

404 EMPLOYMENT/VOLUNTEER 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, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the district, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The school district elects to do background checks of all volunteers and may elect to do background checks of 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, except enrolled student volunteers, who are offered the opportunity to provide athletic 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 applicant's criminal history does not preclude the applicant 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. No applicant for employment will commence employment, and no volunteer will provide services until the school district receives the results of the criminal history background check, and the results show no evidence of convictions resulting from unacceptable behaviors that would disqualify an applicant for employment (See III., J). The District shall notify the applicant that any offer of employment and/or acceptance of offer to volunteer services may be revoked 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. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services to the school district, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to the school district, at the election of the school district, in an amount equal to the actual cost to the BCA and the school district of conducting the criminal history background check. If the applicant fails to provide the school district with a signed Informed Consent Form and fee at the time the applicant receives a job offer, or permission to provide services, the applicant will be considered to have voluntarily withdrawn the application for employment or request to provide services.
- C. The school district, in its discretion, may elect not to request a criminal history background check on an applicant who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board or the commissioner of education within the 12 months preceding an offer of employment or permission to provide services.
- D. The school district 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 applicant executes a written consent form giving the school district access to the results of the check; and
 - 4. there is no reason to believe that the applicant has committed an act subsequent to the check that would disqualify the applicant for employment or provision of services.
- E. For all non-state residents who are offered employment with or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, the school district shall request a criminal history background check on such applicants 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 conditioned upon a determination by the school district that an individual from employment with, or provision of services to, the school district. Such applicants must provide an executed criminal history consent form.
- F. When required, applicants must provide fingerprints to assist in a criminal history

background check. If the fingerprints provided by the applicant are unusable, the applicant will be required to submit another set of prints.

- G. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching 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 job posting and job advertisements.
- H. The applicant 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 results show any conviction that evidences harm or cruelty to children, the elderly or disabled, domestic abuse, battery, assault, serious drug offenses, violence, offenses reflecting dishonesty (theft, embezzlement, etc.), or other similar unacceptable behavior within five years prior to applying with the school district the applicant will be automatically disqualified for employment and/or provision of services. Dishonesty in answering any questions on the application including those pertaining to prior criminal convictions will result in the applicant being automatically disqualified for employment/and or provision of services.
- J. All school district employees will submit to a criminal background check every five years after being initially hired by the school district at the employees' expense. Evidence of successful re-licensure of certified employees every five years through the Minnesota Professional Educator Licensing and Standards Board, Minnesota Board of School Administrators, or other appropriate state licensing agency will meet this requirement for certified employees.
- K. The school district will apply these procedures to volunteers and may apply them to independent contractors or student employees.
- L. 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. A form notice for this purpose is included with this policy.

IV. ~~CRIMINAL HISTORY CONSENT FORM~~ BACKGROUND CHECK APPLICATION

Upon request, the district will provide instructions for completing an online background check. A form to obtain consent for a criminal history background check is included with this policy.

Adopted: April 19, 1999
Revised: January 11, 2010
Revised: January 13, 2014
Revised: November 25, 2014
Revised: October 14, 2019

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