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BILL ANALYSIS

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House Bill 5675 (Substitute S-1 as reported)
Sponsor: Representative Rick Baxter
House Committee: Education
Senate Committee: Judiciary

CONTENT

The bill would amend the Revised School Code to do all of the following:

- Require the Michigan Department of State Police (MSP) and the Michigan Department of Education (MDE) to ensure the accuracy of school personnel conviction information.
- Specify that a record prepared from a comparison of school personnel with conviction information would be exempt from the Freedom of Information Act (FOIA) for 14 days, and limit the availability of the information after that time.
- Define "regularly and continuously work under contract" to identify the contractors who are subject to the Code's criminal background check requirements.

The Code requires the MDE and the MSP to compare the MDE's list of school personnel with conviction information received by the MSP twice annually until July 2008. If a comparison discloses a conviction, the MDE must notify the employing district or school. The bill would require the MSP to take all reasonable and necessary measures using the available technology to ensure the accuracy of the comparison before transmitting the information to the MDE. The MDE would have to take the same measures before notifying a district or school of a conviction.

The bill would exempt from disclosure under FOIA a record prepared by a State agency under the comparison provisions described above for 14 days after the district or school received it. If any of that information were determined during that period to be inaccurate, it would continue to be exempt. After the 14-day period, an employee, school board member, or school official could disclose the information only if it concerned a conviction for a misdemeanor involving sexual or physical abuse or any felony.

The Code's criminal background check requirements apply to a district's or school's applicants and current employees as well as individuals who "regularly and continuously work under contract" in schools. "Regularly and continuously work under contract" would mean to work at school on a more than intermittent or sporadic basis under contract with a district or school to provide food, custodial, transportation, counseling, or administrative services, or to provide instruction to pupils or related and auxiliary services to special education pupils.

MCL 380.1230 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Date Completed: 3-1-06

Fiscal Analyst: Kathryn Summers-Coty

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Analysis available @ <http://www.michiganlegislature.org>

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