

Legislative-Citizen Commission on Minnesota Resources

MEMO: Agenda Item #11

DATE: January 16, 2020

SUBJECT: Background checks for entities working with youth

Background

At the July 17, 2019 meeting, members requested that LCCMR require any funded entities working with youth to conduct background checks. In considering options for how to implement this requirement, LCCMR staff consulted with House and Senate counsel and the Minnesota Department of Natural Resources Grant Unit. We also requested information from entities with youth-related projects currently tentatively recommended for funding to better understand existing practices.

According to House and Senate counsel, background check statutes can be very complicated and detailed (e.g., [Chapter 245C](#)). Some of the variables include which records to check, type of check, which personnel get checked, and how often. Also what varies is what to do with any information garnered through the check. For example, what would trigger the personnel to become ineligible for working with children. A misdemeanor or felony? Child-related or not? Within the last 5 years?

The DNR Grants Unit cited the [state child protection background check law](#), which does not require checks of certain providers, but leaves that to the state programs and statutes covering different service providers.

We asked project managers of tentatively recommended projects about their practices:

1. If you have practices in place to conduct background checks of staff/volunteers working with children, youth, or vulnerable adults
2. If this check is annual, upon hire, or other (and what that might be)

We received the following answers:

	We do have background checks for staff that work with children. We don't for volunteers. The checks are done upon hire.
	We conduct background checks for staff and volunteers that are working with children, youth, and vulnerable adults. The checks occur upon hire of staff members and prior to a new volunteer beginning with our program
	[We do] background checks for all core staff upon being hired and on a periodic basis as may be required for insurance or audits. We do not routinely do background checks on volunteers and part-time staff as they would typically be working directly under the supervision of core staff while they are with student groups, and the student groups are accompanied by their chaperones/teachers/group leaders.
	[We plan] to start conducting background checks for all existing core employees starting in 2020 and upon hire for any new employees in 2020.
	We have never done background checks [because we don't typically work with youth], but the staff person who will work in the schools...has no problem with us conducting one.
	[We] do take steps routinely to protect young people.
	[We require] all applicants to pass a criminal background check prior as a condition of employment. Failure to consent to and/or satisfactorily clear this check will make a candidate ineligible for employment. Some program areas may require team members submit to additional background checks. Short-term team members who work summer only are required to successfully clear a criminal background check each season
	We do them upon hire, however our project works directly with teachers and not with youth except through virtual classroom presentations
	All individuals who work or volunteer [at the federal unit] are subject to a federal hiring background check.

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Options

1. Rider language or statute changes (future)

If the commission would like to add a requirement to rider language or statute, additional discussion with the commission would be required to determine exactly what is desired for the check. Also to determine if members just want to know that checks are being conducted or if they wish to weigh in on how any information gained through the background check is acted upon.

2. Add a question to the next RFP without stating it as a requirement (future)

We could add some questions to the RFP to be released February 2020 without stating it as a requirement. For example, as suggested by counsel:

- (1) Will money received from the trust fund be used to work with minors?
- (2) If so, does the recipient perform background checks on all personnel who work with minors?

Again, it would not be clear to applicants if a background check is required by LCCMR or if so, to what extent. It would also not be clear to LCCMR what background checks are being conducted or how the applicant is acting on that information.

3. Share information among applicants (current)

Since no rules were in place when currently considered entities applied for funding and if the commission is not yet ready to act on rider or statute language, staff could follow up with applicants to share what we learned from their peers and encourage best practices.

Action

Discuss and determine which option(s) the commission wishes to pursue for both current tentatively recommended projects as well as for future proposals. This may include further discussion at a future meeting.