

404 EMPLOYMENT BACKGROUND CHECKS

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment in the Carver-Scott Educational Cooperative (CSEC) in order to promote the physical, social, and psychological well-being of its students. To that end, the CSEC will seek a criminal history background check for applicants who receive an offer of employment with the CSEC, except enrolled student volunteers, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The CSEC may also elect to do background checks of other volunteers, independent contractors, and student employees in the CSEC.

II. GENERAL STATEMENT OF POLICY

- A. The CSEC shall require that applicants for CSEC positions who receive an offer of employment, except enrolled student volunteers, 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 CSEC that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the CSEC.
- B. The CSEC 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 CSEC shall in no way limit the CSEC'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 CSEC receives the results of the criminal history background check. The CSEC 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. 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 CSEC 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, except enrolled student volunteers, the individual must sign a criminal history consent form, which provides permission for the CSEC to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to the CSEC, at the election of the CSEC, in an amount equal to the actual cost to the BCA and the CSEC of conducting the criminal history background check. If the individual fails to provide the CSEC 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 CSEC, 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 state board of teaching or the commissioner of education within the 12 months preceding an offer of employment or permission to provide services.
- D. The CSEC 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 CSEC 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 non-state residents who are offered employment, the CSEC 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 CSEC that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the CSEC. 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 CSEC's employment office and will be distributed to applicants for employment 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 CSEC, the individual will be so advised.
- J. The CSEC 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 CSEC will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of the CSEC's discretion in requiring a background check. The CSEC 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)

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