

Reviewed: February 18, 2025

404 EMPLOYMENT BACKGROUND CHECKS

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A. Birch Grove Community School shall require that applicants for Birch Grove Community School 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 Birch Grove Community School that an applicant's criminal history does not preclude the applicant from employment with Birch Grove Community School. Birch Grove Community School may also conduct subsequent checks every 5 years on any/all retained staff.
- B. Birch Grove Community 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 Birch Grove Community School shall in no way limit Birch Grove Community 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, volunteers, independent contractors and student employees.

III. PROCEDURES

- A. Normally an applicant will not commence employment until Birch Grove Community School receives the results of the criminal history background check. Birch Grove Community School 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"). Birch Grove Community School 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 Birch Grove Community School to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to Birch Grove Community School, at the election of the Birch Grove Community School, in an amount equal to the actual cost to the BCA and Birch Grove Community School of conducting the criminal history background check. If the applicant fails to provide Birch Grove Community School with a signed Informed Consent Form and fee at the time the applicant receives a job offer, the applicant will be considered to have voluntarily withdrawn the application for employment.

- C. Birch Grove Community School, 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. Birch Grove Community 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 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.

- E. For all nonstate residents who are offered employment with Birch Grove Community School, Birch Grove Community School shall request a criminal history background check on such applicants 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. 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 Birch Grove Community School'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 Birch Grove Community School, the applicant will be so advised.
- J. Birch Grove Community School may apply these procedures to volunteers, independent contractors or student employees as though they were applicants for employment.

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. § 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)

Cross References: