

INDEPENDENT SCHOOL DISTRICT 196
Rosemount-Apple Valley-Eagan Public Schools
Educating our students to reach their full potential

Series Number 401.5AR Adopted June 1995 Revised April 2011

Title Pre-Employment Background Check

1. Consent

- 1.1 All job candidates who have received initial conditional job offers as new hires to District 196 will be required to consent to a background check before beginning employment with the district. A background check is also required of all job candidates, except enrolled student volunteers, who are offered the opportunity to provide athletic or extracurricular academic coaching services, regardless of whether any compensation is paid. A job candidate's conditional offer of employment and an offer for coaching services may be revoked and employment with the district terminated based on the result of the background check.
 - 1.2 Candidates must sign an Informed Consent Form (District Procedure 401.5P, Informed Consent - Pre-Employment Background Check), which gives the district permission to retrieve information from appropriate personnel, institutions or agencies (including but not limited to the Minnesota Bureau of Criminal Apprehension, similar agencies in other states, counties, motor vehicles departments, the FBI and consumer reporting agencies) concerning the candidate's background relative to any criminal history or motor vehicle violations. If a candidate fails to provide the district with a signed Informed Consent Form at the time the candidate receives a job offer, the candidate will be considered to have voluntarily withdrawn his or her application for employment.
 - 1.3 When required, candidates must provide fingerprints to the district so that a background check may be conducted. If the fingerprints provided by the candidate are unusable, the candidate will be required to submit another set of prints.
 - 1.4 Candidates for positions involving the treatment, assessment or counseling of a mental or emotional illness, symptom or condition will also be subject to a pre-employment inquiry pursuant to Minnesota Statutes 604.20-604.205. Positions will include counselors, psychologists, social workers, nurses and any other position described in Minnesota Statute 604.20, subd. 5.
- 2. Process** – Candidates who receive a conditional job offer will be referred to the Human Resources Department where a staff member will explain the background check policy and provide the candidate with a copy of the background check policy and regulation.
- 2.1 Human Resources Department staff will obtain from the candidate a completed and signed copy of District Procedure 401.5P, Informed Consent - Pre-Employment Background Check, acknowledging that he or she has read and received a copy of the background check policy and regulation, and providing the requested information. This form will become part of the candidate's personnel record. The Human Resources Department will also obtain any necessary fingerprints.
 - 2.2 Candidates may be required to pay the school district an amount of money equal to the actual cost of the criminal history background check.

- 2.3 The candidate will be informed of the results of the background check(s) to the extent required by law.
- 2.4 If the background check confirms a criminal record, the district will notify the candidate with District Procedure 401.5.1P, Background Check: Pre-Adverse Action Letter including a copy of the background check results.
- 2.5 If the background check confirms a criminal record, the candidate will have the following recourse:
 - 2.5.1 To withdraw the application;
 - 2.5.2 To obtain from District 196 a copy of the background check report;
 - 2.5.3 To obtain from the Bureau of Criminal Apprehension any record that forms the basis for the background check report;
 - 2.5.4 To challenge the accuracy and completeness of any information contained in the background check report or record pursuant to Minnesota Statutes 13.04 (4), and
 - 2.5.5 To be informed by District 196 if he or she is denied employment or continued employment by the district because of a background check report. This communication will be complete when District Procedure 401.5.2P, Background Check: Adverse Action Letter, is sent as per Fair Credit Reporting Act Sec. 604, 606.615.
- 2.6 Candidates subject to the inquiry described in Section 1.4 will be asked to sign an authorization and release form and provide the names and addresses of employers for the previous five years for which the candidate provided services involving the treatment, assessment or counseling of a mental or emotional illness, symptoms or condition. District 196 will inquire of the identified employers concerning the occurrence of sexual contacts with patients or former patients. Any job offer to the candidate is conditional upon the satisfactory response to the background inquiry.
3. **Independent Contractors, Student Employees and Volunteers** – The district may, at its discretion, require a criminal background check on an individual working as an independent contractor, as a student employee or a volunteer pursuant to the procedures contained in this regulation except as otherwise required by section 1.1 for individuals providing coaching services.
4. **Communications**
 - 4.1 The Human Resources Department shall post a notice at the District Office located at 3455 153rd Street West, Rosemount, that states that the district has a background check policy and that copies of this policy are available in the Human Resources Department.
 - 4.2 A statement about the need to submit to a background check will be included on all employment applications.

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- References:**
- Minnesota Statute 123B.03, Background Check
 - Minnesota Statute 171.3215, Canceling Bus Endorsements for Certain Offenses
 - Minnesota Statute 299C.60 et. seq., Minnesota Child Protection Background Check Act
 - Minnesota Statute 604.202, Liability of Employer
 - Fair Credit Reporting Act Sec. 604, 606.615