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MSBA/MASA Model Policy 404

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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 individuals who receive an offer of employment with the school district, athletic or academic coaches regardless of whether compensation is paid, 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, volunteers and individuals who are offered the opportunity to provide athletic coaching and 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 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.
- 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, independent contractors and student employees

III. PROCEDURES

- A. Normally an individual will not commence employment or provide service 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 a third party vendor that includes



Minnesota Bureau of Criminal Apprehension (BCA) report and meets and/or exceeds Minnesota Statutes section 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 (paid or volunteer) to the school district, or to volunteer for the district, the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check. The employee will pay an amount for the criminal history background check that does not exceed the actual cost of the service. An employee who accepts employment will be responsible for paying the cost of the criminal background check with the amount deducted out of one of the first paychecks the employee receives or paid by the employee at the time the criminal background check is completed. School or program volunteer criminal background checks may be paid by the district.
- 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 Minnesota Professional Educator Licensing and Standards Board (PELSB) or the Minnesota Commissioner of Education within the 12 months preceding an offer of employment due to PELSB performing background checks for new applications and renewal applications for teacher licensure.
- 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 applicant for employment.
- E. 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.
- F. 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 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.

- G. Copies of this policy shall be available on the school district's website and will be distributed to applicants for employment school/program volunteers and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching or services, upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment 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. Criminal Background Screening Standards are included with this policy.
- J. If the criminal history background check precludes employment with the school district, the applicant will be so advised.
- K. The school district may apply these procedures to volunteers, independent contractors or adult 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 that are 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 (Rights of Subjects of Data)
Minn. Stat. § 1387, Subd. 1 (Criminal Justice Data)
Minn. Stat. § 123B.03 (Background Checks)
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)

Cross References: None



Criminal Background Screening Standards

The South St. Paul School District seeks to maintain a safe and healthy educational environment that promotes the physical, social and psychological well-being of all students. All new employees and volunteers must receive a criminal background check prior to starting employment or a volunteer assignment with the School District. An individual will be disqualified and prohibited from serving as an employee or volunteer if that individual has been found guilty or entered a plea of non-contender (no contest), regardless of the adjudication for any of the following disqualifying offenses:

1. Sex Offenses

- a. All Sex offenses - regardless of the amount of time since the offense

Examples: Child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, possession or distribution of child pornography etc.

2. Felonies

- a. All Violent Felony offenses - regardless of the amount of time since the offense

Examples: Murder, manslaughter, rape, aggravated assault, kidnapping, robbery, aggravated burglary, etc.

- b. Any other Felony offenses within the past ten (10) years.

Examples: Drug offenses, theft, embezzlement, fraud, child endangerment, etc.

3. Misdemeanors

- a. All Violent Misdemeanor offenses, including those involving probation or open cases, within the past five (5) years, or multiple offenses within the past seven (7) years.

Examples: Simple drug possession, drunk and disorderly conduct, public intoxication, possession of drug paraphernalia, etc.

- b. Any other Misdemeanor offense, including those involving probation or open cases, within the past five (5) years that would be considered a potential danger to children, or is directly related to the functions of that employee or volunteer.

Examples: Contributing to the delinquency of a minor, providing alcohol to a minor, theft (if person is handling monies), etc.

The district reserves the discretion to consider factors and information, including whether the nature of the offense implicates a behavior that is contradictory to an individual's job description, when making employment decisions.