From: MSP-CJIC-ATS
To: MSP-CJIC-ATS
Cc: MSP-CJIC-ATS
Subject: MSP NCJA Update-Criminal History Record Information Sharing Guidance
Date: Friday, February 14, 2014 4:32:57 PM
Attachments: Denial to Share-Sample.docx

Dear NCJA,

This is an update on behalf of the Department of Michigan State Police (MSP), Criminal Justice Information Center (CJIC), Security & Access Section (SAS). You are receiving this message as you have requested, or agreed, to be added to our SAS Listserv. If you no longer wish to receive updates, or you feel you've received this message in error, please reply to this correspondence with "REMOVE" in the subject line.
Previously you may have been informed that you could only share the Criminal History Record Information (CHRI) response if you were the original requester and only with a public school/public school academy.

To clarify, a school may share a CHRI response with another K-12 recognized school (as defined by the Revised School Code including nonpublic schools), as long as there has not been a separation in service (Michigan Compiled Law (MCL) 380.1230a(11)). While "a separation in service" is not specifically defined by statute the following is ***not*** considered a separation in service:

- Summer Vacation-The Michigan Department of Education does not consider summer vacation a separation in service.
- Laid Off or a Leave of Absence- An individual may be laid off or on a leave of absences up to 1 year without being considered having had a separation in service (MCL 380.1230a(11)(a)).
- Employee School Transfer- An employee transfers to another school and remains employed by any school (MCL 380.1230a(11)(b)).

If a school finds that a request to share does not meet the requirements, the attached sample letter may be used as a response to the requesting school.

Both state and federal law require a school to obtain written consent from the individual for whose record is shared (MCL 380.1230a(4) & (5) and Title 5 § 552a). Sharing of a CHRI response is completed only from one school to another school (MCL 380.1230a(11)& (12)). If your school has determined that the individual has remained employed, whether your school is the original requestor *or is currently in possession*, your school agency shall share the CHRI response.

If an applicant asks you to request a CHRI response from another school (indicated by applicant), the law states you *shall* request the CHRI. If your school is requested to forward a CHRI response to another school, the law states you *shall* share provide there has not been a separation in service as defined above. The law also states you ***may use*** the CHRI response shared. Pursuant to MCL 380.1230(12)(c) a school that is in receipt of a CHRI response through the sharing provision of law shall perform a criminal history check through the Internet Criminal History Access Tool (ICHAT). This is completed in order to conduct a comparison of the CHRI response received against the most

current information provided by ICHAT. If there is a discrepancy between the two, such as a history reported on the ICHAT response that is not on the CHRI response, this is an indication to your agency to conduct a new state and federal fingerprint background check.

Sharing of CHRI between school agencies is permissible for SE responses only. While a school (an authorized entity) may complete fingerprint checks under the National Child Protection Act (NCPA), there are no sharing provisions for these CHRI responses. Therefore, SE responses cannot be shared with another school for the purpose of NCPA-Child Protection Volunteer (CPV) or Child Protection Employment (CPE).

You may visit the Michigan Legislative website link to view current MCL:
http://www.legislature.mi.gov

Thank you,

Michigan State Police
Criminal Justice Information Center
Security & Access Section
Auditing Unit
MSP-CJIC-ATS@michigan.gov

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"