BACKGROUND CLEARANCE GUIDANCE

This document provides guidance on the level of security clearance required for persons seeking to work at, volunteer in or visit a Detroit Public Schools Community District school building or facility. It also speaks to what type of agreement is required (if any). If, after reviewing this chart, you require further guidance - contact the Office of the General Counsel attorney assigned to your school and/or department. <u>**REMEMBER**</u> **– no employee, contractor, vendor, volunteer or partner may be allowed to start work or begin volunteering until s/he has successfully completed all applicable security requirements.**

<u>APPLICABLE LAWS & POLICIES</u>

1. Michigan School Code, MCL §§ 380.1230 and 380.1230a
    -   A criminal background check is required when hiring an individual full or part-time or to allow an individual who regularly and continuously works under contract for a school district.
    -   'Regularly and continuously' means "to work at a school on a more than intermittent or sporadic basis as an individual under a contract with a school district or as an owner or employee of an entity that has a contract with a school district . . . to provide food, custodial, transportation, counseling or administrative services or to provide instructional services to pupils or related and auxiliary services to special education pupils."
    -   Although this law only applies to employees and certain contractors – a school district has the ability to expand application to other types of contractors and to volunteers.
2. Policy 3120 – *Conditions For Employment and Reemployment of Professional Staff*
    -   An employee must meet all hiring guidelines, including background clearances *via* LiveScan (fingerprinting).
3. Policy 3121 – *Criminal History Record Check*
    -   Employees (full or part-time) or individuals under contract who 'continuously and regularly' work in schools must successfully complete a LiveScan (fingerprinting) background check.
    -   "Under contract" means all individuals, as well as owners and employees of entities, who contract directly with the District or with a third party vendor, management company, or similar contracting entity.
4. Policy 3121.01 – *Criminal Conviction Review*
    -   Employees or individuals under contract have a continuing duty to disclose any pending criminal charges or convictions.
5. Policy 3120.09 – Volunteers
    -   <u>Volunteer Level 1</u>: One who has contact with students within the presence of a District employee or is assigned duties such as an office assistant that may not directly involve students.
        -   An I-Chat background clearance is required.
        -   I-Chats are only available for MI residents. If a volunteer is not a MI resident, s/he must (at his/her cost) submit to LiveScan (fingerprinting) background clearance.
    -   <u>Volunteer Level 2</u>: A volunteer who has direct contact with students outside of the presence of a District employee or who is assigned duties to include, but not limited to overnight duties (*e.g.* chaperoning an overnight field trip), coaching responsibilities, a long term mentoring assignment, *etc*.
        -   A LiveScan (fingerprinting) background clearance is required.
    -   **NOTE**: If a volunteer's duties start at Level 1 but progress to Level 2, s/he is required to submit to (and pay for) the higher level of security clearance. A volunteer's failure to do so may result in his/her volunteer status being revoked.

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	Person Type	Examples	Agreement Required	Applicable Policy or Law	Security Clearance Review/	Which Dept. owns?	What do they get?	Community Use
1.	Pre-student teachers	2 days a week, same school, not alone with kids	- MOU; or - Affiliation Agreement with University	- MCL 380.1230/1230a - Policies 3121, 3121.01 & 3120.09	- LiveScan by University. - If University does not conduct LiveScan background check on student teacher, then student teacher must submit to LiveScan conducted by CCBLU.	- Curriculum & Instruction ("C&I")	- ID Badge	- Not Applicable ("N/A")
2.	Student Teachers	4 days a week, same classroom, not alone with kids	- MOU; or - Affiliation Agreement with University	- MCL 380.1230 - Policies 3121, 3121.01 & 3120.09	- See No. 1	- C&I	- ID Badge	- N/A
3.	School-based interns	- SSW - Nursing - Etc.	- MOU; or - Affiliation Agreement with University	- MCL 380.1230 - Policies 3121, 3121.01 & 3120.09	- See No. 1	- Home Department	- ID Badge	- N/A
4.	Central office interns/fellows	- Innovate.Gov - Ross Fellows - Public Allies - AmeriCorps Vistas - Etc.	- MOU; or - Letter of Approval	- MCL 380.1230 - Policies 3121, 3121.01 & 3120.09	- LiveScan by CCBLU	- Partnerships transitioning to Human Resources	- ID Badge w/ access to building(s) and central office floor(s) of manager - Email - Parking (possible - if available and requested by manager)	- N/A
5.	Highschool Interns (DPSCD Students)	Placement at central office and schools	- Employment Agreement (possibly)	- MCL 380.1230 - Policies 3120 & 3121	- Not Required	- Home Department	- ID Badge (possible – if requested by manager)	- N/A

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6.	- Visitors - Observers - Media - Career Day - Guest Speaker - Parent observing a class	College students in school of education, coursework	- N/A	- MCL 380.1230	- Not Required	- School	- Peel off visitor badge given at school - Badge **must** show date of visit so that badge cannot be reused.	- N/A
7.	Regular Tutors or Instructors (Paid)	- MEC Reading Corps - WSU Math Corps	- Contract	- MCL 380.1230/1230a - Policy 3120 - Policy 3121 & 3121.01	- LiveScan by CCBLU	- C&I	- ID Badge	- N/A
8.	Full or Part-time Employee (except Early Childhood)	- School - Central Office	- CBA - Employment Agreement	- MCL 380.1230/1230a - Policy 3120 - Policy 3121 & 3121.01	- LiveScan by CCBLU	- Human Resources ("HR")	- ID Badge - Email - Parking	- N/A
9.	Full or Part-time Employee (Early Childhood)	- Teacher - Administrator	- CBA - Employment Agreement	- MCL 380.1230/1230a - Policy 3120 - Policy 3121 & 3121.01	- LiveScan by VIP LARA	- Early Childhood	- ID Badge - Email - Parking	- N/A
10.	- Vendor - Contracted Services - Contractor - Independent Contractor	- Food service - Custodial - Transportation - Counseling - Administrative Service (i.e., Kelly Temp) - Instructional	- Purchase Order - Contract - Independent Contractor Agreement	- MCL 380.1230/1230a - Policy 3121 & 3121.01	- LiveScan by CCBLU	- Procurement	- ID Badge - Email - Parking (possible - if available and requested by manager)	- N/A

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	Person Type	Examples	Agreement Required	Applicable Policy or Law	Security Clearance Review/	Which Dept. owns?	What do they get?	Community Use
11.	Contractor: One-time service providers	- Food Delivery - DJ party for count day - Install/Replace roof	- Purchase Order - Contract	- MCL 380.1230/1230a	- Not Required	- Procurement - School	- Peel off visitor badge given at school - Badge **must** show date of visit so that badge cannot be reused	- N/A
12.	Contractor: Central Office Contractors (will only be in central office)	- Kelly Temp Worker	- Purchase Order - Contract	- MCL 380.1230/1230a	- LiveScan by CCBLU - Required by IT for access to District databases and Intellectual Property	- Procurement	- ID Badge - Email (possible, per circumstance and request of manager) - Parking (possible - if available and requested by manager)	- N/A
13.	Virtual Contractors (*i.e.* no work done on site)	- IT Network broadband work	- Purchase Order - Contract	- MCL 380.1230/1230a	- LiveScan by CCBLU - Required by IT for access to District databases and Intellectual Property	- Procurement	- N/A	- N/A
14.	Coaches (not employees)	- Sports - Chess - Debate - Yearbook	- Independent Contractor Agreement - Purchase Order	- MCL 380.1230/1230a - Policy 3121 & 3121.01	- LiveScan by CCBLU	- Procurement	- ID Badge	- N/A
15.	Latchkey	- After school child care	- Contract - Community Use	- MCL 380.1230/1230a - Policy 3121 & 3121.01	- Live Scan by CCBLU (if Contract) - Live Scan by LARA or other state agency (if Community Use)	- Procurement or - Community Use	- ID Badge (if Contract) - Peel off visitor badge given at school (if Community Use)	- Yes

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	Person Type	Examples	Agreement Required	Applicable Policy or Law	Security Clearance Review/	Which Dept. owns?	What do they get?	Community Use
16.	After School Program (ran by district staff)	- Tutoring	- CBA - Employment Agreement	- MCL 380.1230/1230a - Policy 3120 - Policy 3121 & 3121.01	- LiveScan by CCBLU	- Home Department	- N/A	- N/A
17.	Partner: After School Programs	- 1 to 2 sessions in presence of employee - Tutoring - 21st Century - Mentoring (one on one)	- MOU	- Policy 3120.09	- LiveScan by CCBLU	- Partnerships - Home Department	- ID Badge	- Yes
18.	Partner: During School Programs (Volunteer Level 1)	- Present to class or group in presence of District employee	- MOU	- Policy 3120.09	- I-Chat by CCBLU	- Partnerships - Home Department	- Peel off visitor badge given at school - Badge **must** show date of visit so that badge cannot be reused	- N/A
19.	Partner: During School Programs (Volunteer Level 2)	- Mentoring - DSA Pathways - Master Class	- MOU	- Policy 3120.09	- LiveScan by CCBLU	- Partnerships	- Peel off visitor badge given at school - Badge **must** show date of visit so that badge cannot be reused	- N/A

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20.	Partner: Donations	- Donate tickets, funds, materials, equipment, services, internships, provides tours, field trips for students to visit off site	- Letter of Approval	- Policy 3120.09	- Not Required	- Partnerships	- N/A	- N/A
21.	Volunteer in Schools	- Alumni - Parent Boosters - Reading Corps - Let's Read - Day of Service	- Volunteer Application	- Policy 3120.09	- I-Chat by FACE - Required security clearance may rise to LiveScan by CCBLU if volunteer's access to students changes	- School - FACE	- Peel off visitor badge given at school - Badge **must** show date of visit so that badge cannot be reused	- N/A
22.	Faith Based Volunteers (Volunteer Level 1)	- Volunteers in schools as a group	- Volunteer Application; or - Faith Based MOU	- Policy 3120.09	- I-Chat by FACE - Required Security may rise to LiveScan by CCBLU if volunteer's access to students changes	- FACE	- Peel off visitor badge given at school - Badge **must** show date of visit so that badge cannot be reused	- N/A

	Person Type	Examples	Agreement Required	Applicable Policy or Law	Security Clearance Review/	Which Dept. owns?	What do they get?	Community Use
23.	Parent (Volunteer Level 1)	- Chaperone on in-state field trip - Volunteer at school, <u>not</u> alone with kids outside presence of District employee	- Volunteer Application	- Policy 3120.09	- I-Chat by FACE	- School - FACE	- Peel off visitor badge given at school - Badge **must** show date of visit so that badge cannot be reused	- N/A
24.	Parent (Volunteer Level 2)	- Chaperone on out-of-state field trip - Chaperone on overnight field trip - Volunteer at school, possibility of being alone with students outside presence of District employee	- Volunteer Application	- Policy 3120.09	- LiveScan by CCBLU	- School - Risk Management	- Peel off visitor badge given at school - Badge **must** show date of visit so that badge cannot be reused	- N/A