

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment in NWSISD in order to promote the physical, social, and psychological well being of its students. To that end, NWSISD will seek a criminal history background check for applicants who receive an offer of employment with NWSISD or such other background checks as provided by this policy. NWSISD may also elect to do background checks of volunteers, independent contractors and student staff members in NWSISD.

II. GENERAL STATEMENT OF POLICY

- A. NWSISD shall require that applicants for NWSISD positions who receive an offer of employment submit to a criminal history background check. The offer of employment shall be conditioned upon a determination by NWSISD that an applicant's criminal history does not preclude the applicant from employment with NWSISD.
- B. NWSISD specifically reserves any and all rights it may have to conduct background checks regarding current staff or applicants without the consent of such individuals.
- C. Adherence to this policy by NWSISD shall in no way limit NWSISD's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning staff, applicants, volunteers, independent contractors and student staff members.

III. PROCEDURES

- A. Normally an applicant will not commence employment until NWSISD receives the results of the criminal history background check. NWSISD may conditionally hire an applicant pending completion of the background check, but shall notify the applicant that the applicant's employment may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (hereinafter "the BCA"). NWSISD reserves the right to also have criminal history background checks conducted by other organizations or agencies.
- B. An applicant who is offered employment must sign a criminal history consent form, which provides permission for NWSISD to conduct a 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 applicant fails to provide NWSISD with a signed Informed Consent Form at the time the applicant receives a job offer, the applicant will be considered to have voluntarily withdrawn the application for employment.
- C. NWSISD, in its discretion, may elect not to request a criminal history background check on an applicant who holds an initial entrance license issued by the state board of teaching or the state board of education within the 12-months preceding an offer of employment.
- D. NWSISD 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 NWSISD 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 NWSISD, NWSISD shall request a criminal history background check on such applicants from the 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. Such applicants must provide an executed criminal history consent form.
- F. When required, applicants must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the applicant are unusable, the applicant will be required to submit another set of prints.
- G. Copies of this policy shall be available in NWSISD’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 in the job posting and job advertisements.
- H. The applicant 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 NWSISD, the applicant will be so advised.
- J. NWSISD may apply these procedures to volunteers, independent contractors or student staff members as though they were applicants for employment.

IV. CRIMINAL HISTORY CONSENT FORM

A form to obtain consent for a criminal history background check is attached.

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)

Adopted: April 16, 2003
Revised: January 18, 2018
March 15, 2019