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**BILL ANALYSIS**

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Senate Bill 247 (as introduced 2-23-05)
Sponsor: Senator Jason E. Allen
Committee: Education

Date Completed: 6-21-05

CONTENT

The bill would amend the Revised School Code to do the following:

- Include special education personnel in requirements for State Police and FBI criminal history checks.**
- 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, when 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 makes an offer of initial employment to 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 a criminal history check on the individual from the criminal records division of the Department of State Police. Before employing the individual as a regular employee, the district, PSA, or nonpublic school must have received the State Police report.

In addition, the board of a school district, local act school district, or ISD, or the governing body of a PSA or nonpublic school must request the State Police to conduct a criminal records check through the Federal Bureau of Investigation on an applicant for, or an individual who is hired for, a position as a teacher or school administrator, or a position requiring State Board approval.

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 criminal history check or an FBI criminal records check revealed that the applicant or 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.

Presently, a school district, ISD, PSA, or nonpublic school may use State Police criminal history record information only for the purpose of evaluating a person's qualifications for employment. A district, PSA, or nonpublic school may use the results of an FBI criminal records check only for the purpose of evaluating the person's qualifications; voiding the person's employment contract, if he or she is employed as a conditional employee; sharing the results with another district or school for an applicant for a substitute teacher position;

or sharing the results with another district or school with the applicant's consent. Under the bill, the criminal history information and criminal records check results also could be used for the purpose of notifying the individual of the results, as the bill would require.

In addition, the Code prohibits a school board member or school employee from disclosing a State Police report 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 (subject to the exceptions for use of the FBI results). Under the bill, the State Police report and FBI results also could be disclosed to the applicant or the individual.

MCL 380.1230 & 380.1230a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

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

Fiscal Analyst: Joe Carrasco

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