

Legislative Analysis



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STUDENT SCHOOL RECORDS

House Bill 4975 (Substitute H-3)

Sponsor: Rep. Frank Accavitti, Jr.

Committee: Health Policy

Revised First Analysis (11-12-04)

BRIEF SUMMARY: The bill would require schools to request a transferring student's school record, require the sending school to transmit a copy of the record, apply the provisions to public and nonpublic schools, and define school record.

FISCAL IMPACT: The bill would have no fiscal impact to the state, but could create an indeterminate local cost to schools. The bill expands the number and type of documents that are considered to be part of a student's record and therefore must be forwarded to a student's new school under Sec. 1135. Specifically, it requires schools to copy and forward the resulting copies of attendance records, academic records, disciplinary records (including an optional summary of incidents), health records, and individualized education programs, all of which are not currently required to be forwarded. There could be an indeterminate cost to schools in copying and forwarding these documents. In addition, staff time may be necessary to summarize disciplinary incidents should schools choose to do so.

THE APPARENT PROBLEM:

Current law requires a school when enrolling a transfer student to request a copy of the student's school record from his or her previous school and for the sending school to forward a copy within 30 days of the request. However, the school code does not currently specify the information that should be included in these records. The federal No Child Left Behind Act does require that information regarding suspensions and expulsions be forwarded, but school personnel argue that in many situations a student may have numerous incidents recorded in his or her record that warranted some type of disciplinary action on the part of the school but did not rise to the level of an expulsion or suspension. Furthermore, some parents transfer their children out of one school or school district into another as a way of circumventing an impending suspension or expulsion. In such a case, the receiving school is unaware of a child's history of problems in his or her previous school or schools, and so is at a disadvantage to prepare interventions to help the student make a successful transition to the new school environment or to protect other students from potential harm.

Some feel that schools could better provide for the well being and safety of current students, as well as transferring students, if they received more detailed information.

Legislation has been offered to define the term "school record" and to apply reporting provisions to private schools.

THE CONTENT OF THE BILL:

The bill would revise requirements pertaining to student records when enrolling or transferring students, replace the term "student record" with "student school record", and define "school record".

Currently, when a student is enrolled for the first time in a local or intermediate school district, the school district is required to notify the person enrolling the student that the student's birth certificate or other identifying documentation must be provided within 30 days. The school district must notify the local law enforcement agency if the person fails to provide the documentation within the time period or if the affidavit explaining the person's inability to provide a birth certificate appears to be false. House Bill 4975 would amend the Revised School Code to also apply this provision to public school academies.

Furthermore, the code requires a school, within 14 days of enrolling a transfer student, to request in writing from the student's previous school a copy of his or her school record. The bill would expand this provision, as well as the requirement to comply within 30 days, to apply to a school district, intermediate school district, public school academy, or nonpublic school.

"School record", as used in the bill, would be defined as including, but not limited to, the following:

- Attendance record or summary.
- Academic record showing grades completed and courses passed.
- Disciplinary record of all final, pending, and initiated suspensions or expulsions, descriptions of the primary incidents that led to the action to suspend or expel the student, dates when the incidents occurred, and any other information related to the suspension or expulsion that the sending school considers appropriate. This information could be presented in a summary format.
- Health records and information that was part of the student's education record.
- The student's current individualized education program, if any.

MCL 380.1135

ARGUMENTS:

For:

Earlier this year, a student transferred into the Clinton Township school district who had a history of problems in his previous schools, but the receiving school was unaware of his background. Within a short time, this student planned an attack on the school that included explosive devices. The plan was foiled only when the student confided in a student in another state during an online chat of his plans and she told her father, a law

enforcement officer, of the conversation. The father then contacted Michigan law enforcement officials. Had the new school known the student's background, school officials may have been able to diffuse the situation through counseling or other interventions.

The bill would address this concern by defining the term "school records" and by including private schools. Some of the information required to be transmitted is already provided by schools. By including records that contained reports on even pending and initiated suspensions or expulsions, a receiving school would be given a "heads up" that the student may need additional support in making a successful transition. This is important as some parents deliberately move their child from one school or school district to another as a way of avoiding a suspension or expulsion on their child's permanent record.

In addition, several new records would be included in the definition that are not currently sent when a student transfers; for instance, information regarding a student's attendance. Attendance is important to a student's overall academic success. By receiving a new student's prior attendance record, the new school can identify those students with a history of absenteeism – whether a result of illness, family crisis, or truancy, and then work with the parent and child to improve attendance before the child falls behind.

Further, sometimes parents forget to inform their child's new school of certain health needs due to the stresses and demands of moving from one locale to another. Health records and information that are part of the student's education record would not violate HIPPA privacy laws but could insure that information (such as food and insect-sting allergies) is transmitted in a timely manner and not "lost in the shuffle."

Against:

Public schools have experienced funding difficulties for several years now and many are working with reduced staffs. The bill could result in additional costs to already over-burdened schools.

Response:

According to school personnel who participated in an earlier workgroup on the bill, many of these records are computerized and could be quickly compiled and transmitted electronically. Also, some of the records could be transmitted in a summary format rather than copied and transmitted as thick files of information. The workgroup participants appeared to believe that the time and costs involved in transmitting the additional information would be minimal in most circumstances. Also, some felt that the bill's requirements would increase safety for all students and staff. Meanwhile, the additional information provided on transfer students would be of great benefit to the receiving schools in preparing for and educating the new students.

Against:

Some feel that the current system works well. In general, sending schools are very cooperative about transmitting copies of records requested by a student's new school. Therefore, there is no demonstrated need for the legislation.

Furthermore, where public and charter schools receive per pupil funding from the state, private schools are totally supported by tuition and fundraising efforts. If the bill resulted in increased administrative costs, the burden would have to be borne by the parents of the students.

An additional concern has been raised by private schools. These schools often make a distinction between the components of a student's record that are "owned" by the parent and those "owned" by the school; the bill could complicate this issue by requiring the entire record to be transmitted. For example, many private schools consider a student's grades to be the property of the school until the agreed-upon tuition is paid in full. Therefore, if a student transfers before his or her parents fulfill their contractual agreement regarding tuition, the school withholds the grades. Under the bill, they would be compelled to transmit the grades, thus diminishing their ability to collect the overdue tuition payment.

In short, this bill appears to be an attempt at over-regulating issues that could be resolved through policy changes within the educational system. Networking between school officials and the various educational associations, organizations, and state agencies could resolve the questions regarding the types of information that would be beneficial for one school to send to another when a student transfers. New policies could then be formulated and implemented by schools rather than seeking a statutory solution. Legislation should be sought only if there are widespread refusals on the part of schools to transmit requested information.

POSITIONS:

Representatives from the following organizations indicated support for the bill on 11-9-04:

Michigan Department of Education
Michigan Association of School Social Workers
Macomb County ISD
Michigan Association of School Nurses

The Michigan Catholic Conference opposes the bill. (11-9-04)

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