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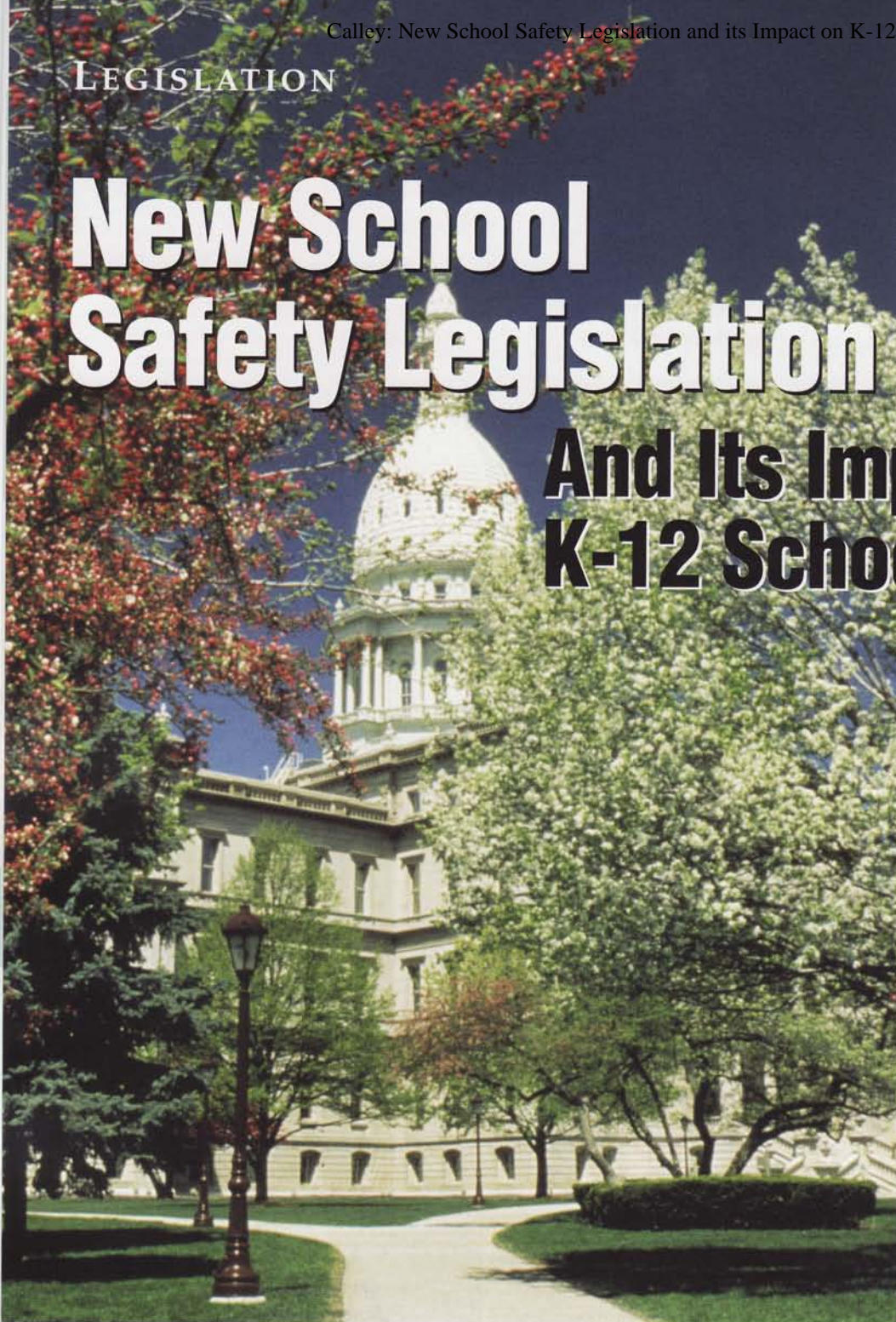
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LEGISLATION

New School Safety Legislation

And Its Impact on K-12 School Personnel



by Nancy G. Calley, Ph.D., LPC
University of Detroit Mercy

A new comprehensive legislation package designed to increase school safety in Michigan was passed in 2005, and took effect on January 1, 2006. Of this broad package, four specific legislative items may have considerable impact on K-12 school counselors as well as, all K-12 school personnel: Public Acts: 129-131, and 138.

"School Safety" as defined in this package of legislation is directly related to past criminal records and current and/or future

criminal activities of K-12 school employees. The legislation is designed to ensure that specific protocols exist for notification of criminal activity to the employee's school district and to the Michigan Department of Education and establishes specific procedures for responding to such notification. The legislation further establishes that individuals convicted of specific crimes are prohibited from continued or future employment in K-12 schools, and in particular, all crimes listed on the Sex Offender Registry (SOR) prohibit an individual from continued or future employment in Michigan K-12 schools.

A brief description of each Public Act is listed below:

PA 129 establishes the following regarding mandated criminal history checks for applicants to all positions within K-12 schools:

- Requires that all applicants for positions in K-12 schools have criminal background checks and that the results must be submitted to the school prior to hiring. If the results are not available prior to hiring, the applicant must sign a statement identifying all crimes for which s/he has been convicted (as applicable per PA 138).
- If an applicant has been convicted of a crime listed on the Sex Offender Registry, the applicant may not be hired by a school.
- If an applicant has been convicted of a felony not listed on the Sex Offender Registry, the hiring must be approved in writing by the Board and the Superintendent.
- If the school has notice from "an authoritative source" that an applicant has been convicted of a listed offense, the individual may not be hired.

PA 130 establishes the following regarding mandatory fingerprinting for all K-12 school personnel:

- All current school employees must be fingerprinted (FBI check) by July 1, 2008
- If the check reveals that the employee has been convicted of a crime listed on the Sex Offender Registry, school district cannot continue to employ the individual. Further, the individual's certificate (if applicable) will be revoked and cannot be reinstated.
- If an employee has been convicted of a felony not listed on the Sex Offender Registry, continued employment must be

approved by the board and the superintendent in writing. Further, certain employees' (primarily teachers pending hearings) compensation will be discontinued. If the individual holds a teaching certification, the State Superintendent will notify the individual within 10 days that they may lose their teaching certificate; a hearing process is provided. If the individual does not avail him/herself to of this right to a hearing within 15 days after receipt of this written notification, the individual's teaching certificate shall be suspended.

- If the individual's teaching certificate is not revoked, the school district is required to ensure that the employee's status reflects continuous employment.
- If the individual's teaching certificate is revoked, immediate dismissal of the employee is required.

PA 131 establishes the following regarding self-reporting of criminal charges by K-12 school personnel:

- All K-12 school employees must report to their respective school district and the Michigan Department of Education if s/he has been charged with a sexual offense, offense involving cruelty to children, or a drug or alcohol offense within three days of being arraigned.
- At the point of conviction, the individual must disclose to the Court that s/he is a school employee.
- The individual must report all information regarding offenses (including other charges that may have been pled down) to the prosecutor, state superintendent and to their respective school district, using the "reporting form".
- Failure by the individual to report may result in penalties to the individual.
- The Court/Prosecutor is required to report Court outcomes to the State Superintendent or the employee's school district within 7 days following sentencing.
- If the individual is not convicted, the individual can request that such information be redacted from their records, both at the district and at the state level.

PA 138 is related to PA 130 and establishes the following regarding mandatory FBI background checks for all K-12 school employees:

- Requires that all applicants for positions in K-12 schools (including "contracted employees") have criminal background checks and that the results must be submitted to the school prior to hiring. If the results are not available prior to hiring, the applicant must sign a statement identifying all crimes for which s/he has been convicted.

- Individuals convicted of crimes contained within the Sex Offender Registry can not be hired or working under any circumstances.
- If the individual is convicted of a crime(s) other than SOR offenses, the individual can only be hired or working if approved by both the Board and Superintendent in writing.
In sum, this legislation requires:
 - self-disclosure by K-12 school personnel of criminal charges and convictions,
 - participation in various levels of background checks related to criminal history,
 - the development and implementation of specific personnel policies and procedures by K-12 school district's human resources departments,
 - specific interactions between K-12 schools, the Michigan Department of Education, and the Courts
 - specific actions by K-12 schools, the Michigan Department of Education, and the Courts

Further, the legislation provides for the redacting of specific information from an applicant's or employee's personnel file in situations in which criminal activities do not prohibit the hiring of an applicant nor result in an employee's separation from employment.

While this type of legislation is new to K-12 schools, particularly in its breadth as it expands from previously established K-12 legislation (i.e., 380.1230), it is not dissimilar to legislation that has been in existence for individuals working with children and vulnerable adults in human service organizations. Legislation requiring disclosure and criminal history checks is currently in existence for individuals seeking employment or employed in specific care settings (e.g., public mental health, child welfare, nursing facilities). In each case, such legislation attempts to protect and to ensure the safety of individuals (children and vulnerable adults) from those charged with supporting them in school and/or other facets of living. As such, the standards of behavior associated with specific professionals are again raised, and as a result, the value placed upon such professional responsibilities is once again made explicit. ☺

For more information regarding the specific legislation included in this package as well as to view a listing of crimes listed in the Sex Offender Registry, please visit www.michiganlegislature.org



Outstanding Administrator Jean Carroll-Hamilton

by Amy Moore

Jean Carroll-Hamilton graduated from Western Michigan University in 1991 with a Bachelor of Science and minors in Elementary Education, Integrated Language Arts, Math and Science. In 1993 she obtained a Master of Arts Degree in the Teaching of Elementary Education through WMU. She earned her second Master's in 1996, a Master of Education in Administration, from Grand Valley State University.

She has spent the past 15 years at Grand View Elementary in the Grandville Public School District. The first 6 years she was a first grade teacher. The following 7 years she served as Assistant Principal and has been the principal the past 3 years. Grand View is one of the largest elementary schools in the area with an enrollment of almost 700 students.

Jean was raised in Wyoming and is the youngest of five children in a family of educators. She is married to her husband Rob, and they have three children...Dakota 8, Keaton 6 and Kassity who is 2. She lives in Grandville and is very involved in many school and community organizations and events. She was also instrumental in helping Grand View to obtain it's National and Michigan Blue Ribbon Exemplary School status.

Jean credits her success to working with well-behaved and hard-working students, supportive parents and a dedicated staff that is willing to go above and beyond for kids! ☺