned by executive order in another jurisdiction, unless the Superintendent of Public Instruction determines that the pardon issued by the other jurisdiction is the equivalent of a full pardon by executive order in this state.

(D) Except as noted above, a conviction does not exist only 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 plea indicating the individual committed the offense in question is on the record.

(2) “DAS” means State of Oregon, Department of Administrative Services;

(3) “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;

(4) “DOB” means date of birth;

(5) “FBI” means the Federal Bureau of Investigations;

(6) “Fingerprint information” means all information requested by the Oregon Department of Education for processing the fingerprint application, including the following:

(a) One properly completed fingerprint submission; and

(b) A properly completed Oregon Department of Education fingerprint based criminal history verification form.

(7) “Knowingly made a false statement” means the failure to disclose on the Oregon Department of Education fingerprint based criminal history verification form as part of the criminal records check process any of the following:

(a) A conviction of a felony;

(b) Any conviction of a misdemeanor within the previous 20 years;

(c) Any conviction of a misdemeanor that is listed in ORS 342.143 or its substantial equivalent in another jurisdiction.

(8) “LEDS” means the Law Enforcement Data System;

(9) “School District” means:

(a) A school district as defined in ORS 330.005;

(b) The Oregon School for the Deaf;

(c) An educational program under the Youth Corrections Education Program;

(d) A public charter school as defined in ORS 338.005; and

(e) An education service district.

(10) “SSF” means State School Fund;

(11)(a) “Subject individual” means:

(A) Any person hired within the last three months by a school district and not requiring licensure under ORS 342.223;

(B) Any person employed as or by a contractor into a position having direct, unsupervised contact with students and not requiring licensure under ORS 342.223;

(C) A person who is a community college faculty member providing instruction:

(i) At the site of an early childhood education program or at a school site as part of an early childhood program; or

(ii) At a kindergarten through grade 12 school site during the regular school day; and

(D) A person who is an employee of a public charter school and not requiring licensure under ORS 342.223;

(b) “Subject individual” does not include an employee hired within the last three months if the school district has on file evidence that the employee:

(A) Successfully completed a state and national criminal records check for a previous employer that was a school district or private school; and

(B) Has not resided outside the state between the two periods of employment.

**Statutory/Other Authority:** ORS 326.051
**Statutes/Other Implemented:** ORS 326.603 & ORS 326.607

**581-045-0584**
**Definitions**

As used in OAR 581-045-0584 through 581-045-0587, the following definitions apply:

(1)(a) “Conviction” means:

(A) Any adjudication in any criminal court of law, in this state or in 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 in 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.

(C) Any conduct which resulted in mandatory registration reporting as a sex offender in this state or any other jurisdiction or current requirement to register as a sex offender. A later court order or other action relieving the individual of the 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, no contest or nolo contendere in connection with a crime, in this state or in any other jurisdiction.

(b) Notwithstanding subsection (a), the following additional guidelines apply when determining whether a conviction exists:

(A) A conviction does not exist where 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.

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

(C) A conviction does not exist where an individual was granted a full pardon by executive order of the Governor of this state. A conviction does exist for purposes of this rule even if a crime was pardoned by executive order in another jurisdiction, unless the Superintendent of Public Instruction determines that the pardon issued by the other jurisdiction is the equivalent of a full pardon by executive order in this state.

(D) Except as noted above, a conviction does not exist only 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 plea indicating the individual committed the offense in question is on the record.

(2) “DAS” means State of Oregon, Department of Administrative Services;

(3) "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;

(4) “DOB” means date of birth;

(5) “FBI” means the Federal Bureau of Investigations;

(6) “Fingerprint information” means all information requested by the Oregon Department of Education for processing the fingerprint application, including the following:

(a) One properly completed fingerprint submission; and

(b) A properly completed Oregon Department of Education fingerprint based criminal history verification form.

(7) “Knowingly made a false statement” means failure to disclose on the Oregon Department of Education fingerprint based criminal history verification form as part of the criminal records check process any of the following:

(a) A conviction of a felony;

(b) Any conviction of a misdemeanor within the previous 20 years;

(c) Any conviction of a misdemeanor that is listed in ORS 342.143 or its substantial equivalent in another jurisdiction.

(8) “LEDS” means the Law Enforcement Data System;

(9) "Private School" means a school that:

(a) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combination of those grade levels; and

(b) Provides instructional programs that are not limited solely to dancing, drama, music, religious or athletic instruction.

(10) “Subject individual” means:

(a) A person hired by a private school within the last three months to a position not requiring licensure under ORS 342.223; and

(b) Any person hired as or by a contractor into a position having direct, unsupervised contact with students and not requiring licensure under ORS 342.223.

**Statutory/Other Authority:** ORS 326.051
**Statutes/Other Implemented:** ORS 326.603 & ORS 326.607