



# OAG

Office of the Auditor General

## Report Summary

### Performance Audit

### Fingerprinting and Criminal Conviction

### Monitoring of Public School Contracted Staff

### Michigan Department of Education (MDE)

**Report Number:**  
313-0640-21

**Released:**  
June 2023

All individuals who regularly and continuously work under contract in a Michigan school district must be fingerprinted prior to employment. Thereafter, monitoring occurs through the State Rap Back process for criminal convictions which occur *during* school employment. School districts, the Michigan Department of State Police (MSP), and MDE are all required by State law to carry out separate and distinct actions related to fingerprinting and criminal conviction monitoring intended to protect Michigan's school children from contact with individuals with unsuitable criminal convictions. MDE's mandated responsibilities include both oversight of school districts' compliance with criminal history records check laws and notification to employing school districts of Rap Back criminal convictions for contracted staff.

In our Statewide survey of school districts, 91% indicated their district utilized contracted staff in areas such as substitute teaching, custodial and maintenance services, and food service; however, the total number of contracted staff working in Michigan's public schools is unknown because of a lack of available Statewide data.

| Audit Objective   |                    |                      | Conclusion                  |
|---|--------------------|----------------------|-----------------------------|
| Objective: To assess the effectiveness of MDE's efforts to ensure that public school contracted staff are fingerprinted and monitored for criminal convictions.   |                    |                      | Not effective               |
| Findings Related to This Audit Objective  | Material Condition | Reportable Condition | Agency Preliminary Response |
| We estimated 4% of contracted staff reviewed were never fingerprinted for school employment. We also determined 7% of contracted staff reviewed were not fingerprinted timely. In addition, we noted MDE had no monitoring procedures to verify school districts' compliance with State law prohibiting them from employing individuals with listed offenses convictions and requiring specific written approval from school officials to employ individuals convicted of felonies ( <a href="#">Finding 1</a> ). | X                  |                      | Disagrees                   |

| Findings Related to This Audit Objective<br>(Continued)  | Material Condition               | Reportable Condition | Agency Preliminary Response |
|--|----------------------------------|----------------------|-----------------------------|
| MDE routinely utilized outdated and incomplete school employment data in its Rap Back notification process, which hindered its ability to determine whether convicted individuals were <i>currently</i> employed in a Michigan public school (Finding 2).  | X                                |                      | Partially agrees            |
| MDE did not send Rap Back criminal conviction notifications to: <ul style="list-style-type: none"> <li>• Employing school districts for 13% of sampled contracted staff who were convicted of a crime(s) <i>during</i> their school employment.</li> <li>• School district boards or governing bodies, as required by State law (Finding 3).</li> </ul>  | X                                |                      | Agrees                      |
| Because of the use of frequently unreliable information, an increased risk exists that MDE inappropriately removed some contracted staff from Rap Back criminal conviction monitoring (Finding 4).   | X                                |                      | Partially agrees            |
| Observations Related to This Audit Objective   | Material Condition               | Reportable Condition | Agency Preliminary Response |
| Although this audit focused on <i>contracted</i> staff working in public schools, the deficiencies noted within this report would extend to <i>all individuals</i> regularly working in schools, regardless of their employment arrangement (Observation 1).   | Not applicable for observations. |                      |                             |
| An evaluation of current statutory language is likely needed to help ensure the State's fingerprinting and criminal conviction monitoring laws' overall intent is being met and statutes provide for the best protection of Michigan's school children, including the potential need for: <ul style="list-style-type: none"> <li>• Clarification of key definitions.</li> <li>• Consideration of the mandated frequency of school districts' submission of school employment information.</li> <li>• Revisions to address the laws' silence on fingerprinting requirements for student teachers, required time frames for MDE's Rap Back notifications to school districts, and removal of individuals from Rap Back conviction monitoring (Observation 2).</li> </ul> |                                  |                      |                             |
| The conviction information used in MDE's Rap Back monitoring process is limited to State-held criminal history information and does not include federal, out-of-state, and tribal conviction information from the Federal Bureau of Investigation (FBI) (Observation 3).   |                                  |                      |                             |

**Obtain Audit Reports**

---

Online: [audgen.michigan.gov](http://audgen.michigan.gov)

Phone: (517) 334-8050

Office of the Auditor General  
201 N. Washington Square, Sixth Floor  
Lansing, Michigan 48913

**Doug A. Ringler, CPA, CIA**  
Auditor General

**Laura J. Hirst, CPA**  
Deputy Auditor General