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| <b>Policy Title &amp; Number</b> | 403.1 |
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| <b>Date Created:</b>                  | August 1, 2019 |
| <b>Past Policy Revision Date(s):</b>  |                |
| <b>Related Policy(ies):</b>           |                |
| <b>Policy Type (Operating, Board)</b> | Operating      |

#### A. Purpose

TrekNorth Schools is committed to the safety of its students and staff. In order to maintain a safe and healthful environment in the school district in which to promote the physical, social and psychological well-being of its students the district should be assured that all employees, and others having contact with students do not have criminal histories or engage in criminal behavior that threatens that well-being.

#### B. Definitions

##### DEFINITIONS

For the purposes of this policy and any regulations for its implementation the following terms shall have the following meanings:

- “criminal history” shall mean all data maintained in criminal history records compiled by the Bureau of Criminal Apprehension, the Federal Bureau of Investigation or similar governmental agency of states other than Minnesota or countries other than the United States of America, including, but not limited to:
  1. fingerprints;

2. photographs;
3. identification data;
4. arrest data;
5. prosecution data;
6. criminal court data;
7. custody and supervision data

- “School or district” shall mean a school as defined by Minnesota law, except a home school, and shall include a service cooperative, a special education cooperative, a charter school, an intermediate school district and a joint powers district.
- “Provider of children’s services” shall mean a business or organization whether public, private, for profit, nonprofit or voluntary, that provides children’s services, including a business or organization that licenses or certifies others to provide children’s services.
- “children’s services” means the provision of care, treatment, education, training, instruction or recreation to children.
- “child or children” means persons under the age of eighteen (18).
- “conviction or conviction of a crime” means a criminal conviction or adjudication of delinquency for an offense that would be a crime if committed by an adult. This shall be limited to convictions for felonies, gross misdemeanors, and misdemeanors for which a jail sentence may be imposed.

## C. Policy Statement

### I. GENERAL STATEMENT OF POLICY

- Applicants for school district positions as employees, or as persons offering children’s services to the district, including athletic coaches and extracurricular academic coaches, and volunteers must disclose as part of their application any criminal conviction in their history, or any currently pending criminal charge(s) against them.
- The offer of any employment, or the offer of an opportunity to provide services as an athletic coach, extracurricular academic coach or other person offering children’s services, to TrekNorth Public School students shall be conditioned upon a determination by the school district that an individual’s criminal history does not preclude the individual from employment with, or provision of services to, the school district.

- Applicants for school district positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services, other extracurricular academic coaching services or other children's services to the school district, regardless of whether any compensation is paid or given, must submit to a criminal history background check.
- Persons required to submit to a criminal background check under this policy who are not residents of the State of Minnesota must submit to a criminal background check performed by the government agency performing this function in their state of residence or, if no government entity performs such a function in that state, must submit to a criminal background check by the Federal Bureau of Investigation.
- If, after a person is employed by, or begins to provide athletic coaching services, extracurricular academic coaching or other children's services to the district, whether compensated or not, the District determines or has reason to believe that the person is or has engaged in criminal activity or has failed to disclose a previous criminal conviction, the person shall submit to an additional criminal background check.
- Any employee, independent contractor, athletic coach, extracurricular academic coach, or person providing children's services to the district who is convicted of a crime, charged with a felony or gross misdemeanor, or who has been so convicted or charged since January 1, 2008, must disclose that fact to the district Executive Director within five days of the conviction or charge, or if charged or convicted since January 1, 2008 within thirty days of the effective date of this policy. Failure to do so shall subject the employee to discipline, up to and including termination, and shall subject the independent contractor, athletic coach, academic coach or other person providing children's services to the district to termination.
- The District specifically reserves any and all rights it may have to conduct criminal or other background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- The cost of the background check is the responsibility of the individual, unless the position is volunteer.
- Adherence to this policy by the District shall in no way limit the District's right to required additional information or to use procedures to gain additional background information concerning employees, applicants, volunteers, service providers, independent contractors, and student employees. These persons are put on notice that the District may review social media created by or concerning the individual to gather background information.

- The District may apply the procedures for background checks to other volunteers, independent contractors or student employees.
- Any person being offered employment as a teacher in the district shall also be subject to a disciplinary action check with the Minnesota Board of Teaching. Teacher applicants shall be required to disclose any current or previous disciplinary actions in Minnesota and other states taken against the individual's teaching license. Failure to provide true or complete information regarding disciplinary actions is a ground for dismissal.

### III. EXCEPTIONS

- A. The District, in its sole discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the Minnesota State Board of Teaching or the Commissioner of Education within the twelve (12) month period immediately preceding an offer of employment or permission to provide se
- B. The District may choose to use the results of a criminal background check conducted at the request of another school or district if:
1. the results of the criminal background check are on file with the other school or district or are otherwise accessible; and
  2. the criminal background check to be used was conducted within the twelve (12) months preceding the offer of employment or permission to provide services by TrekNorth Schools; and
  3. the individual executes a written consent giving the District access to the results of the check; and
  4. the individual declares that there have been no changes to this status due to acts committed before or subsequent to the check to be used; and
  5. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment or provision of services.

*This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval by the Director.*

### **Associated Procedures or Other Information**

RESPONSIBILITY

- All applicants and current employees, independent contractors and persons providing children's services to the district is responsible to disclose past convictions or pending criminal charges as provided for in this policy.
- The Executive Director is authorized to promulgate regulations to implement this policy.
- The district business office shall have copies of this policy available in its employment offices, and shall make copies available to all applicants for employment or to individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services upon request.
- The district business office shall include the requirement of criminal background checks as an additional criterion for qualification in the published postings and advertisements of employment or requests for provision of services.

#### **E. Associated Forms**

##### Legal References:

Minn. Stat. §13.41 (Licensing Data)

Minn. Stat. §13.43 (Personnel Data)

Minn. Stat. §13.87 (Criminal Justice Data)

Minn. Stat. 123.B 03 (Background Checks)

Minn. Stat. 299C.60-299C.64 (Minnesota Child Protection Background Check Act)

Minn. Stat. 364.09 (b) (Exception for School Districts)