

# NEW HEIGHTS SCHOOLS, INC.

## POLICY 404

### EMPLOYMENT BACKGROUND CHECKS

#### POLICY MANAGEMENT

*Adopted: 12/2001*

*Reviewed/ Revised\*: 7/11\*, 9/14\*, 8/16, 7/17, 5/19\*,5/22*

*Mandatory: No*

*Frequency: Every 3 years*

*Distribution: Office, Staff*

#### **I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment in the school to promote the physical, social, and psychological well-being of its students. To that end, the school will seek a criminal history background check for applicants who receive an offer of employment with the school and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide services to the school, regardless of whether any compensation is paid, or such other background checks as provided by this policy. The school may also elect to do background checks of volunteers, independent contractors and student employees in the school.

#### **II. GENERAL STATEMENT OF POLICY**

- A. The school shall require that applicants for school positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide services to the school, 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 that an individual's criminal history does not preclude the applicant from employment with the school.
- B. The school specifically reserves any and all rights it may have to conduct background checks regarding current employees or applicants without the consent of such individuals.
- C. Adherence to this policy by the school shall in no way limit the school right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, independent contractors and student employees.

#### **III. PROCEDURES**

- A. Normally an applicant will not commence employment until the school receives

the results of the criminal history background check. The school may conditionally hire an applicant or allow an individual to provide services pending completion of the background check, but shall notify the applicant 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 Minn. Stat. § 13.87. The school 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 services to the school, except for an enrolled student volunteer, the individual must sign a criminal history consent form which provides permission for the school to conduct a criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless the school decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide the school 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, 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 school 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 individual executes a written consent form giving the school 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 with or the opportunity to provide services to the school, the school shall request a criminal history background check on such applicants from 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 that an individual's criminal history does not preclude the individual from employment with, or provision of services to, the school. Such individuals 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 the main office of the school and will be distributed to applicants for employment and individuals who are offered the opportunity to provide 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 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, or provision of services to, the school the applicant will be so advised.
- J. The school may apply these procedures to volunteers, independent contractors or student employees.

#### **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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**INFORMED CONSENT FORM**

We are requesting a federal check pursuant to Minnesota State Statute 299C.62 on this individual as well.

The following named individual has made application with this agency for: \_\_\_Employment \_\_\_Volunteer.

Last Name of Applicant (please print): \_\_\_\_\_

First name (please print): \_\_\_\_\_

Middle (full) (please print): \_\_\_\_\_

Maiden, Alias of Former (please print): \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Sex: \_\_\_\_\_

I have resided my entire adult life (18+) in the State of Minnesota: \_\_\_ Yes \_\_\_ No

If "No", list all the states, counties and countries in which you have lived and the dates:

\_\_\_\_\_  
\_\_\_\_\_

I authorize the Minnesota Bureau of Criminal Apprehension to disclose criminal history record information to New Heights School, District 4003, pursuant to Minnesota State Statute 123B.03 & 299C.62 for the purpose of employment or volunteer position with this agency.

The expiration of this authorization shall be for a period no longer than one year from the date of my signature.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

***CONDITIONAL HIRING:*** *I understand that New Heights School may permit me to commence my employment or volunteer duties pending completion of the criminal history background check and acknowledge and agree that I may be terminated based on the result of the background check.*

New Heights School is a 501(c)3 non-profit organization.