

**Blue Water Middle College Academy (BWMCA)
Board of Education Policy**

Criminal History and Background Checks

Before the Blue Water Middle College Academy hires any employee (full or Part-time) or allows any individual under contract to continuously and regularly work in the schools, a criminal history records check shall be conducted in accordance with state law.

“Under Contract” shall apply to individuals, as well as owners and employees of entities, who contract directly with the BWMCA, or with a third-party vendor, Management Company, or similar contracting entity, to provide food, custodial, transportation, counseling or administrative services on more than one intermittent or sporadic basis. It shall also apply to individuals or entities providing instructional services to students or related auxiliary services to special education students.

Prior to allowing any individual, who is subject to the criminal history record check requirement, to work in the Academy, the BWMCA shall submit a fingerprint based check on the individual, using the Michigan State Police (MSP) form RI-030 (7/2012), regardless of whether the individual will work directly for the BWMCA or be contracted through a third-party vendor, management company or similar contracting entity (“Private Contractors”). Except as provided below, the report from the MSP must be received, reviewed and approved by the BWMCA’s Human Resource Department prior to the individual commencing work.

Private Contractors CANNOT receive or retain criminal history record information (“CHRI”). Should the BWMCA contract with a Private Contractor for the services of an individual, the BWMCA’s Human Resource Department shall notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the Academy. The Academy may not give any details, including the fact that a criminal history check was run.

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

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

For substitute teachers or substitute bus drivers currently working in another district, public school academy or non-public school in the state, the BWMCA's Human Resource Department may use a report received from the State Police by such school to confirm the individual has no criminal intent. Absent such confirmation, a criminal history records check with another district in lieu of an additional check for either direct employment or working regularly and consistently under contract in the schools.

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 in the schools.

All criminal history record check reports received from the State Police or produced by the State Police and received by the BWMCA from another proper source will be maintained in the individual's personnel record.

When the BWMCA Human Resource Department receives a report as directed by and to the State Department of Education, the verified information regarding conviction for any listed offense or conviction for any felony, and the action is taken by the BWMCA with regard to such conviction, such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The BWMCA Human Resource Department shall establish the necessary procedures for obtaining from the Criminal Records Division of the State Police, any criminal history on the applicant maintained by the state police.

In addition, the BWMCA Human Resource Department shall request the State Police obtain a criminal history records check from the Federal Bureau of Investigation.

An Applicant must:

Submit, at no expense to the BWMCA a set of fingerprints, prepared by an entity approved by the Michigan State Police, upon receiving an offer of employment, or as required by state law for continued employment.

Confidentiality

All information and records obtained from such criminal background inquires 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 Michigan Department of Education or Michigan State Police regarding BWMCA 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 reports may be released with the written authorization of the individual.

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Records may also be released, in accordance with the 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.

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