



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

## BILL ANALYSIS



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

House Bill 6043 (as passed by the House)  
Sponsor: Representative Cara Clemente  
House Committee: Law and Justice  
Senate Committee: Judiciary

Date Completed: 6-4-18

**CONTENT**

**The bill would amend the Revised School Code to require a school district, intermediate school district, public school academy, or nonpublic school to submit information to the Department of Education reports regarding unprofessional conduct of an employee or an applicant for employment.**

Under the Code, before hiring an applicant for employment, a school district, intermediate school district (ISD), public school academy (PSA), or nonpublic school must request the applicant to sign a statement that authorizes his or her current or former employer to disclose any unprofessional conduct by the applicant and to make available all documents in the employee's personnel record relating to that conduct. The school district, ISD, PSA, or nonpublic school also must request the applicant's current or former employer to provide that information, if any.

The bill would require a school district, ISD, PSA, or nonpublic school, if it received information about an applicant from a previous employer concerning an act of immorality, moral turpitude, or inappropriate behavior involving a minor, a listed offense involving a minor, or the commission of a crime involving a minor, to submit to the Department of Education, within 60 days after receiving the information, in the form and manner prescribed by the Department, a report detailing the information received and any action taken as a result by the school district, ISD, PSA, or nonpublic school.

The bill also would require a school district, ISD, PSA, or nonpublic school, if a school official received information from an authoritative source related to any unprofessional conduct of an individual who was either a full-time or part-time employee of the district, PSA, or nonpublic school or was assigned to regularly and continuously work under contract in any of its schools, to submit to the Department, within 60 days after receiving that information, in the form and manner prescribed by the Department, a report detailing the information received and any action taken as a result by the school district, ISD, PSA, or nonpublic school.

The Department would have to maintain a copy of a report submitted under the bill for at least six years.

The bill would define "unprofessional conduct" as one or more acts of immorality, moral turpitude, or inappropriate behavior involving a minor; a listed offense involving a minor; or the commission of a crime involving a minor. A criminal conviction would not be an essential element of determining whether a particular act constituted unprofessional conduct.

"Listed offense" would mean that term as defined in the Sex Offenders Registration Act.

"Regularly and continuously work under contract" would mean any of the following:

- To work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with a school district, ISD, PSA, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.
- To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, ISD, PSA, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

"At school" would mean in a classroom, elsewhere on school property, or on a school bus or other school-related vehicle.

"School property" would mean that term as defined in the Sex Offenders Registration Act: a building, facility, structure, or real property owned, leased, or otherwise controlled by a school, other than a building, facility, structure, or real property that is no longer in use on a permanent or continuous basis, to which either of the following applies:

- It is used to impart educational instruction.
- It is for use by students not more than 19 years of age for sports or other recreational activities.

The bill would take effect 90 days after it was enacted.

MCL 380.1230b et al.

Legislative Analyst: Nathan Leaman

### **FISCAL IMPACT**

The bill would add costs to the Department of Education, ISDs, local school districts, and PSAs.

The Department of Education 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 in the form and manner decided by the Department. The costs would depend on the number of times a school district, ISD, or PSA received information about unprofessional conduct.

Fiscal Analyst: Cory Savino

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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.