



**House
Legislative
Analysis
Section**

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SCHOOLS: JOB APPLICANTS

House Bill 5060
Sponsor: Harold S. Voorhees
Committee: Education

Complete to 10-30-95

A SUMMARY OF HOUSE BILL 5060 AS INTRODUCED 9-19-95

The bill would amend the School Code 1) to prohibit school districts, public school academies, and non-public schools from hiring an applicant for employment unless the applicant had agreed to allow the release of information regarding any unprofessional conduct involving another person that led to separation from employment; and 2) to prohibit the board or an official of such districts and schools from entering an agreement with an employee or former employee that has the effect of suppressing information about such unprofessional conduct. (The bill would apply to school districts, local act school districts, and intermediate school districts, as well as to public school academies, and non-public schools.) The bill says it would not prevent a district or school from requesting or requiring applicants to provide other information.

Request for statement by applicant. A district or school would be required to request of a job applicant a statement authorizing the applicant's current or former employer to disclose to the district or school any unprofessional conduct by the applicant that involved another person and that resulted in separation from employment and to make available all of the records relating to the unprofessional conduct. The statement would also have to release the current or former employer from any liability for providing the information. The board or governing body of a district or school could not hire an applicant who did not sign the statement. Further, the board or governing body would have to request the information from at least the applicant's current employer, or, if the applicant was not currently employed, from the applicant's immediately previous employer. The information could be used only for the purpose of evaluating the job applicant for the position sought. Information could not be disclosed to anyone not directly involved in the evaluation. A violation would be a misdemeanor, punishable by a fine of not more than \$10,000. (The bill specifies that a violation would not be subject to the penalties in Section 1804, which provides penalties for the neglect or refusal to perform a required act under the code.)

MCL 380.1230b

House Bill 5060 (10-30-95)