

Human Resources Committee

Duluth Public Schools, ISD 709

Agenda

Tuesday, February 12, 2019

District Services Center

709 Portia Johnson Dr.

Duluth, MN 55811

4:15 PM

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| 1. Staffing Report Action Items | 2 |
| 2. Other HR Action Items | |
| <ul style="list-style-type: none"> A. <u>New Policy 404 - Employment Background Checks</u> <u>4</u> | |
| <p>Attached is the edited MSBA Model Policy 404 - Employment Background Checks for the first reading. This policy would replace the current Policy 4042, and 4042R.</p> <p><u>Recommendation:</u> It is recommended that the Duluth School Board approve Policy 404 - first reading.</p> | |
| <ul style="list-style-type: none"> B. <u>New Regulation 404F - Employment Background Checks</u> <u>7</u> | |
| <p>New Regulation 404F is replacing 4042R. This is informational for the Board, no action needed.</p> | |
| <ul style="list-style-type: none"> C. <u>Delete Policy 4042 - Employment Background Checks</u> <u>8</u> | |
| <p>In moving to MSBA Model Policies, administration is recommending the deletion of Policy 4042 which will be replaced with MSBA Policy 404 - first reading.</p> <p><u>Recommendation:</u> It is recommended that the Duluth School Board approve the deletion of Policy 4042 - first reading.</p> | |
| <ul style="list-style-type: none"> D. <u>Delete Regulation 4042R - Employment Background Checks</u> <u>9</u> | |
| <p>With the move to MSBA Model Policy 404, Regulation 4042R is being deleted. This is informational for the Board, no action needed.</p> | |
| 3. HR Informational Items | |
| <ul style="list-style-type: none"> A. There are no HR Informational Items at this time. | |
| 4. Other HR Future Items | |
| <ul style="list-style-type: none"> A. There are no other HR Future Items at this time. | |

HUMAN RESOURCES ACTION ITEMS FOR: 2/26/2019**EFFECTIVE DATES** ²**CERT APPOINTMENT****POSITION/LOCATION/CLASS&STEP/REPLACING**

CRETENS, MAGDELINE	SPEC ED DCD III TCHR/MYERS-WILKINS, III 3, R BAUER	01/28/19	
HAMM-DIGATONO, LEAH	.3 SOS COORD/EAST, .2 SOS COORD/DENFELD, IV 2, TEMP, NEW POS	01/28/19	06/14/19
HAMM-DIGATONO, LEAH	.5 GUIDANCE COUNSELOR/ORDEAN EAST, IV 2, TEMP, NEW POS	01/28/19	06/14/19
MARSTEN, CAMILLE	.8 PHY ED SPECIALIST/DW, III 2, TEMP POS, B MOOERS, END DATE CHANGED	12/17/18	01/21/19
SPAETH, SUSAN	SPEC ED DCD III TCHR/LINCOLN PARK, IV 5, TEMP, P AUSTRENG	01/22/19	06/07/19

*Placeholder

Total: 5

CERT LEAVES**POSITION/LOCATION/LEAVE TYPE****EFFECTIVE DATES**

AUSTIN, ALEXANDRA	ENGLISH INTERVENTIONIST/ORDEAN EAST, PARENTAL LWOP	02/12/19	03/29/19
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*Placeholder

Total: 1

CERT RETIREMENT**POSITION/LOCATION****EFFECTIVE DATES**

GILBERTSON, DEBRA	SPEC ED LD TCHR/PIEDMONT	06/07/19	
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*Placeholder

Total: 1

CERT TEMP DECREASE**POSITION/LOCATION/CONDITION****EFFECTIVE DATES**

HILLE, JANICE	MATH/DENFELD, 1.0 TO .6, VOLUNTARY DECREASE, DATE TBD	01/28/19	
RAY, JULIE	SPEECH LANGUAGE PATHOLOGIST/DW, 1.0 TO .80, VOLUNTARY DECREASE	01/21/19	06/07/19

*Placeholder

Total: 2

CERT TEMP INCREASE**POSITION/LOCATION/CONDITION****EFFECTIVE DATES**

DAMOUR, GLENN	SERVICE OCCUPATIONS/EAST, 1/6 OVERLOAD	01/22/19	06/07/19
FLORESTANO, JOSEPH	MATH/DENFELD, .9 TO 1.0	01/28/19	06/07/19
KRAFTHEFER, BROOKE	SCIENCE/DENFELD, .7 TO .8	01/22/19	06/07/19
WARD, AMANDA	SPEECH LANGUAGE PATHOLOGIST/DW, 1/6 OVERLOAD, A HOFFBAUER	01/21/19	06/07/19

*Placeholder

Total: 4

NONCERT APPOINTMENT**POSITION/LOCATION/WEEKS/RATE OF PAY/REASON****EFFECTIVE DATES**

ANDERSN, LEANE	FOOD SERVICE HELPER/DENFELD, 18.75/38WKS, \$11.21/HR, NEW POS	01/30/19	06/07/19
DELUCA, JUSTINA	SPEC ED PARA/STUD SPEC/LINCOLN PARK, 32.5/28WKS, \$16.76/HR, E DOCKENDORF	01/18/19	06/07/19
FALTEISEK, MARA	SUPV PARA/MACARTHUR, 19.5/38WKS, \$14.88/HR, TEMP, NEW POS	01/22/19	06/07/19
HATLEWICK, KALEA	INSTR PARA/ROCKRIDGE, 30/38WKS, \$13.55/HR, TEMP, NEW POS	01/22/19	06/07/19
JOHNSON, DARRELL	SCHOOL CUSTODIAN II/EAST, 40/52WKS, \$12.51/HR, S GIEGLING	01/28/19	
NELSON, JANICE	SPEC ED PARA/PROGRAM/DCDIII/DENFELD, 32.5/38WKS, \$15.76/HR, TEMP, NEW POS	01/28/19	06/07/19
PAPPAS, HEATHER	SCHOOL BUS DRIVER II/TRANSPORTATION, 25/38WKS, \$15.65/HR, K BURKLAND	01/09/19	

*Placeholder

Total: 7

NONCERT DEMOTION**NEW POSITION/LOCATION/OLD POSITION/LOCATION/RATE OF PAY****EFFECTIVE DATES**

HUBER, PARKER	INSTR PARA/MERRITT CREEK, SPEC ED PARA/PROG/LINCOLN PARK, \$13.55/HR	02/04/19	06/07/19
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*Placeholder

Total: 1

NONCERT LEAVES**POSITION/LOCATION/TYPER OF LEAVE****EFFECTIVE DATES**

AMMESMAKI, MARCUS	CULTURAL IMMERSION PARA/LOWELL, REVISED END DATE LWOP	12/12/18	01/25/19
FONTAINE, GAYLA	CAFETERIA HELPER/CONGDON, A" PERSONAL LWOP"	02/04/19	02/12/19
FRIESE, JULIE	SPEC ED PARA/LESTER PARK, A" PERSONAL LWOP"	03/14/19	03/28/19
JOHNSON, ERIK	CUSTODIAN II/DENFELD, A" MEDICAL LWOP"	01/09/19	
MENSING, KATHRYN	SUPV PARA/DENFELD, A" PERSONAL LWOP"	01/03/19	01/11/19
SMITH, DENISE	CAFETERIA HELPER/LINCOLN PARK, A" PERSONAL LWOP"	03/15/19	03/23/19

*Placeholder

Total: 6

NONCERT LONG TERM SUB**POSITION/LOCATION/WEEKS/RATE OF PAY/REASON****EFFECTIVE DATES**

STEIN, CHARLENE	FOOD SERVICE HELPER/DENFELD, 18.75/38WKS, \$11.32/HR	01/23/19	06/07/19
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*Placeholder

Total: 1

<u>NONCERT PROMOTION</u>	<u>NEW POSITION/LOCATION/OLD POSITION/LOCATION/RATE OF PAY</u>	<u>EFFECTIVE DATES</u>
BERGESON, JOSEPHINE	SPEC ED ECSE PARA/BW/DW, INSTR PARA/MYERS-WILKINS, \$15.76/HR, TEMP POS	01/30/19 06/07/18
JOHANSON, ERICK	MAINT CUST/LAKEWOOD, SCHOOL CUST II/EAST, \$16.73/HR	01/31/19
KOLBERG, STEPHEN	ENGINEER I/LAKEWOOD, FIRE II/DENFELD, \$21.78/HR	01/28/19
LEFAIVE, GERALD	MAINT CUST/MYERS-WILKINS, SCHOOL CUST II/MYERS-WILKINS, \$16.73/HR	01/30/19
MARPLE, BROOKE	TECH TUTOR/CULINARY/DENFELD, SPEC ED PARA/BW/LINCOLN PARK, \$18.13/HR, TEMP POS	01/22/19 06/07/19
*Placeholder		
Total: 5		

<u>NONCERT RESIGNATION</u>	<u>POSITION/LOCATION</u>	<u>EFFECTIVE DATES</u>
ANTHONY, GAIL	CAFETERIA HELPER/LAKEWOOD	01/18/19
CANAVAN, JASMINE	CAFETERIA HELPER/ORDEAN EAST	01/11/19
GEHLEN, CARRIE	CAFETERIA HELPER/DENFELD, PRESUMED RESIGNED	01/02/19
*Placeholder		
Total: 3		

<u>NONCERT RETIREMENT</u>	<u>POSITION/LOCATION</u>	<u>EFFECTIVE DATES</u>
VILLEBURN-VRANEK, KAREN	EXECUTIVE ASSISTANT/FEDERAL PROGRAMS/HOCHS	02/15/19
*Placeholder		
Total: 1		

<u>NONCERT TEMP DECREASE</u>	<u>POSITION/LOCATION/CONDITION</u>	<u>EFFECTIVE DATES</u>
GILBERTSON, CAYLA	SPEC ED PARA/PROG JOB COACH/DW, SPEC ED PARA/BW/DW, .9375 TO .60, C KREN	01/16/19 06/07/19
*Placeholder		
Total: 1		

<u>NONCERT TEMP INCREASE</u>	<u>POSITION/LOCATION/CONDITION</u>	<u>EFFECTIVE DATES</u>
DAWSON-HUMES, ANNE	PRE-SCHOOL PARA/PROGRAM/MACARTHUR, .45 TO .5875	01/02/19 02/14/19
*Placeholder		
Total: 1		

404 EMPLOYMENT BACKGROUND CHECKS

~~*[Note: The provisions of this policy substantially reflect statutory requirements.]*~~

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 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, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular 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. 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 (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in Minn. Stat. § 13.87. 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. The cost of the criminal history background check is the responsibility of the individual, unless the school district decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide the school district with a signed Informed Consent Form and fee at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.

~~**[Note: If the school district elects to receive payment, it may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and then pay the superintendent of the BCA directly to conduct the background check.]**~~

- C. The school district, 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. 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 individual 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 individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. For all nonstate 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 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 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. 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 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 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, the school district, the individual will be so advised.
- J. The school district 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, 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

A form to obtain consent for a criminal history background check is included with this policy.

Legal References: Minn. Stat. § 13.04, Subd. 4 (Inaccurate or Incomplete Data)
 Minn. Stat. § 13.87, Subd. 1 (Criminal History 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)

Cross References:

New:
 Replacing: Policy 4042, and 4042R
 First Reading: 02-26-19

Authorization Form
 Minnesota Bureau of Criminal Apprehension (BCA)
 Criminal Background Check
 Independent School District 709, Duluth Public Schools
 215 N. 1st Ave East
 Duluth, MN, 55802
 218-336-8700

Date: _____

The following named individual has made application with this Independent School District #709 for employment or provision of athletic coaching services or other extracurricular academic coaching services.

Full Name of Individual: _____
 (Please print) Last First Middle

Maiden, Previous, Alias: _____

Address: _____
 Street City State Zip

Date of Birth: _____ Sex (M or F): _____
 Month/Day/Year

I authorize the Minnesota Bureau of Criminal Apprehension to disclose all criminal history record information to, Independent School District #709 pursuant to Minn. Stat. § 123B.03 for the purpose of employment as _____ with this School District.

CONDITIONAL HIRING: I understand that the School District may permit me to commence my employment duties or provide athletic coaching services or other extracurricular academic coaching services pending completion of the criminal history background check and acknowledge and agree that my employment or services may be terminated based on the result of the background check.

The expiration of this authorization shall be for a period no longer than one year from the date of my signature.

I authorize the Independent School District #709, to deduct a mandatory non-refundable \$20.00 processing fee for my criminal background check.

I understand that I will **only** be notified if the result of my background check indicates a record has been found.

Signature

Date

~~4042—EMPLOYMENT BACKGROUND CHECKS~~

- ~~1. 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 or such other background checks as provided by this policy. The school district may also elect to do background checks of volunteers in the school district.~~
- ~~2. The school district shall require that applicants for school district positions who receive an offer of employment submit to a criminal history background check. The offer of employment shall be conditioned upon a determination by the school district that an applicant's criminal history does not preclude the applicant from employment with the school district.~~
- ~~3. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees or applicants without the consent of such individuals.~~
- ~~4. 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 background information concerning employees, applicants and volunteers.~~

Adopted: ~~01-23-1996 ISD 709~~

~~4042R EMPLOYMENT BACKGROUND CHECKS~~

- ~~A. Normally an individual will not commence employment until the school district receives the results of the criminal history background check. The school district may conditionally hire an individual pending completion of the background check, but shall notify the individual that the individual's employment 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 must sign a criminal history consent form which provides permission for the school district to conduct a criminal history background check. If the individual fails to provide the school district with a signed Informed Consent Form at the time the individual receives a job offer, the individual will be considered to have voluntarily withdrawn the application for employment.~~
- ~~C. When required, candidates must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the candidate are unusable, the candidate will be required to submit another set of prints.~~
- ~~D. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment in the job posting and job advertisements.~~
- ~~E. The applicant 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 the school district, the individual will be so advised.~~
- ~~G. The school district may apply these procedures to volunteers as though they were applicants for employment.~~

Criminal History Consent Form

~~A form to obtain consent for a criminal history background check is included with this regulation.~~

Legal References:

~~Minn. Stat. 13.04, Subd. 4 (Inaccurate or incomplete data)~~

~~Minn. Stat. 120.1045 (Background checks)~~

~~Minn. Stat. 299C.60-299C.64 (Minnesota Child Protection Background Check Act)~~

~~Minn. Stat. 364.09(b) (Exception for School Districts)~~

~~Adopted: 01-23-1996 ISD 709~~