



**House
Legislative
Analysis
Section**

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MISSING CHILDREN: SCHOOL RECORDS

RECEIVED

House Bill 4368 (Substitute H-1)
First Analysis (5-7-87)

MAY 22 1987

Sponsor: Rep. Glenn Oxender
Committee: Education

Mich. State Law Library

THE APPARENT PROBLEM:

One method of tracking missing children, in use now in Illinois, involves tagging certain vital records, such as birth certificates and school records, so that authorities are alerted when the records of a child reported as missing are requested for an official purpose. For example, a parent who has kidnapped a child might seek a birth certificate in order to enroll the child in a new school, and the school will request records from the previous school district. If the birth records or school records had been tagged as belonging to a missing child, a request for the records would be a valuable clue for law enforcement officers to pursue. A package of bills has been introduced to put such a program in place in Michigan as a way of helping to locate the approximately 15 children per day reported as missing in the state.

THE CONTENT OF THE BILL:

The bill would amend the School Code to require school districts and intermediate school districts to tag the records of children reported as missing; to require someone enrolling a student to submit to the district a certified copy of the student's birth certificate or other reliable proof of identity; and to require the transmission of a certified copy of a transfer student's school records from the old school to the new school. The bill is tie-barred to two other bills dealing with missing children: House Bill 4366, which would require law enforcement authorities to notify the state registrar and the child's last known school district of a missing child, and House Bill 4367, which would amend the Public Health Code to require registrars to tag the birth certificates of missing children. The three bills are tie-barred.

Under House Bill 4368, when a school district or an intermediate school district was notified by law enforcement officials of a missing child, the child's records would have to be tagged in such a way as to alert the district whenever the records were requested. (The requirement would only apply to an intermediate school district when a student did not have a record at a local district but did at the intermediate school district.) The district would have to remove the tag no later than seven days after being notified by a law enforcement agency that the missing student information in the Law Enforcement Information Network had been canceled. The tag would also be removed when a student turned 18 years of age.

Someone enrolling a student in a district for the first time would have to provide within 30 days a copy of the student's birth certificate, or some other reliable proof of identity along with an affidavit explaining the inability to produce the birth certificate. The district would notify a person who did not comply that if he or she failed to produce the documents within 30 days the case would be turned over to law enforcement agencies for investigation. A district would have to report immediately to law enforcement officials any affidavit appearing inaccurate or suspicious.

Within 14 days of enrolling a transfer student, a district would have to request from the previous school a certified copy of the student's school records. The previous school would have to send the records within 30 days unless the record had been tagged as belonging to a missing student. In that case, the previous district would have to notify the appropriate law enforcement agency, and the school records would not be forwarded.

MCL 380.623b et al.

FISCAL IMPLICATIONS:

There is no fiscal information at present.

ARGUMENTS:

For:

The bill provides a simple, yet possibly effective method of alerting school officials and law enforcement agencies when requests are made for certain records of children who have been reported as missing, by requiring the tagging of the school records of missing children and the notification of law enforcement officials when requests were made for the records. This is not a cumbersome requirement for school officials, since a single school district is not likely to have many missing children reports, and could help track down children who are at great risk. Missing children, whether runaways (as most are), "throwaways" (abandoned children), or those kidnapped (by noncustodial parents usually), face the risk of serious physical and psychological harm, and the sooner a missing child can be located and helped the better. The record tracing requirements in this bill and in two related bills are similar to those found in Illinois's highly regarded missing children program, known as I-SEARCH.

Against:

School officials have questioned whether the bill might conflict with federal privacy laws by requiring the release of the name of a student (which is information from a student's record) without parental consent. A similar concern has been voiced about the transmission required in this bill of student records from one school district to another.

Response: It is hard to believe that it is illegal for school officials to inform police of the name of a child that they believe to have been reported as missing (or to be in danger in any other way). It would appear to be dereliction of duty for schools to do otherwise.

Against:

A number of nagging questions remain unanswered about the package of bills of which this bill is a part, including questions about the time and expense involved for record keeping officials versus the potential benefits of the program.

POSITIONS:

The Michigan Association of School Boards supports the bill. (5-6-87)

H.B. 4368 (5-7-87)