



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 1252 (as reported without amendment)
Sponsor: Senator John J. Gleason
Committee: Education

(as enrolled)

Date Completed: 7-16-08

RATIONALE

The Revised School Code requires all employees and contract workers working at a school to undergo criminal background checks, in order to help ensure that individuals who have committed certain crimes are not allowed to work in close contact with children. This requirement can be problematic for some employees, such as substitute teachers, who may work at more than one school. To help simplify the process and avoid unnecessary duplication of efforts, the Code permits a school district, intermediate school district (ISD), public school academy (PSA), or nonpublic school to get confirmation from another district, ISD, PSA, or nonpublic school that a substitute teacher does not have a criminal record, with the individual's written permission. It has been suggested that those provisions be extended to substitute bus drivers, who also often work in more than one location.

CONTENT

The bill would amend the Revised School Code to permit the board of a school district, intermediate school district, public school academy, or nonpublic school to use the results of a criminal history check and criminal records check obtained by another district, ISD, PSA, or nonpublic school to confirm that a substitute bus driver did not have any criminal history, if the individual agreed in writing to permit the sharing of that information.

Under the Code, the board of a school district, ISD, PSA, or nonpublic school must request from the criminal records division of the Michigan State Police (MSP) a criminal

history check and request the MSP to conduct a criminal records check through the FBI for an individual upon an offer of initial employment or when officials learn that the individual is being assigned to work regularly and continuously under contract at any of its schools.

In addition, by July 1, 2008, the board of a school district, ISD, PSA, or nonpublic school must have requested a criminal history check and a criminal records check for each individual who either is a full-time or part-time employee of the district, ISD, PSA, or nonpublic school or is assigned to work regularly and continuously under contract in any of its schools.

For an applicant for a position as a substitute teacher, or an individual working regularly and continuously under contract in more than one district, if the applicant or individual agrees in writing to allow a district, PSA, or nonpublic school to share the results of the criminal history check or the criminal records check with another district, PSA, or nonpublic school, then, instead of requesting a criminal history check and criminal records check, a district, PSA, or nonpublic school may use a report received by another district, PSA, or nonpublic school or maintained by the Department of Education to confirm that the applicant or individual does not have any criminal history.

Under the bill, those provisions also would apply to an applicant for a position as a substitute bus driver and an individual employed or regularly and continuously working under contract as a substitute bus driver.

MCL 380.1230 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Substitute bus drivers, like substitute teachers, work only when and where they are needed and often serve more than one school district. While it is important to conduct thorough background checks to help assure the safety of all schoolchildren, requiring each school district to conduct duplicate checks for an individual who may work only a few hours a week in each district is an unnecessary waste of time and resources. The bill would allow school districts, ISDs, PSAs, and nonpublic schools to share criminal background check information on substitute bus drivers in order to maintain adequate protections while eliminating the duplication of efforts. These provisions would be the same as those currently in place for substitute teachers. To protect an individual's privacy, the information could be shared only with his or her written permission.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State government.

If a school district's or intermediate school district's policy is to pay for the cost of a criminal background check on substitute bus drivers, then this legislation could provide savings to the hiring entity, if that entity were able to obtain the records from another district. The total cost for each background check (State and Federal analysis) is \$49.25.

Fiscal Analyst: Kathryn Summers-Coty

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.