

Criminal Convictions

With a focus on educator professional practices, Michigan Compiled Law (MCL) [380.1230d](#) authorizes the fingerprinting of school employees for employment within Michigan K-12 schools and school districts, public and non-public. In addition, [MCL 380.1535a](#) authorizes the Superintendent of Public Instruction to take action against Michigan educator certificates for specifically enumerated or listed offenses.

- All school staff employed by a school or school district are required to undergo a criminal history records check conducted by the Michigan State Police and the Federal Bureau of Investigation.
- The criminal history records check will generate a fingerprint search response. The response will include arrest, arraignment, and conviction data for any crime, misdemeanor or felony.
- The law requires school employees to self-report to the employing school or school district and the Michigan Department of Education when arraignment has been conducted for crimes identified in Section 1535a of the Revised School Code, Michigan Compiled Laws 380.1535a. The reporting must be provided within three business days of arraignment.
- If an employee is convicted of an offense which requires registering as a sex offender, upon verification of the conviction, employment shall be terminated and employment (in any capacity) in a Michigan K-12 school, public or non –public is prohibited.
- If an employee is convicted of a felony other than a listed offense, the superintendent or chief school official and the governing board are required by law to agree, in writing, to continue the employee’s employment. The same applies to offering employment to an individual with a felony conviction other than a listed offense.
- If an employee is convicted of a misdemeanor offense, there is no mandated action.

Questions regarding Michigan’s professional practices, criminal convictions or school safety laws should be directed to Stephanie Whiteside at 517-335-1167 or whitesides@michigan.gov.

Conviction Disclosure Form

Name (Please Print) _____ Date of Birth _____

School/District Name (Please Print) _____

Position (Please Print) _____

Pursuant to Public Act 138 of 2005, I attest that:

- _____ 1. I have not been convicted of, or pled guilty or nolo contendere (no contest), nor am I the subject of a finding of guilt by a judge or jury of any crime.
- _____ 2. This is my initial disclosure, I have been convicted of, or pled guilty or nolo contendere (no contest) or am the subject of a finding of guilt by a judge or jury for the following crimes (*attach a separate sheet of paper to explain the criminal offense, date, court, city/state, and circumstances surrounding the conviction*):
- Felony _____ Misdemeanor _____ Conviction _____
- Felony _____ Misdemeanor _____ Conviction _____
- _____ 3. This serves as disclosure of subsequent convictions for which I have been convicted of, or pled guilty or nolo contendere (no contest) or am the subject of a finding of guilt by a judge or jury for the following crimes (*attach a separate sheet of paper to explain the criminal offense, date, court, city/state, and circumstances surrounding the conviction*), and I understand that failure to disclose any subsequent convictions is considered to be a crime:
- Felony _____ Misdemeanor _____ Conviction _____
- Felony _____ Misdemeanor _____ Conviction _____

In signing this form, I understand and agree that:

If I have been convicted of a listed offense, my employment shall be terminated. I also understand that if I have been convicted of a felony, other than a listed offense, the superintendent, or chief school official and the board or governing body must each approve, in writing, to my employment.

Until the criminal history report is received and reviewed by the employing school/district, I am regarded as a conditional employee and if the criminal history report is not the same as my representation(s) above, my employment contract may be voided at the discretion of the employer.

Signature

Date



Arraignment Disclosure Form

A copy of this form must be provided to the employing school district, intermediate school district, public school academy, or non-public school and the Michigan Department of Education within three business days of arraignment.

Name (please print) _____ Date of Birth _____

School Name _____

School District _____

Position _____

Pursuant to Public Act 131 of 2005, I, hereby disclose that I was arraigned on _____ for the criminal offense of _____, in _____ Court, located in the County of _____, State of _____.

In signing this form, I acknowledge that I understand that should I be convicted of, or plead guilty or nolo contendere (no contest), or am the subject of a finding of guilt by a judge or jury, it is my responsibility to disclose to the court that I am employed by a school, public or non-public. I also understand that if I am subsequently not convicted of any crime after the completion of judicial proceedings resulting from that charge, I must request, in writing, that the Michigan Department of Education and the employing school/district delete the report from my records.

Signature

Date

Send Form to:

Director
Michigan Department of Education
Office of Professional Preparation Services
P.O. Box 30008
Lansing, MI 48909

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Conviction for a listed offense requires termination of Michigan K-12 employment and action against the educator's certificate.

Listed Offenses:

- 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.

Convictions subject to action against an educator certificate:

- Any Felony.
 - Any of the following misdemeanors:
 - Felonious assault on a child, child abuse in any degree, or an attempt to commit child abuse in any degree.
 - Cruelty, torture, or indecent exposure involving a child.
 - Delivery of a narcotic to a minor or student or within 1,000 feet of school property. (MCL 333.7410)
 - Breaking and entering. (MCL 750.115)

- Knowingly allowing a minor to consume or possess alcohol or a controlled substance at a social gathering. (MCL 750.141a)
- Accosting, enticing, or soliciting a child for an immoral purpose. (MCL 750.145a)
- Larceny from a vacant dwelling. (MCL 750.359)
- Assault; assault and battery. (MCL 750.81)
- Assault; infliction of serious injury. (MCL 750.81a)
- Selling or furnishing alcoholic liquor to a person less than 21 years of age. (MCL 436.33)

Convictions requiring immediate suspension, upon conviction, of educator certificate:

- Any crime that is a listed offense.
- Manufacturing/delivering controlled substance. (MCL 7401(2)(a)(i))
- Possession of a controlled substance. (MCL 7403(2)(a)(i))
- Recruiting, inducing, soliciting or coercing minor to commit a felony. (MCL 333.7416)
- Assault with intent to commit murder. (MCL 750.83)
- Assault with intent to rob and steal armed. (MCL 750.89)
- Attempt to murder. (MCL 750.91)
- First degree murder. (MCL 750.316)
- Second degree murder. (MCL 750.317)
- Armed robbery aggravated assault. (MCL 750.529)
- Misdemeanor—Delivery of a narcotic to a minor. (MCL 333.7403)

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