
MEMORANDUM

TO: SCHOOL ADMINISTRATORS
FROM: CHANCELLOR FOR CIVIL AFFAIRS, PCYI
SUBJECT: CRIMINAL BACKGROUND CHECK POLICY CHANGES
DATE: 7/22/2008, 2:00 PM

OVERVIEW

In 2008, the Minnesota legislature made changes to the laws relating to the use of criminal background checks used in schools. Among the changes made is a requirement that all Minnesota schools **notify parents and guardians each year about the school's criminal background check policy**. Minnesota Laws, ch. 275, sec. 1 § 123B.03, Subd. 1(e). The new disclosure law provides,

[a]t the beginning of each school year or when a student enrolls, a school hiring authority must notify parents and guardians about the school hiring authority's policy requiring criminal history background check on employees and other individuals who provide services to the school, and identify the positions subject to a background check and the extent of the hiring authority's discretion in requiring a background check. The school hiring authority may include the notice in the student handbook, a school policy guide, or other similar communication.

The amendment is effective September 1, 2008. If you have any questions, please contact Sharon Tomlin at 651-290-1622.

WHAT THIS MEANS FOR SCHOOLS

This fall, schools must inform parents and guardians of the school's background check policy. Currently, it is policy that all schools in the Archdiocese must perform criminal background checks on all employees as well as volunteers who have regular or unsupervised contact with minors. Schools must now inform parents and guardians, in writing, of their background check policy.

Additionally, each school will have to draft its own list of positions that will be subject to background checks. Schools will have to include that list—along with the notice explaining the school's background check policy—in the school's student handbooks for the 2008-2009 school year. In case it is too late to make changes to the handbook, an addendum to the handbook, or a mailing to parents and guardians will give sufficient notice.

RECOMMENDATIONS

Include in student handbooks (or another written official school communication tool addressed to parents and guardians):

Criminal History Background Checks.

Mandatory Criminal Background Check Policy. All employees as well as all school volunteers who have regular or unsupervised contact with minors are subject to criminal background checks. A school may decide not to conduct criminal background checks on school volunteers who do not have regular or unsupervised contact with minors, as well as vendors or independent contractors.

The following positions are subject to a mandatory background check:

[This is only a sample list—

Each school will need to draft its own list of positions]

- Teachers
- Substitute teachers
- Specialist teachers
- Tutors
- Academic coaches
- Athletic coaches
- Extracurricular advisors
- Paraprofessionals
- Food service personnel
- Janitorial service personnel