

**Adopted: 8-20-17**

## **404 CRIMINAL BACKGROUND CHECKS**

### **I. PURPOSE**

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

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

The Studio School requires criminal history background checks for employees and volunteers for the safety and welfare of its students, staff and the public.

### **III. POLICY**

- A. The Studio School will request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension (BCA) on all individuals who are offered employment with the school and on all individuals who are offered the opportunity to provide coaching or mentoring services or other extracurricular academic coaching services to a school, regardless of whether any compensation is paid.
- B. The Studio School 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 The Studio School and in accordance with state and federal law.
- C. The Studio School may request a criminal history background check on any individual who seeks to enter school premises as a school volunteer, independent contractor, or student employee.

### **IV. PROCEDURE**

- A. **Conditional Hiring.** The Studio School may hire an applicant and allow the applicant to provide services while awaiting the result of a criminal history background check. This applicant is a conditional hire and will be notified that employment may be terminated upon receiving the results of the criminal history background check.
- B. **Consent Form.** For an individual to be eligible for employment with The Studio School, the individual will provide a completed criminal history consent form and a money order or check payable to either the Bureau of Criminal Apprehension or the school, in an amount equal to the cost of conducting the criminal history background check. The cost of the criminal history background check for an employee is the responsibility of the individual. The cost of the criminal history background check for a

volunteer, independent contractor or student employee is the responsibility of the individual, unless The Studio School 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.

- C. **BCA and Others.** Ordinarily, the Bureau of Criminal Apprehension will conduct the criminal history background check. The Studio School 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.
- D. **Exception Permitted.** The Studio School maintains the discretion to choose whether an individual who holds an initial entrance license issued by the State Board of Teaching or the commissioner of education within 12 months before the offer of employment from The Studio School, will be subject to a criminal background check.
- E. **Board of Teaching.** At the time The Studio School conducts the criminal history background check on an individual offered employment as a teacher, The Studio School must also contact the Board of Teaching to determine whether the Board has taken disciplinary action against the teacher. The Studio School must obtain access to data that is public under Minn. Stat. §13.41, subd. 5, from the Board of Teaching that relate to the substance of a disciplinary action. In addition, the Studio School 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.
- F. **Use of Data from Previous School.** The Studio School may choose to use the results of a criminal background check conducted at the request of another school if:
  - A. The results of the criminal background check are on file with the other school and organization or otherwise accessible;
  - B. The background check was conducted by the other school within the last 12 months;
  - C. The individual subject to the criminal background check provides written consent to access the results of the previous background check; and
  - D. There is no reason to believe that the individual committed an act after the previous background check that would disqualify the individual for employment.
- G. **Out-of-State Residents.** For all out-of-state residents who are offered employment by The Studio School, a criminal history background check will be requested from the Bureau of Criminal Apprehension 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 is the responsibility of the individual.

- H. Individual's Rights. The individual will be informed of the response to the background check and has the right to request and obtain a copy of the background check report, any record that forms the basis for the report and to challenge the accuracy and completeness of any information contained in the report or record pursuant to Minn. Stat. §13.04, subd. 4. The individual will be informed if employment or service is denied because of the background check report.
- I. Volunteers, Independent Contractors, Student Employees. At the discretion of The Studio School, all of these procedures may be applied to volunteers, independent contractors, and student employees.
- J. Parental Notification. At the beginning of each school year or when a student enrolls, The Studio School 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.

***Legal References:***

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. §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)