



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 6043 (Substitute S-2 as reported)  
Sponsor: Representative Clara Clemente  
House Committee: Law and Justice  
Senate Committee: Judiciary

**CONTENT**

The bill would amend the Revised School Code to require a school district, intermediate school district (ISD), public school academy (PSA), or nonpublic school to submit a report to the Department of Education detailing information it received and any action taken as a result, under the following circumstances:

- The district, PSA, or nonpublic school received information about an applicant from a previous employer concerning an act that resulted in disciplinary action or the nonrenewal of a contract and that was an act of immorality, inappropriate behavior involving a minor, or a crime against a minor.
- The district, PSA, or nonpublic school received information about unprofessional conduct relating to a full- or part-time employee or an individual assigned to regularly and continuously work under a contract, that resulted in disciplinary action or the nonrenewal of a contract.

The Department would have to maintain a copy of the reports for six years.

The bill specifies that the Department, school district, ISD, PSA, or nonpublic school, or an employee of any of these entities, would be immune from civil liability for the good faith disclosure of applicant or employee documents relating to unprofessional conduct. The bill states a presumption that the Department, district, PSA, or nonpublic school, or employee was acting in good faith at the time of a disclosure, unless a preponderance of the evidence established that the disclosing entity or employee knew that the information was false or misleading or disclosed the information with a reckless disregard for the truth, or the disclosure was prohibited by a State or Federal statute.

MCL 380.1230b et al.

Legislative Analyst: Jeff Mann

**FISCAL IMPACT**

The bill would add costs to the Department of Education, ISDs, local school districts, and PSAs. The Department would experience additional administrative costs to collect and store reports of unprofessional conduct from ISDs, school districts, and PSAs. The costs would vary depending on whether the reports were emailed, mailed, or added to a database directly, which would add either postage or information technology costs. Depending on the amount of activity, the Department could require an additional FTE position.

School districts, ISDs, and PSAs could incur additional administrative costs from completing the reports and submitting them to the Department. The costs would depend on the number of times a school district, ISD, or PSA received information about unprofessional conduct.

Date Completed: 6-11-18

Fiscal Analyst: Cory Savino

[floor/hb6043](#)

Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

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.