
Public School Academy Fingerprinting of Employees

By Daniel L. Eyer, Joseph B. Urban / Aug 13, 2015

The Michigan State Police (MSP) has clarified the processes under which public school academies (PSAs) and their staff may receive results of fingerprint-based Criminal History Record Information (CHRI) background checks for their employees.

Michigan law requires that PSAs conduct CHRI background checks for any full-time or part-time employee and any individual assigned to regularly and continuously work under contract in the PSA. Because the MSP recognizes that PSAs are governmental entities, PSA employees are permitted to access fingerprint-based CHRI results. However, many PSAs contract with private vendors/management companies who provide staff for the PSA. The MSP deems these worksite employees of third-party contractors ineligible to receive CHRI.

Thus, in December of 2013, the MSP advised that it would no longer allow third party vendors/management companies to complete the fingerprint background checks on behalf of a PSA, and that any third-party in possession of CHRI must relinquish it to the PSA. A full summary of these rules can be found on the [Clark Hill website](#). This general requirement, and the accommodation that MSP articulated for those PSAs who do not directly employ their staff, has caused ongoing confusion for PSAs and management companies.

To help clear up this confusion, the MSP has implemented new requirements that become effective October 12, 2015. Under these requirements, in order to continue the required state and federal fingerprinting of personnel at a PSA, each PSA must select a method of operation that satisfies MSP's requirement that the processor of CHRI, the Authorized Recipient, is a governmental employee. To that end, MSP has suggested the following options as potential Authorized Recipients:

1. A current member of the PSA Board of Directors;
2. A person directly employed by the PSA Board of Directors;
3. A person directly employed by the PSA Authorizer; or
4. A person directly employed by the local Intermediate School District.

The Michigan Department of Education has distributed a form, attached to this e-alert, that PSAs may use to notify the MSP of their selected eligible Authorized Recipient.

Once the Authorized Recipient has received the results of the fingerprint background check, the Authorized Recipient should issue a red light/green light letter to the vendor/management company as to whether the employee is eligible to work at the PSA. This red light/green light procedure is described on the [MSP website](#).

As CHRI background checks are required with regard to those regularly assigned to work at PSAs, whether they are part- or full-time employees of the PSA or a third party, it is important for PSAs to be aware of and abide by these new MSP requirements and to revise their procedures accordingly.

If you have any questions regarding these new rules, please contact your local Clark Hill Education Law attorney.

[Authorized Recipient Form](#)