



Community Choice Schools Criminal Background Check Procedures for Proposed School Applicants

NOTE: A Choice School Application shall not be considered complete until the background check results for each of the governing board members, founders, and any staff members involved in the Application are received by the Commission; therefore, receipt of criminal background check results must precede the application deadline date. The results of background checks can take weeks to process; therefore, fingerprinting should be initiated as soon as possible. Electronic results will automatically be sent to the Commission for final determination.

The Montana Community Choice Schools Commission (Commission), in cooperation with the Administrative Rule of Montana 10.57.201A CRIMINAL HISTORY BACKGROUND CHECK and the National Child Protection Act of 1993, requires all Community Choice School (Choice School) applicants adhere to the following criminal background checks procedures.

The National Child Protection Act of 1993, as amended, (codified at 42 United States Code sections 5119a and 5119c) (the "Act") authorizes a state and national criminal history background check to determine the fitness of an employee, volunteer, or other person with unsupervised access to children, the elderly, or individuals with disabilities. The purpose of this policy is to support the Commission's duty to determine whether governing board members, founders, and staff have been convicted of a crime that bears upon the applicant's fitness related to the safety and wellbeing of children.

[20-11-119 Community Choice School Operation and Autonomy \(7\)\(c\)](#) Teachers and other school personnel, as well as governing board members, are subject to criminal history record checks and fingerprinting requirements.

All applicants completing a proposed school application shall follow the Commission Criminal Background Check Policy. Each individual named in the application shall submit the results of their background check to the Commission as a part of the application process. In the event someone on the application does not meet eligibility criteria, the proposed school application will be denied.

Procedures for Community Choice School Applicants

1. Each of the following persons involved or known to be involved in the Choice School Application shall provide to the Montana Department of Justice information and material sufficient to obtain a fingerprint-based national criminal history background check:
 - a. all proposed governing board members;
 - b. all proposed founders;
 - c. all proposed staff members; and
 - d. all proposed volunteers.
2. To initiate the criminal history background check process, the applicant must submit a set of fingerprints on the appropriate form to the Montana Department of Justice. See the Directions for Obtaining a Criminal Background Check following these Procedures.
3. The applicant shall bear the costs of the fingerprinting and background check.
4. All proposed staff members and volunteers known at the time of application must have their background checks

submitted to the Commission for the application to be considered complete. This includes Governing Board members.

5. The Commission shall make a determination, on an individual basis, as to whether each person included in the proposed Choice School Application is fit to protect the safety and well-being of children. If any person on the Application has been convicted of, or is under pending indictment for, a crime that bears upon the applicant's fitness related to the safety and well-being of children, the applicants will be advised to remove that person from the operations of the school before turning in the final Application.
6. Conviction, including conviction following a plea of nolo contendere, a conviction in which the sentence is suspended or deferred, or any other adjudication treated by the court as a conviction, may be considered in determination by the Commission if the conviction was for a sexual offense, a crime involving violence, the sale of drugs, theft, or any other offense related to public health, welfare, and safety as it applies to the safety and welfare of children.
7. The Commission will not publicly post the results of any background checks.
8. After receiving notice of a Does Not Meet Eligibility Criteria Determination, an applicant may challenge the accuracy and completeness of any information contained in any such report through the Montana Department of Justice procedures. The applicant has 10 days to contact the state or agency in which the record was created to make corrections. The applicant must then provide the Commission with a copy of the corrected background report provided by and notarized by the State Identification Bureau. Note, time is of the essence in the proposed Choice School application process. The fee associated with obtaining a copy of the state record provided by the State Identification Bureau will be the responsibility of the applicant.

Applicants wishing to challenge their record may follow the directions below to obtain a copy of their background report.

- a. For a copy of a Montana State criminal history record: The individual can obtain a record online at: <https://doj.egovmt.com/choprs/name-based> NOTE: The name-base record search conducted through the state online service may not have the same results as one requested with a set of fingerprints.
- b. For an FBI criminal history federal fingerprint based background check and information about record review and challenge the applicant can go to the following website: <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/identity-history-summary-checks>

The Following Fingerprinting Process is Required to Obtain a Criminal History Background Check
NOTE: Applicants should allow at least 15 business days for receipt and processing of background check results. Please plan ahead as a proposed Choice School Application will be incomplete without all background checks.
1) Prior to fingerprinting, all applicants must review and sign the Applicant Rights and Consent to Fingerprint as well as review the Privacy Act Statement. These documents are available on the Community Choice Schools website under the Resources tab along with directions for submitting the signed Applicant Rights and Consent to Fingerprint to the Commission Director. The signed form is kept in the applicant's file for 5 years or the length of employment, whichever is longer.
2) Go to your local law enforcement agency or any other agency offering fingerprinting services. Request that your fingerprints be taken for a federal background check. Fingerprints must be clear. Smudged or unclear prints will be rejected by the FBI. Therefore, it is recommended that you complete and submit <u>two fingerprint cards</u> , to ensure that your background check can be completed in a timely manner. A fee is

charged for fingerprinting, this fee may vary depending upon the agency. Remember to have two fingerprint cards completed.

- 3) Fill out the fingerprint cards with your personal information and agency information as provided below. See the example fingerprint card following these instructions.
- a) Name
 - b) Date of birth
 - c) Citizenship
 - d) Social security number
 - e) Descriptive data
 - f) Signatures of both the applicant and person capturing the fingerprints
 - g) Employer and address field should also contain the Agency name in which the background results will be sent.
 - i) Employer and Address: Your School Name & Address
 - ii) Agency Name: Community Choice Schools Commission
 - h) Reason fingerprinted field should contain the authority and purpose: NCPA/VCA (include specific employment purpose ie teacher, administrator, governing board member)
 - i) The ORI field should contain the correct ORI of the requesting agency: MT025025Y
 - j) OCA field should have the requesting agency's identification number: MTSC00307

4) Do not fold the completed fingerprint cards.

- 5) Write a check payable to the Montana Department of Justice for their processing fee based on the options below for either employees (\$30.00) or volunteers (\$25.00).
- A. Federal Fingerprint-Based Check for Employment \$30.00
For background checks conducted for pre-employment, employment, and licensing purposes. This background check and fee includes the Montana (WIN) check, as required by the FBI. Statutory authority is required to conduct these checks. Please contact the Department of Justice if there are questions regarding the statutory authority.
 - B. Federal Fingerprint-Based Check For Volunteers \$25.00
For background checks conducted on "Volunteers," under the statutory authority of National Child Protection Act, as amended by the Volunteers for Children Act (NCPA/VCA). This background check and fee includes the Montana (WIN) check, as required by the FBI. Along with statutory authority, "Reason Fingerprinted" field must also state "Volunteer" and the role of the worker or volunteer. If "Volunteer" is not present in the Reason Fingerprinted field at the time the fingerprint card is submitted for processing, the full fee of \$30.00 will be assessed. (Fee adjustments will not be made if "Volunteer" was not present in Reason Fingerprinted filed at the time of processing; we will have already been charged the full fee by the FBI.)

6) Mail the completed fingerprint cards along with a check payable to the Montana Department of Justice to:

Montana Department of Justice Criminal Records & Identification Services
PO Box 201403 Helena, MT 59620-1403

