

Series 4000: District Employment

4200 Employee Conduct and Ethics

4205-AG Hiring and Background Checks

The Superintendent or designee should generally follow the procedure below before hiring an applicant for direct employment, allowing a person to regularly and continuously work under contract in a District school, or assigning a volunteer.

A. Employment Applicant

1. General Procedure

Except for conditional hires, as described in section A(2) below, the following procedure should be used:

- a. Direct the applicant to complete form 4205-F and request unprofessional conduct information from current and former employers pertaining to applicant.
- b. If desired, interview the applicant.
- c. Verify the applicant's certification, license, or endorsement if required for the position.
- d. Make a written employment offer to the applicant. The correspondence should state that the offer is contingent on the District's satisfaction with the results of the background check required by Policy 4205 and may be subject to Board approval.
- e. Request the Michigan State Police to conduct a criminal background history check and criminal records check on the applicant.
- f. Review Michigan State Police results for the following:
 - i. Listed offenses are defined in MCL 28.722. A MDE summary of listed offenses is available at:

https://www.michigan.gov/documents/mde/Criminal_Convictions_Enumerated_Offenses_560187_7.PDF

According to Michigan law, the District may not employ applicants convicted of a listed offense.
 - ii. Any felony conviction.
 - iii. For other convictions not identified above, the District may consider the nature of the crime, length of time since the conviction, relationship to job responsibilities, and conduct since the conviction.

- g. The District may hire an applicant with a felony conviction with written approval from the Superintendent and the Board. Board action is required to employ the applicant.
- h. Ensure that before the applicant begins employment, the applicant signs an employment contract (if applicable), IRS Form W-4, USCIS Form I-9, and any other documents required by the District before beginning employment.

2. Conditional Employment

If it is not feasible to complete all of the steps in section A(1) before hiring an applicant because it is necessary to fill the position during the school year or within 30 days before the beginning of a school year, the applicant will be subject to the procedure in section A(1) above and:

- a. The applicant must complete, sign, and date the MDE Conviction Disclosure Form, which is available at:

https://www.michigan.gov/documents/mde/Criminal_Convictions_560332_7.pdf

- b. To the extent possible, the Superintendent or designee will follow the procedures set forth in section A(1) above.
- c. After receiving the Michigan State Police criminal history check and criminal record check, compare the results of those checks with the Conviction Disclosure Form in section A(2)(a), above. If the check results list convictions other than those disclosed in the form, the Superintendent or designee may notify the employee that the employee's employment contract is void and that the employee is terminated.

B. Contractor Regularly and Continuously Assigned to a District School

1. General Procedure

Except for conditional assignments, as described in section B(2) below, the following procedure applies before the District allows a person to regularly and continuously work under contract in a District school (Contractor):

- a. Require the Contractor to complete form 4205-F and request background information from current and former employers pertaining to Contractor.
- b. Request the Michigan State Police to conduct a criminal background history check and criminal records check on the Contractor.
- c. After receiving the information from the Michigan State Police, the District will follow the procedures set forth in section A(1)(f) and (g).

2. Conditional Assignment

If it is not feasible to conduct the procedure in section B(1) because it is necessary to allow the Contractor to work during the school year or to allow the Contractor to work within 30 days before the beginning of a school year, then the District will follow the procedures set forth in section A(2), above.

C. Volunteer

Volunteering is a privilege, not a right. Use of a volunteer is at the District's sole discretion. Prior criminal conviction is not required to exclude a potential volunteer.

1. Check the volunteer applicant's criminal history using iChat. A volunteer who has been convicted of a listed offense, as defined in MCL 28.722, is prohibited from volunteering. If the volunteer has been convicted of a felony other than a listed offense, written approval from both the Superintendent and Board is required to assign the applicant and the Board must act to assign the volunteer. MDE's summary of listed offenses is available at:

https://www.michigan.gov/documents/mde/Criminal_Convictions_Enumerated_Offenses_560187_7.PDF.

2. Consider other factors deemed relevant.
3. An administrator or designee will inform the volunteer if he/she was selected for the assignment.

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