

Adopted: 8.19.25

Revised:

## **Employment Background Checks - 404**

### **I. PURPOSE**

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

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

- A. SRMCS shall require that applicants for positions who receive an offer of employment submit to a criminal history background check. The offer of employment shall be conditioned upon a determination by SRMCS that an applicant's criminal history does not preclude the applicant from employment.
- B. SRMCS specifically reserves any and all rights it may have to conduct background checks regarding current employees or applicants without the consent of such individuals.
- C. Adherence to this policy shall in no way limit SRMCS' right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, independent contractors and student employees.

### **III. PROCEDURES**

- A. Normally an applicant will not commence employment until SRMCS receives the results of the criminal history background check. SRMCS may conditionally hire an applicant pending completion of the background check, but shall notify the applicant that the applicant's employment may be terminated based on the result of the background check. Background checks will be performed by or through the Minnesota Bureau of Criminal Apprehension (hereinafter "the BCA"); SRMCS reserves the right to also have criminal history background checks conducted by other organizations or agencies.
- B. An applicant who is offered employment must sign a criminal history consent form, which provides permission for SRMCS to conduct a criminal history background check. If the applicant fails to provide SRMCS a signed Background

Investigation Authorization Form at the time the applicant receives a job offer, the applicant will be considered to have voluntarily withdrawn the application for employment.

- C. SRMCS 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 applicant executes a written consent form giving the District access to the results of the check; and
  - 4. there is no reason to believe that the applicant has committed an act subsequent to the check that would disqualify the applicant for employment.
- D. For all non Minnesota residents who are offered employment, SRMCS shall request a criminal history background check on such applicants 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. SRMCS may contract with a private vendor or company to provide these services. Such applicants must provide an executed criminal history consent form.
- E. When required, applicants must provide fingerprints to assist in a criminal history background check. If the fingerprints provided by the applicant are unusable, the applicant will be required to submit another set of prints.
- F. Copies of this policy shall be available in SRMCS' Employment Office, and will be distributed to applicants for employment upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment in the job posting and job advertisements.
- G. The applicant will be informed of the results of the criminal background check(s) to the extent required by law.
- H. If the criminal history background check precludes employment with SRMCS, the applicant will be so advised.
- I. SRMCS may apply these procedures to volunteers, independent contractors or student employees as though they were applicants for employment.

#### IV. CRIMINAL HISTORY CONSENT FORM

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