

Adopted: 08/22/95

ISD 704

Revised: 02/16/99 03/09/20

Policy 404

09/22/08

12/14/09

03/28/11

06/27/16 (no changes)

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, 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, or such other background checks as provided by this policy. The school district may also elect to do background checks of volunteers 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 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 coaching shall be conditioned upon a determination by the school district that an applicant's criminal history does not preclude the individual applicant from employment or coaching 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, other volunteers, independent contractors, and student employees.

III. PROCEDURES

- A. Normally an applicant will not commence employment or coaching until the school district receives the results of the criminal history background check. The school district may conditionally hire an applicant or allow a volunteer coach to begin work pending completion of the background check, but shall notify the applicant that the applicant's employment or coaching may be terminated based on the result of the background check. Background checks will be performed by Trusted Employees. Trusted Employees shall conduct the background check by retrieving criminal history

Policy 404

data as defined in Minn. Stat. § 13.87. The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. An individual who is offered employment or a coaching position must complete and pay for a criminal history background check. The school district may decide to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to complete the background check at the time the individual receives a job offer, the applicant or volunteer coach will be considered to have voluntarily withdrawn the application for employment or coaching.
- C. The school district, in its discretion, may elect not to request a criminal history background check on an applicant or volunteer coach who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board 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 non-state residents who are offered employment with the school district, the school district shall request a criminal history background check on such applicants from Trusted Employees, 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.
- F. When required, applicants and volunteer coaches must provide fingerprints to assist in a criminal history background check. If the fingerprints provided 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 employment office and will be distributed to applicants for employment or volunteer coaches upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or volunteer coaching in the job posting and job advertisements.
- E. The applicant or volunteer coach 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 or volunteer coaching with 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.

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)