

CRIMINAL HISTORY RECORD INFORMATION POLICY

Pursuant to Michigan State Law, Fitzgerald Public Schools is considered a Noncriminal Justice Agency (NCJA) and is an Authorized Recipient (AR), wherein certain Authorized Personnel can request and receive fingerprint-based Criminal History Record Information (CHRI) checks. Authorization for ARs to receive CHRI is for the purpose of school employment and volunteer determinations. Therefore, Fitzgerald Public Schools is to ensure compliance with applicable state and federal laws, applicable rules and regulations, and the most current version of the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Security Policy, in addition to Fitzgerald Public School policies, procedures and processes. This Information Security Policy provides the appropriate access, maintenance, security, confidentiality, dissemination, integrity, and audit requirements of CHRI in all its forms, whether at rest or in transit.

The most stringent requirement shall prevail if conflict(s) is/are found between agency policies, state or federal laws, with the most current version of the FBI CJIS Security Policy, and corresponding rules or regulations.

As used in this policy:

(a) Authorized Recipients – (1) A criminal justice agency or federal agency authorized to receive CHRI pursuant to federal statute or executive order; (2) A nongovernmental entity authorized by federal statute or executive order to receive CHRI for noncriminal justice purposes; or (3) A government agency authorized by federal statute, executive order or state statute which has been approved by the United States Attorney General to receive CHRI for noncriminal justice purposes.

(b) Authorized User/Personnel – An individual, or group of individuals, who have been appropriately vetted through a national fingerprint-based background check, where required, and have been granted access to CJI data, wherein access is only for the purpose of evaluating and individual's qualifications for employment or assignment.

Before the District hires any employee (full or part time) or allows any individual under contract to continuously and regularly work in the schools, a criminal history record 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 District or with a third party vendor, management

company, or similar contracting entity to provide food, custodial, transportation, counseling or administrative services on more than an 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 an individual, who is subject to the criminal history record check requirement, to work in the District, the District shall submit a fingerprint-based check on the individual, using Michigan State Police (MSP) form RI-030 (7/2012) / Consent Form, regardless of whether the individual will work directly for the District 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 District prior to the individual commencing work.

Such Private Contractors cannot receive or retain criminal history record information (CHRI). Where the District will contract with a Private Contractor for the services of an individual, the District will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the District. The District may not give any details, including the fact that a criminal history check was ran. Notice for approval to work in the District should use the Determination for Assignment or similar "red light/green light" procedure.

Individuals working in multiple districts may authorize the release of a prior criminal history record 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 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 with in the State, with no separation, may have their previous record check sent to the District in lieu of submitting to a new criminal background check. If this method is used, the LASO 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 (ICHAT).

"No separation," for purposes of the preceding paragraph, means a lay off or leave of absence of less than twelve (12) months with the same employer; or the employee transfers without a break in service of not more than thirty (30) days to another school

district, intermediate school district, public school academy, or non-public school with in the State according to MSP guidelines.

All CHRI received from the MSP or produced by the MSP and received by the District from another proper source, will be maintained pursuant to the administrative guidelines.

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

Verified convictions may result in termination of employment or rejection of an application. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of a "listed" offense as defined in M.C.L. 28.722. The District will not hire or continue to employ any individual, either directly or as a contracted employee to work regularly and continuously in the schools, who has been convicted of any felony unless both the Superintendent and the Board provide written approval.

The District must report as directed by and to the Michigan Department of Education the verified information regarding conviction for any listed offense or conviction for any felony and the action taken by the District with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

An applicant must submit, at no expense to the District, a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by Michigan State law for continued employment.

Confidentiality

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 who have not been given access to CHRI by the Superintendent. Violation of confidentiality is considered a misdemeanor punishable by a fine up to \$10,000.

Records may 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.

CHRI may only be released with the written authorization of the individual.