Administrative Regulation

CRIMINAL CONVICTION REVIEW

A. In an effort to maintain a safe environment for students, staff and visitors, the District will review the criminal records of those individuals who apply to work for the District or are contracted to work on a regular and continuous basis in the schools.

1. Individuals convicted of crimes listed in Section 2 of the Sex Offender Registry Act, M.C.L.A. 28.722, shall not be allowed to work in the schools or in the District.

2. Individuals convicted of a felony not listed in the Sex Offender Registry Act may not continue to work in the District, unless or until they have received written approval from both the Superintendent and the Board of Education. Pending such approval, employees shall be placed on administrative leave. Such leave shall be with pay.

3. Individuals convicted of a misdemeanor related to sexual abuse, child abuse or controlled substances shall require the written approval of the Superintendent and the Board to continue employment.

4. All other criminal convictions shall require the written approval from the Superintendent to obtain or maintain employment in the District.

B. Except for felony convictions, the Superintendent shall determine whether the individual will be allowed to work pending review of the criminal convictions and a determination of whether the individual shall be allowed to work in the District.

1. The Superintendent shall suspend consideration of any applicant and shall determine whether an employee or person contracted to work in the District will be allowed to work while felony charges are pending against the individual.

2. In making the determination regarding whether to hire an applicant or allow an individual to continue working with pending felony charges or after a conviction, the Superintendent and the Board will consider the following factors:

A. the nature of the offense does relate or is related to children, sex, drugs, or violence, etc.

B. how long ago did the incident occur

C. were there repeated incidents

D. nature of assignment in District (access to children, role model, etc.)

E. whether any treatment or other rehabilitation has occurred

F. the nature of the employee's work record since offense (likelihood of repeated misbehavior)

3. Neither the Board nor the Superintendent shall consider criminal charges that did not result in conviction, or pending misdemeanor charges in determining whether to hire or continue the employment of any individual.

4. In making recommendations to the Board on whether to allow individuals with convictions or pending felony charges to work in the District, the Superintendent shall provide written reasons supporting the recommendation.

5. The Board shall provide written reasons supporting its determination on whether to allow in individual with a conviction to work in the District.

6. The Superintendent and/or his appointee shall be responsible for processing the necessary review of criminal convictions, and providing the Board timely notice of its need to act in accordance with this policy.

LEGAL CITATION: M.C.L.A. 28.722, 380.1230 et seq., 308.1535a, 38.74

ADMINISTRATIVE REGULATION

Amended: March 10, 2014