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BILL ANALYSIS

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Senate Bill 196 (Substitute S-1 as reported)
Sponsor: Senator Ron Jelinek
Committee: Education

Date Completed: 5-3-05

RATIONALE

Under the Revised School Code, in order for a person to be employed as a teacher, he or she must undergo a criminal background check and, with certain exceptions, the school board of the employing district or the governing body of the public school academy (PSA) must receive a report on the background check before hiring the teacher. In addition, the Code prohibits a school board from allowing a teacher who does not hold a valid teaching certificate to teach in a school in that district, although a school board may employ a person without a teaching certificate as a substitute teacher if he or she has at least 90 semester hours of college credit. Some people believe that it would be worthwhile to students, schools, and sitting legislators if the legislators were encouraged to serve as volunteer substitute teachers on a short-term basis. To that end, it has been suggested that current legislators serving as substitute teachers on a voluntary basis be excused from the criminal background check requirement for teachers, and that legislators not be required to have at least 90 semester hours of college credit or to hold a substitute teacher permit in order to serve as a substitute teacher for up to five days per school year.

CONTENT

The bill would amend the Revised School Code to exclude a currently serving State legislator, who served as a volunteer substitute teacher without pay, from the Code's criminal background check requirements. The bill also specifies that the Code's teacher certification requirements would not apply to a legislator who

served in that capacity for not more than five school days per school year.

Criminal Background Checks

The Code requires the board of a school district, local act school district, or intermediate school district or the governing body of a PSA making 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, to request a criminal history check of the individual from the Michigan Department of State Police (MSP). A school board or PSA governing body also must request the MSP to conduct a criminal records check through the Federal Bureau of Investigation (FBI).

With certain exceptions, the school board or PSA governing body must receive a report on the individual's State and FBI criminal background checks before employing him or her as a regular employee. For an applicant for a position of substitute teacher, a school board or governing body may use a report received by another district, PSA, or nonpublic school, or maintained by the Department of Education, to confirm that the individual does not have a criminal history.

Under the bill, the Code would not require a State criminal history or FBI criminal records check on a person currently serving as a member of the Michigan Senate or House of Representatives who served as a substitute teacher, as a volunteer without pay. A school district, PSA, or nonpublic school, at its own expense, could obtain a State

criminal history or FBI criminal records check on the legislator.

Teaching Certificate

The Code generally prohibits a school board from allowing a teacher who does not hold a valid teaching certificate to teach in the school. A school board may employ a person without a teaching certificate as a substitute teacher, however, if he or she has at least 90 semester hours of credit from a college or university.

Under the bill, a school board could employ or assign a person without a teaching certificate to serve as a substitute teacher if the person met at least one of the following:

- He or she had at least 90 semester hours of credit from a college or university.
- He or she was a currently serving member of the Michigan Senate or House and served as a substitute teacher, as a volunteer without pay, for not more than five school days per school year.

A legislator who served as a volunteer substitute teacher for not more than five school days per school year would not be required to hold a substitute teacher permit in order to serve in that capacity.

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

Legislators of all career backgrounds must deal with issues involving education policy, including classroom instruction and teacher performance. Serving occasionally as a substitute teacher could familiarize a sitting legislator with education policy issues, and that experience could be beneficial to school officials and students, too. In order for a legislator to serve as a substitute teacher, however, he or she must undergo State and Federal criminal background checks and meet the minimum standards for teacher certification or substitute teacher qualification. Even a legislator who had a career as a teacher before being elected to office may not serve as a substitute teacher, unless those requirements are met and

qualifications are up to date. By excusing a current legislator from some of the teacher requirements, the bill could encourage legislators to experience the classroom first-hand, which could equip them with broader and more relevant information for addressing matters of education policy in the Legislature. Allowing legislators to serve in the classroom also would benefit school officials and students by exposing them to an elected official and his or her experience in setting public policy.

Response: A substitute teacher's role in the classroom is to follow the regular teacher's lesson plan for the day or days that the substitute is filling in for that teacher, not to bring his or her own experience from other careers into the classroom. A legislator can accomplish this by appearing as a guest speaker in a civics class or making a presentation at a school's career day activities, which many legislators already do.

Opposing Argument

While encouraging legislators to serve in the classroom may be a good idea, excusing them from qualification criteria that all others must meet would result in a double standard. If a legislator wishes to serve as a substitute teacher, he or she should simply meet the current requirements and seek a position, just like any other substitute teacher. Most legislators reportedly have the 90 credit hours of college courses required for substitute teaching, and should have no objection to a criminal background check since they have faced public scrutiny in the election process.

Response: Most legislators' backgrounds likely have been thoroughly examined, so there would be no need to pursue the background check required of teacher applicants. Under the bill, however, a school district that wanted to run a background check on a legislator could do so. Also, some legislators may not have the college credentials required by the Code for substitute teachers, but they may have practical experience that could be beneficial in the classroom. In addition, requiring legislators to meet the criminal background check and teacher credential requirements could discourage them from substitute teaching, while the bill would promote that service.

Opposing Argument

Being an elected legislator does not, in itself, qualify a person to serve as a classroom teacher. Encouraging an individual who may not be qualified as a teacher to volunteer as a substitute would serve no one well.

Response: Legislators who felt qualified to lead a classroom would be the ones most likely to try substitute teaching. In addition, the bill would not require a school district or PSA to hire a legislator as a substitute. If a district or PSA considered a legislator to be unqualified, it could choose not to call him or her for substitute duty.

Opposing Argument

Encouraging legislators to volunteer as substitute teachers, without pay, could deprive someone trying to make a living as a substitute teacher of a day's wages. A school administrator faced with the decision of hiring a professional substitute teacher for the day, or asking a legislator to volunteer his or her time, could be swayed by the cost saving of assigning a legislator to the classroom. While this could save the school district a small amount of money, it could represent a significant dent in the wages of a substitute teacher.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Joe Carrasco

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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.