

**BLUFFVIEW MONTESSORI SCHOOL
POLICY 404
EMPLOYMENT BACKGROUND CHECKS**

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment in Bluffview Montessori School in order to promote the physical, social, and psychological well-being of its students. To that end, Bluffview Montessori School will seek a criminal history background check for applicants who receive an offer of employment with Bluffview Montessori School 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 Bluffview Montessori School, regardless of whether any compensation is paid, or such other background checks as provided by this policy. Bluffview Montessori School may also elect to do background checks of other volunteers, independent contractors, and student employees in Bluffview Montessori School.

II. GENERAL STATEMENT OF POLICY

- A. Bluffview Montessori School shall require that applicants for Bluffview Montessori 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 Bluffview Montessori School, 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 Bluffview Montessori School that an individual's criminal history does not preclude the individual from employment with, or provision of services to, Bluffview Montessori School.
- B. Bluffview Montessori School 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 Bluffview Montessori School shall in no way limit Bluffview Montessori School'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 Bluffview Montessori School receives the results of the criminal history background check. Bluffview Montessori School 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 Minn. Stat. § 13.87. Bluffview Montessori School 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 Bluffview Montessori School, except for an enrolled student volunteer, the individual must sign a criminal history consent form, which provides permission for Bluffview Montessori School to conduct a criminal history background check, and provide a money order or check payable to either the BCA or to Bluffview Montessori School, at the election of Bluffview Montessori School, in an amount equal to the actual cost to the BCA and Bluffview Montessori School of conducting the criminal history background check. The cost of the criminal history background check is the responsibility of the individual, unless Bluffview Montessori School decides to pay the costs for a volunteer, an independent contractor, or a student employee. If the individual fails to provide Bluffview Montessori School 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.

[Note: If the school district elects to receive payment, it may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and then pay the superintendent of the BCA directly to conduct the background check.]

- C. Bluffview Montessori School, in 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 commissioner of education within the 12 months preceding an offer of employment or permission to provide services.
- D. Bluffview Montessori School may use the results of a criminal background check conducted at the request of another school hiring authority if:

1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
 2. the other school hiring authority conducted a criminal background check within the previous 12 months;
 3. the individual executes a written consent form giving Bluffview Montessori School access to the results of the check; and
 4. 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.
- E. 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 Bluffview Montessori School, Bluffview Montessori School 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 Bluffview Montessori School that an individual's criminal history does not preclude the individual from employment with, or provision of services to, Bluffview Montessori School. Such individuals must provide an executed criminal history consent form.
- F. 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.
- G. Copies of this policy shall be available in Bluffview Montessori School's employment office 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, Bluffview Montessori School, the individual will be so advised.

- J. Bluffview Montessori School may apply these procedures to other volunteers, independent contractors, or student employees.
- K. At the beginning of each school year or when a student enrolls, Bluffview Montessori School will notify parents and guardians about this policy and identify those positions subject to a background check and the extent of Bluffview Montessori School's discretion in requiring a background check. Bluffview Montessori School may include this notice in its student handbook, a school policy guide, or other similar communication. A form notice for this purpose is included with this policy.
- L. Any staff or volunteers that will work directly with our pre-school children will be required to pass an "enhanced" background check as required by the Minnesota Department of Human Services.

IV. CRIMINAL HISTORY CONSENT FORM

A form to obtain consent for a criminal history background check is included with this policy.

Legal References: Minn. Stat. § 13.04, Subd. 4 (Inaccurate or Incomplete 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)

Cross References:

**CRIMINAL BACKGROUND CHECK - MS 123B.03
COMBINED DISCLOSURE AND INFORMED CONSENT FORM
(Important: Please read carefully before signing.)**

The Fair Credit Reporting Act requires that we inform you that a background investigation may be conducted as part of our screening process. This may include an inquiry to obtain information regarding your employment history, police record, education, qualifications, motor vehicle record, and/or credit and indebtedness. The primary objective of any investigation will be to verify information you provided on your application (includes paid and unpaid positions) with this district. A consumer report and/or an investigative consumer report may be obtained at any time during the background process or during your time with the school. Upon timely written request to the administration, and within 5 days of the request, the name, address and phone number of the reporting agency and the nature and scope of the report (if one is made) will be provided to you. You have the right to request details of the report from the consumer reporting agency.

Before any adverse action is taken, based in whole or in part on the information contained in the consumer report, you will be provided a copy of the report, the name, address and telephone number of the reporting agency, a summary of your rights under the Fair Credit Reporting Act, as well as additional information on your rights under the law.

The items of information requested below are required to process your background investigation. They are intended solely for that purpose and will not be used in a discriminatory manner for the making of business decisions.

Are you willing to allow Bluffview Montessori School to run a criminal background check on you?
YES _____ NO _____

The following named individual has made application with Bluffview Montessori School:

Full Legal Name of Applicant (**please print**): _____
First Middle Last

Maiden, Previous or Alias: _____

Address: _____

City/State/Zip _____

Date of Birth (Month/Day/Year): _____

Social Security Number: _____ - _____ - _____

I authorize the Minnesota Bureau of Criminal Apprehension to disclose criminal history record information to Bluffview Montessori School pursuant to Minnesota State Statute 123B.03, subdivision 1 for the purpose of volunteering with this agency.

This authorization shall be for a period of no longer than one year from the date of my signature.

Signature of Applicant/Volunteer

Date