



HOUSE BILL No. 5060

September 19, 1995, Introduced by Reps. Voorhees, Green, Ryan, Law, Hill, Rhead, Bobier, Walberg, Middleton, Crissman, McBryde, Horton, London, Kaza, Jersevic, McNutt, Bodem, Brackenridge, Goschka, Lowe, Perricone, Jellema, Gustafson, Pitoniak, DeLange, Dalman, Brewer, Porreca, Oxender, Whyman, Bullard, Rocca, Bush, Harder, Baade, Gire, Curtis, Clack, Freeman and Llewellyn and referred to the Committee on Education.

A bill to amend Act No. 451 of the Public Acts of 1976,
entitled as amended

"The school code of 1976,"

as amended, being sections 380.1 to 380.1852 of the Michigan
Compiled Laws, by adding section 1230b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 451 of the Public Acts of 1976, as
2 amended, being sections 380.1 to 380.1852 of the Michigan
3 Compiled Laws, is amended by adding section 1230b to read as
4 follows:

5 SEC. 1230B. (1) A SCHOOL DISTRICT, LOCAL ACT SCHOOL DIS-
6 TRICT, PUBLIC SCHOOL ACADEMY, INTERMEDIATE SCHOOL DISTRICT, OR
7 NONPUBLIC SCHOOL SHALL REQUEST AN APPLICANT FOR EMPLOYMENT TO
8 SIGN A STATEMENT THAT AUTHORIZES THE APPLICANT'S CURRENT OR
9 FORMER EMPLOYER OR EMPLOYERS TO DISCLOSE TO THE SCHOOL DISTRICT,

1 LOCAL ACT SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, INTERMEDIATE
2 SCHOOL DISTRICT, OR NONPUBLIC SCHOOL ANY UNPROFESSIONAL CONDUCT
3 BY THE APPLICANT THAT INVOLVED ANOTHER PERSON AND THAT RESULTED
4 IN SEPARATION FROM EMPLOYMENT, AND TO MAKE AVAILABLE TO THE
5 SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, PUBLIC SCHOOL ACADE-
6 MY, INTERMEDIATE SCHOOL DISTRICT, OR NONPUBLIC SCHOOL ALL OF THE
7 CURRENT OR FORMER EMPLOYER'S RECORDS RELATING TO THAT UNPROFES-
8 SIONAL CONDUCT OR TO THE APPLICANT'S SEPARATION FROM EMPLOYMENT
9 WITH THAT EMPLOYER, AND THAT RELEASES THE CURRENT OR FORMER
10 EMPLOYER FROM ANY LIABILITY FOR PROVIDING THAT INFORMATION. THE
11 BOARD OR GOVERNING BODY OF A SCHOOL DISTRICT, LOCAL ACT SCHOOL
12 DISTRICT, PUBLIC SCHOOL ACADEMY, INTERMEDIATE SCHOOL DISTRICT, OR
13 NONPUBLIC SCHOOL SHALL NOT HIRE AN APPLICANT WHO DOES NOT SIGN
14 THE STATEMENT DESCRIBED IN THIS SUBSECTION.

15 (2) IN THE PROCESS OF HIRING AN APPLICANT FOR EMPLOYMENT WHO
16 HAS SIGNED THE STATEMENT DESCRIBED IN SUBSECTION (1), THE BOARD
17 OR GOVERNING BODY OF A SCHOOL DISTRICT, LOCAL ACT SCHOOL DIS-
18 TRICT, PUBLIC SCHOOL ACADEMY, INTERMEDIATE SCHOOL DISTRICT, OR
19 NONPUBLIC SCHOOL SHALL REQUEST AT LEAST THE APPLICANT'S CURRENT
20 EMPLOYER OR, IF THE APPLICANT IS NOT CURRENTLY EMPLOYED, THE
21 APPLICANT'S IMMEDIATELY PREVIOUS EMPLOYER TO PROVIDE THE INFORMA-
22 TION DESCRIBED IN SUBSECTION (1), IF ANY.

23 (3) INFORMATION RECEIVED UNDER SUBSECTION (2) SHALL BE USED
24 BY A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, PUBLIC SCHOOL
25 ACADEMY, INTERMEDIATE SCHOOL DISTRICT, OR NONPUBLIC SCHOOL ONLY
26 FOR THE PURPOSE OF EVALUATING AN APPLICANT'S QUALIFICATIONS FOR
27 EMPLOYMENT IN THE POSITION FOR WHICH HE OR SHE HAS APPLIED.

1 EXCEPT AS OTHERWISE PROVIDED BY LAW, A BOARD MEMBER OR EMPLOYEE
2 OF A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, PUBLIC SCHOOL
3 ACADEMY, INTERMEDIATE SCHOOL DISTRICT, OR NONPUBLIC SCHOOL SHALL
4 NOT DISCLOSE THE INFORMATION TO ANY PERSON WHO IS NOT DIRECTLY
5 INVOLVED IN EVALUATING THE APPLICANT'S QUALIFICATIONS FOR
6 EMPLOYMENT. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
7 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000.00, BUT
8 IS NOT SUBJECT TO THE PENALTIES UNDER SECTION 1804.

9 (4) THE BOARD OR AN OFFICIAL OF A SCHOOL DISTRICT, LOCAL ACT
10 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, INTERMEDIATE SCHOOL DIS-
11 TRICT, OR NONPUBLIC SCHOOL SHALL NOT ENTER INTO ANY AGREEMENT
12 WITH AN EMPLOYEE OR FORMER EMPLOYEE THAT HAS THE EFFECT OF SUP-
13 PRESSING INFORMATION ABOUT UNPROFESSIONAL CONDUCT OF THE EMPLOYEE
14 OR FORMER EMPLOYEE THAT INVOLVED ANOTHER PERSON AND THAT RESULTED
15 IN SEPARATION FROM EMPLOYMENT.

16 (5) THIS SECTION DOES NOT PREVENT A SCHOOL DISTRICT, LOCAL
17 ACT SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, INTERMEDIATE SCHOOL
18 DISTRICT, OR NONPUBLIC SCHOOL FROM REQUESTING OR REQUIRING AN
19 APPLICANT FOR EMPLOYMENT TO PROVIDE INFORMATION OTHER THAN THAT
20 DESCRIBED IN THIS SECTION.