



## **903.5 EMPLOYMENT AND VOLUNTEER 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 and staff. 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 and for volunteer extra-curricular athletic and academic coaches. The District will not require criminal background checks on district enrolled students who are employed or who volunteer for the District. The school district may elect to do background checks on school or program volunteers and independent contractors.

### **II. GENERAL STATEMENT OF POLICY**

- A. The school district shall require that applicants for school district positions who receive an offer of employment, or applicants who are offered the opportunity to provide athletic coaching services and/or other extracurricular academic coaching services to the school district, whether voluntary or compensated, 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 applicant's criminal history does not preclude the individual from employment with, or provision of services to, the school district. The school district may elect to do background checks on school or program volunteers, and independent contractors.
- 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, school or program volunteers, service providers, and independent contractors.

### **III. PROCEDURES**

- A. An applicant will not commence employment or 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 and/or services may be terminated based on the result of the background check. Background checks will be performed by a third

party vendor that includes a Minnesota Bureau of Criminal Apprehension (BCA) report, and meets and/or exceeds Minn. Stat. § 13.87 criteria. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. In order for an individual to be eligible for employment, or to provide athletic coaching services or other extracurricular academic coaching services (paid or volunteer) to the school district, or to volunteer for the district, the individual must sign a criminal history consent form which provides permission for the school district to conduct a criminal history background check. The employee or volunteer will pay an amount for the criminal history background check that does not exceed the actual cost of the service. An applicant who accepts employment will be responsible for paying the cost of the criminal history background check, with the amount deducted out of the first paycheck the employee receives. School or program volunteers must provide a money order or check payable to the school district in order for the background check to be completed. The District may, at its discretion, provide an alternative funding mechanism for school or program volunteers.

If an applicant for employment or applicant for athletic coaching services or other extracurricular academic coaching services (paid or volunteer) fails to provide the school district with a signed Informed Consent Form at the time the applicant receives a job or service offer, the individual will be considered to have voluntarily withdrawn the application for employment or services. If a school or program volunteer fails to provide the school district with a signed Informed Consent Form and fee for the background check, the individual will be considered to have voluntarily withdrawn the application for volunteering.

- C. When required, applicants must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the applicant are unusable, the individual will be required to submit another set of prints.
- D. Copies of this policy shall be available in the school district's Human Resources Department and on the school district's web page and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the job posting and job advertisements.
- E. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
- F. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- G. The school district may apply these procedures to other volunteers, independent contractors, or student employees.

- H. 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. A form notice for this purpose is included with this policy.

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

A form to obtain consent for a criminal history background check is included with this policy.

***Legal References:*** Minn. Stat. § 13.04, Subd. 4 (Inaccurate or Incomplete Data)  
Minn. Stat. § 13.87, Subd. 1 (Criminal History 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)

**POLICY ADOPTED:** June 21, 2007

**POLICY REVIEWED:** March, 2012

**POLICY REVISED:** April 26, 2012