

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 the following:

- A. All Teacher Applicants who receive an offer of employment with the school district or such other background checks as provided by this policy.
- B. All other employees of the school district whether or not they are instructing the students of this school. This also includes independent contractors and student employees in this school district.
- C. This does not include any general contractors or those doing construction work. The background check responsibility for general contractor and construction labor should be completed by their corporation and included in our contract for their labor services.
- D. All volunteers that will be interacting with the students on a one-to-one basis; this includes classroom helpers and field trip volunteers that will be with the students alone at any time.
- E. Any volunteers that the superintendent should determine it is necessary to have background checks completed on due to the circumstances of the volunteer activity.
- F. All members of the school's board of directors.

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 through LILA Human Resources personnel. The offer of employment and or/volunteer position will be conditional until the determination has been made 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. The school district also reserves the right to contact the Board of Teaching when before offering employment to any teacher about any disciplinary action against a teacher's license regarding sexual misconduct.

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- D. 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.
- E. The school retains the right to rescind any offer of employment upon an unsuccessful background check or an unsatisfactory report from the Board of Teaching. An applicant will not commence employment until the school district receives the results of the criminal background check.

III. PROCEDURES FOR TEACHING APPLICANTS

- A. The school district may conditionally hire an applicant pending completion of the background check, however they shall notify the applicant that the applicants employment may be terminated based on the result of the background check. Background checks will be performed by an agency approved by the school district.
- B. An applicant who is offered employment must sign a criminal history consent form which provides permission for the school district to initiates a criminal history background check and provide the fees applicable to this background check to the school district. The applicant must also appropriately submit their background check information to the LILA Human Resource Personnel who will be initiating the background check.
- C. The school district must contact the Board of Teaching when offering employment to any teacher about any disciplinary action against a teacher's license regarding sexual misconduct.
- D. If disciplinary action has been taken against a teacher that is being considered for employment, the school district will be responsible for seeking public data available regarding the disciplinary action against the teacher and will make their decision to hire or rescind the offer to hire based on that information.
- E. It is the election of the school district to pay for the background check cost or to reimburse the applicant at their discretion.
- F. If the applicant fails to provide the appropriate information to the background check agency and fees associated with such, the applicant will be considered to have voluntarily withdrawn the application for employment.
- G. The school district, in its discretion, may elect not to perform a background check on a non-teacher applicant if the applicant has already had the background check performed by an authorized agency and has given written consent for this information to be provided to the school district.
- H. It is the discretion of the school district to accept the background check performed by another agency and use that information to complete the hiring of the applicant.
- I. When required to provide fingerprints to assist in a criminal history background check, the applicant must provide these fingerprints at a registered law enforcement agency and they must be useable.

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- J. Copies of this policy shall be available in the school district's office, and will be distributed to the applicants for employment or volunteer activity 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.
- K. The applicant will be informed of the results of the criminal background check(s) to the extent required by law.
- L. If the criminal history background check precludes employment with the school district, the Applicant will be so advised.

PROCECURES FOR OTHER SCHOOL EMPLOYEES, VOLUNTEERS AND INDEPENDENT CONTRACTORS

- A. All other employees of the school district whether or not they are instructing the students of this school, independent contractors, student employees and volunteers in this school district will be required to submit their information to the Human Resource Personnel and sign a criminal history consent form which provides permission for the school district to initiate a criminal history background check.
- B. It will be the discretion of the school district if they will be paying for the background check fees or if they will require the employee, independent contractor or volunteer to pay for the background check fee.
- C. The Human Resource Personnel will retain the copy of the background check results and will also retain the list of employees, independent contractors and volunteers that are approved to be in contact with the students alone at any time.
- D. The school district specifically reserves any and all rights it may have to conduct the background checks and to notify any employee, independent contractor or volunteer of their results.
- E. If the background check results are unfavorable and would impact the employee, independent contractor or volunteer from participating with the students, it is the school district responsibility to determine any disciplinary action that may need to be taken.

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)

Minn. Stat. 123B.03 (Amendment as of May 1, 2009)