



**House
Legislative
Analysis
Section**

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CRIME CHECKS AFTER HIRING

House Bills 4512 and 4513
Sponsor: Rep. Terry London
Committee: Education

Complete to 4-15-93

A SUMMARY OF HOUSE BILLS 4512 AND 4513 AS INTRODUCED 3-17-93

Beginning with the 1993-94 school year, school districts and nonpublic schools are required to get a criminal history report from the state police before making an offer of initial employment for a position as a teacher or administrator (and for certain other posts).

House Bill 4512 would amend the School Code (MCL 380.1230) to allow schools to hire an individual without such a report if:

-- the hiring was done during the school year or within 30 days of the beginning of the school year;

-- the school board or governing body requested the required criminal history check before making the offer of initial employment; and

-- the individual signed a statement declaring that he or she had never been convicted of a crime and agreeing that should the requested report reveal that not to be true, the employment contract would be voidable at the option of the board or governing body.

The bill would specify that if a report revealed a person just hired had been convicted of a crime, the board or governing body could void the person's employment contract and the employment would then be terminated. A collective bargaining agreement that would otherwise apply to the person's employment would not apply in such circumstances, and the district or nonpublic school would not be liable for the termination.

House Bill 4512 also would permit a school district or nonpublic school to share a state police report with another district or school if a person was being considered for employment at more than one school and the applicant agreed in writing to the sharing of the report.

House Bill 4513 would amend the Public Employment Relations Act (MCL 423.215a) to specify that employees with voidable employment contracts referred to above would be subject to the voidable contract provisions of the School Code created by House Bill 4512.

House Bills 4512 and 4513 (4-15-93)