

HOUSE BILL No. 4569

March 18, 1991, Introduced by Reps. London, Munsell, Trim, Banks and Oxender and referred to the Committee on Education.

A bill to amend sections 1535a and 1539a of Act No. 451 of the Public Acts of 1976, entitled as amended "The school code of 1976," section 1535a as amended and section 1539a as added by Act No. 35 of the Public Acts of 1990, being sections 380.1535a and 380.1539a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1535a and 1539a of Act No. 451 of the
2 Public Acts of 1976, section 1535a as amended and section 1539a
3 as added by Act No. 35 of the Public Acts of 1990, being
4 sections 380.1535a and 380.1539a of the Michigan Compiled Laws,
5 are amended to read as follows:

6 Sec. 1535a. (1) If a person who holds a teaching
7 certificate that is valid in this state is convicted of ~~criminal~~
8 ~~sexual conduct in any degree, assault with intent to commit~~

~~1 criminal sexual conduct, an attempt to commit criminal sexual~~
~~2 conduct in any degree, felonious assault on a child, child abuse,~~
3 or cruelty, torture, or indecent exposure involving a child, ANY
4 FELONY, CHILD ABUSE IN THE THIRD OR FOURTH DEGREE, CRIMINAL
5 SEXUAL CONDUCT IN THE FOURTH DEGREE, AN ATTEMPT TO COMMIT CHILD
6 ABUSE IN THE THIRD DEGREE, OR AN ATTEMPT TO COMMIT CRIMINAL
7 SEXUAL CONDUCT IN THE FOURTH DEGREE, the state board shall
8 notify, in writing, the person of his or her right to a hearing
9 before the state board. If the person does not avail himself or
10 herself of this right within 30 working days after receipt of
11 this written notification, the teaching certificate of that
12 person shall be suspended. If a hearing takes place, THE STATE
13 BOARD MAY SUSPEND THE PERSON'S TEACHING CERTIFICATE based upon
14 the issues and evidence presented at the hearing. ~~the state~~
15 ~~board may suspend the person's teaching certificate.~~

16 (2) After the completion of a person's sentence, the person
17 may request a hearing before the state board on reinstatement of
18 his or her teaching certificate. Based upon the issues and evi-
19 dence presented at the hearing, the state board may reinstate,
20 continue the suspension of, or permanently revoke the person's
21 teaching certificate.

22 (3) A person described in this section whose conviction is
23 reversed upon final appeal:

24 (a) Shall have his or her teaching certificate reinstated
25 upon his or her notification of that fact to the state board.

26 (b) Shall be reinstated, upon his or her notification of
27 that fact to the appropriate local or intermediate school board,

1 with full rights and benefits, to the position he or she would
2 have had if he or she had been continuously employed if the sus-
3 pension of the teaching certificate was the sole cause of his or
4 her discharge from employment.

5 (4) The prosecuting attorney of the county in which a person
6 who holds a teaching certificate was convicted of a crime
7 described in subsection (1) shall notify the state board of that
8 conviction.

9 (5) This section shall not be construed to do any of the
10 following:

11 (a) Prohibit a person who holds a teaching certificate from
12 seeking monetary compensation from a school board or intermediate
13 school board if that right is available under a collective bar-
14 gaining agreement or another statute.

15 (b) Limit the rights and powers granted to a school district
16 or intermediate school district under a collective bargaining
17 agreement, this act, or another statute to discipline or dis-
18 charge a person who holds a teaching certificate.

19 (c) Exempt a person who holds a teaching certificate from
20 the operation of section 1539a if the person also holds a school
21 administrator's certificate.

22 (6) The state board may promulgate, as necessary, rules to
23 implement this section pursuant to the administrative procedures
24 act of 1969, Act No. 306 of the Public Acts of 1969, being sec-
25 tions 24.201 to 24.328 of the Michigan Compiled Laws.

26 Sec. 1539a. (1) If a person who holds a school
27 administrator's certificate that is valid in this state is

1 convicted of ~~criminal sexual conduct in any degree, assault with~~
2 ~~intent to commit criminal sexual conduct, an attempt to commit~~
3 ~~criminal sexual conduct in any degree, felonious assault on a~~
4 ~~child, child abuse, or~~ cruelty, torture, or indecent exposure
5 involving a child, ANY FELONY, CHILD ABUSE IN THE THIRD OR FOURTH
6 DEGREE, CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE, AN ATTEMPT
7 TO COMMIT CHILD ABUSE IN THE THIRD DEGREE, OR AN ATTEMPT TO
8 COMMIT CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE, the state
9 board shall notify, in writing, the person of his or her right to
10 a hearing before the state board. If the person does not avail
11 himself or herself of this right within 30 working days after
12 receipt of this written notification, the school administrator's
13 certificate of that person shall be suspended. If a hearing
14 takes place, THE STATE BOARD MAY SUSPEND THE PERSON'S SCHOOL
15 ADMINISTRATOR'S CERTIFICATE based upon the issues and evidence
16 presented at the hearing. ~~, the state board may suspend the~~
17 ~~person's school administrator's certificate.~~

18 (2) After the completion of the person's sentence, the
19 person may request a hearing before the state board on reinstatement of his or her school administrator's certificate. Based
20 upon the issues and evidence presented at the hearing, the state
21 board may reinstate, continue the suspension of, or permanently
22 revoke the person's school administrator's certificate.

24 (3) A person described in this section whose conviction is
25 reversed upon final appeal:

1 (a) Shall have his or her school administrator's certificate
2 reinstated upon his or her notification of that fact to the state
3 board.

4 (b) Shall be reinstated, upon his or her notification of
5 that fact to the appropriate local or intermediate school board,
6 with full rights and benefits, to the position he or she would
7 have had if he or she had been continuously employed if the sus-
8 pension of the school administrator's certificate was the sole
9 cause of his or her discharge from employment.

10 (4) The prosecuting attorney of the county in which a person
11 who holds a school administrator's certificate was convicted of a
12 crime described in subsection (1) shall notify the state board of
13 that conviction.

14 (5) This section shall not be construed to do any of the
15 following:

16 (a) Prohibit a person who holds a school administrator's
17 certificate from seeking monetary compensation from a school
18 board or intermediate school board if that right is available
19 under a collective bargaining agreement or another statute.

20 (b) Limit the rights and powers granted to a school district
21 or intermediate school district under a collective bargaining
22 agreement, this act, or another statute to discipline or dis-
23 charge a person who holds a school administrator's certificate.

24 (c) Exempt a person who holds a school administrator's cer-
25 tificate from the operation of section 1535a.

26 (6) The state board may promulgate, as necessary, rules to
27 implement this section pursuant to the administrative procedures

1 act of 1969, Act No. 306 of the Public Acts of 1969, being
2 sections 24.201 to 24.328 of the Michigan Compiled Laws.