

**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 and such other background checks as provided by this policy for applicants who receive an offer of employment with the school district and those seeking certain volunteer or contracted positions in the school district involving contact with school age children or vulnerable adults.

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 who receive an offer of employment with the school district,
  - individuals who are offered the opportunity to provide athletic coaching services or other extra-curricular academic coaching services to the school district, regardless of whether compensation is paid,
  - volunteers assigned to work with students at overnight and/or off-campus activities (hereinafter referred to as “auxiliary volunteers”),
  - Community Education (CE) volunteers working with school-age children and/or vulnerable adults in settings where they are not directly supervised by CE staff, and
  - independent contractors who work with school-age children or vulnerable adults in settings where they are not directly supervised by school district personnel,
- shall submit to a criminal history background check(s) as specified by the school district. The offer of employment, athletic or other extra-curricular academic coaching opportunity, auxiliary or CE volunteer work, or employment for applicable independent contractors shall be conditioned upon a determination by the school district that an applicant’s criminal history does not preclude the applicant from employment or other types of work, specified above, with the school district.
- B. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees, volunteers, or applicants 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 employment applicant, or other person subject to this policy will not commence service until the school district receives the results of the criminal history background check. The school district may conditionally hire an applicant or assign another person subject to this policy pending completion of the background check, but shall notify the person that his or her employment, athletic or academic coaching work, auxiliary or CE volunteer work, or independent contract may be terminated based on the result of the background check.
1. Background checks for employees will be performed by the Minnesota Bureau of Criminal Apprehension (hereinafter “the BCA”) and at least one other employment screening entity. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.
  2. Background checks for athletic and extra-curricular academic coaches, auxiliary volunteers and for CE volunteers subject to this policy will be performed by an employment screening entity selected by the school district. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.
  3. Independent contractors subject to this policy who possess professional licensure granted by the State of Minnesota and whose professional license is in the field directly related to the service that they are contracted to provide to the school district may be allowed to commence work in the school district provided that a criminal background check is a condition for the issuance of their license. Such independent contractors must provide to the school district proof of licensure and proof of the criminal background check prior to commencing work.
  4. Independent contractors subject to this policy who do not possess professional licensure as described in #3 above shall be required to sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check. The school district shall request criminal background checks on subject independent contractors from both the BCA and one other employment screening entity designated by the school district.
- B. An applicant who is offered employment or an applicable independent contractor 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 the school district in an amount equal to the actual cost of the BCA background check and the cost of the additional screening. If the applicant fails to sign off on the appropriate form(s) and pay the required fee at the time the applicant receives a job or independent contract offer, the applicant will be considered to have voluntarily withdrawn the application for employment.

- C. Applicants for athletic and extra-curricular academic coaching opportunities, auxiliary volunteer positions and CE volunteer positions subject to this policy must sign criminal history consent forms, which provide permission for the school district to conduct a criminal history background check and provide a money order or check payable to the school district in an amount equal to the actual processing cost assessed by the employment screening entity selected by the school district to obtain the criminal history background check. If the applicant fails to sign off on the appropriate form(s) and pay the required fee, the applicant will be considered to have voluntarily withdrawn the application.
- D. The school district, at its discretion, may elect not to request a criminal history background check on an applicant for a teaching or administrative position who holds an initial entrance license issued by the state board of teaching or the state department of education within the 12 months preceding an offer of employment.
- E. 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.
- F. For all nonstate residents who are offered employment with the school district, the school district shall request a criminal history background check on such applicants from the superintendent of the BCA and from at least one other employment screening entity capable of accessing criminal history data in the resident state. Such applicants must provide an executed criminal history consent form.
- G. 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.
- 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 precludes employment with the school district or other work subject to this policy, the applicant will be so advised.

- J. The school district may apply these procedures to other volunteers, independent contractors or student employees as though they were applicants for employment or other work subject to this policy.
- K. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment and auxiliary volunteer work 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 in job and auxiliary volunteer advertisements.
- L. The school district shall notify parents and guardians about this policy at the beginning of each school year.

#### **IV. CRIMINAL HISTORY CONSENT FORMS**

Forms to obtain consent for criminal history background checks are available in school offices or the school district human resources department.

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

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