

Legislative Analysis



REASONABLE MEASURES TO ENSURE ACCURATE CONVICTION REPORTS

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House Bill 5675

Sponsor: Rep. Rick Baxter

Committee: Education

Complete to 2-14-06

A SUMMARY OF HOUSE BILL 5675 AS INTRODUCED 2-14-06

House Bill 5675 would amend the Revised School Code to require that reasonable measures be undertaken to ensure the accuracy of conviction reports issued by the Michigan Department of Education and to revise disclosure requirements.

A law passed earlier in this legislative session directs the Michigan Department of Information Technology to work with the Departments of Education and State Police to develop and implement an automated program that does a comparison of the education department's list of registered educational personnel with the conviction information received by the State Police. This comparison must include convictions contained in a nonpublic record, and the departments must perform the comparison during January and June of each year until July 1, 2008. If a comparison discloses that a person on the personnel list has been convicted of a crime, the department must notify the superintendent or chief administrator, and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed, and the school officials then take action to ensure the safety of school children.

House Bill 5675 would retain these provisions, and also require that the Department of Education take reasonable measures to ensure the accuracy of information under this subsection of the law.

In addition, House Bill 5675 specifies that certain records prepared by the Departments of Education, State Police, and Information Technology (or another state agency) would be exempt from disclosure under the Freedom of Information Act, including those prepared under Sections 1230 to 1230g, 1535a, and 1539b of the Revised School Code, all of which concern criminal records checks and list the many misdemeanor and felony crimes that, if committed, result in school personnel losing their positions of employment.

However, House Bill 5675 also specifies that a record that concerned any felony conviction or concerned a misdemeanor conviction involving sexual or physical abuse would only be exempt for 14 days after the date the record was received by a school district, intermediate school district, public school academy, or nonpublic school. After that time period, the records concerning sexual or physical abuse, and any felony conviction would be subject to disclosure under the Freedom of Information Act.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or on local districts.

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