



4028 A Procedures

Regulation 4028 A

Original Adoption: 06/26/2012

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Revision Dates:

I. PURPOSE

The purpose of this regulation is to establish the responsibility for and outline of procedures for performing background checks on applicants for employment, providers of services to the district, volunteers and current employees. Definitions used in this regulation and in the policy it supports are also established.

II. PROCEDURE FOR CRIMINAL BACKGROUND CHECKS

- A. Individuals will not commence employment or offering services, including acting as an unsupervised volunteer with the district until the successful completion of the criminal background check is received by the district unless permitted to do so by the Superintendent or Superintendent's designee.
- B. Background checks shall be arranged by the District through the Minnesota Bureau of Criminal Apprehension (BCA) or such other organizations or agencies that are approved for this purpose.
- C. The district shall provide applicants or individuals required to submit to a criminal history background check a consent form providing permission for the district to conduct the check.
- D. The cost of the criminal history background check for applicants is the responsibility of the individual; however the district may choose to pay the costs for persons applying as volunteers, independent contractors, or student employees. The cost of criminal history background checks for current employees shall be borne by the District.
- E. Failure to provide the district with a signed Informed Consent Form and required fee at the time that the individual receives a job offer, or permission to provide services, shall be deemed to be the voluntary withdrawal of the application for employment or request to provide services.
- F. Individuals may be required to provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable as determined by the entity performing the background check, the individual will be required to submit another set of prints. Failure to provide prints or replacement



- prints shall be deemed to be the voluntary withdrawal of the application for employment or request to provide services.
- G. The individual will be informed of the results of the criminal background check(s) to the extent required by law and permitted by policy.
- H. If the criminal history background check precludes employment with, or provision of services to, the district, the individual will be so advised.
- I. Criminal history background checks performed on current employees, persons providing children's services, or volunteers that reveal facts precluding employment with, or provision of services to the district shall subject the individual to disciplinary actions up to and including dismissal, or termination of contract. An individual dismissed or terminated due to the result of a criminal background check will be so advised.

Legal References:

- Minn. Stat. §13.41 (Licensing Data)
Minn. Stat. §13.43 (Personnel Data)
Minn. Stat. §13.87 (Criminal Justice Data)
Minn. Stat. §123B.03 (Background Check)
Minn. Stat. §§299C.60 – 299C.64 (Minnesota Child Protection Background Check Act)
Minn. Stat. §364.09 (Exceptions [to rehabilitation policy for school districts])

Cross References:

- MPS Policy 1030 (Legally Required Releases and Publications)
MPS Policy 1040 (Data Practices Compliance)
MPS Policy 1301 (Community Partners)
MPS Policy 1450 (Volunteers)
MPS Policy 1540 (Complaints Concerning School Personnel)
MPS Policy 3000 (Code of Ethics)
MPS Policy 4002 (Harassment and Violence Prohibition)
MPS Policy 4024 (Pre-employment Drug and Alcohol Testing)
MPS Policy 4025 (Drug-Free and Weapons-Free Schools and Workplace)
MPS Policy 4026 (Transportation Employee Drug and Alcohol Testing)
MPS Policy 4027 (Suspension of Employee Charted with a Criminal Violation)