

SCHOOL SAFETY LEGISLATION

School Safety legislation (2005 PA 129-131 and 138) enacted into law will have an impact on the employment of all public and nonpublic school regular and contract employees. Cited below is a key provision of the new law regarding self-reporting offenses.

Self-Reporting Offenses

- As of January 1, 2006, as an employee of the district in the event you have been charged with/arraigned on certain identified crimes (Attachments A & B) you are required to self-report the information to your employer (P-CCS Human Resource Department) and the Michigan Department of Education (MDE). You must *do* so within three (3) business days of the arraignment or you will be guilty of an additional crime. The form to report this information is available in the Human Resource Department office or on the Intranet.
- Subsequently, when any employee is convicted of a non-listed felony offense or specific misdemeanors, (Attachment B) the district is required to make a determination whether or not to continue your employment.
- The district shall not employ, in any capacity, an individual who has been convicted of a crime that requires registration as a sex offender (Attachment A). The employee's employment will be terminated and employment (in any capacity) in a Michigan K-12 school will be prohibited.

It is important to remember that this requirement is in effect the entire time you are an employee of the Plymouth-Canton Community Schools.

Please be aware that the district cannot offer binding legal opinions concerning your obligations under the new laws. Therefore, you may wish to seek additional assistance from the Michigan Department of Education or your attorney.

If you have further questions please contact the P-CCS Human Resource Department or Stephanie Whiteside, MDE, (517) 335-1167.

ARRAIGNMENT DISCLOSURE FORM

Name (please print)

School Name (please print)

Plymouth-Canton Community Schools

District Name

Position (please print)

Date of Arraignment (please print)

Pursuant to Public Act 131 of 2005, I hereby disclose that I was arraigned on the
aforementioned date for the criminal offense of _____

in _____ Court, located in the State of
_____ County of _____.

By signing this form, I acknowledge that I understand that failure to disclose this information is a violation of Public Act 131 and can result in action being taken relative to my certification and/or employment.

In signing this form, I acknowledge that I understand that should I be convicted of or pled guilty or nolo contendere (no contest) or am I the subject of a finding of guilt by a judge or jury, it is my responsibility to disclose to the court that I am employed by a school, public, or non-public. I also understand that if I am subsequently not convicted of any crime after the completion of judicial proceedings resulting from that charge, I must request, in writing, that the Michigan Department of Education and the employing school/district delete the report from my records.

Signature

Date

Send copies of this form to:

Liz Vartanian-Gibbs
Assistant Superintendent
Human Resources & Labor Relations
Plymouth-Canton Community Schools
454 S. Harvey
Plymouth, MI 48170
(734) 416-2736

Dr. Flora Jenkins
Department of Education
Office of Professional Preparation Services
P.O. Box 30008
Lansing, MI 48909

ATTACHMENT A

"Listed Offenses" pertinent to hiring all full-time and part-time employees, or when an individual will work regularly and continuously under contract in one of their schools. (As defined in MCL 28.722 Sec. 2(e)(i)-(xiii))

1. MCL 750.145a - Accosting, enticing or soliciting child (less than 16 years of age) for immoral purposes.
2. MCL 750.145b - Accosting, enticing or soliciting child (less than 16 years of age) for immoral purposes – second or subsequent offenses.
3. MCL 750.145c - Involvement in child sexually abusive activity or material, including possession of child sexually abusive material ("child" is a person less than 18 years of age who has not been legally emancipated).
4. MCL 750.158 - Crime against nature (i.e., sodomy and bestiality) *if* the victim is an individual less than 18 years of age.
5. A third or subsequent violation of any combination of the following:
 - (A) MCL 750.167(1)(f) - indecent or obscene conduct in a public place;
 - (B) MCL 750.335a - indecent exposure;
 - (C) A local ordinance of a municipality substantially corresponding to a section described in (A) or (B), *supra*.
6. Except for juvenile disposition or adjudication, a violation of:
 - (A) MCL 750.338 - gross indecency between males; fellatio or masturbation;
 - (B) MCL 750.338a - gross indecency between females; oral sex;
 - (C) MCL 750.338b - gross indecency between male and female persons;
if the victim is an individual less than 18 years of age.
7. MCL 750.349 - Kidnapping, if victim is an individual less than 18 years of age.
8. MCL 750.350 - Kidnapping; child under 14 years of age with intent to detain or conceal from child's parent or legal guardian.
9. MCL 750.448 - Soliciting or accosting by a person 16 years of age or older, if victim is an individual less than 18 years of age.
10. MCL 750.455 - Pandering
11. MCL 750.520b - First degree criminal sexual conduct.
12. MCL 750.520c - Second degree criminal sexual conduct.
13. MCL 750.520d - Third degree criminal sexual conduct.
14. MCL 750.520e - Fourth degree criminal sexual conduct.
15. MCL 750.520g - Assault with intent to commit criminal sexual conduct.
16. Any other violation of a law of the state or a local ordinance of a municipality that by its nature constitutes a sexual offense against an individual who is less than 18 years of age.
17. MCL 750.10a - offense by sexually delinquent person (i.e., "any person whose sexual behavior is characterized by repetitive or compulsive acts which indicate a disregard of consequences or the recognized rights of others, or by the use of force upon another person in attempting sexual relations of either a heterosexual or homosexual nature, or by the commission of sexual aggressions against children under the age of 16").
18. An attempt or conspiracy to commit an offense described in (1) through (17)
19. An offense substantially similar to an offense described in (1) through (17) under a law of the United States, any state, or any country or any tribal or military law.

ATTACHMENT B

Crimes listed in MCL 380.1535a(1) which require covered individuals to report to the schools when charged.

1. Any felony.
2. Any of the following misdemeanors:
 - (A) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree;
 - (B) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree;
 - (C) A misdemeanor involving cruelty, torture, or indecent exposure involving a child;
 - (D) MCL 333.7410 – Delivery or distribution of marijuana to minors or students near school property;
 - (E) MCL 750.115 – Breaking and entering, or entering without breaking, without permission;
 - (F) MCL 750.141a – Consumption or possession of alcohol or controlled substances by minors at social gatherings;
 - (G) MCL 750.145a – Accosting, enticing or soliciting child for immoral purposes;
 - (H) MCL 750.359 – Removal or damage to any property belonging to, connected with, or used in construction of vacant building or structure;
 - (I) MCL 750.81 – Assault and battery including domestic assault;
 - (J) MCL 750.81a – Assault and infliction of serious injury;
 - (K) MCL 750.145d – Internet crime against a minor;
 - (L) MCL 750.335a – Indecent exposure;
 - (M) MCL 436.1701 – Prohibited sale of liquor to minors.
3. Any violation of a substantially similar law of another State, a political subdivision of this State or another State, or the United States.