

November 22, 2005

Hello,

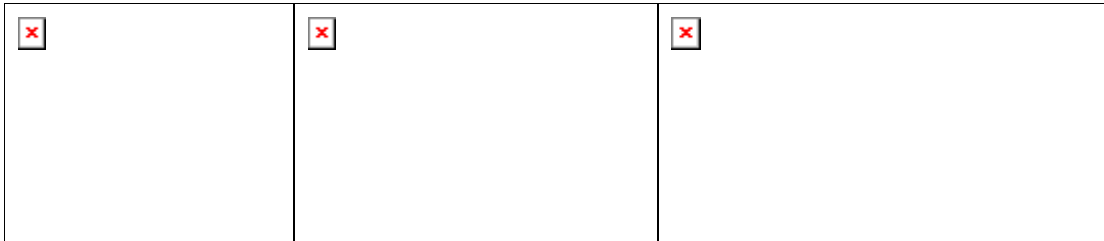


**NEW CRIMINAL BACKGROUND CHECK
REQUIREMENTS EFFECTIVE JANUARY 1, 2006**

*- By Joseph Bennett,
Attorney, Clark Hill PLC*

Effective January 1, 2006, new statutory amendments will require criminal record checks for all new full-time and part-time school employees, and any individuals assigned to "regularly and continuously work under contract" in any school. MCL § 380.1230(1); MCL § 380.1230a(1). The new legislation does not define "regularly and continuously," and is not on its face limited to individuals assigned under direct contracts with school districts: the legislation arguably would also apply to persons like construction project contractors and sub-contractors. Current legislation only requires criminal record checks of teachers and school administrators upon initial offers of employment. As with the current legislation, a school district may offer conditional employment or work to a person it deems necessary to employ or contract with within 30 days of the start of a school year as long as certain requirements are met, including, for example, the initiation of the criminal records check.

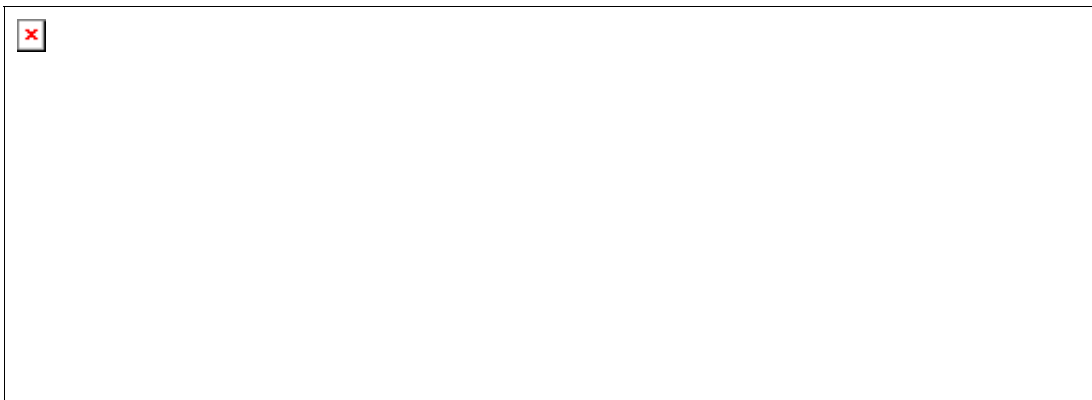
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