



**House
Legislative
Analysis
Section**

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CRIMES BY EDUCATORS

House Bill 5252 (Substitute H-1)
First Analysis (3-10-94)

Sponsor: Rep. Terry London
Committee: Education

THE APPARENT PROBLEM:

Public Act 61 of 1987 required prosecutors to notify the state board of education whenever a teacher is convicted of a sex-related offense or child abuse. The state board must then suspend the teacher's teaching certificate, unless the teacher requests a hearing. After a hearing, the board may suspend a certificate based on the evidence presented. Public Act 35 of 1990 extended the same provisions to holders of administrator's certificates. Public Act 99 of 1992 then added certain drug-related offenses to the list of relevant offenses, clarified references to child abuse offenses, and made other changes to strengthen reporting requirements. Legislation has been introduced to further expand the list of reportable offenses.

THE CONTENT OF THE BILL:

The bill would amend the School Code to expand the list of criminal convictions for which teachers, school administrators, and people holding school board approval could have their state certification or approval suspended.

More specifically, the bill would add the following crimes to the current list:

- * The manufacture, delivery, or possession with the intent to manufacture or deliver, or possession of 650 grams or more of a schedule 1 or 2 narcotic or cocaine;
- * Assault with the intent to commit murder, attempted murder, and first and second degree murder;
- * Assault with the intent to commit armed robbery, armed robbery and aggravated assault.

MCL 380.1535a et al.

FISCAL IMPLICATIONS:

Fiscal information is not available. (3-9-94)

ARGUMENTS:

For:

The bill would appropriately expand the current process by which the state board of education finds out about and acts against teachers and school administrators convicted of certain serious crimes. In fact, when the School Code's provisions on crimes committed by teachers and school administrators were being enacted, many people believed that the list of crimes should have been expanded to include drug-related offenses involving minors or on school property, drug offenses involving the possession and delivery of dangerous controlled substances, and various assaultive crimes (such as murder, kidnapping, armed robbery, and so forth). The bill would complete a process begun by earlier legislation.

Against:

The bill still does not go far enough, for it neglects to include the crimes of kidnapping and embezzlement of school funds. Further, there ought to be an automatic suspension of certificates (or other credentials) when someone is convicted of a serious crime, and it should be clearly stated that certificates could be revoked following a hearing by the state board on the nature of the criminal offense. School personnel shouldn't be allowed to hold their official credentials during a lengthy investigation and hearing process after having been convicted of a crime.

POSITIONS:

The Department of Education supports the bill. (3-9-94)

The Michigan Association of School Boards supports the bill. (3-8-94)

**The Michigan Education Association supports the
bill. (3-9-94)**

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