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BILL



ANALYSIS

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House Bill 5140 (Substitute H-1 as passed by the House)
Sponsor: Representative Sue Allor
House Committee: Workforce and Talent Development
Senate Committee: Economic Development and International Investment

Date Completed: 2-21-18

CONTENT

The bill would amend the Revised School Code to require a school district, intermediate school district, or public school academy that operated any of grades 9 to 12 to provide pupil directory information to an eligible entity, with parental consent, and require the eligible entity to use that information to provide information to pupils concerning educational and career opportunities available at the eligible entity.

The bill would define "Eligible entity" as Michigan Works!, or a proprietary school licensed under the Proprietary Schools Act, community college, college, university, skilled trade employer, apprenticeship program, or professional trade association, located in Michigan. "Skilled trade employer" would mean an employer or consortium of employers that operate a technical training program or an apprenticeship program for current or prospective employees. "Apprenticeship program" would mean a joint apprenticeship and training committee or other apprenticeship program registered with the U.S. Department of Labor Office of Apprenticeship.

At least annually, the board of a school district or intermediate school district (ISD), or board of directors of a public school academy (PSA), that operated any of grades 9 to 12 would have to provide access to pupil directory information of its pupils enrolled in grades 9 to 12 to a representative of an eligible entity, upon written request from the eligible entity. "Pupil directory information" would mean a pupil's name and address and, if it is a listed or published telephone number, the pupil's telephone number.

The board of a school district or ISD, or board of directors of a PSA, could not provide pupil directory information of a pupil unless, before the beginning of a school year, the pupil's parent or legal guardian submitted to the school district, ISD, or PSA a signed, written statement, in a form and manner prescribed by the Department of Education, that indicated that the parent or legal guardian permitted the pupil's directory information to be provided to a representative of an eligible entity. The board would have to post a notice of these provisions on the website homepage of the school district, intermediate school district, or public school academy. A parent or legal guardian could revoke permission at any time by submitting to the school district, ISD, or PSA a signed, written statement, in a form and manner prescribed by the Department.

If a pupil were at least 18 or were an emancipated minor, the pupil could act on his or her own behalf.

The board of a school district or intermediate school district, or board of directors of a public school academy, could not provide a pupil's address or telephone number to an eligible entity if the parent or legal guardian of the pupil had previously refused to allow the board to designate the pupil's address or telephone number as pupil directory information.

A school district, intermediate school district, or public school academy that operated any of grades 9 to 12 would have to provide any public notice required under Federal law.

The board of a school district or intermediate school district, or board of directors of a public school academy that operated any of the grades 9 to 12 could require a representative of an eligible entity to pay a fee, not to exceed the actual costs incurred by the school district, ISD, or PSA, for maintaining, copying, and mailing or otherwise providing pupil directory information.

An eligible entity that received pupil directory information would be required to use that information only to provide information to pupils concerning educational and career opportunities available at the eligible entity. The eligible entity could not release pupil directory information to a person that was not involved in recruiting students or employees for the eligible entity.

The Code prohibits a school district, an intermediate school district, a public school academy, an educational management organization, or an authorizing body from selling or otherwise providing to a for-profit business entity any personally identifiable information that is part of a pupil's education records. Under the bill, this would not apply to providing the information to an eligible entity under the bill.

MCL 380.1136 et al.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have no fiscal impact on the State and an indeterminate, but minimal impact on local units of government, including intermediate school districts, school districts, and public school academies. There would be additional costs to provide pupil directory information to eligible entities and record permission from parents to allow the sharing of a pupil's directory information. Most of the costs would be paid for with fees charged to eligible entities requesting the information. Those charges would mitigate additional costs experienced by local units of government. Due to the difference in local costs and the number of entities potentially requesting information, it is not possible to estimate an average cost or processing fee.

Fiscal Analyst: Cory Savino

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.