

## **SCHOOL SAFETY LEGISLATION SUMMARY**

*(2005 PA 129-131 and 138)*  
**Effective January 1, 2006**

The following requirements apply to local and intermediate school districts, public school academies and nonpublic schools:

- "School Safety Zone" prohibits individuals convicted of a "listed offense," with some exceptions, from residing, working or loitering within 1,000 feet of school property [MCL 28.733 - 28.736].
- The district shall not employ, in any capacity, an individual who has been convicted of a listed offense (a crime that requires registration as a sex offender).
- A district may employ an individual who has been convicted of a non-listed offense felony only if the superintendent and school board each specifically approve the employment or work assignment in writing.
- Not later than July 1, 2008, each individual who, as of January 1, 2006, is either employed full-time or part-time or is assigned to regularly and continuously work under contract, shall to be fingerprinted for the purpose of performing a criminal history background check.
- If a person who is employed in any capacity by the district, or has applied for a position, or has had an initial criminal history check, or is regularly or continuously working under contract in a district, shall report to the Michigan Department of Education and the school district that he or she has been charged with certain crimes, within 3 business days after being arraigned for the crime.
- If the employee does not report the charge or conviction, he or she is guilty of an additional crime. If the non-reported charge or conviction is a felony or listed offense, the person is guilty of a felony. If the non-reported charge is a non-listed offense misdemeanor, the person is guilty of a misdemeanor.
- If the employee does not report the charge or conviction, the district may discharge the person from employment or termination of his or her contract, following notice and the opportunity of a hearing. If a collective bargaining agreement is in effect as of January 1, 2006, and the agreement is not in compliance with the requirement, the district may not discharge a person for failing to report the charge or conviction until after the expiration of that collective bargaining agreement.
- The Department of Information Technology (DIT) will work with the Department of Education (MDE) and State Police to develop and implement an automated program that will compare the list of Registered Educational Personnel (REP) with the conviction information database. If a person on the REP has been convicted of a crime, the MDE is required to notify the district indicated on the REP as the employing district. Convictions for listed offenses will require immediate dismissal of the employee.

## **SUSPENSIONS/REVOCATIONS**

- Upon notification, the Office of Professional Preparation Services will review the criminal conviction and initiate administrative proceedings as determined by either law or administrative rule.
- Certificate holders or those who hold State Board approval are notified of the proceedings and their right to a hearing.
- It is a criminal offense to attempt to obtain employment as a teacher using a fraudulent certificate. Upon application for employment, each certificate should be reviewed for authenticity. Any discrepancies should be reported to the MDE.

## **LISTED OFFENSE**

- A "listed offense" is a crime that requires registration as a sex offender. "Listed offense" is defined in Section 2 of the Sex Offenders Registration Act. A "listed offense" includes any of the following:
  - Accosting, enticing, or soliciting a child for immoral purposes.
  - Involvement in child sexually abusive activity or material.
  - A third or subsequent violation of any combination of engaging in obscene or indecent conduct in public, indecent exposure, or a local ordinance substantially corresponding to either offense.
  - First, second, third, or fourth degree Criminal Sexual Conduct (CSC).
  - Assault with intent to commit CSC.
  - If the victim is less than 18 years of age, the crime of gross indecency (except for a juvenile disposition or adjudication), kidnapping, sodomy, or soliciting another for prostitution.
  - Leading, enticing, or carrying away a child under 14 years of age.
  - Pandering.
  - Any other violation of a state law or local ordinance constituting a sexual offense against an individual less than 18 years of age.
  - An offense committed by a sexually delinquent person.
  - An attempt or conspiracy to commit one of the offenses listed above.
  - Any offense under the laws of the United States, any other state, or any other country or tribal or military law, that is substantially similar to a listed offense.

THE REVISED SCHOOL CODE (EXCERPT)  
Act 451 of 1976

**380.1230 Offer of full-time, part-time, or contract employment; criminal history check; employment as conditional employee; conditions; voiding contract and terminating employment; report received by another district; consent; request; conducting criminal history check; report; disclosure of conviction of listed offense or felony; use; disclosure; violation as misdemeanor; penalty; exception; definitions.**

Sec. 1230. (1) Except as otherwise provided in this section, upon an offer of initial employment being made by the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school to an individual for any full-time or part-time employment or when school officials learn that an individual is being assigned to regularly and continuously work under contract in any of its schools, the district, public school academy, or nonpublic school shall request from the criminal records division of the department of state police a criminal history check on the individual and, before employing the individual as a regular employee or allowing the individual to regularly and continuously work under contract in any of its schools, shall have received from the department of state police the report described in subsection (8).

(2) If the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school determines it necessary to hire an individual for a particular school year during that school year or within 30 days before the beginning of that school year, the board or governing body may employ the individual as a conditional employee under this subsection without first receiving the report described in subsection (8) if all of the following apply:

(a) The board or governing body requests the criminal history check required under subsection (1) before conditionally employing the individual.

(b) The individual signs a statement identifying all crimes for which he or she has been convicted, if any, and agreeing that, if the report described in subsection (8) is not the same as the individual's statement, his or her employment contract is voidable at the option of the board or governing body. The department shall develop and distribute to districts and nonpublic schools a model form for the statement required under this subdivision. The department shall make the model form available to public school academies. A district, public school academy, or nonpublic school shall use the model form for the purposes of this subsection.

(3) If an individual is employed as a conditional employee under subsection (2) and the report described in subsection (8) is not the same as the individual's statement under subsection (2), the board or governing body may void the individual's employment contract. If an employment contract is voided under this subsection, the individual's employment is terminated, a collective bargaining agreement that would otherwise apply to the individual's employment does not apply to the termination, and the district, public school academy, or nonpublic school or the board or governing body is not liable for the termination.

(4) For an applicant for a position as a substitute teacher, instead of requesting a criminal history check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use a report received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the applicant.

(5) If an applicant is being considered for employment by more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the applicant agrees in writing to allow a district, public school academy, or nonpublic school to share the report described in subsection (8) with another district, public school academy, or nonpublic school, a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the report described in subsection (8) from another district, public school academy, or nonpublic school.

(6) An applicant for employment shall give written consent at the time of application for the criminal records division of the department of state police to conduct the criminal history check required under this section.

(7) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the criminal records division of the department of state police for a criminal history check required under this section on a form and in a manner prescribed by the criminal records division of the department of state police.

(8) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal history check on an individual under this section, the criminal records division of the department of state police shall conduct the criminal history check and, after conducting the criminal history check and within that time period, provide a report of the results of the

criminal history check to the district, public school academy, or nonpublic school. The report shall contain any criminal history record information on the individual maintained by the criminal records division of the department of state police.

(9) If the report received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (8) discloses that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the report received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (8) discloses that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approve the employment or work assignment in writing.

(10) Criminal history record information received from the criminal records division of the department of state police under subsection (8) shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in the position for which he or she has applied or been assigned and for the purposes of subsections (3), (4), and (5). A member of the board of a district or of the governing body of a public school academy or nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose the report or its contents, except a misdemeanor conviction involving sexual or physical abuse or any felony conviction, to any person who is not directly involved in evaluating the applicant's qualifications for employment or assignment. However, for the purposes of subsections (4) and (5), a person described in this subsection may confirm to an employee of another district, public school academy, or nonpublic school that a report under subsection (8) has revealed that an individual does not have any criminal history or may disclose that no report under subsection (8) has been received concerning the individual, and for the purposes of subsection (5), a person described in this subsection may provide a copy of the report under subsection (8) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804.

(11) Subsection (1) does not apply to an individual who is being employed by or assigned to regularly and continuously work under contract in a school of a school district, intermediate school district, public school academy, or nonpublic school if the individual is not more than 19 years of age and is enrolled as a general education pupil of the school district, intermediate school district, public school academy, or nonpublic school or is not more than 26 years of age and is enrolled in special education programs or services in the school district, intermediate school district, public school academy, or nonpublic school. However, before employing the individual or assigning the individual to regularly and continuously work under contract in a school, the school district, intermediate school district, public school academy, or nonpublic school shall perform a criminal history check on that person using the department of state police's internet criminal history access tool (ICHAT). If a search of the department of state police's ICHAT reveals that the individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If a search of the department of state police's ICHAT reveals that the individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing.

(12) As used in this section:

(a) "At school" means in a classroom, elsewhere on school property, or on a school bus or other school-related vehicle.

(b) "Criminal history record information" means that term as defined in section 1a of 1925 PA 289, MCL 28.241a.

(c) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(d) "Regularly and continuously work under contract" means either of the following:

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(i) To work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(e) "School property" means that term as defined in section 33 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

**History:** Add. 1992, Act 99, Imd. Eff. June 23, 1992;—Am. 1993, Act 68, Imd. Eff. June 21, 1993;—Am. 1993, Act 284, Eff. Apr. 1, 1994;—Am. 2005, Act 129, Eff. Jan. 1, 2006;—Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006.

**Popular name:** Act 451

THE REVISED SCHOOL CODE (EXCERPT)  
Act 451 of 1976

**380.1230a Criminal records check through federal bureau of investigation; employment as conditional employee; voiding contract and terminating employment; application as substitute teacher; obtaining copy of results from another district, public school academy, or nonpublic school; consent; form and manner of request; use and disclosure of results; violation as misdemeanor; penalty; initiation of criminal records check by department of state police; disclosure that individual convicted of listed offense or other felony; exception; definitions.**

Sec. 1230a. (1) In addition to the criminal history check required under section 1230, the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school shall request the department of state police to conduct a criminal records check through the federal bureau of investigation on an applicant for, or an individual who is hired for, any full-time or part-time employment or who is assigned to regularly and continuously work under contract in any of its schools. Except as otherwise provided in this section, a board or governing body shall not employ an individual or allow an individual to regularly and continuously work under contract in any of its schools until after the board or governing body receives the results of the criminal records check. A board or governing body requesting a criminal records check under this section shall require the individual to submit his or her fingerprints to the department of state police for that purpose. The department of state police may charge a fee for conducting the criminal records check. Subject to section 1230g, a board or governing body shall require an individual to submit his or her fingerprints for the purposes of this section only at the time the individual initially applies for employment with the board or governing body or is initially employed by the board or governing body or is initially assigned to regularly and continuously work under contract in any of its schools.

(2) If the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school determines it necessary to hire an individual for a particular school year during that school year or within 30 days before the beginning of that school year, the board or governing body may employ the individual as a conditional employee under this subsection without first receiving the results of the criminal records check under subsection (1) if all of the following apply:

(a) The board or governing body requests the criminal records check under subsection (1) before conditionally employing the individual.

(b) The individual signs a statement identifying all crimes for which he or she has been convicted, if any, and agreeing that, if the results of the criminal records check under subsection (1) reveal information that is inconsistent with the individual's statement, his or her employment contract is voidable at the option of the board or governing body. The department shall develop and distribute to districts and nonpublic schools a model form for the statement required under this subdivision. The department shall make the model form available to public school academies. A district, public school academy, or nonpublic school shall use the model form for the purposes of this subsection.

(3) If an individual is employed as a conditional employee under subsection (2) and the results of the criminal records check under subsection (1) reveal information that is inconsistent with the individual's statement under subsection (2), the board or governing body may void the individual's employment contract. If an employment contract is voided under this subsection, the individual's employment is terminated, a collective bargaining agreement that would otherwise apply to the individual's employment does not apply to the termination, and the district, public school academy, or nonpublic school or the board or governing body is not liable for the termination.

(4) For an applicant for a position as a substitute teacher, instead of requesting a criminal records check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use results received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the applicant.

(5) If an applicant is being considered for employment by more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the applicant agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal records check with another district, public school academy, or nonpublic school, then a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the results of the criminal records check from another district, public school academy, or nonpublic school.

(6) An applicant for employment shall give written consent at the time of application for the criminal

records division of the department of state police to conduct the criminal records check required under this section.

(7) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the department of state police for a criminal records check under this section on a form and in a manner prescribed by the department of state police.

(8) The results of a criminal records check under this section shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in the position for which he or she has applied or been assigned and for the purposes of subsections (3), (4), and (5). A member of the board of a district or of the governing body of a public school academy or nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose those results, except a misdemeanor conviction involving sexual or physical abuse or any felony conviction, to any person who is not directly involved in evaluating the individual's qualifications for employment or assignment. However, for the purposes of subsections (4) and (5), a person described in this subsection may provide a copy of the results under subsection (1) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804.

(9) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal records check on an individual under this section, the criminal records division of the department of state police shall initiate the criminal records check through the federal bureau of investigation. After conducting the criminal records check required under this section for a school district, intermediate school district, or public school academy, the criminal records division of the department of state police shall provide the results of the criminal records check to the district or public school academy. After conducting the criminal records check required under this section for a nonpublic school, the criminal records division of the department of state police shall notify the nonpublic school of whether or not the criminal records check disclosed any criminal history that is not disclosed in the report on the individual provided to the nonpublic school under section 1230.

(10) If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (9) disclose that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (9) disclose that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approve the employment or work assignment in writing.

(11) Subsection (1) does not apply to an individual who is being employed by or assigned to regularly and continuously work under contract in a school of a school district, intermediate school district, public school academy, or nonpublic school if the individual is not more than 19 years of age and is enrolled as a general education pupil of the school district, intermediate school district, public school academy, or nonpublic school or is not more than 26 years of age and is enrolled in special education programs or services in the school district, intermediate school district, public school academy, or nonpublic school. However, before employing the individual or assigning the individual to regularly and continuously work under contract in a school, the school district, intermediate school district, public school academy, or nonpublic school shall perform a criminal history check on that person using the department of state police's internet criminal history access tool (ICHAT). If a search of the department of state police's ICHAT reveals that the individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If a search of the department of state police's ICHAT reveals that the individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing.

(12) As used in this section:

(a) "At school" means in a classroom, elsewhere on school property, or on a school bus or other school-related vehicle.

(b) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(c) "Regularly and continuously work under contract" means either of the following:

(i) To work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(d) "School property" means that term as defined in section 33 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

**History:** Add. 1995, Act 83, Eff. Aug. 1, 1995;—Am. 2005, Act 138, Eff. Jan. 1, 2006;—Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006.  
**Popular name:** Act 451



THE REVISED SCHOOL CODE (EXCERPT)  
Act 451 of 1976

**380.1539b Conviction of person holding board approval for certain crimes; notice of right to hearing; suspension; summary suspension; compensation; reinstatement, continued suspension, or permanent revocation of state board approval; notice of conviction; evidence of conviction; failure to complete hearing procedures; construction of section; rules; comparison of individuals holding teaching certificate with conviction information; report; definitions.**

Sec. 1539b. (1) Subject to subsection (2), if a person who holds state board approval has been convicted of a crime described in this subsection, within 10 working days after receiving notice of the conviction the superintendent of public instruction shall notify the person in writing that his or her state board approval may be suspended because of the conviction and of his or her right to a hearing before the superintendent of public instruction. The hearing shall be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the person does not avail himself or herself of this right to a hearing within 15 working days after receipt of this written notification, the person's state board approval shall be suspended. If a hearing takes place, the superintendent of public instruction shall complete the proceedings and make a final decision and order within 120 working days after receiving the request for a hearing. Subject to subsection (2), the superintendent of public instruction may suspend the person's state board approval, based upon the issues and evidence presented at the hearing. This subsection applies to any of the following crimes:

- (a) Any felony.
- (b) Any of the following misdemeanors:
  - (i) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.
  - (ii) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.
  - (iii) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.
  - (iv) A misdemeanor violation of section 7410 of the public health code, 1978 PA 368, MCL 333.7410.
  - (v) A violation of section 115, 141a, 145a, 335a, or 359 of the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.145a, 750.335a, and 750.359, or a misdemeanor violation of section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.145d.
  - (vi) A misdemeanor violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701.
  - (vii) Any misdemeanor that is a listed offense.
- (c) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(2) If a person who holds state board approval has been convicted of a crime described in this subsection, the superintendent of public instruction shall find that the public health, safety, or welfare requires emergency action and shall order summary suspension of the person's state board approval under section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292, and shall subsequently provide an opportunity for a hearing as required under that section. This subsection does not limit the superintendent of public instruction's ability to order summary suspension of a person's state board approval for a reason other than described in this subsection. This subsection applies to conviction of any of the following crimes:

- (a) Criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree.
- (b) Felonious assault on a child, child abuse in the first degree, or an attempt to commit child abuse in the first degree.
- (c) Cruelty, torture, or indecent exposure involving a child.
- (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the public health code, 1978 PA 368, MCL 333.7401, 333.7403, 333.7410, and 333.7416.
- (e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316, 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316, 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d.
- (f) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, if a victim is an individual less than 18 years of age.

(g) Except for a juvenile disposition or adjudication, a violation of section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an individual less than 18 years of age.

(h) A violation of section 349 of the Michigan penal code, 1931 PA 328, MCL 750.349, if a victim is an individual less than 18 years of age.

(i) An offense committed by a person who was, at the time of the offense, a sexually delinquent person as defined in section 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.

(j) An attempt or conspiracy to commit an offense listed in subdivision (a), (e), (f), (g), (h), or (i).

(k) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(l) Any other crime listed in subsection (1), if the superintendent of public instruction determines the public health, safety, or welfare requires emergency action based on the circumstances underlying the conviction.

(3) The superintendent of public instruction after a hearing shall not take action against a person's state board approval under subsection (1) or (2) unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state. Further, the superintendent of public instruction may take action against a person's state board approval under subsection (1) or (2) based on a conviction that occurred before the effective date of the amendatory act that added this subsection if the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state.

(4) If a person who has entered a plea of guilt or no contest to or who is the subject of a finding of guilt by a judge or jury of a crime listed in subsection (2) has been suspended from active performance of duty by a public school, school district, intermediate school district, or nonpublic school during the pendency of proceedings under this section, the public school, school district, intermediate school district, or nonpublic school employing the person shall discontinue the person's compensation until the superintendent of public instruction has made a final determination of whether or not to suspend or revoke the person's state board approval. If the superintendent of public instruction does not suspend or revoke the person's state board approval, the public school, school district, intermediate school district, or nonpublic school shall make the person whole for lost compensation, without interest. However, if a collective bargaining agreement is in effect as of the effective date of this subsection for employees of a school district, intermediate school district, or public school academy, and if the terms of that collective bargaining agreement are inconsistent with this subsection, then this subsection does not apply to that school district, intermediate school district, or public school academy until after the expiration of that collective bargaining agreement.

(5) Except as otherwise provided in this subsection, after the completion of the person's sentence, the person may request a hearing before the superintendent of public instruction on reinstatement of his or her state board approval. Based upon the issues and evidence presented at the hearing, the superintendent of public instruction may reinstate, continue the suspension of, or permanently revoke the person's state board approval. The superintendent of public instruction shall not reinstate a person's state board approval unless the superintendent of public instruction finds that the person is currently fit to serve in an elementary or secondary school in this state and that reinstatement of the person's state board approval will not adversely affect the health, safety, and welfare of pupils. If a person's conviction was for a listed offense, the person is not entitled to request a hearing on reinstatement under this subsection, and the superintendent of public instruction shall not reinstate the person's state board approval under this subsection.

(6) All of the following apply to a person described in this section whose conviction is reversed upon final appeal:

(a) The person's state board approval shall be reinstated upon his or her notification to the superintendent of public instruction of the reversal.

(b) If the suspension of the state board approval was the sole cause of his or her discharge from employment, the person shall be reinstated upon his or her notification to the appropriate local or intermediate school board of the reversal, with full rights and benefits, to the position he or she would have had if he or she had been continuously employed.

(c) If the person's compensation was discontinued under subsection (4), the public school, school district, intermediate school district, or nonpublic school shall make the person whole for lost compensation.

(7) If the prosecuting attorney in charge of a case receives a form as provided under section 1230d, the prosecuting attorney shall notify the superintendent of public instruction, and any public school, school district, intermediate school district, or nonpublic school in which the person is employed by forwarding a

copy of the form to each of them not later than 7 days after receiving the form. If the court receives a form as provided under section 1230d, the court shall notify the superintendent of public instruction and any public school, school district, intermediate school district, or nonpublic school in which the person is employed by forwarding to each of them a copy of the form and information regarding the sentence imposed on the person not later than 7 days after the date of the sentencing, even if the court is maintaining the file as a nonpublic record.

(8) Not later than 7 days after receiving notification from the prosecuting attorney or the court under subsection (7) or learning through an authoritative source that a person who holds state board approval has been convicted of a crime listed in subsection (1), the superintendent of public instruction shall request the court to provide a certified copy of the judgment of conviction and sentence or other document regarding the disposition of the case to the superintendent of public instruction and shall pay any fees required by the court. The court shall provide this certified copy within 7 days after receiving the request and fees under this section or after entry of the judgment or other document, whichever is later, even if the court is maintaining the judgment or other document as a nonpublic record.

(9) If the superintendent of a school district or intermediate school district, the chief administrative officer of a nonpublic school, the president of the board of a school district or intermediate school district, or the president of the governing board of a nonpublic school is notified or learns through an authoritative source that a person who holds state board approval and who is employed by the school district, intermediate school district, or nonpublic school has been convicted of a crime described in subsection (1) or (2), the superintendent, chief administrative officer, or board president shall notify the superintendent of public instruction of that conviction within 15 days after learning of the conviction.

(10) For the purposes of this section, a certified copy of the judgment of conviction and sentence is conclusive evidence of conviction of a crime described in this section. For the purposes of this section, conviction of a crime described in this section is considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for suspension or revocation of the person's state board approval.

(11) For any hearing under subsection (1), if the superintendent of public instruction does not complete the hearing procedures and make a final decision and order within 120 working days after receiving the request for the hearing, as required under subsection (1), the superintendent of public instruction shall submit a report detailing the reasons for the delay to the standing committees and appropriations subcommittees of the senate and house of representatives that have jurisdiction over education and education appropriations. The failure of the superintendent of public instruction to complete the hearing procedures and make a final decision and order within this 120 working day time limit, or the failure of any other official or agency to meet a time limit prescribed in this section, does not affect the validity of an action taken under this section affecting a person's state board approval.

(12) Beginning July 1, 2004, the superintendent of public instruction shall submit to the legislature a quarterly report of all final actions he or she has taken under this section affecting a person's state board approval during the preceding quarter. The report shall contain at least all of the following with respect to each person whose state board approval has been affected:

- (a) The person's name, as it appears on the state board approval.
- (b) The school district, intermediate school district, public school academy, or nonpublic school in which the person was employed at the time of the conviction, if any.
- (c) The offense for which the person was convicted and the date of the offense and date of the conviction.
- (d) Whether the action taken by the superintendent of public instruction was a summary suspension, suspension due to failure to request a hearing, suspension, revocation, or reinstatement of the state board approval.

(13) This section does not do any of the following:

- (a) Prohibit a person who holds state board approval from seeking monetary compensation from a school board or intermediate school board if that right is available under a collective bargaining agreement or another statute.
- (b) Limit the rights and powers granted to a school district or intermediate school district under a collective bargaining agreement, this act, or another statute to discipline or discharge a person who holds state board approval.
- (c) Exempt a person who holds state board approval from the operation of section 1535a if the person holds a certificate subject to that section.
- (d) Limit the ability of a state licensing body to take action against a person's license or registration for the same conviction.

(14) The superintendent of public instruction may promulgate, as necessary, rules to implement this section

pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(15) The department of information technology shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of individuals holding a teaching certificate or state board approval with the conviction information received by the department of state police. This comparison shall only include individuals who are actually school employees at the time of the comparison or who are regularly and continuously working under contract at the time of the comparison. Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department and the department of state police shall perform this comparison during January and June of each year until July 1, 2008. The department of state police shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before transmitting the information under this subsection to the department. The department shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before notifying a school district, intermediate school district, public school academy, or nonpublic school of a conviction. If a comparison discloses that a person on the department's list of individuals holding a teaching certificate or state board approval has been convicted of a crime, the department shall notify the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed of that conviction.

(16) Not later than May 1, 2006, the department shall submit a report to the legislature that details the number of individuals holding a teaching certificate or state board approval who were school employees or regularly and continuously working under contract as of January 1, 2006 and who have been convicted of a listed offense or any felony.

(17) As used in this section:

(a) "Conviction" means a judgment entered by a court upon a plea of guilty, guilty but mentally ill, or nolo contendere or upon a jury verdict or court finding that a defendant is guilty or guilty but mentally ill.

(b) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(c) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

(d) "Regularly and continuously work under contract" means that term as defined in section 1230d.

(e) "State board approval" means a license, certificate, approval not requiring a teaching certificate, or other evidence of qualifications to hold a particular position in a school district or intermediate school district or in a nonpublic school, other than a teacher's certificate subject to section 1535a, that is issued to a person by the state board or the superintendent of public instruction under this act or a rule promulgated under this act.

**History:** Add. 1992, Act 99, Imd. Eff. June 23, 1992;—Am. 1994, Act 144, Imd. Eff. June 2, 1994;—Am. 1995, Act 97, Imd. Eff. June 22, 1995;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 51, Imd. Eff. Apr. 1, 2004;—Am. 2005, Act 130, Eff. Jan. 1, 2006;—Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006.

**Popular name:** Act 451

THE REVISED SCHOOL CODE (EXCERPT)  
Act 451 of 1976

**380.1230d Employee or applicant for employment of school district, intermediate school district, public school academy, or nonpublic school charged with crime; requirements; violation of subsection (1) or (2); person not convicted of crime; forwarding of form; development and implementation of automated program; report; definitions.**

Sec. 1230d. (1) If a person who is employed in any capacity by a school district, intermediate school district, public school academy, or nonpublic school; who has applied for a position with a school district, intermediate school district, public school academy, or nonpublic school and has had an initial criminal history check under section 1230 or criminal records check under section 1230a; or who is regularly and continuously working under contract in a school district, intermediate school district, public school academy, or nonpublic school, is charged with a crime listed in section 1535a(1) or 1539b(1) or a violation of a substantially similar law of another state, a political subdivision of this state or another state, or of the United States, the person shall report to the department and to the school district, intermediate school district, public school academy, or nonpublic school that he or she has been charged with the crime. All of the following apply to this reporting requirement:

(a) The person shall make the report on a form prescribed by the department.

(b) The person shall submit the report to the department and to the superintendent of the school district or intermediate school district or chief administrator of the public school academy or nonpublic school.

(c) The person shall submit the report within 3 business days after being arraigned for the crime.

(2) If a person who is employed in any capacity by or is regularly and continuously working under contract in a school district, intermediate school district, public school academy, or nonpublic school enters a plea of guilt or no contest to or is the subject of a finding of guilt by a judge or jury of any crime after having been initially charged with a crime described in section 1535a(1) or 1539b(1), then the person immediately shall disclose to the court, on a form prescribed by the state court administrative office, that he or she is employed by or regularly and continuously working under contract in a school district, intermediate school district, public school academy, or nonpublic school. The person shall immediately provide a copy of the form to the prosecuting attorney in charge of the case, to the superintendent of public instruction, and to the superintendent or chief administrator of the school district, intermediate school district, public school academy, or nonpublic school.

(3) A person who violates subsection (1) or (2) is guilty of a crime, as follows:

(a) If the person violates either subsection (1) or (2) and the crime involved in the violation is a misdemeanor that is a listed offense or is a felony, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(b) If the person violates either subsection (1) or (2) and the crime involved in the violation is a misdemeanor that is not a listed offense, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(4) A person who violates subsection (1) or (2) may be discharged from his or her employment or have his or her contract terminated. If the board of a school district or intermediate school district or board of directors of a public school academy finds, after providing notice and the opportunity for a hearing, that a person employed by the school district, intermediate school district, or public school academy has violated subsection (1) or (2), the board or board of directors may discharge the person from his or her employment. However, if a collective bargaining agreement that applies to the affected person is in effect as of the effective date of this section, and if that collective bargaining agreement is not in compliance with this subsection, then this subsection does not apply to that school district, intermediate school district, or public school academy until after the expiration of that collective bargaining agreement.

(5) If a person submits a report that he or she has been charged with a crime, as required under subsection (1), and the person is subsequently not convicted of any crime after the completion of judicial proceedings resulting from that charge, then the person may request the department and the school district, intermediate school district, public school academy, or nonpublic school to delete the report from its records concerning the person. Upon receipt of the request from the person and of documentation verifying that the person was not convicted of any crime after the completion of judicial proceedings resulting from that charge, the department or a school district, intermediate school district, public school academy, or nonpublic school shall delete the report from its records concerning the person.

(6) If the prosecuting attorney in charge of a case receives a form as provided under subsection (2), the prosecuting attorney shall notify the superintendent of public instruction and the superintendent or chief administrator of any school district, intermediate school district, public school academy, or nonpublic school

in which the person is employed by forwarding a copy of the form to each of them not later than 7 days after receiving the form. If the court receives a form as provided under subsection (2), the court shall notify the superintendent of public instruction and the superintendent or chief administrator of any school district, intermediate school district, public school academy, or nonpublic school in which the person is employed by forwarding to each of them a copy of the form and information regarding the sentence imposed on the person not later than 7 days after the date of sentencing, even if the court is maintaining the file as a nonpublic record.

(7) The department of information technology shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of registered educational personnel with the conviction information received by the department of state police. This comparison shall only include individuals who are actually school employees at the time of the comparison or who are regularly and continuously working under contract at the time of the comparison. Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department and the department of state police shall perform this comparison during January and June of each year until July 1, 2008. The department of state police shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before transmitting the information under this subsection to the department. The department shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before notifying a school district, intermediate school district, public school academy, or nonpublic school of a conviction. If a comparison discloses that a person on the department's list of registered educational personnel has been convicted of a crime, the department shall notify the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed of that conviction.

(8) Not later than May 1, 2006, the department shall submit a report to the legislature that details the number of individuals who were on the department's list of registered educational personnel as of January 1, 2006, who were school employees or regularly and continuously working under contract as of January 1, 2006, and who have been convicted of a listed offense or any felony.

(9) As used in this section:

(a) "At school" means in a classroom, elsewhere on school property, or on a school bus or other school-related vehicle.

(b) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(c) "Regularly and continuously work under contract" means either of the following:

(i) To work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(d) "School property" means that term as defined in section 33 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

History: Add. 2005, Act 131, Eff. Jan. 1, 2006;—Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006.

Popular name: Act 451

**SCHOOL SAFETY LEGISLATION RESPONSIBILITIES  
of the  
PUBLIC AND NON-PUBLIC SCHOOL**

**ADMINISTRATORS AND SCHOOL/GOVERNING BOARDS**

<b>Non-Certificated Personnel</b>	<b>Action to be Taken</b>
Arrested for a Misdemeanor Offense <b>not</b> enumerated in MCL 380.1535a and/or MCL 380 1539b	Legislation does not require notification to the Superintendent, the School Board, the Chief Administrator, or the Governing Board nor does it require any employment action to be taken.
Arrested for a Misdemeanor offense (Non-Listed Offense) enumerated in MCL 380.1535a and/or MCL 380.1539b	Must receive the completed Arrestment Disclosure Form with a copy submitted to the Department of Education within 3 business days after being arrested for the crime.
Arrested for a Felony Offense (Non-Listed Offense) enumerated in MCL 380.1535a and/or MCL 380.1539b	Must receive the completed Arrestment Disclosure Form with a copy submitted to the Department of Education within 3 business days after being arrested for the crime.
Arrested for a Listed Offense enumerated in Section 2 of the Sex Offenders Registration Act, 1994 PA 295, MCL 28.722	Must receive the completed Arrestment Disclosure Form with a copy submitted to the Department of Education within 3 business days after being arrested for the crime.
Misdemeanor Conviction <b>not</b> enumerated in MCL 380.1535a and/or MCL 380 1539b	Legislation does not require notification to the Superintendent, the School Board, the Chief Administrator, or the Governing Board nor does it require any employment action to be taken.
Misdemeanor Conviction (Non-Listed Offense) as enumerated in MCL 380.1535a and/or MCL 380.1539b	Must receive the completed State Court Conviction Disclosure Form. Legislation does not require the Superintendent, the School Board, the Chief Administrator, or the Governing Board to take any employment action.
Any Felony Conviction (Non-Listed Offense) as enumerated in MCL 380.1535a and/or MCL 380.1539b	Must receive the completed State Court Conviction Disclosure Form. The Superintendent and the School Board, or for the Non-Public Schools, the Chief Administrator and the Governing Board must agree, in writing, to hire or retain the employee.
Conviction for a Listed Offense enumerated in Section 2 of the Sex Offenders Registration Act, 1994 PA 295, MCL 28.722	Must receive the completed State Court Conviction Disclosure Form. Employment is to be terminated.

**SCHOOL SAFETY LEGISLATION RESPONSIBILITIES**  
**ADMINISTRATORS AND SCHOOL/GOVERNING BOARDS (continued)**

<b>Certificated/State Board Approved Personnel</b>	<b>Action to be Taken</b>
Arraigned for a Misdemeanor Offense <b>not</b> enumerated in MCL 380.1535a and/or MCL 380 1539b	Legislation does not require notification to the Superintendent, the School Board, the Chief Administrator, or the Governing Board nor does it require any employment action to be taken.
Arraigned for a Misdemeanor offense (Non-Listed Offense) as enumerated in MCL 380.1535a and/or MCL 380.1539b	Must receive the completed Arraignment Disclosure Form with a copy submitted to the Department of Education within 3 business days after being arraigned for the crime.
Arraigned for a Felony Offense (Non-Listed Offense) enumerated in MCL 380.1535a and/or MCL 380.1539b	Must receive the completed Arraignment Disclosure Form with a copy submitted to the Department of Education within 3 business days after being arraigned for the crime.
Arraigned for a Listed Offense enumerated in Section 2 of the Sex Offenders Registration Act, 1994 PA 295, MCL 28.722	Must receive the completed Arraignment Disclosure Form with a copy submitted to the Department of Education within 3 business days after being arraigned for the crime.
Misdemeanor Conviction <b>not</b> enumerated in MCL 380.1535a and/or MCL 380 1539b	Legislation does not require notification to the Superintendent, the School Board, the Chief Administrator, or the Governing Board nor does it require any employment action to be taken.
Misdemeanor Conviction (Non-Listed Offense) as enumerated in MCL 380.1535a and/or MCL 380.1539b	Must receive the completed State Court Conviction Disclosure Form. Though, the Legislation does not require the Superintendent and the School Board or the Chief Administrator, and the Governing Board to take any employment action, it still requires notification to the Department of Education of the conviction.
Any Felony Conviction (Non-Listed Offense) as enumerated in MCL 380.1535a and/or MCL 380.1539b	Must receive the completed State Court Conviction Disclosure Form. Notification to the Department of Education of the conviction. The Superintendent and the School Board, or for the Non-Public Schools, the Chief Administrator and the Governing Board must agree, in writing, to hire or retain the employee.
Conviction for a Listed Offense enumerated in Section 2 of the Sex Offenders Registration Act, 1994 PA 295, MCL 28.722	Must receive the completed State Court Conviction Disclosure Form. Notification to the Department of Education of the conviction. Employment is to be terminated.



**SCHOOL SAFETY LEGISLATION RESPONSIBILITIES**  
**of the**  
**MICHIGAN DEPARTMENT OF EDUCATION**

<b>Certificated/State Board Approved Personnel</b>	<b>Action to be Taken</b>
Arraigned for a Misdemeanor Offense <b>not</b> enumerated in MCL 380.1535a and/or MCL 380.1539b	Legislation does not require any action to be taken.
Arraigned for a Misdemeanor offense (Non-Listed Offense) as enumerated in MCL 380.1535a and/or MCL 380.1539b	Must receive the completed Arraignment Disclosure Form within 3 business days after being arraigned for the crime.
Arraigned for a Felony Offense (Non-Listed Offense) enumerated in MCL 380.1535a and/or MCL 380.1539b	Must receive the completed Arraignment Disclosure Form within 3 business days after being arraigned for the crime.
Arraigned for a Listed Offense enumerated in Section 2 of the Sex Offenders Registration Act, 1994 PA 295, MCL 28.722	Must receive the completed Arraignment Disclosure Form within 3 business days after being arraigned for the crime.
Misdemeanor Conviction <b>not</b> enumerated in MCL 380.1535a and/or MCL 380.1539b	Legislation does not require any action to be taken. But the Department does review the court documents.
Misdemeanor Conviction (Non-Listed Offense) as enumerated in MCL 380.1535a and/or MCL 380.1539b	Must receive the completed State Court Conviction Disclosure Form. Notification to the Certificate and/or State Board Approval Holder that his/her certificate and/or State Board Approval may be suspended or revoked and their right to a Hearing on the matter. If they don't avail themselves to a Hearing the Certificate and/or State Board Approval will be suspended.
Any Felony Conviction (Non-Listed Offense) as enumerated in MCL 380.1535a(1) and/or MCL 380.1539b(1)	Must receive the completed State Court Conviction Disclosure Form. Notification to the Certificate and/or State Board Approval Holder that his/her certificate and/or State Board Approval may be suspended or revoked and of their right to a Hearing on the matter. If they don't avail themselves to a Hearing the Certificate and/or State Board Approval will be suspended.
Conviction for a Listed Offense enumerated in Section 2 of the Sex Offenders Registration Act, 1994 PA 295, MCL 28.722 or an offense enumerated in MCL 380.1535a(2) or 1539b(2)	Must receive the completed State Court Conviction Disclosure Form. Notification to the Certificate and/or State Board Approval Holder that his/her certificate and/or State Board Approval is Summarily Suspended and of their right to request a Hearing on the matter.

**SCHOOL SAFETY LEGISLATION RESPONSIBILITIES**  
**of**  
**Certificated/State Board Approved Personnel**

<b>Certificated/State Board Approved Personnel</b>	<b>Action to be Taken</b>
Arrested for a Misdemeanor Offense <b>not</b> enumerated in MCL 380.1535a and/or MCL 380.1539b	Legislation does not require any action to be taken.
Arrested for a Misdemeanor offense (Non-Listed Offense) as enumerated in MCL 380.1535a and/or MCL 380.1539b	Must provide a completed Arrestment Disclosure Form within 3 business days after being arrested for the crime to the School Superintendent/Chief Administrator and the Department of Education.
Arrested for a Felony Offense (Non-Listed Offense) enumerated in MCL 380.1535a and/or MCL 380.1539b	Must provide the completed Arrestment Disclosure Form within 3 business days after being arrested for the crime to the School Superintendent/Chief Administrator and the Department of Education. .
Arrested for a Listed Offense enumerated in Section 2 of the Sex Offenders Registration Act, 1994 PA 295, MCL 28.722	Must provide the completed Arrestment Disclosure Form within 3 business days after being arrested for the crime to the School Superintendent/Chief Administrator and the Department of Education.
Misdemeanor Conviction <b>not</b> enumerated in MCL 380.1535a and/or MCL 380.1539b	Legislation does not require any action to be taken.
Misdemeanor Conviction (Non-Listed Offense) as enumerated in MCL 380.1535a and/or MCL 380.1539b	Must provide the completed State Court Conviction Disclosure Form to the Department of Education and Superintendent or Chief Administrator. Failure to do so is a violation of the Law.
Any Felony Conviction (Non-Listed Offense) as enumerated in MCL 380.1535a(1) and/or MCL 380.1539b(1)	Must provide the completed State Court Conviction Disclosure Form to the Department of Education and Superintendent or Chief Administrator. Failure to do so is a violation of the Law.
Conviction for a Listed Offense enumerated in Section 2 of the Sex Offenders Registration Act, 1994 PA 295, MCL 28.722 or an offense enumerated in MCL 380. 1535a(2) or 1539b(2)	Must provide the completed State Court Conviction Disclosure Form to the Department of Education and Superintendent or Chief Administrator. Failure to do so is a violation of the Law.

THE REVISED SCHOOL CODE (EXCERPT)  
Act 451 of 1976

**380.1230g Individual employed or working under contract; criminal history check or records check; use of results received by another district; consent; request; use of results for limited purpose; duties of department of state police; disclosure of conviction for listed offense or other felony; exception; definitions.**

Sec. 1230g. (1) Not later than July 1, 2008, the board of a school district or intermediate school district, the board of directors of a public school academy, or the governing body of a nonpublic school shall do both of the following for each individual who, as of January 1, 2006, is either a full-time or part-time employee of the school district, intermediate school district, public school academy, or nonpublic school or is assigned to regularly and continuously work under contract in any of its schools:

(a) Request from the criminal records division of the department of state police a criminal history check on the individual.

(b) Request the department of state police to conduct a criminal records check on the individual through the federal bureau of investigation. The board, board of directors, or governing board shall require the individual to submit his or her fingerprints to the department of state police for the purposes of this subdivision. The department of state police may charge a fee for conducting the criminal records check.

(2) For an individual employed or regularly and continuously working under contract as a substitute teacher, instead of requesting a criminal history check and criminal records check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use results received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the individual.

(3) If an individual described in subsection (1) is employed by or regularly and continuously working under contract in more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the individual agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal history check or criminal records check with another district, public school academy, or nonpublic school, then a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the results of the criminal history check or criminal records check from another district, public school academy, or nonpublic school.

(4) An individual described in subsection (1) shall give written consent for the criminal records division of the department of state police to conduct the criminal history check and criminal records check required under this section and shall submit his or her fingerprints to the department of state police for the purposes of the criminal records check.

(5) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the department of state police for the criminal history check and criminal records check under this section on a form and in a manner prescribed by the department of state police.

(6) The results of a criminal history check and criminal records check under this section shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in his or her position and for the purposes of subsections (2) and (3). A member of the board of a school district or intermediate school district, of the board of directors of a public school academy, or of the governing body of a nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose those results, except a misdemeanor conviction involving sexual or physical abuse or any felony conviction, to any person who is not directly involved in evaluating the individual's qualifications for employment or assignment. However, for the purposes of subsections (2) and (3), a person described in this subsection may provide a copy of the results under subsection (1) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804.

(7) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal history check and criminal records check on an individual under this section, the criminal records division of the department of state police shall do both of the following:

(a) Conduct the criminal history check and, after conducting the criminal history check and within that time period, provide a report of the results of the criminal history check to the district, public school academy, or nonpublic school. The report shall contain any criminal history record information on the individual that is maintained by the criminal records division of the department of state police.

(b) Initiate the criminal records check through the federal bureau of investigation. After conducting the criminal records check required under this section for a school district, intermediate school district, or public school academy, the criminal records division of the department of state police shall provide the results of the criminal records check to the district or public school academy. After conducting the criminal records check required under this section for a nonpublic school, the criminal records division of the department of state police shall notify the nonpublic school of whether or not the criminal records check disclosed any criminal history that is not disclosed in the criminal history check report on the individual provided to the nonpublic school under subdivision (a).

(8) If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (7) disclose that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (7) disclose that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approve the employment or work assignment in writing.

(9) Subsection (1) does not apply to an individual who is an employee or is assigned to regularly and continuously work under contract in a school of a school district, intermediate school district, public school academy, or nonpublic school if the individual is not more than 19 years of age and is enrolled as a general education pupil of the school district, intermediate school district, public school academy, or nonpublic school or is not more than 26 years of age and is enrolled in special education programs or services in the school district, intermediate school district, public school academy, or nonpublic school. However, the school district, intermediate school district, public school academy, or nonpublic school shall perform a criminal history check on that person using the department of state police's internet criminal history access tool (ICHAT). If a search of the department of state police's ICHAT reveals that the individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If a search of the department of state police's ICHAT reveals that the individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing.

(10) As used in this section:

(a) "At school" means in a classroom, elsewhere on school property, or on a school bus or other school-related vehicle.

(b) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(c) "Regularly and continuously work under contract" means either of the following:

(i) To work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

(d) "School property" means that term as defined in section 33 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

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