

Acknowledgement & Certification

The Proposer is providing services to the Des Moines Independent Community School District (the "District") as a Proposer, vendor, supplier, provider or sub provider and/or is operating or managing the operations of a Proposer, vendor, supplier or provider. The services provided by the Proposer may involve the presence of the Proposer's employees upon the real property of the District. The Proposer acknowledges that Iowa law prohibits a sex offender who has been convicted of a sex offense against a minor from being present upon the real property of the District. The Proposer further acknowledges that, pursuant to Iowa law, a sex offender who has been convicted of a sex offense against a minor shall not operate, manage, be employed by, or act as a Proposer or volunteer at the District. The Proposer hereby certifies that no one who is an owner, operator or manager of the Proposer has been convicted of a sex offense against a minor. The Proposer further certifies and agrees that it shall not permit any person who is a sex offender convicted of a sex offense against a minor to provide any services to the District in accordance with the prohibitions set forth above. The Proposer further certifies that the Proposer has completed a satisfactory background check on the Proposer's employees.

The Proposer hereby agrees to provide the District with the Proposer's background screening procedures including specific context and infractions that are reviewed by the Proposer. The Proposer acknowledges that it has received and reviewed a copy of the District's Background Check Policy, which governs the District's hiring practices for its own employees. This Policy may serve as a guide for the Proposer's internal background screening. The Proposer will closely review all available information for any individual who may have direct and/or unsupervised contact with District students to protect the safety and well-being of District students. In reviewing such applications, the District expects the Proposer to consider the following factors.

- a. Nature of the work sought
- b. How the offense(s) relates to the work, and
- c. The population the worker(s) may interact or come in contact

The District reserves the right to, but does not have the obligation to, conduct a District background check on Proposer employees as determined by the District in its sole discretion. The District reserves the right to restrict access of any Proposer employee upon the real property of the District if such employee does not clear the District's background check. The District reserves the right to, but does not have the obligation to, audit the Proposer's background screening program at any time, whether announced or unannounced. The Proposer hereby agrees that the Proposer shall, upon request, permit an authorized District representative to review background screening records, including those of individual Proposer employees, in order to conduct a compliance review, audit or investigation, to the fullest extent permitted by law.

The Proposer shall ensure that the provisions of this Acknowledgement and Certification are extended to any and all subcontractors, consultants, or others the Proposer may engage if such engagement involves their presence upon the real property of the District. The Proposer understands and agrees that violation of any of the provisions of this Acknowledgement and Certification shall constitute sufficient grounds for termination of any contract or subcontract without damages or penalty to the District. This Acknowledgment and Certification is to be construed under the laws of the State of Iowa. If any portion hereof is held invalid, the balance of the document shall, notwithstanding, continue in full legal force and effect. The Proposer hereby acknowledges that he/she has read this entire document that he/she understands its terms, and that he/she not only has the authority to sign the document on behalf of the Proposer but has signed it knowingly and voluntarily.

Draft Policy Regarding Background Checks of Applicants for Employment

The Des Moines Independent Community School District's (the "District") primary function is the education and care of the District's students. The District considers student safety and well-being to be of paramount importance. Because of the requirements of Iowa law, and in order to further these compelling interests, the District's hiring process includes requests for information regarding an applicant's past criminal conviction(s). Background checks will be conducted as required by law and District policy/practice. Backgrounds checks will not be performed until a recommendation to hire has been made by the hiring team, after the interview process has occurred.

The District is also committed to equity in its entire employment process, including its hiring process. In order to achieve an equitable process with respect to the consideration of criminal convictions, while promoting the compelling interests of student safety and well-being, the District will consider an applicant's criminal record in light of the following:

1. All applications will be considered on a case-by-case basis. While the District will endeavor to consider each applicant's individual situation, it will also attempt to achieve equitable results between similarly-situated applicants.
2. Because honesty and candor are essential to the employer-employee relationship, failure of an applicant to disclose past criminal convictions on their application for employment and/or failure to cooperate with requests from the District to provide additional information necessary to the hiring process will generally result in a denial of employment.
3. Where an applicant's application and/or background check result in a finding that the applicant has one or more criminal convictions, the District will issue a Pre-Adverse Action Notice to the employee, requesting that the employee provide the District with additional information relating to the conviction(s) prior to the District making a decision relating to the applicant's employment. The applicant's cooperation and candor are important. If the applicant fails to provide additional information within the time requested, the District will make a decision based on the information available to it. Applicants should be aware that failure to promptly and voluntarily provide additional information will weigh heavily against hiring that applicant.
4. Once the District has received all available information relating to the applicant's criminal background, the District will analyze all available information on a case-by-case basis. Factors examined by the District may include, but are not necessarily limited to all considerations that are job-related and consistent with business necessity, including specifically:
 - a. The gravity of the offense/conduct,
 - b. Whether the individual has a record of multiple convictions or a documented pattern indicating disregard for the law,
 - c. Time since the offense(s),
 - d. Whether there are any pending charges at the time of application,
 - e. Nature of the job sought,
 - f. How the offense(s) relates to the job,
 - g. The population the applicant may interact with,
 - h. Where applicable, evidence of rehabilitation

5. If the District determines not to move forward with employment, the applicant will receive a Final Adverse Action notice.
6. If an application is rejected due to an applicant's past criminal conviction(s), that employee may be considered for employment no sooner than seven (7) years from the date of the most recent offense. All decisions will be made based on all information available to the District at the time of the subsequent application.

Contractor Name: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

Email: _____