



Michigan Online School

Fingerprinting and Background Check Policy

Before Michigan Online School hires any employee or contractor who will regularly work in the school, a criminal history records check shall be conducted in accordance with state law.

Prior to allowing an individual who is subject to the criminal history record check requirement to work at Michigan Online School, Michigan Online School shall submit a fingerprint-based check on the individual using Michigan State Police (MSP), regardless of whether the individual will work directly for Michigan Online School or be contracted through a third-party vendor, management company or be a private contractor. Except as provided below, the report from the MSP must be received, reviewed and approved by Michigan Online School prior to the individual beginning work.

Private contractors cannot receive or retain criminal history record information. When Michigan Online School contracts with a private contractor for the services of an individual, Michigan Online School will notify the private contractor, after review of the MSP report, whether the individual has been approved to work. Michigan Online School may not give any details to the private contractor.

If it is necessary to employ a person or contract for a person to maintain continuity of the program before receipt of the criminal history report, the Superintendent may contract on a provisional basis until the report is received. Any provisional hire requires that:

- A. the record check has been requested;
- B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and
- C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

Individuals working in multiple districts may authorize the release of a prior criminal history records check with another district in lieu of an additional check for either direct employment or working regularly and consistently under contract at Michigan Online School.

Individuals who previously received a statutorily-required criminal background check and who have been continuously employed by a school district, intermediate school district, public school

academy or non-public school within the state, with no separation, may have their previous record check sent to Michigan Online School in lieu of submitting to a new criminal background check. If this method is used, the Superintendent must confirm that the record belongs to that individual and whether there have been any additional convictions by processing the individual's name, sex and date of birth through the Internet Criminal History Access Tool.

When Michigan Online School receives a report that shows an individual has been convicted of a listed offense under state statutes or any felony, the Superintendent shall take steps to verify that information using public records, in accordance with the procedures provided by the Michigan Department of Education (MDE).

Verified convictions may result in termination of employment or rejection of an application. Michigan Online School will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously who has been convicted of a "listed" offense as defined in M.C.L. 28.722. Michigan Online School will not hire or continue to employ any individual, either directly or as a contractor to work regularly and continuously at Michigan Online School, who has been convicted of any felony.

Michigan Online School must report to the MDE the verified information regarding a conviction for any listed offense or conviction for any felony and the action taken by Michigan Online School. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The Superintendent shall establish the necessary procedures for obtaining from the Criminal Records Division of the MSP any criminal history on the applicant maintained by the MSP. The Superintendent shall request the MSP to obtain a criminal history records check from the Federal Bureau of Investigation.

An applicant must submit a set of fingerprints prepared by an entity approved by the MSP as part of his/her employment application or as required by state law for continued employment.

All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications. Records involving misdemeanor convictions for sexual or physical abuse or any felony are not subject to these restrictions. Violation of confidentiality is considered a misdemeanor punishable by a fine up to \$10,000.

Any notification received from the MDE or MSP regarding Michigan Online School employees with criminal convictions shall be exempt from disclosure under the Freedom of Information Act (FOIA) for the first fifteen (15) days until the accuracy of the information can be verified. Thereafter, only information about felony convictions or misdemeanor convictions involving physical or sexual abuse may be disclosed in reference to a FOIA request.

Criminal History Record Information may be released with the written authorization of the individual.

Records may also be released, in accordance with statute, upon the request of a school district, intermediate school district, public school academy or non-public school when the individual is an applicant for employment at such school and there has been no separation from service, as defined in this policy and by statute.