

Michigan School Safety Legislation; MCL 380.1535

Effective January 1, 2006, all employees working in Michigan schools (public or private), in any capacity, are now required to submit to fingerprinting and background checking. This applies to all current and future employees. It is the responsibility of each employee to be in compliance of this law prior to July 1, 2008. Non-compliance of this law will result in termination of employment.

Understanding the Michigan Safety Legislation Law

- Termination of employment: School Districts shall not employ, in any capacity, an individual who has been convicted of a listed offense, which requires registration as a sex offender.
- Continuation of employment: A School District may employ an individual who has been convicted of a non-listed offense only if the Superintendent and School Board each specifically approve the employment or work assignment in writing with Board action.
- **Deadline: Not later than July 1, 2008, each individual who, as of January 1, 2006, is either employed full-time, part-time, or is assigned to regularly and continuously work under contract, shall be fingerprinted for the purpose of performing a criminal history background check. *All fingerprints prior to January 1, 2006 have been destroyed. Any employee printed prior to this date will need to have their fingerprints re-taken.***
- Self-reporting: If a person 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, he or she shall report to the Michigan Department of Education and the school district that he or she has been charged with a crime within three business days after being arraigned for the crime.

If an 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 terminate his or her contract, following notice and the opportunity of a hearing.

- Listed offenses: A “listed offense” is a crime that requires registration as a sex offender. A “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.

Reportable crimes for all Michigan school employees

This law requires you, as an employee of a school district, to self-report to your employer and the Michigan Department of Education when you have been arraigned/charged and later, if convicted, with certain identified crimes. You must do so within three business days of arraignment and the conviction or you will be guilty of an additional crime. The identified crimes that fall under MCL 380.1535a are shown below:

- Any FELONY

Any of the following misdemeanors:

- Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree
- Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree
- A misdemeanor involving cruelty, torture, or indecent exposure involving a child
- MCL 33.7410 – Delivery or distribution of marijuana to minors or students near school property
- MCL 750.115 – Breaking and entering, or entering without breaking, without permission
- MCL 750.141a – Consumption or possession of alcohol by minors or controlled substances at social gatherings
- MCL 750.145a – Accosting, enticing or soliciting child for immoral purposes
- MCL 750.359 – Removal or damage to any property belonging to, connected with, or used in construction of a vacant building or structure
- MCL 750.81 – Assault and battery including domestic assault
- MCL 750.81a – Assault and battery including domestic assault
- MCL 750.145d – Internet crime against a minor
- MCL 750.335a – Indecent exposure
- MCL 436.1701 – Prohibited sale of liquor to minors

Suspensions / revocation: Upon notification the Michigan Department of Education, Office of Professional Preparation Services will review the criminal conviction and initiate administrative proceedings as determined by either Legislation or Administrative Rule. Certificate Holders or those who hold State Board Approval are notified of the proceedings and their right to a hearing. For more information regarding Michigan Safety Legislation please go to www.michigan.gov.mde

Brighton Area Schools
Arraignment Disclosure Form
(Must be completed within 3 Business Days from date of arraignment)

Name (Please Print)

School Name (Please Print)

School District (Please Print)

Position (Please Print)

Date of Arraignment (Please Print)

Pursuant to Public Act 131 of 2005, I, hereby disclose that I was arraigned on the
aforementioned date for the criminal offense of _____
in _____ Court, located in the State of
_____, County of _____.

I have attached copies of any documents I received at the time of arraignment.

In signing this form, I acknowledge that I understand that failure to disclose this information is a violation of Public Act 131 and can result in action being taken relative to my certification, employment and additional conviction of a crime.

Further, in signing this form, I acknowledge that I understand that should I be convicted of or pled guilty or nolo contendere (no contest) or that I am the subject of finding of guilt by a judge or jury, it is my responsibility to disclose to the court that I am employed by a school, public or non-public. I also understand that if I am subsequently not convicted of any crime after the completion of judicial proceedings resulting from that charge, I must request, in writing, that the Michigan Department of Education and the employing school/district delete the report from my records.

Signature

Date

NOTE: **This form must be submitted within three (3) business days from the date of arraignment to the Assistant Superintendent Human Resources and the Michigan Department of Education.**