



EMPLOYEE BACKGROUND CHECKS

POLICY:	404
ADOPTED:	04/17/00
REVISED:	02/27/22

I. Purpose

The purpose of this policy is to maintain a safe and healthy environment in the school district in order to promote the physical, social, and psychological well-being of its students, employees and the public.

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. Administration of the Program

- 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 be administered by the Human Resource Department and conducted by a third party contractor approved by the school district and Minnesota Bureau of Criminal Apprehension (BCA). The third party contractor shall conduct the background check by retrieving data including but not limited to criminal history data as defined in Minnesota Statutes section 13.87.

- B. Individuals must sign a consent form, which provides permission for the school district to conduct a criminal history background check. If the individual fails to provide the school district with a signed consent form at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.
- C. The cost of the criminal history check is the responsibility of the individual and will be paid through a payroll deduction unless the school district decides to pay for the costs for an independent contractor or a student employee. Individuals may also, at the election of the school district, provide payment in an amount equal to the actual cost of conducting the criminal history background check.
- D. Persons required to undergo a criminal background check under this policy who are not residents of the State of Minnesota must submit to a criminal background check performed by the government agency performing this function in their state of residence or, if no government entity performs such a function in that state, must submit to a criminal background check by the Federal Bureau of Investigation.
- E. When required, individuals must provide fingerprints to assist in a criminal history background check. In the event fingerprints provided by the individual are unusable, the individual will be required to submit additional prints.
- F. An individual who is the subject of a criminal history background check has the right to request and obtain a copy of the background check report. The individual also has a right to challenge the accuracy and completeness of information contained in the background check report.
- G. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- H. The school district may apply these procedures to other volunteers, independent contractors or student employees as the board or district deems appropriate.
- I. 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 (Rights of Subjects of Data)
Minn. Stat. § 13.87, Subd. 1 (Criminal Justice Data)
Minn. Stat. § 123B.03 (Background Check)
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)

Cross References: None