

404 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 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, mentors or interns 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 extracurricular compensation is paid, submit to a criminal history background check. The offer of employment or 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, and service providers.

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 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. The school district reserves the right to have criminal history background checks conducted by organizations or agencies as the district deems necessary.
- 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, the individual must sign a Criminal Background 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 Criminal Background Form 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.
- 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. However, pursuant to MN Statutes 123B.03, Subd. 1a. Investigation of disciplinary actions taken against prospective teachers, the school district will contact the Board of Teaching to determine whether the board has taken disciplinary action against the teacher based on a board determination that sexual misconduct or attempted sexual misconduct occurred between the teacher and a student. If disciplinary action has been taken based on this type of conduct, the school board or other hiring authority must obtain access to data that are public under section 13.41, subd. 5, that relate to the substance of the disciplinary action. In addition, the school district must require the individual to provide information in the employment application regarding all current and previous disciplinary actions in Minnesota and other states taken against the individual's teaching license as a result of sexual misconduct or attempted sexual misconduct.

with a student and indicate to the applicant that intentionally submitting false or incomplete information is grounds for dismissal.

- 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. 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. 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.
- G. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- H. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- I. The school district may apply these procedures to other volunteers as though they were applicants for employment or providing athletic coaching services or other extracurricular academic coaching services.

IV. CRIMINAL HISTORY CONSENT FORM

A form to obtain consent for a criminal history background check is available in school offices or on the district website.

V. RECORD RETENTION

After the individual has completed the CBC form, the District Office conducts an online criminal background inquiry. If an inquiry comes back with a discrepancy, the Director of Business Services is consulted about the results and will take further action if necessary. On occasion, the Director of Business Services will consult with the Superintendent of Schools. No other individuals in the school district see these results. All results and forms are kept in a secure location until the individual has not worked or volunteered for two years and then are shredded.

Legal References: *Minn. Stat. § 13.04, Subd. 4 (Inaccurate or incomplete data)*
 Minn. Stat. § 123B.03 (Background Checks)
 Minn. Stat. §13.87, Subd. 1 (Criminal History Data)
 Minn. Stat. § 299C.60-299C.64 (MN Child Protection Background Check Act)
 Minn. Stat. § 364.09(b) (Exception for School Districts)

Cross References: