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 or such other background checks as provided by this policy. The school district may also elect to do background checks of 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 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 without the consent of such individuals, should be only done for cause or reason.

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 applicant will not commence employment until the school district receives the results of the criminal history background check. The school district may conditionally hire an applicant pending completion of the background check, but shall notify the applicant that the applicant's employment may be terminated based on the result of the background check. Background checks will be performed by a private company. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

B. An applicant who is offered employment must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and provide payment in an amount equal to the actual

cost to the private company involved in obtaining the background check. If the applicant fails to provide the school district/private company with a signed Informed Consent Form and fee at the time the applicant receives a job offer, the applicant will be considered to have voluntarily withdrawn the application for employment.

C. The school district, in its discretion, may elect not to request a criminal history background check on an applicant who holds an initial entrance license issued by the state board of teaching or the state board of education within the 12 months preceding an offer of employment.

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 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.

E. 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 private company obtaining the background check.

F. 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.

G. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment 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 job advertisements.

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, the applicant will be so advised.

J. The school district may apply these procedures to volunteers, independent contractors, community education employees or student employees as though they were applicants for employment.

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)