

BACKGROUND CHECKS FOR STUDENT TEACHERS

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House Bill 5543 as introduced
Sponsor: Rep. Jim Runestad
Committee: Education Reform
Complete to 10-30-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5543 would amend the Revised School Code to require that school districts, intermediate school districts (ISDs), and public school academies (PSAs, or charter schools) subject a student teacher to the same criminal history check requirements they would if they were employing that individual.

The bill would take effect 90 days after enactment.

Proposed MCL 380.1230j

BACKGROUND:

Current background check rules

Section 1230 of the Code requires, with limited exceptions, that the board of a district or ISD or the governing body of a PSA or nonpublic school have requested an applicant's criminal record from the Department of State Police (MSP) and have received that report before the applicant may work full- or part-time or as a regular and continuous contract worker. These requirements were instituted by Public Act 99 of 1992 (House Bill 4569)¹ and took effect in the 1993-1994 school year.

Public Act 83 of 1995 (House Bill 4532)² added a requirement that the board or governing body request the MSP to conduct a criminal records check through the Federal Bureau of Investigation.

If the board or governing body has requested (but not received) the background check, it may conditionally employ or conditionally allow to person to work under contract if the person signs a statement identifying any crimes of which he or she was convicted and agreeing that the employment contract is voidable if the statement is not accurate. Additionally, for certain applicants, the board or governing body need not obtain a new report if the applicant agrees to allow one district, ISD, PSA, or nonpublic school to share the results of his or her criminal history check with another district, ISD, PSA, or nonpublic school.

¹ Public Act 99 of 1992 / House Bill 4569: <http://legislature.mi.gov/doc.aspx?1991-HB-4569>

² Public Act 83 of 1995 / House Bill 4532: <http://legislature.mi.gov/doc.aspx?1995-HB-4532>

If the report disclosed that the individual had been convicted of a listed offense and the district, ISD, PSA, or nonpublic school verified that information, the person could not be employed by or work under contract at the district, ISD, PSA, or nonpublic school. If the report disclosed conviction for a felony other than a listed offense and that conviction was confirmed, the district, ISD, PSA, or nonpublic school could not employ or contract with the individual unless the superintendent or chief administrator and the governing board or governing body each specifically approved the employment or work assignment. The Code also requires the retention of certain documents and forbids disclosure of most information obtained through the report.

(Background checks are not required for an individual under 20 years old who is enrolled as a general education student at a district, ISD, PSA, or nonpublic school or for one under 27 years old who is enrolled in special education at a district, ISD, PSA, or nonpublic school.)

FISCAL IMPACT:

The bill could minimally increase administrative costs to the state, and it could increase costs to local school districts, ISDs, PSAs, and universities to the extent that they do not pass the cost of background checks onto the student teacher.

The Michigan Department of Education could incur an initial minimal administrative cost increase to coordinate and implement the expanded background check policy with districts and universities.

Background check costs are generally borne by the applicants, though some school districts and universities may pay the fee themselves. The total cost for one criminal history background check is \$42, which consists of state (\$30) and federal (\$12) fees.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.