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Mich. Sex-Offender Law Has Educators in Uproar

By Lesli A. Maxwell

A new state law meant to purge Michigan schools of sex offenders has stirred up a fierce dispute over privacy rights, as innocent school employees have begun learning that they have been misidentified as criminals.

The Student Safety Initiative, a series of laws that took effect Jan. 1, requires Michigan school districts to obtain criminal-background checks and digital fingerprints for the roughly 200,000 public school employees in the state. State law had already required fingerprints for teachers and other professional staff members who work directly with students.

The new law mandates that the names of all school employees, whether they work with students or not, be run through a Michigan State Police criminal-history database every six months until July 2008, when all districts must have completed digital fingerprint records for employees.

At least nine other states have similar laws requiring all public school employees—from principals to custodians—to undergo criminal-history checks and have their fingerprints taken, according to the National Education Association. Most other states give authority to local school districts to conduct background checks and require fingerprints for school employees.



Craig DeRoche

Results from the first round of background checks in Michigan have sparked angst and outrage among some employees and prompted the state's largest teachers' union to demand that the results be voided.

The controversy erupted Feb. 2, when school employees across Michigan, many of them teachers, were summoned by local administrators to be told that their names matched those of convicted criminals tracked by the state police's criminal-history index.

Any employee found to be a convicted sex offender must be fired under the new law. District superintendents and school board members have discretion to fire or continue to employ individuals found to be convicted of other serious felonies.

The Michigan Education Association, which represents 157,000 school employees

statewide, has received roughly 200 phone calls from members who say they've been mistakenly identified as criminals.

One, Tina VanSickle, is a 39-year-old middle school computer teacher and varsity-cheerleading coach in Morley, a town 30 miles north of Grand Rapids. Ms. VanSickle, who said she's never even had a parking ticket, learned from her superintendent that her background check turned up seven misdemeanor convictions and a felony conviction for breaking and entering.

"At first, I just laughed," Ms. VanSickle said. "I've never been in trouble for anything. And then I thought, 'Why didn't they do a better job of figuring out if these results are actually right?'"

Ms. VanSickle said she shelled out \$75 to be fingerprinted and clear her name.

Union leaders are calling for the Michigan Department of Education to scrap the results and start over with the background checks. They point to mistakes across the state, including a teacher in Grosse Pointe who would have been 9 years old when she committed the armed robbery that showed up on her background check.

"It's just absurd and potentially so damaging for these people," said Rosalie Bryk, the president of the local teachers' union in Grosse Pointe.

Martin Ackley, a spokesman for the education department, said last week that so far, school districts had not reported any firings based on the background-check results. He acknowledged several reports of mistakes, or "false positives," but said the plan all along was to have local school officials sort out the inaccuracies.

"Of course, we expected that there could be situations where a criminal used a person's name or Social Security number or had a similar name," Mr. Ackley said. "The intent of sending the lists out to districts was to have them be a final and more direct filter for these matches."

Newspapers Seek Release

Chad Canfield, the manager of the state police department's criminal-history unit in Lansing, said two sets of criteria were used to determine if a school employee was a match with a convicted criminal in the database. State police used employee information supplied to them by the state education department, he said.

If an employee's name, date of birth, and gender matched those of someone in the index (all three were required), state police included that employee on the list. If an employee's Social Security number matched one in the index, he or she was also included on the list, Mr. Canfield said.

“That’s where most of the problems seem to have been,” said Mr. Canfield, referring to the matches of Social Security numbers. He stressed that without fingerprints, which are unique, there is no guarantee the matches will be accurate.

“This is an index filled with information provided by people at the time of their arrest,” he said. “Many of them find it in their best interest not to be honest when they are arrested.”

Still, Mr. Canfield said, much more analysis of the results could have been done to eliminate inaccuracies. He said the education department did not ask the state police to analyze any results, only to run the names.

“Next time we do this, we need to filter this information more,” Mr. Canfield said.

Margaret Trimer-Hartley, a spokeswoman for the Michigan Education Association, said that ideally no lists would be compiled until every employee could be fingerprinted.

“That would be the most responsible course of action at this point,” Ms. Trimer-Hartley said.

At the same time, the MEA, an affiliate of the National Education Association, is fighting efforts by Michigan newspapers to force the state department of education to release the names of employees convicted of crimes.

Rep. Craig DeRoche, the Republican speaker of the Michigan House, has introduced a bill to force the release as well, arguing that parents need to know if convicted criminals are working in their children’s schools.

The union won a temporary restraining order to bar release of the list last month. A hearing in an Ingham County court was to be held Feb. 10 to determine if the ban would remain in place.

The *Detroit News* reported in late January that results of the background checks had revealed more than 4,600 criminal offenses among the state’s 200,000 school employees. Of those, the newspaper reported, 2,200 were felonies, including murder, sex offenses, and kidnapping.

Mr. Ackley, the education department spokesman, disputed those numbers. He declined to offer other figures, however, saying he was barred by the restraining order from doing so.

"Missing Information," September 14, 2005.

"State Dept. Proposes Safety Measures for Exchange Students," August 31, 2005.

"Finger-Scanning Technology Monitors School Employees," October 23, 2002.

"Right To Teach in Calif. Denied Without Prints," April 29, 1998.


"Schools, Parents Grapple With 'Megan's Law'," April 15, 1998.

"N.J. Bill Requires Criminal Checks for Employees," November 9, 1994.

See other stories on education issues in **Michigan**. See **data** on Michigan's public school system.

For background, previous stories, and Web links, read **Violence and Safety**.

RESOURCES ON THE WEB

Read the Michigan **House of Representatives** and **Senate** versions of a bill that requires criminal background checks on all school employees. Posted by the **Michigan Legislature**. 

In a Feb. 6 press release, the **Michigan Education Association** asked state House Speaker Craig DeRoche to **pass a law to withdraw a list** that inaccurately identifies school employees as criminals.

The **Michigan Association of School Boards** offers more information about the **Student Safety Initiative**. (Requires Microsoft Word.)

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