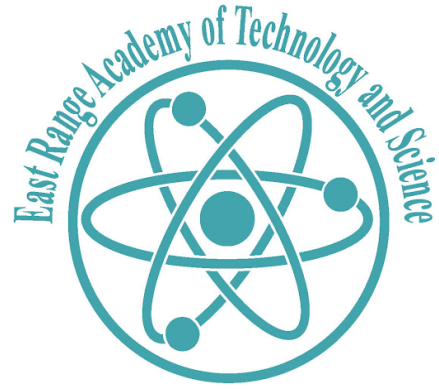


Board Policy
402

Criminal Background Checks



Adopted: 01-14-2019

Revised: 5-8-2023

I. PURPOSE

The purpose of this policy is to promote a safe environment for students and to ensure compliance with laws requiring criminal background checks.

II. POLICY STATEMENT

East Range Academy of Technology and Science requires criminal history background checks for employees, Board members, and volunteers for the safety and welfare of its students, staff and the public.

III. POLICY

- A. East Range Academy will request a comprehensive criminal history background check from a service on all individuals who are considered for employment with the school, on all Board members, and on all individuals, except minor student workers or volunteers, who are offered the opportunity to provide extracurricular advisory, academic, or coaching services to a school, regardless of whether any compensation is paid.
- B. East Range Academy reserves any and all rights to conduct background checks to promote the safety and well-being of the students afforded by law. Adherence to this policy shall in no way limit the school's right to require any and all additional information that may be considered relevant to the employment of the individual. All employment, volunteer, and contractor decisions are made at the discretion of East Range Academy and in accordance with state and federal law.
- C. East Range Academy may request a criminal history background check on any individual who seeks to enter school premises as a school volunteer, independent contractor, or adult student employee.

IV. PROCEDURES

- A. Consent Form. For an individual to be eligible for employment with East Range Academy, the individual will provide an executed criminal history consent form. The cost of the criminal history background check for an employee, volunteer, independent contractor or adult student employee is

the responsibility of the individual, unless East Range Academy decides to pay for those costs at its discretion. An individual must also provide usable fingerprints to assist in a criminal history background check, when required.

- B. BCA and Others. Ordinarily, Minnesota's Bureau of Criminal Apprehension (BCA) will conduct the criminal history background check. East Range Academy reserves the right to have background checks performed by other, eligible third-party agencies and organizations, in accordance with Minn. Stat. §123B.03, subd. 4.
- C. Professional Educator Licensing and Standards Board (PELSB). East Range Academy may decide **not** to request a criminal history background check on an individual who holds an initial entrance license issued by PELSB or the commissioner of education within the 12 months preceding an offer of employment.

At the time East Range Academy conducts the criminal history background check on an individual offered employment as a teacher, East Range Academy must also contact the Professional Educator Licensing and Standards Board (PELSB) to determine whether the Board has taken disciplinary action against the teacher. East Range Academy must obtain access to data that is public under Minn. Stat. §13.41, subd. 5, from the PELSB that relate to the substance of a disciplinary action. In addition, East Range Academy must require the individual to provide information in the employment application regarding all current and previous disciplinary actions in Minnesota and other states taken against the individual's teaching license and indicate to the applicant that intentionally submitting false or incomplete information gives grounds for dismissal.

- D. Out-of-State Residents. For all out-of-state residents who are offered employment by East Range Academy, a criminal history background check will be requested 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 cost of the criminal history background check may be the responsibility of the individual.
- E. Individual's Rights. The school hiring authority must inform an individual if the individual's application to be an employee or volunteer in the school has been denied as a result of a background check conducted. The school hiring authority must also inform an individual who is a current employee or volunteer if the individual's employment or volunteer status at the school is being terminated as a result of a background check.
- F. Volunteers, Independent Contractors, Student Employees. At the discretion of East Range Academy, all of these procedures may be applied to volunteers, independent contractors, and student employees.
- G. Parental Notification. At the beginning of each school year or when a student enrolls, East Range Academy will notify parents and guardians regarding this policy on employment background checks by including it within the student handbook, a school policy guide, or other similar communication.

- H. Background Check Monitoring. Follow-up background checks will be conducted annually or at the school's discretion on all employees, Board members, volunteers, or contractors.
- I. Finance-Related Duties. Any Board member, staff member, or contractor who has the authority to sign checks, transfer funds, and/or approve expenditures shall be required to sign a disclosure indicating if they have ever been charged or convicted of any criminal act involving money, or any civil actions such as declaring bankruptcy. Finance-related findings on a background check may disqualify that person from any finance-related duties at the school.
- J. Felony Convictions. Individuals convicted of felonies cannot serve on the Board or be employed in any administrative, teaching, or staff position unless and until his/her sentence and restitution—including payment of fines, probation, and supervision/monitoring of the court—is completed. Upon completion of all court sanctions, and only then, may the individual be considered for a role at the school, and then only if the felony was for an offense that would not jeopardize the health and safety of students and staff, or the financial operations or public reputation of the school. Individuals convicted of a felony while on the Board or in the employment of the school shall immediately forfeit the right to serve on the Board and/or his/her employment to the school.
- K. Findings. If a criminal background check results in findings more serious than a misdemeanor, the school hiring authority will discuss the findings and make recommendations to the full Board. The school hiring authority may require the applicant/employee to appear before the full Board and/or provide a written response to the findings in question. The final hiring/employment decision or disciplinary action will rest with the Board. "Disciplinary action" does not include an action based on court-ordered child support or maintenance payment arrearages under section 214.101 or delinquent state taxes under section 270C.72.

Legal References:

- Minn. Stat. §123B.03 (Background Check)
- Minn. Stat. §124D.10 (Charter Schools)
- Minn. Stat. §13.04, Subd. 4 (Inaccurate or Incomplete Data)
- Minn. Stat. §13.41, Subd. 5 (Public Data)
- Minn. Stat. §13.87, Subd. 1 (Criminal History Data)
- Minn. Stat. §§299C.60-299C.64 (Minnesota Child Protection Background Check Act)
- Minn. Stat. §364.09(b) (Exception for School Districts)