

1 **APPLICATION AND NOTICE PURSUANT TO THE NATIONAL CHILD PROTECTION ACT OF**
2 **1993 AS AMENDED BY THE VOLUNTEERS FOR CHILDREN ACT** 5122F

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4 To Whom It May Concern:

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6 You have applied for employment with, will be working in a volunteer position with, or will be providing
7 vendor or contractor services to _____ School District (the District) for the position of (please be
8 specific) _____.

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10 The National Child Protection Act of 1993 (NCPA), Public Law (Pub. L.) 103-209, as amended by the
11 Volunteers for Children Act (VCA), Pub. L. 105-251 (Sections 221 and 222 of Crime Identification
12 Technology Act of 1998), codified at 42 United States Code (U.S.C.) Sections 5119a and 5119c, authorizes a
13 state and national criminal history background check to determine the fitness of an employee, or volunteer, or
14 a person with unsupervised access to children, the elderly, or individuals with disabilities.

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16 Pursuant to the VCA, the district (a) to which you have applied for employment or to serve as a volunteer, or
17 (b) by which you are employed or serve as a volunteer requests a background check. Your rights and
18 responsibilities under the VCA are as follows:

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20 1. Provide a set of fingerprints. [I understand the fingerprint background check will be at my expense].
21 These fingerprints will be used to conduct a search of FBI criminal history records. The district
22 conducting this background check may use the resulting record only for the authorized purpose(s) and
23 will not retain or disseminate it in violation of federal statute, regulation, or executive order, or rule,
24 procedure, or standard established by the National Crime Prevention and Privacy Compact Council. 5
25 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and
26 906.2(d).
27
28 2. Provide your name, address, and date of birth, as appears on a document made or issued by or under
29 the authority of the United States Government, a State, political subdivision of a State, a foreign
30 government, a political subdivision of a foreign government, an international governmental or an
31 international quasi-governmental organization which, when completed with information concerning a
32 particular individual, is of a type intended or commonly accepted for the purpose of identification of
33 individuals. 18 U.S.C. §1028(D)(2).
34
35 3. Provide a certification that you (a) have not been convicted of a crime, (b) are not under indictment for
36 a crime, or (c) have been convicted of a crime. If you are under indictment or have been convicted of
37 a crime, you must describe the crime and the particulars of the conviction, if any.
38
39 4. You are entitled to (a) obtain a copy of the background check report and (b) challenge the accuracy
40 and completeness of any information contained in any such report and obtain a prompt determination
41 as to the validity of such challenge before a final determination is made by the state government
42 agency performing the background check. If district policy permits, its officials may provide you with
43 a copy of your FBI criminal history record for review and possible challenge. If the district policy
44 does not permit it to provide you a copy of the record, you may obtain a copy of the record by
45 submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at
46 <http://www.fbi.gov/about-us/cjis/background-checks> or by contacting Montana Criminal Records and
47 Identification Services at PO Box 201403, Helena MT 59620. 28 CFR, 16.30 through 16.34.
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49 5. Prior to the completion of the background check, the district may choose to deny you unsupervised
50 access to a person to whom the district provides care.

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52 The [district] [Superintendent] [administration] shall access and review State and Federal criminal history
53 records and shall make reasonable efforts to make a determination whether you have been convicted of, or are
54 under pending indictment for, a crime that bears upon your fitness and shall convey that determination to the
55 Board of Trustees. The district shall make reasonable efforts to respond to the inquiry within 15 business days.
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