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**SFA****BILL ANALYSIS**

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Senate Bill 751 (as introduced 10-14-97)  
Sponsor: Senator Joel D. Gougeon  
Committee: Education

Date Completed: 2-25-98

### **CONTENT**

The bill would amend the Revised School Code to prohibit a school district, public school academy, or intermediate school district from employing or continuing to employ in any position a person who had been convicted of a crime listed in the Code's provisions for the suspension of a person's teaching certificate, a school administrator's certificate, or State Board of Education approval. The bill specifies that it would apply whether or not the position required a teaching certificate or State Board approval and whether or not the conviction resulted in suspension or revocation of teacher certification or State Board approval, as defined in the Code.

Under the Code, the State Board must notify a person that his or her teaching certificate, school administrator's certificate, or State Board approval may be suspended if he or she is convicted of any felony or any of the following misdemeanors, or misdemeanor violations of any of the following: committing or attempting to commit fourth-degree criminal sexual conduct; committing or attempting to commit third- or fourth-degree child abuse; cruelty, torture, or indecent exposure involving a child; delivering or distributing a Schedule 1 or 2 controlled substance to a minor or to a minor on school grounds or distributing marihuana without remuneration (MCL 333.7410); breaking and entering (MCL 750.115); consumption or possession of alcohol or controlled substances by minors at a social gathering (MCL 750.141a); accosting, enticing, or soliciting a child for immoral purposes (MCL 750.145a); committing larceny from a vacant building (MCL 750.359); assault and battery, or domestic assault (MCL 750.81); assault and infliction of serious injury (MCL 750.81a); child sexually abusive activity or material (MCL 750.145c); or, selling or furnishing alcoholic liquor to a person under 21 years of age (MCL 436.33).

The Code defines "state board approval" as a license, certificate, endorsement, permit, approval, or other evidence of qualifications to hold a particular position in a school district, intermediate school district, or nonpublic school other than a teacher's certificate or a school administrator's certificate, that is issued to a person by the State Board under the Code or a rule promulgated under the Code.

MCL 380.1245

Legislative Analyst: L. Arasim

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on the State and could increase the costs of local and intermediate school districts (ISDs) and public school academies.

The bill would place a new requirement on hiring by local school districts, ISDs, and public school academies. Complying with the requirement could increase local administrative expenses. The proposed language potentially could be interpreted as a State mandate under Article IX, Section 29 of the State Constitution. In that event, a State appropriation would be required for the necessary cost of implementing the bill.

Currently, background checks are required for teachers, administrators, and school bus drivers. Staff from the State Police have indicated that the current fee for a check of an individual's fingerprints against State and Federal records is \$39. A check based on an individual name is \$5.

Fiscal Analyst: E. Pratt

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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.