

NOVA CLASSICAL ACADEMY
MANUAL OF POLICIES APPROVED BY THE BOARD OF DIRECTORS

POLICY NP 404:
BACKGROUND CHECKS

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment at Nova Classical Academy in order to promote the physical, social, and psychological well-being of its students. Nova Classical requires a criminal history background check or other background check of volunteers, independent contractors, and student employees in the school district.

II. GENERAL STATEMENT OF POLICY

- A. Nova Classical shall require a criminal history background check for all individuals who receive an offer of employment for school district positions or who work directly with students, regardless of whether any compensation is paid. The offer of employment or the opportunity to provide services shall be contingent upon a determination by Nova Classical that an individual's criminal history does not preclude the individual from employment with, or provision of services to, Nova Classical. Nova Classical does not require background checks for enrolled student volunteers under the age of 18, but may require them for student volunteers over the age of 18.
- B. Nova Classical specifically reserves any and all rights it may have to conduct background checks regarding current employees, individuals, or service providers without the consent of such individuals.
- C. Adherence to this policy by Nova Classical shall in no way limit Nova Classical's right to require additional information, or use other procedures to gain additional background information concerning employees, individuals, 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. Nova Classical may conditionally hire an individual 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 an authorized vendor with the ability to complete a background check in compliance with

Minn. Stat. Minnesota Statutes 123B.03 which will include, but is not limited to, a request for records from the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in Minn. Stat. § Minnesota Statutes section 13.87. Nova Classical reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. In order for an individual to be eligible for employment or to provide extracurricular services to the school district, except for an enrolled student volunteer, the individual must complete the required consent form online through the school's authorized vendor and submit the required payment, pursuant to Minn. Stat. Minnesota Statutes 123B.03 in regard to pre-employment background checks. If the individual fails to submit to the required pre-employment criminal background check between the time the individual receives a job offer and the start date of their employment or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.
- C. Nova Classical, in its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the state board of teaching or the commissioner of education within the 12 months preceding an offer of employment or permission to provide services.
- D. Nova Classical may use the results of a criminal background check conducted at the request of another school hiring authority if:
 - 1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
 - 2. the other school hiring authority conducted a criminal background check within the previous 12 months;
 - 3. the individual executes a written consent form giving the school district access to the results of the check;
 - 4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services; and
 - 5. the criminal background check conducted at the request of another hiring authority matches the requirements of the standard used by the Nova Classical.

- E. For all nonstate residents who are offered employment with or the opportunity to provide extracurricular services to the school district, Nova Classical shall request a criminal history background check on such individuals from the superintendent of the BCA and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. The offer of employment or the opportunity to provide services shall be contingent upon a determination by Nova Classical that an individual's criminal history does not preclude the individual from employment with, or provision of services to, Nova Classical. Such individuals must provide an executed criminal history consent form.
- F. 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.
- G. Copies of this policy shall be available in the Nova Classical's employment office and will be distributed to individuals for employment and individuals who are offered the opportunity to provide extracurricular services upon request. 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 position advertisements.
- H. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- I. If the criminal history background check precludes employment with, or provision of services to, Nova Classical, the individual will be so advised.
- J. Nova Classical may apply these procedures to other volunteers, independent contractors, or student employees.
- K. At the beginning of each school year or when a student enrolls, Nova Classical 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. Nova Classical may include this notice in its student handbook, a school policy guide, or other similar communication.
- L. Additional background checks will occur equitably and not based on someone's status as a member of a protected class.

Legal References: Minn. Stat. § 13.04, Subd. 4 (Inaccurate or Incomplete Rights of Subjects of Data)
Minn. Stat. § 13.87, Subd. 1 (Criminal History Justice Data)
Minn. Stat. § 123B.03 (Background Check)

Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child, Elder, and Individuals
with Disabilities Protection Background Check Act)
Minn. Stat. § 364.09(b) (Exception for School Districts)

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