



# HOUSE BILL No. 5252

December 21, 1993, Introduced by Reps. London, McNutt, Bullard, Bryant, Dalman, Jamian, Vorva, Jersevic, Gernaat, Horton, Walberg, Hill, Oxender, Brackenridge, Bandstra, Stille and Middleton and referred to the Committee on Education.

A bill to amend sections 1535a, 1539a, and 1539b of Act No. 451 of the Public Acts of 1976, entitled as amended "The school code of 1976," sections 1535a and 1539a as amended and section 1539b as added by Act No. 99 of the Public Acts of 1992, being sections 380.1535a, 380.1539a, and 380.1539b of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1535a, 1539a, and 1539b of Act No. 451  
2 of the Public Acts of 1976, sections 1535a and 1539a as amended  
3 and section 1539b as added by Act No. 99 of the Public Acts of  
4 1992, being sections 380.1535a, 380.1539a, and 380.1539b of the  
5 Michigan Compiled Laws, 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 ANY  
8 FELONY; criminal sexual conduct in ~~any~~ THE FOURTH degree,

1 ~~assault with intent to commit criminal sexual conduct,~~ an  
2 attempt to commit criminal sexual conduct in ~~any~~ THE FOURTH  
3 degree, ~~felonious assault on a child,~~ child abuse in ~~any~~ THE  
4 THIRD OR FOURTH degree, or an attempt to commit child abuse in  
5 ~~any~~ THE THIRD OR FOURTH degree; A MISDEMEANOR INVOLVING cruel-  
6 ty, torture, or indecent exposure involving a child; or a  
7 MISDEMEANOR violation of section 7410 ~~or 7416~~ of the public  
8 health code, Act No. 368 of the Public Acts of 1978, being  
9 ~~sections~~ SECTION 333.7410 ~~and 333.7416~~ of the Michigan  
10 Compiled Laws, the state board shall notify the person in writing  
11 that his or her teaching certificate may be suspended because of  
12 the conviction and of his or her right to a hearing before the  
13 state board. If the person does not avail himself or herself of  
14 this right to a hearing within 30 working days after receipt of  
15 this written notification, the teaching certificate of that  
16 person shall be suspended. If a hearing takes place, the state  
17 board may suspend the person's teaching certificate based upon  
18 the issues and evidence presented at the hearing.

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

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

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

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

9 (4) The prosecuting attorney of the county in which a person  
10 who holds a teaching certificate was convicted of a crime  
11 described in subsection (1) shall notify the state board of that  
12 conviction. The prosecuting attorney of each county shall  
13 inquire of each person convicted in the county of a crime  
14 described in subsection (1) whether the person holds a teaching  
15 certificate.

16 (5) If the superintendent of a school district or intermedi-  
17 ate school district, the chief administrative officer of a non-  
18 public school, the president of the board of a school district or  
19 intermediate school district, or the president of the governing  
20 board of a nonpublic school is notified by a prosecuting attorney  
21 or learns through an authoritative source that a person who holds  
22 a teaching certificate and who is employed at the time by the  
23 school district, intermediate school district, or nonpublic  
24 school has been convicted of a crime described in subsection (1),  
25 the superintendent, chief administrative officer, or board presi-  
26 dent shall notify the state board of that conviction.

1 (6) This section ~~shall not be construed to~~ DOES NOT do any  
2 of the following:

3 (a) Prohibit a person who holds a teaching certificate from  
4 seeking monetary compensation from a school board or intermediate  
5 school board if that right is available under a collective bar-  
6 gaining agreement or another statute.

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

11 (c) Exempt a person who holds a teaching certificate from  
12 the operation of section 1539a if the person also holds a school  
13 administrator's certificate.

14 (7) The state board may promulgate, as necessary, rules to  
15 implement this section pursuant to the administrative procedures  
16 act of 1969, Act No. 306 of the Public Acts of 1969, being sec-  
17 tions 24.201 to 24.328 of the Michigan Compiled Laws.

18 Sec. 1539a. (1) If a person who holds a school  
19 administrator's certificate that is valid in this state is con-  
20 victed of ANY FELONY; criminal sexual conduct in ~~any~~ THE FOURTH  
21 degree, ~~assault with intent to commit criminal sexual conduct,~~  
22 an attempt to commit criminal sexual conduct in ~~any~~ THE FOURTH  
23 degree, ~~felonious assault on a child,~~ child abuse in ~~any~~ THE  
24 THIRD OR FOURTH degree, or an attempt to commit child abuse in  
25 ~~any~~ THE THIRD OR FOURTH degree; A MISDEMEANOR INVOLVING cruel-  
26 ty, torture, or indecent exposure involving a child; or a  
27 MISDEMEANOR violation of section 7410 ~~or 7416~~ of the public

1 health code, Act No. 368 of the Public Acts of 1978, being  
2 ~~sections~~ SECTION 333.7410 ~~and 333.7416~~ of the Michigan  
3 Compiled Laws, the state board shall notify the person in writing  
4 that his or her school administrator's certificate may be sus-  
5 pended because of the conviction and of his or her right to a  
6 hearing before the state board. If the person does not avail  
7 himself or herself of this right to a hearing within 30 working  
8 days after receipt of this written notification, the school  
9 administrator's certificate of that person shall be suspended.  
10 If a hearing takes place, the state board may suspend the  
11 person's school administrator's certificate based upon the issues  
12 and evidence presented at the hearing.

13 (2) After the completion of the person's sentence, the  
14 person may request a hearing before the state board on reinstate-  
15 ment of his or her school administrator's certificate. Based  
16 upon the issues and evidence presented at the hearing, the state  
17 board may reinstate, continue the suspension of, or permanently  
18 revoke the person's school administrator's certificate.

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

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

24 (b) Shall be reinstated, upon his or her notification of  
25 that fact to the appropriate local or intermediate school board,  
26 with full rights and benefits, to the position he or she would  
27 have had if he or she had been continuously employed if the

1 suspension of the school administrator's certificate was the sole  
2 cause of his or her discharge from employment.

3       (4) The prosecuting attorney of the county in which a person  
4 who holds a school administrator's certificate was convicted of a  
5 crime described in subsection (1) shall notify the state board of  
6 that conviction. The prosecuting attorney of each county shall  
7 inquire of each person convicted in the county of a crime  
8 described in subsection (1) whether the person holds a school  
9 administrator's certificate.

10       (5) If the superintendent of a school district or intermedi-  
11 ate school district, the chief administrative officer of a non-  
12 public school, the president of the board of a school district or  
13 intermediate school district, or the president of the governing  
14 board of a nonpublic school is notified by a prosecuting attorney  
15 or learns through an authoritative source that a person who holds  
16 a school administrator's certificate and who is employed at the  
17 time by the school district, intermediate school district, or  
18 nonpublic school has been convicted of a crime described in sub-  
19 section (1), the superintendent, chief administrative officer, or  
20 board president shall notify the state board of that conviction.

21       (6) This section ~~shall not be construed to~~ DOES NOT do any  
22 of the following:

23       (a) Prohibit a person who holds a school administrator's  
24 certificate from seeking monetary compensation from a school  
25 board or intermediate school board if that right is available  
26 under a collective bargaining agreement or another statute.

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

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

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

11 Sec. 1539b. (1) If a person who holds state board approval  
12 is convicted of ANY FELONY; criminal sexual conduct in ~~any~~ THE  
13 FOURTH degree, ~~assault with intent to commit criminal sexual~~  
14 ~~conduct,~~ an attempt to commit criminal sexual conduct in ~~any~~  
15 THE FOURTH degree, ~~felonious assault on a child,~~ child abuse in  
16 ~~any~~ THE THIRD OR FOURTH degree, or an attempt to commit child  
17 abuse in ~~any~~ THE THIRD OR FOURTH degree; A MISDEMEANOR  
18 INVOLVING cruelty, torture, or indecent exposure involving a  
19 child; or a MISDEMEANOR violation of section 7410 ~~or 7416~~ of  
20 the public health code, Act No. 368 of the Public Acts of 1978,  
21 being ~~sections~~ SECTION 333.7410 ~~and 333.7416~~ of the Michigan  
22 Compiled Laws, the state board shall notify the person in writing  
23 that his or her state board approval may be suspended because of  
24 the conviction and of his or her right to a hearing before the  
25 state board. If the person does not avail himself or herself of  
26 this right to a hearing within 30 working days after receipt of  
27 this written notification, the person's state board approval

1 shall be suspended. If a hearing takes place, the state board  
2 may suspend the person's state board approval, based upon the  
3 issues and evidence presented at the hearing.

4 (2) After the completion of the person's sentence, the  
5 person may request a hearing before the state board on reinstate-  
6 ment of his or her state board approval. Based upon the issues  
7 and evidence presented at the hearing, the state board may rein-  
8 state, continue the suspension of, or permanently revoke the  
9 person's state board approval.

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

12 (a) Shall have his or her state board approval reinstated  
13 upon his or her notification of that fact to the state board.

14 (b) If the suspension of the state board approval was the  
15 sole cause of his or her discharge from employment, shall be  
16 reinstated upon his or her notification of that fact to the  
17 appropriate local or intermediate school board, with full rights  
18 and benefits, to the position he or she would have had if he or  
19 she had been continuously employed.

20 (4) The prosecuting attorney of the county in which a person  
21 who holds state board approval was convicted of a crime described  
22 in subsection (1) shall notify the state board of that  
23 conviction. The prosecuting attorney of each county shall  
24 inquire of each person convicted in the county of a crime  
25 described in subsection (1) whether the person holds state board  
26 approval. The state board shall make available to prosecuting



1 attorneys a list of school occupations that commonly require  
2 state board approval.

3 (5) If the superintendent of a school district or intermedi-  
4 ate school district, the chief administrative officer of a non-  
5 public school, the president of the board of a school district or  
6 intermediate school district, or the president of the governing  
7 board of a nonpublic school is notified by a prosecuting attorney  
8 or learns through an authoritative source that a person who holds  
9 state board approval and who is employed at the time by the  
10 school district, intermediate school district, or nonpublic  
11 school has been convicted of a crime described in subsection (1),  
12 the superintendent, chief administrative officer, or board presi-  
13 dent shall notify the state board of that conviction.

14 (6) This section ~~shall not be construed to~~ DOES NOT do any  
15 of the following:

16 (a) Prohibit a person who holds state board approval from  
17 seeking monetary compensation from a school board or intermediate  
18 school board if that right is available under a collective bar-  
19 gaining 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 state board approval.

24 (c) Exempt a person who holds state board approval from the  
25 operation of section 1535a or 1539a, or both, if the person holds  
26 a certificate subject to 1 or both of those sections.

1 (d) Limit the ability of a state licensing body to take  
2 action against a person's license or registration for the same  
3 conviction.

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

8 (8) As used in this section, "state board approval" means a  
9 license, certificate, endorsement, permit, approval, or other  
10 evidence of qualifications to hold a particular position in a  
11 school district or intermediate school district or in a nonpublic  
12 school, other than a teacher's certificate subject to section  
13 1535a or a school administrator's certificate subject to section  
14 1539a, that is issued to a person by the state board under this  
15 act or a rule promulgated under this act.