

404 EMPLOYMENT BACKGROUND CHECKS

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students. To that end, the school district will seek a criminal history background check for applicants who receive an offer of employment with the school district and on all individuals who are offered the opportunity to provide athletic coaching services or other co-curricular academic coaching services to the school district, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The school district may also elect to do background checks of other volunteers, independent contractors and student employees in the school district.

II. GENERAL STATEMENT OF POLICY

- A. The school district shall require that applicants for school district positions who receive an offer of employment and all individuals who are offered the opportunity to provide athletic coaching services or other co-curricular academic coaching services to the school district, regardless of whether any compensation is paid, submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by the school district that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school district.
- B. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- C. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, service providers, independent contractors and student employees.

III. PROCEDURES

- A. Normally an individual will not commence employment or provide services until the school district receives the results of the criminal history background check. Commencement of employment or the provision of services prior to the receipt of criminal history background check shall require the permission of the superintendent. The school district may conditionally hire an applicant or allow an individual to provide services pending completion of the background check, but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal

Apprehension (hereinafter “the BCA”). The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. An individual who is offered employment or opportunity to provide services must sign a criminal history consent form, for the school district to conduct a criminal history background check, and provide payment via established system for processing such request. If the individual fails to complete the background check process at the time the individual receives an offer, the individual will be considered to have voluntarily withdrawn the application for employment or opportunity to provide services.
- C. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- D. Copies of this policy shall be available online. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and job advertisements.
- E. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- F. If the criminal history background check precludes employment with or provision of services to the school district as determined by the Executive Director of Administrative Services, the individual will be so advised.
- G. The school district may apply these procedures to other volunteers, independent contractors or student employees as though they were applicants for employment or providing athletic coaching services or other co-curricular academic coaching services.
- H. At the beginning of each school year or when a student enrolls, the school district will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of the school district’s discretion in requiring a background check. The school district may include this notice in its student handbook, a school policy guide, or other similar communication.

Legal References: Minn. Stat. § 13.04, Subd. 4 (Inaccurate or Incomplete Data)
Minn. Stat. § 123B.03 (Background Checks)
Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child Protection Background Check Act)
Minn. Stat. § 364.09(b) (Exception for School Districts)