

# Public School Academy

Access and Use of  
Criminal History Record Information



A state or federal law requires or authorizes the ability to fingerprint background check for the purpose of employment, licensing, or volunteer placement. Pursuant to federal law, in order to access and receive Criminal History Record Information (CHRI):

- your agency must be a governmental agency, also known as an authorized recipient of CHRI, unless specifically addressed (i.e. nonpublic K-12).

**Why fingerprinting?**



The Public School Academy (PSA) is a governmental entity. However, many PSAs contract with management companies to perform the day to day operations of the school.

Management companies are *private* third party companies and are ineligible to receive CHRI.

**Public School Acadmey (PSA)**



PSA options are:

- A current member(s) of the PSA Board of Directors views and manages CHRI.
- The PSA Board of Directors may directly employ a person who views and manages CHRI.
- The charter authorizer directly employs a person who views and manages CHRI for the PSA Board.
- The local ISD directly employs a person who views and manages CHRI for the PSA Board.

Most recently, and after review of state statute, a fifth option was approved:

- A capable Public School District within good standing.

# PSA CHRI Options



All PSAs are to complete a CHRI Registration form indicating the option that best fits the PSA. CHRI Registration forms are to be completed and returned by October 12, 2015, according to form method.

A PSA that does not return a Registration form to the Michigan State Police (MSP) by this date will be subject to immediate CHRI access restriction.

## PSA Requirements



What authorized user/personnel (AP) need to know:

- Your CHRI responses will be received from [ALIASResponse@michigan.gov](mailto:ALIASResponse@michigan.gov), you may want to ensure your e-mail is set up to receive these messages as to not be automatically disposed of as spam.
- If a record is found for any individual, a hard copy of the results will be mailed to the AP from the MSP. Staff should be aware, and it is to be understood, these mailings are to be secured and undisturbed until AP claim the mailing(s).

**What Happens After CHRI Designation?**



- As the AP you will now be receiving CHRI results and you'll be required to keep these results limited to authorized personnel, and this can include school board members.
- As the AP it will be your responsibility to notify school HR/Administration staff, and contracted services, if an individual is cleared or not cleared to work.
- Sharing requests made to the school for a CHRI result will be completed by the AP.

**Continued: What Happens  
After CHRI Designation?**



- If an individual is denied employment/placement based on their CHRI response, the follow-up process would be conducted with the AP (or the school board) to find out additional details, and this may require the AP to provide necessary appeal action. [www.michigan.gov/cjicats](http://www.michigan.gov/cjicats) (templates)
- All agencies that receive CHRI are to adhere to the most current version of the FBI CJIS Security Policy for the appropriate security and management controls. For further information regarding necessary policy and procedures, please visit our website for more details. [www.michigan.gov/cjicats](http://www.michigan.gov/cjicats) (guidance)

**Continued: What Happens  
After CHRI Designation?**



The MSP does not provide formal training for how to apply screening requirements after reviewing CHRI results. Individuals designated to take over the process should be meeting with the previous individual who handled the background check process for the school. There should be some conversations of what school disqualifiers should be, beyond the "listed offenses."

**Training-Reviewing Results**



- The MSP has tutorials that provide training on reading dispositions.

[http://www.michigan.gov/documents/msp/1111CHAT\\_Tutorial\\_How\\_To\\_Read\\_a\\_Criminal\\_History\\_421673\\_7.pdf](http://www.michigan.gov/documents/msp/1111CHAT_Tutorial_How_To_Read_a_Criminal_History_421673_7.pdf)

- Michigan Department of Education (MDE) has a web page dedicated to Criminal History Checks & Convictions Info to assist you in this process and provides a link a to the "listed offenses."

[http://michigan.gov/mde/0,4615,7-140-5683\\_39798---,00.html](http://michigan.gov/mde/0,4615,7-140-5683_39798---,00.html)

- MDE also has a PowerPoint available and is to assist you in understanding criminal background checks for employees and much more.

[http://mdoe.state.mi.us/MDEDocuments/baa\\_fall\\_conference/resources/presentations/School%20Safety%20\\_%20Professional%20Practices.pdf](http://mdoe.state.mi.us/MDEDocuments/baa_fall_conference/resources/presentations/School%20Safety%20_%20Professional%20Practices.pdf)

## Training-Useful Tools & Resources



Based on the results, the AP will send a “Red Light/Green Light” notification for the school to retain on file and for the hiring agency/management company.

The existence or nonexistence of a record will not be physically or verbally shared or discussed with unauthorized individuals.

**Red Light Green Light  
Notification(s)**



[AGENCY NAME]  
DETERMINATION FOR ASSIGNMENT

\_\_\_\_\_  
(L Name, F Name Middle Initial)

\_\_\_\_\_  
(Contact Number)

\_\_\_\_\_  
(Position Assigned)

Based on the information we have obtained on the above named individual, we are making the following determination:

\_\_\_\_\_ Yes, the individual is cleared to work in a Michigan school.

\_\_\_\_\_ Yes, the individual is cleared to work in a Michigan school. However, based on additional district/school policy and guidelines of [AGENCY NAME], we will not be accepting the individual for assignment at our district/school.

\_\_\_\_\_ No, the individual is not cleared to work in a Michigan school.

I state I am authorized to make this determination for our district and have based my determination on current district/school policies and guidelines and current Michigan law. I understand that I am responsible to notify [CONTRACTING ENTITY] in writing if there is a change in this determination.

\_\_\_\_\_  
Printed Name & Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Approval Date

# Continued: Red Light Green Light Notification(s)



The option selected will make a difference on how the AP maintains the CHRI.

- If a school board member or direct employee is selected as the AP, CHRI is to be maintained in a secured manner at the PSA and restricted to authorized personnel (can include board members). Examples would include a locked file cabinet, locked drawer, locked flipper cabinet, etc.
- If any of the other AP options are selected (authorizer, ISD, or local school district), the CHRI results will be maintained on-site with the AP.

## CHRI Retention-New Records



CHRI records previously obtained by the PSA will need to be secured in the same manner as the new CHRI received.

Specifically, if CHRI is retained at the school, the records will just need to be restricted to the AP. If not, then all the previously received CHRI will be need to be securely transported by the AP to it's new resting place.

## CHRI Retention-Current Records



To understand the overall security and management requirements of CHRI all authorized recipients are to adhere to the FBI Criminal Justice Information Services (CJIS) Security Policy, Appendix J.

<http://www.fbi.gov/about-us/cjis/cjis-security-policy-resource-center/view>

You can also visit the MSP Security & Access website for additional tools and resources,

[www.michigan.gov/cjicats](http://www.michigan.gov/cjicats).

Additional questions or concerns please feel free to contact the MSP Security & Access Section: [MSP-CJIC-ATS@michigan.gov](mailto:MSP-CJIC-ATS@michigan.gov) or by calling (517) 241- 0621.

**What about NCJA Compliance Audits?**

