

Subject: Student Safety

During the MASA Conference, several superintendents were discussing implementation of this legislation given that you will shortly (likely prior to the end of the month) be receiving letters from the MDE relating to you the criminal convictions of current employees.

The MDE letter will give you the following information by employee:

1. the date of conviction,
2. the legal cite of the conviction (Penal Code reference),
3. the description of the conviction, and
4. whether the conviction is a felony or misdemeanor.

We discussed needing to have a list of SOR offenses, all felonies and all misdemeanors. Given the notice you will receive will have the notation re: which is a felony (other than SOR listed offense) or misdemeanor, all you need is to have the description of the Sexual Offender Registry (SOR) offenses. This SOR Penal Code cite as well as a description of the listed offense is attached.

The listing you are receiving is because the statute requires you to immediately upon notification take action against the employees with listed SOR offenses. If other employees have felony convictions other than the SOR listed offenses, the superintendent and board must jointly take action to continue to hire such individual. There is no requirement whatsoever to take any action on an employee listed with a misdemeanor offense (now or in the future).

Matt Bolger indicated today that of the 4,600 listed offenses on the MSP / REP listing, there are approximately 2,500 felony offenses (including SOR offenses) and some of these are multiple convictions for an individual. He estimates there will be no more than approximately 1% of state school employees impacted.

In terms of process, legal counsel has suggested that you do the following:

1. carefully review your MDE listing
2. match the employee listing against the employment application (your application should ask about known felony or misdemeanor offenses and carry a statement that false information is subject to dismissal)
3. discuss the MDE/MSP listing with named employees
4. take appropriate action required by the statutes (discharge of employees with SOR offenses; active action to continue to hire other "non-SOR" felonies at board level (jointly superintendent and board) or discharge (need to be consistent).
5. discussion with employees re: lack of accurate application information / policy required action, if appropriate.

NOTE: an individual that has received a "ticket" for a misdemeanor, if they were never fingerprinted, their conviction will not appear on this official notice. Further, the MSP has indicated that at times individuals who made a plea deal in return for an expunged record occasionally have not had their record expunged (this is the reason you may want to discuss the

conviction with the employee – the employee will want to investigate this with charging prosecuting attorney).

In the future, as current and new employees are fingerprinted, the individual is required (within 3 days) to notify their school employer of any arrest, arraignment and adjudication. School districts will also receive a report from the MSP regarding future convictions of any individual that as of January 1, 2006 had fingerprints on file with convictions. Districts would then be required to take appropriate action as outlined in the law.

Districts will need to begin to review appropriate personnel policies to incorporate these actions and processes into current policy. Further, there are still some situations where certified staff will still have the right to a tenure hearing (as outlined in the law). As more information becomes available, we will be sure to keep you updated. We will also continue to work on clean-up legislation.

Rebecca Rocho, Asst. Superintendent
General Services and Legislation
Calhoun Intermediate School District
17111 G Drive North
Marshall, MI 49068
269.789.2475 work
269.781.8792 fax
269.420.0608 cell
rochob@calhounisd.org