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S.B. 247: FLOOR ANALYSIS

Senate Bill 247 (as reported without amendment)

Sponsor: Senator Jason E. Allen

Committee: Education

CONTENT

The bill would amend the Revised School Code to include special education personnel in requirements for State Police and FBI criminal history checks, and require a school district, public school academy, or nonpublic school to notify an applicant if a criminal history check revealed a felony conviction or a conviction of a misdemeanor involving sexual or physical abuse.

Under the Code, before a school district, local act school district, or intermediate school district (ISD), or the governing body of a public school academy (PSA) or nonpublic school hires an individual for a position as a teacher or school administrator, or for a position requiring State Board of Education approval, the district, PSA, or nonpublic school must request the State Police to conduct both a State criminal history check and a criminal records check through the Federal Bureau of Investigation on the individual. Under the bill, these requirements also would apply to the employment of an individual for a position providing special education services directly to pupils.

If the results of a State police or FBI criminal background check revealed that the individual had been convicted of a felony or of a misdemeanor involving sexual or physical abuse, the bill would require the school district, local act school district, ISD, public school academy, or nonpublic school to give the person written notice of those results.

Under the Code, the information may be used only for specific purposes. Under the bill, the criminal background information also could be used for the purpose of notifying the individual of the results, as the bill would require. In addition, the Code generally prohibits a school board member or school employee from disclosing State Police or FBI records check results, except any felony conviction or a misdemeanor conviction involving sexual or physical abuse, to any person who is not directly involved in evaluating the individual's qualifications for employment. Under the bill, the results also could be disclosed to the applicant or the individual.

MCL 380.1230 & 380.1230a Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 6-28-05 Fiscal Analyst: Joe Carrasco