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House Bill 6173 (Substitute S-2 as reported by the Committee of the Whole)

House Bill 6174 (Substitute H-1 as reported without amendment)

Sponsor: Representative Shelley Goodman Tubb (H.B. 6173)

Representative Tonya Schuitmaker (H.B. 6174)

House Committee: Education

Senate Committee: Education

CONTENT

Senate Bill 6173 (S-2) would amend the Revised School Code to do the following:

- Extend to contract workers current provisions that allow a school district, intermediate school district (ISD), public school academy (PSA), or nonpublic school under certain circumstances to employ individuals conditionally while criminal history and criminal records checks are being processed, and to share the results of a criminal history or criminal records check with another district or school, with the individual's written permission.
- Require a school district, ISD, PSA, or nonpublic school to retain the results of an individual's criminal background checks in his or her employment records.
- Allow a school district, ISD, PSA, or nonpublic school to use results maintained by the Department of Education (DOE) to confirm that an individual did not have any criminal history.
- Require a school district, ISD, PSA, or nonpublic school to verify a report of certain convictions or the results of a criminal history check or criminal records check using public records before taking any action based on the report.
- Require the DOE to provide schools with information on how to verify a conviction using public records.
- Require a school district, ISD, PSA, or nonpublic school, if it received a report of certain convictions by an employee or contract worker, to report the information and any action taken to the Department of Education within 30 days; and require the DOE to maintain a copy of the report for at least six years.
- Specify that if the required criminal history and criminal records checks had been completed for an individual, then another check would not be required for that individual as long as he or she remained employed or working regularly and continuously under contract for the same employer with no separation from service in any school district, ISD, PSA, or nonpublic school in the State; and specify that a layoff or leave of absence of one year or less would not be considered a separation from service.
- Expand a current requirement for an automated program that compares registered educational personnel and others with conviction information from the State Police, to include any other DOE list of individuals employed by or working regularly and continuously under contract in a school.
- Prohibit a school district, ISD, PSA, or nonpublic school from employing an individual who did not comply with a requirement to provide fingerprints for a criminal records check or to give written consent for a criminal history check.
- Provide that a conviction of a listed offense would demonstrate that an individual was unfit to teach elementary or secondary school in the State, and would be sufficient to warrant the suspension or revocation of his or her teaching certificate or State Board of Education approval.
- Require an interscholastic athletic official to undergo criminal background checks.

Senate Bill 6174 (H-1) would amend the child care licensing Act to do the following:

- Provide that if a child care center or day care center that was operated by a school district, ISD, PSA, or nonpublic school applied for or renewed a license under the Act, the required criminal history and criminal records checks would have to comply with the Revised School Code.
- Provide that a person or entity applying to renew a license to operate a child care center, day care center, or group day care home, or a certificate of registration to operate a family day care home, would not have to undergo criminal history and criminal records checks if the person or entity had remained licensed continuously after an initial criminal history and criminal records check.

MCL 380.1230 et al. (H.B. 6173)
722.115 et al. (H.B. 6174)

Legislative Analyst: Curtis Walker

FISCAL IMPACT

House Bill 6173 (H-1) likely would increase costs to the State for two reasons: 1) By requiring the Department of Education to include in its list of registered educational personnel all individuals employed and all individuals assigned to work regularly and continuously under contract, the bill would result in increased costs for the Center for Educational Performance and Information; and 2) by including any DOE-maintained lists of individuals employed or regularly and continuously working under contract in a school in an automated program that compares the Department's list of registered educational personnel with conviction information, the bill would result in increased costs for the Department of Information Technology. The Department of Education also could see a slight increase in costs associated with the requirement to make available to school districts, intermediate school districts, public school academies, and nonpublic schools information on how to verify a conviction using public records. In addition, the Department could see some increased costs for the required storing of school reports, for at least six years, detailing an individual's conviction of a listed offense or a separate felony conviction and action taken by the school.

School districts, intermediate school districts, and public school academies likely would see some increased costs when using public records to verify that an individual had been convicted of a listed offense, as required by this legislation. Also, increased costs are likely because these entities would be required to submit to the Department of Education a report detailing individuals' convictions of listed offenses and any action taken as a result. For schools paying the cost of criminal history and background checks, the legislation could provide relief from some costs by allowing, with permission from the individual, the sharing of results of criminal history checks among districts for individuals regularly and continuously working under contract in more than one school, or for individuals currently employed by (or on leave from) one school who are applicants for employment in a school other than the one that originally received the results of the criminal history checks.

House Bill 6174 (H-1) would have no fiscal impact on the Department of Human Services.

Date Completed: 12-7-06

Fiscal Analyst: Constance Cole
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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.