

New City School
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Criminal Background Check Policy

Reason for Policy

New City School seeks to promote a safe environment for students and staff and to ensure compliance with laws requiring criminal background checks.

Policy Statement

New City School requires criminal history background checks for employees and volunteers for the safety and welfare of its students, staff and the public.

Policy

1. New City School will request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension (or other qualified third party) on all individuals who are offered employment with the school (except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to a school, regardless of whether any compensation is paid).
2. Adherence to this policy shall in no way limit New City School's right to require any and all additional information that may be considered relevant to the employment of the individual. All employment, volunteer and contractor decisions are made at the discretion of New City School and in accordance with state and federal law.
3. Pursuant to Minn. Stat. §123B.03 Subd 2(a), New City School is not liable for failing to hire or for terminating an individual's employment or other service based on the result of a criminal background check or Professional Educator Licensing and Standards Board action.
4. New City School may request a criminal history background check on any individual who seeks to enter school premises as a school volunteer, independent contractor or student employee.
5. Follow-up background checks will be conducted at least every 5 years on employees and Board members.

Procedures

1. **Conditional Hiring is Permissible.** New City School may hire an applicant and allow the applicant to provide services while awaiting the result of a criminal history background check (or obtaining information from the Professional Educator Licensing and Standards Board). This applicant is a conditional hire and will be notified that employment may be terminated upon receiving the results of the criminal history background check.
2. **Signed Consent Form Required.** For an individual to be eligible for employment with New City School, the individual will provide a signed criminal history consent

form. An individual must also provide usable fingerprints to assist in a criminal history background check, when required.

3. **Cost of Criminal Background Check.** The cost of the criminal history background check for any person potential or actual employee, volunteer, independent contractor or student employee is the responsibility of the individual, unless New City School decides to pay for those costs at its discretion.
4. **Third Party Agency May Conduct Background Check.** New City School reserves the right to have background checks performed by other, eligible third-party agencies and organizations, in accordance with Minn. Stat. §123B.03, subd. 4.
5. **Discretion to Require Check for New Entrance License.** New City School maintains the discretion to choose whether an individual who holds an initial entrance license issued by the State Board of Teaching or the commissioner of education within 12 months before the offer of employment from New City School, will be subject to a criminal background check.
6. **School Must Obtain Information from Professional Educator Licensing and Standards Board for Prospective Teachers.** At the time New City School conducts the criminal history background check on an individual offered employment as a teacher, New City School must also contact the Board of Teaching to determine whether the Board has taken disciplinary action against the teacher. New City School must obtain access to data that is public under Minn. Stat. §13.41, subd. 5, from the Board of Teaching that relate to the substance of a disciplinary action. In addition, New City School must require the individual to provide information in the employment application regarding all current and previous disciplinary actions in Minnesota and other states taken against the individual's teaching license and indicate to the applicant that intentionally submitting false or incomplete information gives grounds for dismissal.
7. **Use of Criminal Background Check from Previous School.** New City School may choose to use the results of a criminal background check conducted at the request of another school if:
 - a. The results of the criminal background check are on file with the other school or otherwise accessible;
 - b. The background check was conducted by the other school within the last 12 months;
 - c. The individual subject to the criminal background check provides written consent to access the results of the previous background check; and
 - d. There is no reason to believe that the individual committed an act after the previous background check that would disqualify the individual for employment.
7. **Out-of-State Residents.** For all out-of-state residents who are offered employment by New City School, a criminal history background check will be requested from the Bureau of Criminal Apprehension 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 cost of the criminal history background check is the responsibility of the individual.

8. **Individual's Rights.** The individual will be informed if employment or service is denied because of the background check report. New City School must inform an individual who is the subject of a criminal history background check that the individual has the right to request and obtain from the school a copy of the background check report. New City School may charge the individual for the actual cost of providing a copy of the report.
9. **Volunteers, Independent Contractors, Student Employees.** At the discretion of New City School all of these procedures may be applied to volunteers, independent contractors and student employees.
10. **Parental Notification.** At the beginning of each school year or when a student enrolls, New City School will notify parents and guardians regarding this policy on criminal background checks by posting it on the school Website.

Adopted by the NCS Board of Directors, April 9, 2020.