

## **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 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. 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 an external company contracted with the school district specializing in criminal history background checks.
- 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 funds to cover the cost of conducting the criminal history background check. If the applicant fails to provide the school district 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offer, the applicant will be considered to have voluntarily withdrawn the application for employment.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 individual who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board or the Minnesota 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 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. 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.
- 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. 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.
- 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 applicant will be so advised.
- I. The school district may apply these procedures to volunteers, independent contractors or student employees as though they were applicants for employment.
- J. 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.

#### **IV. CRIMINAL HISTORY CONSENT FORM**

To obtain consent for a criminal history background check, the employee is sent a link from the District to complete their background screening online.

***Legal References:*** Minn. Stat. § 13.04, Subd. 4 (Rights of Subjects of Data)  
Minn. Stat. § 13.87, Subd. 1 (Criminal Justice Data)  
Minn. Stat. § 123B.03 (Background Checks)  
Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child, Elder, and Individuals with Disabilities Protection Background Check Act)  
Minn. Stat. § 364.09(b) (Exception for School Districts)