

Adopted: November 9, 1998

Reviewed: November 28, 2022

Revised: January 10, 2011; April 24, 2017, May 13, 2019

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 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 include results 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. § 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 consent and provide permission for the school district to conduct a criminal history background check. The individual will pay the agency conducting the background check or consent to a payroll deduction in the amount equal to the cost of the background check if payment is unable to be received at the time the background check is initiated. 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 complete the background check, 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 Minnesota Professional 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 or other hiring authority if:

1. the results of the criminal background check are on file with the other school or other hiring authority or otherwise accessible;
2. the other school or other 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. the background check is as comprehensive as the check conducted by ISD #286 inclusive of U.S. Nationwide Criminal, Minnesota BCA, Minnesota State Court, National Sex Offender Registry and any other state or county searches as may be identified.

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. The school district will contact the Board of Teaching to determine whether the board has taken disciplinary action against a teacher at the time the school district conducts the criminal background check of any individual it offers to employ as a teacher. 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, and the school district will notify the teacher that intentionally submitting false or incomplete information is a ground for dismissal.

H. Copies of this policy shall be available on the school district's website. 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.

I. The individual will be informed of the results of the criminal background check(s) to the extent required by law.

J. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.

K. The school district may apply these procedures to other volunteers, 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.

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)