



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

GRETCHEN WHITMER  
GOVERNOR

MICHAEL F. RICE, Ph.D.  
STATE SUPERINTENDENT

December 18, 2023

Mr. Richard Lowe, Chief Internal Auditor  
State Budget Office  
Office of Internal Audit Services  
111 S Capitol Ave  
8th Floor, Romney Building  
Lansing, MI 48933

Dear Mr. Lowe:

In accordance with the State of Michigan, Financial Management Guide, Part VII, enclosed is our final corrective action plan to address recommendations contained within the Office of the Auditor General's report of the Michigan Department of Education and Fingerprinting and Criminal Conviction Monitoring of Public School Contracted Staff (313-0640-21).

Questions regarding the corrective action plan should be directed to me at 517-241-2113 or [simmonss6@michigan.gov](mailto:simmonss6@michigan.gov).

Sincerely,

Spencer Simmons  
Director  
Office of Financial Management

cc: Executive Office  
Office of the Auditor General  
Senate Appropriations Committee Chair  
House Appropriations Committee Chair  
Senate Appropriations Sub-Committee Chair  
House Appropriations Sub-Committee Chair  
Senate Fiscal Agency  
House Fiscal Agency  
Diane L. Golzynski, Ph.D., R.D.N., SNS, Deputy Superintendent, MDE  
Delsa D. Chapman, Ed.D., Deputy Superintendent, MDE

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Michigan Department of Education  
Fingerprinting and Criminal Conviction Monitoring  
of Public School Contracted Staff, 313-0640-21  
Office of the Auditor General (OAG)  
June 27, 2023  
Department Final Corrective Action Plan

Summary Response Matrix

	Complied	Will Comply	Will Partially Comply	Will Not Comply
Agrees	3a	2b, 3b		
Partially Agrees		4		
Disagrees			1	2a

Final Corrective Action Plan (CAP)

Finding Number 1

Finding Title: Monitoring of school districts' compliance with statutory fingerprinting requirements needed.

Department Response

Management Views: Disagrees

Planned Corrective Action and Milestones (Management Response):

While MDE disagrees with this finding for the reasons detailed below, student safety is a priority of the department, and a critical factor in student safety is ensuring all personnel are appropriately fingerprinted. Given this finding, MDE is working with other agencies involved in RAP back and fingerprint processes (MSP and CEPI) to understand where appropriate process improvements and legislative changes may be made.

Over the next 12 months, MDE will engage in the following actions:

- 1) MDE will provide training to districts regarding fingerprinting requirements.
- 2) MDE will work with MSP to clarify federal and state conviction fingerprinting requirements in terms of electronic storage, use, and sharing. MDE will work with MSP to draft legislative proposals as appropriate.

**Comment on CAP from Michigan Office of the Auditor General (01/26/2024, 1:05 PM)**  
See our complete Auditor's Comments on pages 16 and 17 of the [audit report](#). We discussed, among other issues, that MDE disagrees with the Finding, while simultaneously indicating it will enhance monitoring procedures in the interest of ensuring student safety.

The OAG incorrectly relied upon MCL 380.1281, without considering the full scope of related state and federal legislation. The OAG also misinterpreted MDE's authority over a process that is statutorily between districts and the Michigan State Police. Statute states that MDE shall only compare criminal conviction information for "individuals who are actually school employees at the time of the comparison or who are regularly and continuously working under contract at the time of the comparison" (MCL 380.1535a(15); 380.1230d(7)). Specifically, statute details that MDE is only able to see (1) conviction information and (2) this information is only to be accessed for those who are considered actively employed at the time of examination. This restricts MDE's access to only view records that hold conviction information (excluding most of the population who do not hold a conviction). As such, MDE is not able to access all fingerprint records for potential and past school personnel, particularly those without convictions, to successfully carry out the OAG recommendation to monitor school districts to ensure contracted staff are fingerprinted and employment actions are taken for identified criminal convictions.

**Comment on CAP from Michigan Office of the Auditor General (01/26/2024, 1:05 PM)**  
See Auditor's Comments on pages 16 and 17 of the [audit report](#). We reinforced that *MCL* Section 380.1281 mandates MDE require each school district to observe the laws relating to schools and that MDE had not implemented procedures to verify compliance in relation to school employment fingerprint-based criminal records checks. During the audit and in its preliminary response to the audit report, MDE was silent regarding its responsibilities under this *MCL* Section and provided no support to indicate that *MCL* Section 380.1281 was not applicable or that the OAG had somehow misinterpreted it.

**Comment on CAP from Michigan Office of the Auditor General (01/26/2024, 1:05 PM)**  
See our complete Auditor's Comments on pages 16 and 17 of the [audit report](#). We provided alternative approaches for MDE consideration to foster corrective action.

Further, under statute, MDE's involvement in the process begins after the fingerprinting occurs and records are received. For example, if a school district decides to employ an applicant or individual whose criminal record contains an enumerated offense, the school district must disclose this employment decision to MDE (MCL 380.1230a(10)).

**Comment on CAP from Michigan Office of the Auditor General (01/26/2024, 1:05 PM)**  
See our complete Auditor's Comments on pages 16 and 17 of the [audit report](#).  
This statement is inaccurate. As discussed in our Auditor's Comments, *MCL* Section 380.1281 mandates MDE require each school district to observe the laws relating to schools. This would include school districts' compliance with laws requiring a fingerprint-based criminal records check be **conducted** prior to employment in a school.

Anticipated Compliance Date: December 2026; however, ongoing research, other agency timelines not controlled by MDE, and legislative change processes impact any compliance date.

Responsible Individual: Delsa Chapman, Ed.D., Deputy Superintendent

**Finding Number 2**

Finding Title: Reliable school employment information needed for criminal conviction monitoring.

Department Response for Recommendation:

Management Views: Partially agrees. MDE disagrees with the first recommendation and agrees with the second recommendation.

Planned Corrective Action and Milestones (Management Response):

a. The OAG's first recommendation is that MDE monitor the school employment information used in its Rap Back criminal conviction notification process to

**Comment on CAP from Michigan Office of the Auditor General (01/26/2024, 1:05 PM)**  
See our complete Auditor's Comments on pages 21 and 22 of the [audit report](#). We indicated REP school employment information was not reliable based on our auditing procedures that included obtaining and reviewing school employment information from independent sources and comparing it with data recorded in REP.



ensure the reliability of the information. MDE disagrees with the recommendation; the information used in the Registry of Educational Personnel (REP) is the most complete employment data the department is legislatively authorized to use. MDE is not opposed to additional monitoring of the information that districts input into REP; however, the State would need additional resources to carry out this function as recommended.

- b. To address the OAG's second recommendation to pursue more timely reporting of employment information for newly hired contracted staff, MDE is seeking multiple corrective action steps as listed below:
1. Jointly sought legislative changes with the Center for Educational Performance and Information (CEPI) to require more frequent reporting of employment data by school districts. This change was introduced, and signed on 7/20/2023, through [Public Act 103 of 2023](#) by the governor. Resulting changes to impacted data systems are anticipated to begin rolling out as of Fall 2023.
  2. Implement data system revisions to accommodate the legislative changes. MDE and CEPI are already in process of building a joint credentialing and employment system. The anticipated deployment of this new system is the end of 2025. Due to constraints within the current systems, the legislated changes will be implemented in the new system.
  3. Increase training and communications to the field around employment data reporting. Work has been underway over the past year to improve communications and messaging in trainings, continued efforts will occur throughout the coming year with an anticipated compliance date of December 2025.

Anticipated Compliance Date: December 2025

Responsible Individual: Delsa D. Chapman, Ed.D., Deputy Superintendent

**Finding Number 3**

Finding Title: Improvements needed to ensure employing school districts are consistently notified of Rap Back criminal convictions.

**Department Response**

Management Views: Agree

Planned Corrective Action and Milestones (Management Response):

The OAG made two recommendations.

- a. The first recommendation was for MDE to notify the employing school district when it receives notice a contracted individual working in the district has been convicted of a crime, as required. MDE has already addressed the first recommendation and corrected the issue noted. Process changes were implemented in 2019 to automate the way in which districts were notified, removing the gap identified by the auditors.
- b. The second recommendation was for MDE to seek legislative clarification to determine whether its practice of placing reliance on school district superintendents to notify their respective board or governing body met and/or meets the intent of, and/or is supported by, *Michigan Compiled Laws (MCL)* Section 380.1230d(7) and if remedial actions may be necessary. MDE is seeking legislative changes to improve the procedures for ensuring that the appropriate parties are notified.

Anticipated Compliance Date: December 2025

Responsible Individual: Delsa Chapman, Ed.D., Deputy Superintendent

#### **Finding Number 4**

Finding Title: Improvement needed in MDE's Rap Back removal process.

#### **Department Response**

Management Views: Partially agrees.

Planned Corrective Action and Milestones (Management Response):

To address the OAG recommendation that MDE strengthen controls to ensure its removal of contracted staff from the Rap Back criminal conviction monitoring process is appropriate, MDE is seeking multiple corrective action steps as detailed in Finding 2:

1. Jointly sought legislative changes with the Center for Educational Performance and Information (CEPI) to require more frequent reporting of employment data. This change was introduced, and signed on 7/20/2023, through [Public Act 103 of 2023](#) by the governor. Resulting changes to impacted data systems are anticipated to begin rolling out as of Fall 2023.
2. Implement data system revisions to accommodate the legislative changes. MDE and CEPI are already in process of building a joint credentialing and

employment system. The anticipated deployment of this new system is the end of 2025. Due to constraints within the current systems, the legislated changes will be implemented in the new system.

3. Increase training and communications to the field around employment data reporting. Work has been underway over the past year to improve communications and messaging in trainings, continued efforts will occur throughout the coming year with an anticipated compliance date of December 2025.

Anticipated Compliance Date: December 2025

Responsible Individual: Delsa D. Chapman, Ed.D., Deputy Superintendent