

AFSA High School

Adopted: May 7, 2001
Revised: September 22, 2015
Revised: April 22, 2025
Reviewed: 2024/2025

District 4074

404 CRIMINAL 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.

II. GENERAL STATEMENT OF POLICY

- A. AFSA will conduct criminal background checks on applicants for all positions at the school, including licensed and non-licensed staff, school board members, service providers, volunteer and coaching positions. The offer of employment or the opportunity to provide services 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. 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.
- B. Ordinarily, the Bureau of Criminal Apprehension will conduct the criminal history background check. AFSA reserves the right to have background checks performed by other, eligible third-party agencies and organizations, in accordance with Minn. Stat. §123B.03, subd. 4.
- C. An individual who is offered employment must sign a criminal history consent form which provides a background check.

- D. 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.
- E. 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.
- F. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment upon request.
- G. The applicant 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 the school district, the individual will be so advised.
- I. The school district will apply these procedures to volunteers, coaches, service providers, board members and contractors as though they were applicants for employment.
- J. Follow-up background checks will be conducted every 3 years or at the school's discretion on all employees, service providers, Board members, volunteers, and contractors.
- K. For all out-of-state residents who are offered employment within the school district, the school district shall request a criminal history background check on such applicants from 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. Such applicants must provide an executed criminal history consent form.

IV. CRIMINAL HISTORY CONSENT FORM

A form to obtain consent for a criminal history background check is available in the Personnel Office.

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)