



## ST. CROIX PREPARATORY ACADEMY BACKGROUND CHECKS Policy #404

### **I. PURPOSE**

The purpose of this policy is to maintain a safe and healthful environment at St. Croix Preparatory Academy (SCPA). SCPA will seek a criminal history background check for applicants who receive an offer of employment and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to SCPA, regardless of whether any compensation is paid. SCPA may also elect to do background checks of other volunteers, independent contractors, board members, and student employees.

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

- A. SCPA shall require that applicants for school positions who receive an offer of employment and all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to SCPA, regardless of whether any compensation is paid, submit to a criminal history background check. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by SCPA that an individual's criminal history does not preclude the individual from employment with, or provision of services to SCPA.
- B. SCPA specifically reserves any and all rights it may have to conduct background checks regarding current employees, applicants, or service providers without the consent of such individuals.
- C. Adherence to this policy by SCPA shall in no way limit SCPA'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, service providers, independent contractors, and student employees.

### **III. PROCEDURES**

- A. Normally an individual will not commence employment or provide services until SCPA receives the results of the criminal history background check. SCPA may conditionally hire an applicant or allow an individual to provide services pending completion of the background check but shall notify the individual that the individual's employment or opportunity to provide services may be terminated based on the result of the background check. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (BCA). The BCA shall conduct the background check by retrieving criminal history data as defined in Minnesota Statutes, section 13.87. SCPA



reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. In order for an individual to be eligible for employment or to provide athletic coaching services or other extracurricular academic coaching services to SCPA, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for SCPA to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to SCPA, at the election of SCPA, in an amount equal to the actual cost to the BCA and SCPA of conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless SCPA decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide SCPA with a signed Informed Consent Form and fee at the time the individual receives a job offer, or permission to provide services, the individual will be considered to have voluntarily withdrawn the application for employment or request to provide services.
- C. SCPA, at its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the Minnesota Professional Educator Licensing and Standards Board or the Minnesota Commissioner of Education within the 12 months preceding an offer of employment or permission to provide services.
- D. For all non-state residents who are offered employment with or the opportunity to provide athletic coaching services or other extracurricular academic coaching services to SCPA, SCPA shall request a criminal history background check on such individuals 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. The offer of employment or the opportunity to provide services shall be conditioned upon a determination by SCPA that an individual's criminal history does not preclude the individual from employment with, or provision of services to SCPA. Such individuals must provide an executed criminal history consent form.
- E. When required, individuals must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the individual are unusable, the individual will be required to submit another set of prints.
- F. Copies of this policy shall be available at SCPA and will be distributed to applicants for employment and individuals who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment or provision of services in the position posting and position advertisements.
- H. The individual 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, or provision of services to SCPA, the individual will be so advised.
- J. SCPA may apply these procedures to other volunteers, independent contractors, board members, or student employees.
- K. At the beginning of each school year or when a student enrolls, SCPA may notify parents and guardians about this policy and identify those positions subject to a background check and the extent of SCPA's discretion in requiring a background check. SCPA may include this notice in its student handbook, a school policy guide, or other similar communication.

#### **IV. CRIMINAL HISTORY CONSENT FORM**

An on-line background check authorization form may be found on [www.stcroixprep.org](http://www.stcroixprep.org). A paper authorization form may be obtained at SCPA's main office and may be submitted in a sealed envelope.

**Legal References:** Minn. Stat. § 13.04, Subd. 4 (Rights of Subjects of Data)  
Minn. Stat. § 13.87, Subd. 1 (Criminal Justice Data)  
Minn. Stat. § 123B.03 (Background Check)  
Minn. Stat. §§ 299C.60-299C.64 (Minnesota Child, Elder, and Individuals with Disabilities Protection Background Check Act)  
Minn. Stat. § 364.09(b) (Exception for School Districts)

**Cross References:** None