

## **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 and on 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 other 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 are offered employment in the school 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. PROCEDURES**

- 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 hire or otherwise allow an individual to provide a service to the school pending completion of a background check under Minnesota Statutes, section 123B.03,

subdivision 1 or obtaining notice of a Professional Educator Licensing and Standards Board action under subdivision 1a but shall notify the individual that the individual's employment or other service may be terminated based on the result of the background check or Professional Educator Licensing and Standards Board action. The school district is not liable for failing to hire or for terminating an individual's employment or other service based on the result of a background check or Professional Educators licensing and Standards Board action.

Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history 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. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services to the school district, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to the school district, at the election of the school district, in an amount equal to the actual cost to the BCA and the school district of conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless the school district decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide the school district with a signed Informed Consent Form and fee 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 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 Commissioner of the Minnesota Department 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 individual 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 individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.
- E. For all nonstate residents who are offered employment with or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to the school district, the school district shall request a criminal history background check on such individuals from the superintendent of the BCA and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. 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. Such individuals must provide an executed criminal history consent form.
  - F. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
  - G. Copies of this policy shall be available in the school district's employment office 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 position posting and position advertisements.
  - H. The individual will be informed of the results of the criminal background check(s) to the extent required by law.
  - I. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
  - J. The school district may apply these procedures to other volunteers, independent contractors, or student employees.
  - K. 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 Check)  
Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child Protection Background  
Check Act)  
Minn. Stat. § 364.09(b) (Exception for School Districts)

***Cross References:***

**JACKSON COUNTY CENTRAL, ISD#2895 - COMBINED DISCLOSURE NOTICE AND AUTHORIZATION  
REGARDING BACKGROUND CONSUMER REPORTS**

*(Important: Please read carefully before signing)*

The Fair Credit Reporting Act requires that we inform you that a background investigation may be conducted as part of our screening and hiring process. This may include an inquiry to obtain information regarding your character, employment, history, general reputation, personal characteristics, police record, education, qualifications, motor vehicle record, mode of living and/or credit and indebtedness. The primary objective of any investigation will be to verify information you provided on your application or during the interview process in connection with your application for and/or continued employment (or contract) with the company. A consumer report and/or an investigative consumer report may be obtained at any time during the application process or during your employment with the company. Upon timely written request to our personnel department, and within 5 days of the request, the name, address and phone number of the reporting agency and the nature and scope of the report (if one is made) will be provided to you. You have the right to request details of the report from the consumer reporting agency.

Before any adverse action is taken, based in whole or in part on the information contained in the consumer report, you will be provided a copy of the report, the name, the address and telephone number of the reporting agency, a summary of your rights under the Fair Credit Reporting Act, as well as additional information on your rights under the law.

The items of information requested below are required to process your background investigation. They are intended solely for that purpose and will not be used in a discriminatory manner for the making of business decisions.

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ (Month, Day, Year)

Driver License # \_\_\_\_\_ State: \_\_\_\_\_

Social Security # \_\_\_\_/\_\_\_\_/\_\_\_\_

Other Names Used & Date Changed \_\_\_\_\_ (Year Changed)

Professional License (s): \_\_\_\_\_ State(s): \_\_\_\_\_ Type(s): \_\_\_\_\_ Number (s): \_\_\_\_\_

May we contact your current employer? \_\_\_Yes \_\_\_No

**Residence Addresses For The Past 7 Years:** (attach additional sheets, if necessary)

*Street Address*                      *City, State & Zip Code*                      *County*                      *From Mo./Yr.*                      *To Mo./Yr.*

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Have you ever been charged with or convicted of a Misdemeanor or Felony crime? \_\_\_Yes \_\_\_No

**If yes,** please explain in some detail, including what county and state, and in what year:

*Conviction*                      *City & State*                      *County*                      *Date*

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I hereby authorize Jackson County Central Schools, ISD 2895 and/or The McDowell Agency, Inc. and their agents, without any reservation, to investigate my background as it pertains to employment history and performance, personal and professional references, educational history, licenses and information contained in public records, including, but not limited to, credit, criminal, motor vehicle data and workers compensation. I hereby release all persons, companies or other entities furnishing such information from liability and responsibility in connection herewith. I further authorize ongoing procurement of the types of reports mentioned herein at any time during my employment (or contract) with the company. A photocopy of this document may be substituted for the original.

Printed Full Name of Applicant \_\_\_\_\_

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

*(MN/CA/OK/ME/NY Residents Only): Do you wish to receive a copy of your consumer report? Yes \_\_\_\_\_ No \_\_\_\_\_*

**VOLUNTEER - COMBINED DISCLOSURE NOTICE AND AUTHORIZATION**  
**REGARDING BACKGROUND REPORTS**  
*(Important: Please read carefully before signing)*

The Fair Credit Reporting Act requires that we inform you that a background investigation may be conducted as part of our screening and volunteer process. This may include an inquiry to obtain information regarding your character, police record, and/or motor vehicle record. The primary objective of any investigation will be to verify information you provided in connection with your application for a volunteer position with JCC Schools. An investigative report may be obtained at any time during your volunteer position with JCC Schools. Upon timely written request to our personnel department, and within 5 days of the request, the name, address and phone number of the reporting agency and the nature and scope of the report (if one is made) will be provided to you. You have the right to request details of the report from the consumer reporting agency.

Before any adverse action is taken, based in whole or in part on the information contained in the report, you will be provided a copy of the report, the name, the address and telephone number of the reporting agency, a summary of your rights under the Fair Credit Reporting Act, as well as additional information on your rights under the law.

The items of information requested below are required to process your background investigation. They are intended solely for that purpose and will not be used in a discriminatory manner for the making of business decisions.

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ (Month, Day, Year)

Driver License # \_\_\_\_\_ State: \_\_\_\_\_

Social Security # \_\_\_\_/\_\_\_\_/\_\_\_\_

Other Names Used & Date Changed \_\_\_\_\_ (Year Changed)

Professional License (s): \_\_\_\_\_ State(s): \_\_\_\_\_ Type(s): \_\_\_\_\_ Number (s): \_\_\_\_\_

**Residence Addresses For The Past 5 Years:** (attach additional sheets, if necessary)

<i>Street Address</i>	<i>City, State &amp; Zip Code</i>	<i>County</i>	<i>From Mo./Yr.</i>	<i>To Mo./Yr.</i>

Have you ever been charged with or convicted of a Misdemeanor or Felony crime? \_\_\_\_ Yes \_\_\_\_ No

**If yes,** please explain in some detail, including what county and state, and in what year:

<i>Charge/Conviction</i>	<i>City &amp; State</i>	<i>County</i>	<i>Date</i>

I hereby authorize Jackson County Central ISD #2895 and/or The McDowell Agency, Inc. and their agents, without any reservation, to investigate my background as it is contained in public records, including, but not limited to criminal records. I hereby release all persons, companies or other entities furnishing such information from liability and responsibility in connection herewith. I further authorize ongoing procurement of the types of reports mentioned herein at any time during my volunteer position with JCC Schools. A photocopy of this document may be substituted for the original.

Printed Full Name of Applicant \_\_\_\_\_

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

*(MN/CA/OK/ME/NY Residents Only): Do you wish to receive a copy of your report? Yes \_\_\_\_ No \_\_\_\_*  
*(Form updated 4-29-2015)*