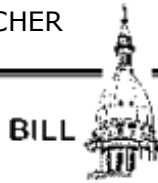




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BILL ANALYSIS

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

Date Completed: 4-28-05

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 public school academy (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.

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.