

Dover-Eyota Public Schools Policy 404

Adopted: 2/9/98
Revised: 1/8/2001, 2/9/09,
2/8/10, 9/20/10, totally revised
8/8/2011, 2/8/2016, slight
MSBA 6/2018

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 and a safe working environment for its 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 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 require volunteers who are not at all times directly supervised by a school employee to complete a criminal history consent form. If a background check is sought on a volunteer, the cost shall be borne by the school district.

II. EMPLOYMENT APPLICATION

The employment application of the Dover-Eyota Public Schools shall require the applicant to disclose any conviction of a violation of law other than a minor traffic violation. If such violation has occurred in the candidate's history, the candidate shall explain the nature of the violation(s) on an attached sheet of paper. Failure to disclose any such violation shall immediately exclude the applicant from consideration for formal employment.

III. 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, extracurricular academic coaching services, or Community Education instruction or coaching services to the school district, regardless of whether any compensation is paid, submit to a criminal history background check.
- B. 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. Candidates recommended by administration for employment will be hired by the district at such time as BOTH of the following are satisfactorily completed:
 - 1. Ratification by the school board.
 - 2. The receipt of a complete and approved criminal background check.
- C. 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.
- 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, service providers, independent contractors, and student employees.

IV. 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. Due to the often-needed immediacy for services, 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.

- 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 criminal history consent forms, which provide permission for the school district to conduct a criminal history background check.
- C. Background checks on all employees (except Dover-Eyota students) shall be performed and include a Minnesota Bureau of Criminal Apprehension (MBCA) check. The cost of background checks for substitutes will be borne by the substitute. The MBCA 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.
- D. If the individual fails to provide the school district with a signed form and fee, if so required, 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.
- E. 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 education within the 12 months preceding an offer of employment or permission to provide services.
- F. 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 applicant has committed an act subsequent to the check that would disqualify the applicant for employment.
- G. For all nonstate residents who are offered employment 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. 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 and, if a substitute worker for the district, a money order, check or other negotiable instrument payable to the school district in the amount equal to the actual cost to the government agencies and the school district of conducting the criminal history background check.
- H. 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.
- I. Copies of this policy shall be available on the school district website 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.
- J. Upon request, the individual will be informed of the results of the criminal background check(s) to the extent required by law.
- K. Background Check Results
 1. The district reserves the right to make any determination of employment according to any information it receives regarding the background of a candidate.

2. Should the application or background check results of an applicant or volunteer indicate that they had been convicted of any violation of law other than a minor traffic violation, the results shall be forwarded to the superintendent as private personnel data for consideration or reconsideration of employment ratification. The superintendent may determine if the results shall be forwarded to the board members for consideration or reconsideration of employment ratification.
 3. If the background check of an applicant or volunteer indicated other questionable or concerning behavior, the individual would not be allowed to work or volunteer in the school district until the administration sought additional information about the violation(s) and the applicant, and then determine their recommendation to the Board of Education accordingly.
 4. If the criminal history background check precludes employment with, or provision of services to, the school district, the individual will be so advised.
- L. The school district may apply these procedures to other volunteers, independent contractors, or student employees.
- M. 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.