

## Background Check Policy

Board Amended: 10.17.13

Board Amended: 7.28.16

**Policy Number: 509**

### I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment at Spectrum High School (Spectrum) in order to promote the physical, social, and psychological well-being of our students. To that end, Spectrum will seek a criminal background check for applicants who receive an offer of employment with the school or volunteer for extra-curricular athletic and academic coaching, or such other background checks as provided by this policy. Spectrum may also elect to do background checks of volunteers, independent contractors, and student employees in the school district. Spectrum will not require criminal background checks on enrolled students who volunteer for the school.

### II. GENERAL STATEMENT OF POLICY

A. Spectrum shall require that applicants for positions who receive an offer of employment, or applicants who are offered the opportunity to provide athletic coaching services and/or other extracurricular academic coaching services to the school, whether voluntary or compensated, submit to a criminal background check. The offer of employment, or the opportunity to provide services, shall be contingent upon a satisfactory background check determination.

Any felony conviction for a violent crime (for example, criminal sexual conduct, sexual assault, assault/battery, drugs, or weapons) will be reason to reject the applicant for the position or opportunity to provide services. If any other court-ordered penalty (conviction, probation, deferred adjudication, etc.) has occurred in the last seven years, Spectrum's Board of Directors, or individual or committee with authority delegated by the Board, will consider the circumstances to determine whether the individual will be hired or offered an opportunity to provide services. Circumstances may include, but are not limited to, the nature of the crime, the penalty ordered by the court, the length of time since the court-ordered penalty, and terms of the penalty that have not yet been fulfilled.

B. The school district specifically reserves any and all rights it may have to conduct criminal background checks regarding current employees, applicants for employment, or applicants who are offered the opportunity to provide athletic coaching services and/or other extracurricular academic coaching services to the school, whether voluntary or compensated, without the consent of such individuals.

Adherence to this policy by Spectrum shall in no way limit the school's right to require additional information, or to use procedures currently in place or other procedures to gain

additional background information concerning employees, applicants who are offered the opportunity to provide athletic coaching services and/or other extracurricular academic coaching services to the school, applicants, volunteers, independent contractors, and student employees.

- C. If Spectrum High School is notified that an individual who has been conditionally offered a paid or volunteer position, or currently has a paid or volunteer position, has committed an offense or is subject to a court-ordered penalty, Spectrum may contact court offices or prior employers for public records to determine if any action is warranted.

### **III. PROCEDURES**

- A. Normally, an applicant will not commence employment or services until the school district receives the results of the criminal background check. Spectrum may conditionally hire an applicant, pending completion of the background check, but shall notify the applicant that the applicant's employment or services may be terminated based on the result of the background check. Background checks will be performed by a third party vendor that includes a Minnesota Bureau of Criminal Apprehension (BCA) report, and meets or exceeds the requirements under Minn. Stat. § 13.87 criteria. Spectrum reserves the right to also have criminal background checks conducted by other organizations or agencies.
- B. In order for an individual to be eligible for employment, or to provide athletic coaching services or other extracurricular academic coaching services (paid or volunteer), or to volunteer for the district, the individual must sign a criminal background check/screening consent form, which provides permission for the school to conduct a criminal background check. The employee or volunteer may be required to pay an amount for the criminal background check that does not exceed the actual cost of the service. If the applicant or volunteer fails to provide the school with a signed consent form and applicable fee at the time the applicant receives a job offer or offer to provide services, the applicant will be considered to have voluntarily withdrawn the application for employment or volunteering. Spectrum may choose to pay for volunteers' background checks.
- C. Spectrum 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 and are 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 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.
- D. When required, applicants must provide fingerprints to assist in a criminal background check. If the fingerprints provided by the applicant are unusable, the applicant will be required to submit another set of prints.

- E. Copies of this policy shall be available in the school district's administrative office and will be distributed to applicants for employment, individuals who are offered the opportunity to provide athletic coaching services, or other extracurricular academic coaching services, or volunteers, upon request. The need to submit to a criminal background check may be included with the basic criteria for employment in the job posting and job advertisements. Results of the criminal background check(s) will be available by request of the employee or volunteer to the extent required by law. If the criminal background check precludes employment with, or provision of services to, the school, the applicant will be so advised.
- F. Spectrum may apply these procedures to volunteers, independent contractors, or student employees as though they were applicants for employment. All volunteers will be required to complete a criminal background check form prior to volunteering regardless of the capacity or frequency in which they are planning to volunteer. Spectrum may pursue or conduct a criminal background check on any volunteer, but will prioritize volunteers who provide coaching services, accompany students off campus (i.e., chaperones for field trips), are responsible for working with students on campus, but not under the supervision of a licensed teacher, or who are volunteering on a regular basis.
- G. At the beginning of each school year, or when a student enrolls, Spectrum will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of the school's discretion in requiring a background check. Spectrum may include this notice in the Student Handbook, a school policy guide, or other similar communication.
- H. All employees and volunteers are responsible to self-report if circumstances change which would have an impact on their most recent criminal background check.
- I. Unless otherwise requested by the school, criminal background checks will be submitted every four years.

In the event that policies adopted by the School are in conflict with then applicable Minnesota law, the provisions of the law will apply.