

# Dowling Community Garden

PO Box 6757, Minneapolis, MN 55406

651. 255. 6607

WWW.DOWLINGCOMMUNITYGARDEN.ORG

April 4, 2009

To all Dowling Community Gardeners:

Dowling Community Garden leases the space for its garden plots from the Minneapolis Public Schools. Our current lease runs from 2005 through 2010, but can be canceled after 90 days' written notice by either party. Several months ago, the school district informed the Garden's Steering Committee that it intended to cancel our lease and substitute a license to use the space instead. To obtain this license, we are required to join the district's Community Partners program. The school district's Web site describes this program at <https://secure.mpls.k12.mn.us/CPO/Default.aspx>.

This program was created for organizations that provide services to students. Its intent is logical for organizations running programs in the Minneapolis schools. However, it is a very bad fit for Dowling Community Garden, which does not operate in schools or provide services to students. Most burdensome is the requirement that all plotheolders will be required to pass a background check.

The Dowling Community Garden Committee made several attempts to explain to the district why the program was an illogical fit. We have repeatedly pointed out that it would be impossible to background check most of the people who use the open space at Dowling. Several elected officials, notably Jim Davnie and Sandra Colvin Roy, attempted to intervene on our behalf, but to no avail. We are frankly at a loss to understand why the district is expending so many administrative resources in this meaningless exercise.

The district has now begun the process of forcing Dowling Community Garden into the Community Partners program. The Steering Committee has very reluctantly concluded that our best course of action is to comply. We cannot afford a lawsuit against the district, and any more-confrontational course could mean the end of Dowling Community Garden—after 66 years.

Following this letter are two documents from the school district:

- (1) A letter to Dowling Community Gardeners from Steven Liss, Chief of Policy and Operations of the district, explaining the district's perspective on the issue. Please note that The Garden Committee does not agree with many statements in Mr. Liss's letter.
- (2) A sample of the form to be used for the background checks. **Do not fill it out now—the attached form is a sample for your information only.** Sometime in the next month or two, a copy of the form and instructions will be sent to every plotheolder (the primary gardener whose name is listed first on our agreement form). Any plotheolder who fails the background check or refuses to submit the completed and signed form will be disqualified from holding a Dowling Community Garden plot.

The Steering Committee will try to keep you informed as this matter develops and to implement the school district's demands in a way that imposes the least possible burden on Dowling gardeners.

Sincerely,

Dowling Community Garden Committee



# MINNEAPOLIS PUBLIC SCHOOLS

807 Northeast Broadway  
Minneapolis Minnesota 55413-2398

March 23, 2009

Dear Community Gardeners:

I am writing on behalf of the Minneapolis School District to try to clear up some of the confusion about the Minneapolis Community Partners process, as it relates to the Community Gardens at Dowling School.

For many years, Minneapolis schools have partnered with community groups to provide services to students and to use District property. Until recently, the District lacked a formal process to engage with community organizations consistently from school to school. The Community Partners process provides a framework for monitoring and screening organizations and individuals who offer programs or use district property through a License or a Lease. Because the process is formalized and systemic, the District hopes that it will strengthen partnerships with the community.

The following are a series of questions and answers, which I hope will clarify the process and reduce your concerns.

#### **Why does MPS have a Community Partner Process?**

The District values its partnerships with community members and organizations. A process is necessary, however, to provide consistency in managing persons and organizations that may interact with our students or use District property. In addition, the Community Partner process provides assurances that the Community Partner will adhere to District policies. The online process, used consistently at all schools, makes it easier for community organizations to make connections with schools, and provides a means for Community Partners to continue relationships with schools in the event of MPS staff transition. Community garden projects at other schools already participate in the process.

#### **Why do I need a license if my organization is simply beautifying District property?**

The District asks that organizations sign a License to articulate responsibilities and obtain a commitment for maintenance. The District needs to maintain its focus on classroom activities and needs assurance that the gardeners are committed to maintaining the gardens and adhering to district policies.

#### **Why is a background check required if my organization is simply beautifying District property and does not provide services to students?**

Any partnerships that allow access to District property without District supervision must agree to the Standard Assurances 1-11, which include completion of criminal background checks. Unfortunately, recent events continue to demonstrate that schools and District property may be a target for persons wishing to harm minors. Background checks provide a way to assist the District in minimizing the risk of such attempts. Even though the gardeners are not inside our buildings and do not have direct contact with students, gardeners are on our property, with permission, creating liability and safety risks for the District. **Only serious crimes will disqualify an individual, such as crimes against children, murder, assault, kidnapping, criminal sexual conduct, and controlled substance crimes.** As Minneapolis School Board Member Chris Stewart has expressed, this protects not only District students, but any child who may be on District property or involved in the community organization project.

**How does the background check work?**

The District uses the vendor Choice Point. Organizations that need to conduct background checks may use their own vendor or process. As explained in the next paragraph, the District is offering to manage the process for your group. Normally, the background checks can be done directly through the Minnesota BCA or through an acceptable third party vendor. The background checks identify convictions of any type, even if it would not disqualify an individual from being a gardener. An organization can try to work with a third party vendor to obtain only the relevant information, i.e., convictions of the crimes specified. **The cost is \$5.00 per background check.**

**Can we simplify the administrative burden?**

Because the Dowling Community Gardens have been a part of the community for decades and have over two hundred gardeners, the District is willing to relieve your organization from much of the administrative burden by assisting the Gardens in completing the background checks of the gardeners currently in place. The District's Assistant General Counsel has developed a Background Check form for the Gardens to utilize and gather the necessary information for a background check. The Assistant General Counsel will then use Choice Point to complete the background checks on behalf of the Gardens and inform the Gardens if any background check reveals a gardener with one of the enumerated crimes. The Gardens will not be informed if a lesser crime is discovered. If no crimes are found, the Gardens will receive that report. The background checks will be complete at that point.

**Why do I need insurance if my organization is simply beautifying District property?**

When an organization undertakes to use District property, the District's liability may increase. The gardens, in particular, can attract additional traffic and include foliage or other structures that require care and maintenance. The District is grateful for the community members who seek to improve the aesthetics of our schools; however, the District needs to avoid when possible, spending public monies to defend liabilities created by such programs.

I hope that this information will alleviate many of the concerns you may have about the process. We are trying to minimize the burden on you and your organization, while protecting the District and our children.

I would appreciate if you would circulate this letter to your gardeners. If you have any questions, please contact Fred Dietrich via email at [fred.dietrich@mpls.k12.mn.us](mailto:fred.dietrich@mpls.k12.mn.us)

Sincerely,



Steven B. Liss  
Chief of Policy and Operations  
Minneapolis Public Schools

# CRIMINAL RECORD AUTHORIZATION AND RELEASE FORM

OCA #: T126272040

**DOWLING COMMUNITY GARDEN**  
by and through  
**MINNEAPOLIS PUBLIC SCHOOLS - Special School District No. 1**

The following named individual has made application with the Dowling Community Garden for a garden plot located on the Dowling School Building site.

Last Name of Applicant (Please print): \_\_\_\_\_ Home Phone: (\_\_\_\_) \_\_\_\_\_

First Name (Please print): \_\_\_\_\_ Work Phone: (\_\_\_\_) \_\_\_\_\_

Middle (Full) (Please print): \_\_\_\_\_

Maiden, Alias or Former (Please print): \_\_\_\_\_

Date of Birth: \_\_\_\_ / \_\_\_\_ /19 Sex:  Female  Male Social Security #: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Address (Please print): \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Have you ever resided or worked outside the state of Minnesota?  Yes  No

If you answered "yes", list the state(s) in which you have resided and/or worked:

\_\_\_\_\_  
\_\_\_\_\_

I hereby authorize the Dowling Community Garden by and through Minneapolis Public Schools to obtain the following information in connection with my application for a garden plot. I acknowledge that the Dowling Community Garden by and through Minneapolis Public Schools has informed me that it may make use of this information in approving or denying my application for a garden plot. I hereby authorize the Dowling Community Garden by and through Minneapolis Public Schools to make use of the above referenced information and release the Dowling Community Garden, Minneapolis Public Schools and any entity that provides information to the Dowling Community Garden by and through the Minneapolis Public Schools from liability in connection with this information.

I certify that all the information I have provided on this form is true and complete to the best of my knowledge. I understand that giving false information or omitting requested information could result in rejection of my application or denial of my continued right to use my garden plot if I am assigned a garden plot.

This authorization shall be valid for one year from the date of my signature unless I notify the Dowling Community Garden by and through Minneapolis Public Schools otherwise within one year.

Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

## CRIMINAL RECORD HISTORY INFORMED CONSENT FORM

### DOWLING COMMUNITY GARDEN by and through MINNEAPOLIS PUBLIC SCHOOLS- Special School District No. 1

I, \_\_\_\_\_ understand that the Dowling Community Garden by and through Minneapolis Public Schools, Special School District No. 1 is seeking background check data as part of my application for a garden plot on the Dowling School building site. I acknowledge that I have been informed of my rights including:

- 1) The right to be informed that the Dowling Community Garden by and through Minneapolis Public Schools requests a background check on me to determine whether I have been convicted of any Background Check Crime (see below);
- 2) The right to be informed by the Dowling Community Garden of the response to the background check and to obtain, if I request in writing, a copy of the background check report;
- 3) The right to obtain from the agency any record that forms a basis for the report;
- 4) The right to challenge the accuracy and completeness of any information contained in the report or record under the relevant provisions of the Data Practices Act;
- 5) The right to be informed if my application for a garden plot or opportunity to continue using the garden plot has been denied because of the response.

Indicate which of the following crimes you have been convicted of by checking the box in front of the crime. (Under Minnesota Statute Section 609.02, Subd. 5, a conviction is a plea of guilty or a verdict of guilty by a jury or a finding of guilty by the court.)

- |   |   |
|---|---|
| <input type="checkbox"/> Causing death of minor while committing child abuse  | <input type="checkbox"/> Criminal sexual conduct - 1st degree       |
| <input type="checkbox"/> Assault in the 1st degree  | <input type="checkbox"/> Criminal sexual conduct - 3rd degree       |
| <input type="checkbox"/> Assault in the 3rd degree  | <input type="checkbox"/> Criminal sexual conduct - 4th degree       |
| <input type="checkbox"/> Assault in the 5th degree  | <input type="checkbox"/> Malicious punishment of a child            |
| <input type="checkbox"/> Solicitation, inducement and promotion of prostitution   | <input type="checkbox"/> Receiving profit derived from prostitution |
| <input type="checkbox"/> Solicitation of children to engage in sexual conduct   | <input type="checkbox"/> Neglect or endangerment of a child         |
| <input type="checkbox"/> Controlled substance crime - 1st degree  | <input type="checkbox"/> Felony Level Assault                       |
| <input type="checkbox"/> Controlled substance crime - 2nd degree  | <input type="checkbox"/> Kidnapping                                 |
| <input type="checkbox"/> Murder   | <input type="checkbox"/> Arson                                      |
| <input type="checkbox"/> Manslaughter   | <input type="checkbox"/> Criminal Sexual Conduct                    |
| <input type="checkbox"/> Any assault crime against a minor (person under age 18)  | <input type="checkbox"/> Prostitution-Related Crimes                |
| <input type="checkbox"/> Controlled substance crime - 3rd degree (Unlawful sale of a mixture containing a controlled substance to a person under age 18 or conspiring with employing a person under age 18 to unlawfully sell a mixture containing a controlled substance.)   |   |
| <input type="checkbox"/> Controlled substance crime - 3rd degree (Unlawful possession of a narcotic drug or a mixture containing methamphetamine or amphetamine in a school zone, park zone, or a public housing zone.)   |   |
| <input type="checkbox"/> Controlled substance crime - 3rd degree (Unlawful possession of a mixture containing marijuana or tetrahydrocannabinals.)  |   |
| <input type="checkbox"/> Controlled substance crime - 4th degree (Unlawful sale of a controlled substance to a person under the age of 18, conspiring with or employing a person under age 18 to unlawfully sell a controlled substance or unlawfully selling marijuana or tetrahydrocannabinals in a school zone, park zone or public hearing zone except a small amount for no remuneration.) |   |
| <input type="checkbox"/> Engaged in prostitution with a minor or hired, offered, or agreed to hire a minor to engage in sexual penetration or sexual contact..  |   |

**My signature below confirms that I have read the District's Criminal Background Check policy and certify that all the information I have provided on this form is true and complete to the best of my knowledge. I understand that giving false information or omitting requested information could result in rejection of my application or denial of my continued right to use my garden plot if I am assigned a garden plot.**

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date