



404 BACKGROUND CHECKS

[Note: The provisions of this policy substantially reflect statutory requirements.]

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment at Oshki Ogimaag Charter School (OOCs) in order to promote the physical, social, and psychological well-being of its students. To that end, OOCs will seek a criminal history background check for applicants who receive an offer of employment, Board of Education Directors, or such other background checks as provided by this policy. OOCs may also elect to do background checks of other volunteers, independent contractors, and student employees at OOCs.

II. GENERAL STATEMENT OF POLICY

- A. OOCs shall require that applicants for positions who receive an offer of employment submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by OOCs that an individual's criminal history does not preclude the individual from employment with, or provision of services to, OOCs shall be conditioned upon a determination by OOCs that an applicant's criminal history does not preclude the applicant from employment.
OOCS 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.
- B. Adherence to this policy by OOCs shall in no way limit OOCs' 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 applicant will not commence employment or provide services until OOCs receives the results of the criminal history background check. OOCs 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 (hereinafter "the BCA"). The BCA shall conduct the background check by retrieving criminal history data as defined in Minnesota Statutes section 13.87. CCS 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 the individual must sign a criminal history consent form, which provides permission for OOCs to conduct a criminal history background check. If the individual fails to provide OOCs with a signed Informed Consent Form 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. OOCS, 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 of the Minnesota Commissioner of Education within the 12 months preceding an offer of employment or permission to provide services.
- D. OOCS may use the results of a criminal background check conducted at the request of another school/district hiring authority if:
 - 1. the results of the criminal background check are on file with the other school/district hiring authority or otherwise accessible;
 - 2. the other school/district hiring authority conducted a criminal background check within the previous 12 months;
 - 3. the individual executes a written consent form giving OOCS 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 applicant for employment or provision of services.
- E. For all nonstate residents who are offered employment or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to with OOCS, OOCS 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 OOCS that an individual's criminal history does not preclude the individual from employment with, or provision of services to OOCS. 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 OOCS' Human Resources/Business Manager's 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 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, OOCS will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of the OOCS' discretion in requiring a background check upon request. OOCS 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.

V. CRIMINAL HISTORY CONSENT FORM

A form to obtain consent for a criminal history background check is available from the Human Resources/Business Manager.

Legal References: Minn. Stat. § 13.04, Subd. 4 (Rights of Subjects of Data)
Minn. Stat. § 13.87, Subd. 1 (Criminal Justice Data)
Minn. Stat. § 123B.03 (Background Check)
Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child, Elder, and Individuals with Disabilities Protection Background Check Act)
Minn. Stat. § 364.09(b) (Exception for School Districts)

Cross References: None