

December 2005

SCHOOL SAFETY LEGISLATION SUMMARY
(2005 PA 129-131 and 138)
Effective January 1, 2006

The following requirements apply to local and intermediate school districts, public school academies and nonpublic schools:

- “School Safety Zone” prohibits individuals convicted of a “listed offense,” with some exceptions, from being within 1000 feet of school property [MCL 28.733-28.736].
- The district shall not employ, in any capacity, an individual who has been convicted of a listed offense (a crime that requires registration as a sex offender).
- A district may employ an individual who has been convicted of a non-listed offense felony only if the superintendent and school board each specifically approve the employment or work assignment in writing.
- Not later than July 1, 2008, each individual who, as of January 1, 2006, is either employed full-time or part-time or is assigned to regularly and continuously work under contract, shall to be fingerprinted for the purpose of performing a criminal history background check.
- If a person who 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, shall report to the Michigan Department of Education and the school district that he or she has been charged with a crime, within 3 business days after being arraigned for the crime.
- If the 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 termination of his or her contract, following notice and the opportunity of a hearing. If a collective bargaining agreement is in effect as of January 1, 2006, and the agreement is not in compliance with the requirement, the district may not discharge a person for failing to report the charge or conviction until after the expiration of that collective bargaining agreement.
- The Department of Information Technology (DIT) will work with the Department of Education (MDE) and State Police to develop and implement an automated program that will compare the list of Registered Educational Personnel (REP) with the conviction information database. If a person on the REP has been convicted of a crime, the MDE is required to notify the district indicated on the REP as the employing district. Convictions for listed offenses will require immediate dismissal of the employee.

SUSPENSIONS/REVOICATIONS

- Upon notification, the Office of Professional Preparation Services will review the criminal conviction and initiate administrative proceedings as determined by either law or administrative rule.
- Certificate holders or those who hold State Board approval are notified of the proceedings and their right to a hearing.
- It is a criminal offense to attempt to obtain employment as a teacher using a fraudulent certificate. Upon

application for employment, each certificate should be reviewed for authenticity. Any discrepancies should be reported to the MDE.

LISTED OFFENSE

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