

**SUBSTITUTE FOR  
SENATE BILL NO. 1363**

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1535a, 1539a, and 1539b (MCL 380.1535a,  
380.1539a, and 380.1539b), as amended by 1995 PA 289, and by  
adding section 1230c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 1230C. (1) SUBJECT TO SUBSECTION (2), IF A PERSON  
2 EMPLOYED BY A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,  
3 PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IS CONVICTED OF A  
4 CRIME DESCRIBED IN SECTION 1535A(1), THE PROSECUTING ATTORNEY  
5 HANDLING THE CASE SHALL NOTIFY THE SUPERINTENDENT OF PUBLIC  
6 INSTRUCTION AND THE PERSON'S EMPLOYING SCHOOL DISTRICT, INTERME-  
7 DIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL  
8 OF THAT CONVICTION AND OF THE SENTENCE IMPOSED ON THE PERSON. A  
9 PROSECUTING ATTORNEY HANDLING A CASE IN WHICH A PERSON IS

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1 CONVICTED OF A CRIME DESCRIBED IN THIS SECTION SHALL INQUIRE  
2 WHETHER THE PERSON IS EMPLOYED BY A SCHOOL DISTRICT, INTERMEDIATE  
3 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL. IF  
4 THE PROSECUTION OF A CRIME DESCRIBED IN THIS SECTION WAS NOT  
5 AUTHORIZED BY THE PROSECUTING ATTORNEY UNDER SECTION 1 OF CHAPTER  
6 IV OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.1,  
7 THEN THE COURT IN WHICH THE CONVICTION OCCURS SHALL FULFILL THE  
8 DUTIES OF THE PROSECUTING ATTORNEY UNDER THIS SUBSECTION.

9 (2) THIS SECTION DOES NOT APPLY TO A PERSON WHO IS SUBJECT  
10 TO SECTION 1535A, 1539A, OR 1539B. NOTIFICATION CONCERNING CON-  
11 VICTIONS OF THOSE PERSONS SHALL OCCUR AS PROVIDED FOR IN THOSE  
12 SECTIONS.

13 (3) AS USED IN THIS SECTION:

14 (A) "CONVICTION" MEANS A JUDGMENT ENTERED BY A COURT UPON A  
15 PLEA OF GUILTY, GUILTY BUT MENTALLY ILL, OR NOLO CONTENDERE OR  
16 UPON A JURY VERDICT OR COURT FINDING THAT A DEFENDANT IS GUILTY  
17 OR GUILTY BUT MENTALLY ILL.

(B) "EMPLOYING SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,  
PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL" MEANS THE GOVERNING  
BOARD OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC  
SCHOOL ACADEMY, OR NONPUBLIC SCHOOL BY WHICH THE PERSON IS EMPLOYED  
OR FOR WHICH THE PERSON IS PROVIDING SERVICES PURSUANT TO A  
CONTRACT.

(C) "PERSON EMPLOYED BY A SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL" MEANS A PERSON  
EMPLOYED DIRECTLY BY THE GOVERNING BOARD OF A SCHOOL DISTRICT,  
INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
SCHOOL OR A PERSON PROVIDING SERVICES FOR A SCHOOL DISTRICT,  
INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC  
SCHOOL PURSUANT TO A CONTRACT WITH ITS GOVERNING BOARD.

18 (D) "PROSECUTING ATTORNEY" MEANS THE PROSECUTING ATTORNEY  
19 FOR A COUNTY, AN ASSISTANT PROSECUTING ATTORNEY FOR A COUNTY, THE  
20 ATTORNEY GENERAL, THE DEPUTY ATTORNEY GENERAL, AN ASSISTANT  
21 ATTORNEY GENERAL, A SPECIAL PROSECUTING ATTORNEY, OR, IN CONNEC-  
22 TION WITH THE PROSECUTION OF AN ORDINANCE VIOLATION, AN ATTORNEY  
23 FOR THE POLITICAL SUBDIVISION THAT ENACTED THE ORDINANCE UPON  
24 WHICH THE VIOLATION IS BASED.

25 Sec. 1535a. (1) Subject to subsection (2), if a person who  
26 holds a teaching certificate that is valid in this state is  
27 convicted of a crime described in this subsection, the ~~state~~

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1 ~~board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION shall notify the  
2 person in writing that his or her teaching certificate may be  
3 suspended because of the conviction and of his or her right to a  
4 hearing before the ~~state board~~ SUPERINTENDENT OF PUBLIC  
5 INSTRUCTION. If the person does not avail himself or herself of  
6 this right to a hearing within 30 working days after receipt of  
7 this written notification, the teaching certificate of that  
8 person shall be suspended. If a hearing takes place, the ~~state~~  
9 ~~board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION may suspend the  
10 person's teaching certificate based upon the issues and evidence  
11 presented at the hearing. This subsection applies to any of the  
12 following crimes:

13 (a) Any felony.

14 (b) Any of the following misdemeanors:

15 (i) Criminal sexual conduct in the fourth degree or an  
16 attempt to commit criminal sexual conduct in the fourth degree.

17 (ii) Child abuse in the third or fourth degree, ~~or~~ an  
18 attempt to commit child abuse in the third or fourth degree, OR  
19 DOMESTIC VIOLENCE INVOLVING A CHILD.

20 (iii) A misdemeanor involving ~~cruelty,~~ ANY OF THE  
21 FOLLOWING:

22 (A) CRUELTY OR torture ~~, or indecent exposure~~ involving a  
23 child.

24 (B) INDECENT EXPOSURE OR OTHER LEWD BEHAVIOR.

25 (C) USE OR POSSESSION OF MARIHUANA OR ANOTHER CONTROLLED  
26 SUBSTANCE.

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1 (D) A DRIVING OFFENSE INVOLVING AN ILLEGAL CONTROLLED  
2 SUBSTANCE.

3 (iv) A misdemeanor violation of section 7410 of the public  
4 health code, ~~Act No. 368 of the Public Acts of 1978, being sec-~~  
5 ~~tion 333.7410 of the Michigan Compiled Laws~~ 1978 PA 368,  
6 MCL 333.7410.

7 (v) A violation of section 115, 141a, 145a, ~~or~~ 167(1)(B),  
8 167(1)(C), 167(1)(I), 359 OR 448 of the Michigan penal code, ~~Act~~  
9 ~~No. 328 of the Public Acts of 1931, being sections 750.115,~~  
10 ~~750.141a, 750.145a, and 750.359 of the Michigan Compiled Laws~~  
11 1931 PA 328, MCL 750.115, 750.141A, 750.145A, 750.167, 750.359,  
12 AND 750.448, or a misdemeanor violation of section 81, 81a, or  
13 145c of ~~Act No. 328 of the Public Acts of 1931, being~~  
14 ~~sections 750.81, 750.81a, and 750.145c of the Michigan Compiled~~  
15 ~~Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81, 750.81A,  
16 AND 750.145C.

17 (vi) A misdemeanor violation of section ~~33 of the Michigan~~  
18 ~~liquor control act, Act No. 8 of the Public Acts of the Extra~~  
19 ~~Session of 1933, being section 436.33 of the Michigan Compiled~~  
20 ~~Laws~~ 701 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998  
21 PA 58, MCL 436.1701.

22 (2) If a person who holds a teaching certificate that is  
23 valid in this state is convicted of a crime described in this  
24 subsection, the ~~state board~~ SUPERINTENDENT OF PUBLIC  
25 INSTRUCTION shall find that the public health, safety, or welfare  
26 requires emergency action and shall order summary suspension of  
27 the person's teaching certificate under section 92 of the

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1 administrative procedures act of 1969, ~~Act No. 306 of the Public~~  
2 ~~Acts of 1969, being section 24.292 of the Michigan Compiled Laws~~  
3 1969 PA 306, MCL 24.292. However, if a person convicted of a  
4 crime described in this subsection is incarcerated in ~~a state~~  
5 ~~correctional facility~~ SECURE CONFINEMENT, the ~~state board~~  
6 SUPERINTENDENT OF PUBLIC INSTRUCTION may delay ordering the sum-  
7 mary suspension until not later than 10 work days after the  
8 person is released from secure confinement. This subsection does  
9 not limit the ~~state board's~~ SUPERINTENDENT OF PUBLIC  
10 INSTRUCTION'S ability to order summary suspension of a person's  
11 teaching certificate for a reason other than described in this  
12 subsection. This subsection applies to conviction of any of the  
13 following crimes:

14 (a) Criminal sexual conduct in any degree, assault with  
15 intent to commit criminal sexual conduct, or an attempt to commit  
16 criminal sexual conduct in any degree.

17 (b) Felonious assault on a child, child abuse in any degree,  
18 or an attempt to commit child abuse in any degree.

19 (c) Cruelty, torture, or indecent exposure involving a  
20 child.

21 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i),  
22 7410, or 7416 of the public health code, ~~Act No. 368 of the~~  
23 ~~Public Acts of 1978, being sections 333.7401, 333.7403, 333.7410,~~  
24 ~~and 333.7416 of the Michigan Compiled Laws~~ 1978 PA 368,  
25 MCL 333.7401, 333.7403, 333.7410, AND 333.7416.

26 (e) A violation of section 83, 89, 91, 316, 317, or 529 of  
27 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~

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1 ~~being sections 750.83, 750.89, 750.91, 750.316, 750.317, and~~  
2 ~~750.529 of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.83,  
3 750.89, 750.91, 750.316, 750.317, AND 750.529.

4 (3) After the completion of a person's sentence, the person  
5 may request a hearing before the ~~state board~~ SUPERINTENDENT OF  
6 PUBLIC INSTRUCTION on reinstatement of his or her teaching  
7 certificate. Based upon the issues and evidence presented at the  
8 hearing, the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION  
9 may reinstate, continue the suspension of, or permanently revoke  
10 the person's teaching certificate.

11 (4) All of the following apply to a person described in this  
12 section whose conviction is reversed upon final appeal:

13 (a) The person's teaching certificate shall be reinstated  
14 upon his or her notification to the ~~state board~~ SUPERINTENDENT  
15 OF PUBLIC INSTRUCTION of the reversal.

16 (b) If the suspension of the person's teaching certificate  
17 under this section was the sole cause of his or her discharge  
18 from employment, the person shall be reinstated, upon his or her  
19 notification to the appropriate local or intermediate school  
20 board of the reversal, with full rights and benefits, to the  
21 position he or she would have had if he or she had been continu-  
22 ously employed.

23 (5) The prosecuting attorney ~~of the county~~ HANDLING A CASE  
24 in which a person who holds a teaching certificate was convicted  
25 of a crime described in subsection (1) shall notify the ~~state~~  
26 ~~board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION, and any public  
27 school, school district, intermediate school district, or

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1 nonpublic school in which the person is employed, of that  
2 conviction and of the sentence imposed on the person. ~~The~~ A  
3 prosecuting attorney ~~of each county shall inquire of each person~~  
4 ~~convicted in the county~~ HANDLING A CASE IN WHICH A PERSON IS  
5 CONVICTED of a crime described in subsection (1) SHALL INQUIRE  
6 whether the person holds a teaching certificate. IF THE PROSECU-  
7 TION OF A CRIME DESCRIBED IN SUBSECTION (1) WAS NOT AUTHORIZED BY  
8 THE PROSECUTING ATTORNEY UNDER SECTION 1 OF CHAPTER IV OF THE  
9 CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.1, THEN THE  
10 COURT IN WHICH THE CONVICTION OCCURS SHALL FULFILL THE DUTIES OF  
11 THE PROSECUTING ATTORNEY UNDER THIS SUBSECTION.

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

24 (7) If a person convicted of a crime described in subsection  
25 (2) is incarcerated in ~~a state correctional facility~~ SECURE  
26 CONFINEMENT and the ~~state board~~ SUPERINTENDENT OF PUBLIC  
27 INSTRUCTION delays summary suspension as described in subsection

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1 (2), the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION shall  
2 contact the ~~department of corrections~~ CORRECTIONAL AGENCY and  
3 request to be notified before the person is released from secure  
4 confinement. Upon receipt of that request, the ~~department of~~  
5 ~~corrections~~ CORRECTIONAL AGENCY shall notify the ~~state board~~  
6 SUPERINTENDENT OF PUBLIC INSTRUCTION at least 30 work days before  
7 the person is released from secure confinement.

8 (8) For the purposes of this section, a certified copy of  
9 the court record is conclusive evidence of conviction of a crime  
10 described in this section. For the purposes of this section,  
11 conviction of a crime described in this ~~subsection~~ SECTION is  
12 considered to be reasonably and adversely related to the ability  
13 of the person to serve in an elementary or secondary school and  
14 is sufficient grounds for suspension or revocation of the  
15 person's teaching certificate.

16 (9) This section does not do any of the following:

17 (a) Prohibit a person who holds a teaching certificate from  
18 seeking monetary compensation from a school board or intermediate  
19 school board if that right is available under a collective bar-  
20 gaining agreement or another statute.

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

25 (c) Exempt a person who holds a teaching certificate from  
26 the operation of section 1539a if the person also holds a school  
27 administrator's certificate.



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1       (10) The ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION  
2 may promulgate, as necessary, rules to implement this section  
3 pursuant to the administrative procedures act of 1969, ~~Act~~  
4 ~~No. 306 of the Public Acts of 1969, being sections 24.201 to~~  
5 ~~24.328 of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO  
6 24.328.

7       (11) As used in this section:

8       (a) "Conviction" means a judgment entered by a court upon a  
9 plea of guilty, guilty but mentally ill, or nolo contendere or  
10 upon a jury verdict or court finding that a defendant is guilty  
11 or guilty but mentally ill.

12       (b) ~~"State correctional facility" means a correctional~~  
13 ~~facility under the jurisdiction of the department of~~  
14 ~~corrections.~~ "CORRECTIONAL AGENCY" MEANS THE CITY, COUNTY,  
15 STATE, OR FEDERAL AGENCY RESPONSIBLE FOR PROVIDING THE SECURE  
16 CONFINEMENT.

17       (c) "PROSECUTING ATTORNEY" MEANS THE PROSECUTING ATTORNEY  
18 FOR A COUNTY, AN ASSISTANT PROSECUTING ATTORNEY FOR A COUNTY, THE  
19 ATTORNEY GENERAL, THE DEPUTY ATTORNEY GENERAL, AN ASSISTANT  
20 ATTORNEY GENERAL, A SPECIAL PROSECUTING ATTORNEY, OR, IN CONNEC-  
21 TION WITH THE PROSECUTION OF AN ORDINANCE VIOLATION, AN ATTORNEY  
22 FOR THE POLITICAL SUBDIVISION THAT ENACTED THE ORDINANCE UPON  
23 WHICH THE VIOLATION IS BASED.

24       Sec. 1539a. (1) Subject to subsection (2), if a person who  
25 holds a school administrator's certificate that is valid in this  
26 state is convicted of a crime described in this subsection, the  
27 ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION shall notify

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1 the person in writing that his or her school administrator's  
2 certificate may be suspended because of the conviction and of his  
3 or her right to a hearing before the ~~state board~~ SUPERINTENDENT  
4 OF PUBLIC INSTRUCTION. If the person does not avail himself or  
5 herself of this right to a hearing within 30 working days after  
6 receipt of this written notification, the school administrator's  
7 certificate of that person shall be suspended. If a hearing  
8 takes place, the ~~state board~~ SUPERINTENDENT OF PUBLIC  
9 INSTRUCTION may suspend the person's school administrator's cer-  
10 tificate based upon the issues and evidence presented at the  
11 hearing. This subsection applies to any of the following  
12 crimes:

13 (a) Any felony.

14 (b) Any of the following misdemeanors:

15 (i) Criminal sexual conduct in the fourth degree or an  
16 attempt to commit criminal sexual conduct in the fourth degree.

17 (ii) Child abuse in the third or fourth degree, ~~or~~ an  
18 attempt to commit child abuse in the third or fourth degree, OR  
19 DOMESTIC VIOLENCE INVOLVING A CHILD.

20 (iii) A misdemeanor involving ~~cruelty,~~ ANY OF THE  
21 FOLLOWING:

22 (A) CRUELTY OR torture ~~, or indecent exposure~~ involving a  
23 child.

24 (B) INDECENT EXPOSURE OR OTHER LEWD BEHAVIOR.

25 (C) USE OR POSSESSION OF MARIHUANA OR ANOTHER CONTROLLED  
26 SUBSTANCE.

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1 (D) A DRIVING OFFENSE INVOLVING AN ILLEGAL CONTROLLED  
2 SUBSTANCE.

3 (iv) A misdemeanor violation of section 7410 of the public  
4 health code, ~~Act No. 368 of the Public Acts of 1978, being sec-~~  
5 ~~tion 333.7410 of the Michigan Compiled Laws~~ 1978 PA 368,  
6 MCL 333.7410.

7 (v) A violation of section 115, 141a, 145a, ~~or~~ 167(1)(B),  
8 167(1)(C), 167(1)(I), 359, OR 448 of the Michigan penal code,  
9 ~~Act No. 328 of the Public Acts of 1931, being sections 750.115,~~  
10 ~~750.141a, 750.145a, and 750.359 of the Michigan Compiled Laws~~  
11 1931 PA 328, MCL 750.115, 750.141A, 750.145A, 750.167, 750.359,  
12 AND 750.448, or a misdemeanor violation of section 81, 81a, or  
13 145c of ~~Act No. 328 of the Public Acts of 1931, being~~  
14 ~~sections 750.81, 750.81a, and 750.145c of the Michigan Compiled~~  
15 ~~Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81, 750.81A,  
16 AND 750.145C.

17 (vi) A misdemeanor violation of section ~~33 of the Michigan~~  
18 ~~liquor control act, Act No. 8 of the Public Acts of the Extra~~  
19 ~~Session of 1933, being section 436.33 of the Michigan Compiled~~  
20 ~~Laws~~ 701 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998  
21 PA 58, MCL 436.1701.

22 (2) If a person who holds a school administrator's certifi-  
23 cate that is valid in this state is convicted of a crime  
24 described in this subsection, the ~~state board~~ SUPERINTENDENT OF  
25 PUBLIC INSTRUCTION shall find that the public health, safety, or  
26 welfare requires emergency action and shall order summary  
27 suspension of the person's school administrator's certificate

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1 under section 92 of the administrative procedures act of 1969,  
2 ~~Act No. 306 of the Public Acts of 1969, being section 24.292 of~~  
3 ~~the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.292. However, if  
4 a person convicted of a crime described in this subsection is  
5 incarcerated in ~~a state correctional facility~~ SECURE  
6 CONFINEMENT, the ~~state board~~ SUPERINTENDENT OF PUBLIC  
7 INSTRUCTION may delay ordering the summary suspension until not  
8 later than 10 work days after the person is released from secure  
9 confinement. This subsection does not limit the ~~state board's~~  
10 SUPERINTENDENT OF PUBLIC INSTRUCTION'S ability to order summary  
11 suspension of a person's school administrator's certificate for a  
12 reason other than described in this subsection. This subsection  
13 applies to conviction of any of the following crimes:

14 (a) Criminal sexual conduct in any degree, assault with  
15 intent to commit criminal sexual conduct, or an attempt to commit  
16 criminal sexual conduct in any degree.

17 (b) Felonious assault on a child, child abuse in any degree,  
18 or an attempt to commit child abuse in any degree.

19 (c) Cruelty, torture, or indecent exposure involving a  
20 child.

21 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i),  
22 7410, or 7416 of the public health code, ~~Act No. 368 of the~~  
23 ~~Public Acts of 1978, being sections 333.7401, 333.7403, 333.7410,~~  
24 ~~and 333.7416 of the Michigan Compiled Laws~~ 1978 PA 368,  
25 MCL 333.7401, 333.7403, 333.7410, AND 333.7416.

26 (e) A violation of section 83, 89, 91, 316, 317, or 529 of  
27 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~

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1 ~~being sections 750.83, 750.89, 750.91, 750.316, 750.317, and~~  
2 ~~750.529 of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.83,  
3 750.89, 750.91, 750.316, 750.317, AND 750.529.

4 (3) After the completion of the person's sentence, the  
5 person may request a hearing before the ~~state board~~  
6 SUPERINTENDENT OF PUBLIC INSTRUCTION on reinstatement of his or  
7 her school administrator's certificate. Based upon the issues  
8 and evidence presented at the hearing, the ~~state board~~  
9 SUPERINTENDENT OF PUBLIC INSTRUCTION may reinstate, continue the  
10 suspension of, or permanently revoke the person's school  
11 administrator's certificate.

12 (4) All of the following apply to a person described in this  
13 section whose conviction is reversed upon final appeal:

14 (a) The person's school administrator's certificate shall be  
15 reinstated upon his or her notification to the ~~state board~~  
16 SUPERINTENDENT OF PUBLIC INSTRUCTION of the reversal.

17 (b) If the suspension of the person's school administrator's  
18 certificate under this section was the sole cause of his or her  
19 discharge from employment, the person shall be reinstated, upon  
20 his or her notification to the appropriate local or intermediate  
21 school board of the reversal, with full rights and benefits, to  
22 the position he or she would have had if he or she had been con-  
23 tinuously employed.

24 (5) The prosecuting attorney ~~of the county~~ HANDLING A CASE  
25 in which a person who holds a school administrator's certificate  
26 was convicted of a crime described in subsection (1) shall notify  
27 the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION, and any

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1 public school, school district, intermediate school district, or  
2 nonpublic school in which the person is employed, of that convic-  
3 tion and of the sentence imposed on the person. ~~The~~ A prose-  
4 cuting attorney ~~of each county shall inquire of each person con-~~  
5 ~~victed in the county~~ HANDLING A CASE IN WHICH A PERSON IS  
6 CONVICTED of a crime described in subsection (1) SHALL INQUIRE  
7 whether the person holds a school administrator's certificate.  
8 IF THE PROSECUTION OF A CRIME DESCRIBED IN SUBSECTION (1) WAS NOT  
9 AUTHORIZED BY THE PROSECUTING ATTORNEY UNDER SECTION 1 OF CHAPTER  
10 IV OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.1,  
11 THEN THE COURT IN WHICH THE CONVICTION OCCURS SHALL FULFILL THE  
12 DUTIES OF THE PROSECUTING ATTORNEY UNDER THIS SUBSECTION.

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

25 (7) If a person convicted of a crime described in subsection  
26 (2) is incarcerated in ~~a state correctional facility~~ SECURE  
27 CONFINEMENT and the ~~state board~~ SUPERINTENDENT OF PUBLIC

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1 INSTRUCTION delays summary suspension as described in subsection  
2 (2), the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION shall  
3 contact the ~~department of corrections~~ CORRECTIONAL AGENCY and  
4 request to be notified before the person is released from secure  
5 confinement. Upon receipt of that request, the ~~department of~~  
6 ~~corrections~~ CORRECTIONAL AGENCY shall notify the ~~state board~~  
7 SUPERINTENDENT OF PUBLIC INSTRUCTION at least 30 work days before  
8 the person is released from secure confinement.

9 (8) For the purposes of this section, a certified copy of  
10 the court record is conclusive evidence of conviction of a crime  
11 described in this section. For the purposes of this section,  
12 conviction of a crime described in this ~~subsection~~ SECTION is  
13 considered to be reasonably and adversely related to the ability  
14 of the person to serve in an elementary or secondary school and  
15 is sufficient grounds for suspension or revocation of the  
16 person's school administrator's certificate.

17 (9) This section does not do any of the following:

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

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

26 (c) Exempt a person who holds a school administrator's  
27 certificate from the operation of section 1535a.

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1       (10) The ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION  
2 may promulgate, as necessary, rules to implement this section  
3 pursuant to the administrative procedures act of 1969, ~~Act~~  
4 ~~No. 306 of the Public Acts of 1969, being sections 24.201 to~~  
5 ~~24.328 of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO  
6 24.328.

7       (11) As used in this section:

8       (a) "Conviction" means a judgment entered by a court upon a  
9 plea of guilty, guilty but mentally ill, or nolo contendere or  
10 upon a jury verdict or court finding that a defendant is guilty  
11 or guilty but mentally ill.

12       (b) ~~"State correctional facility" means a correctional~~  
13 ~~facility under the jurisdiction of the department of~~  
14 ~~corrections.~~ "CORRECTIONAL AGENCY" MEANS THE CITY, COUNTY,  
15 STATE, OR FEDERAL AGENCY RESPONSIBLE FOR PROVIDING THE SECURE  
16 CONFINEMENT.

17       (c) "PROSECUTING ATTORNEY" MEANS THE PROSECUTING ATTORNEY  
18 FOR A COUNTY, AN ASSISTANT PROSECUTING ATTORNEY FOR A COUNTY, THE  
19 ATTORNEY GENERAL, THE DEPUTY ATTORNEY GENERAL, AN ASSISTANT  
20 ATTORNEY GENERAL, A SPECIAL PROSECUTING ATTORNEY, OR, IN CONNEC-  
21 TION WITH THE PROSECUTION OF AN ORDINANCE VIOLATION, AN ATTORNEY  
22 FOR THE POLITICAL SUBDIVISION THAT ENACTED THE ORDINANCE UPON  
23 WHICH THE VIOLATION IS BASED.

24       Sec. 1539b. (1) Subject to subsection (2), if a person who  
25 holds state ~~board~~ approval is convicted of a crime described in  
26 this subsection, the ~~state board~~ SUPERINTENDENT OF PUBLIC  
27 INSTRUCTION shall notify the person in writing that his or her



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1 state ~~board~~ approval may be suspended because of the conviction  
2 and of his or her right to a hearing before the ~~state board~~  
3 SUPERINTENDENT OF PUBLIC INSTRUCTION. If the person does not  
4 avail himself or herself of this right to a hearing within 30  
5 working days after receipt of this written notification, the  
6 person's state ~~board~~ approval shall be suspended. If a hearing  
7 takes place, the ~~state board~~ SUPERINTENDENT OF PUBLIC  
8 INSTRUCTION may suspend the person's state ~~board~~ approval,  
9 based upon the issues and evidence presented at the hearing.

10 This subsection applies to any of the following crimes:

11 (a) Any felony.

12 (b) Any of the following misdemeanors:

13 (i) Criminal sexual conduct in the fourth degree or an  
14 attempt to commit criminal sexual conduct in the fourth degree.

15 (ii) Child abuse in the third or fourth degree, ~~or~~ an  
16 attempt to commit child abuse in the third or fourth degree, OR  
17 DOMESTIC VIOLENCE INVOLVING A CHILD.

18 (iii) A misdemeanor involving ~~cruelty,~~ ANY OF THE  
19 FOLLOWING:

20 (A) CRUELTY OR torture ~~, or indecent exposure~~ involving a  
21 child.

22 (B) INDECENT EXPOSURE OR OTHER LEWD BEHAVIOR.

23 (C) USE OR POSSESSION OF MARIHUANA OR ANOTHER CONTROLLED  
24 SUBSTANCE.

25 (D) A DRIVING OFFENSE INVOLVING AN ILLEGAL CONTROLLED  
26 SUBSTANCE.

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1 (iv) A misdemeanor violation of section 7410 of the public  
2 health code, ~~Act No. 368 of the Public Acts of 1978, being~~  
3 ~~section 333.7410 of the Michigan Compiled Laws~~ 1978 PA 368,  
4 MCL 333.7410.

5 (v) A violation of section 115, 141a, 145a, ~~or~~ 167(1)(B),  
6 167(1)(C), 167(1)(I), 359, OR 448 of the Michigan penal code,  
7 ~~Act No. 328 of the Public Acts of 1931, being sections 750.115,~~  
8 ~~750.141a, 750.145a, and 750.359 of the Michigan Compiled Laws~~  
9 1931 PA 328, MCL 750.115, 750.141A, 750.145A, 750.167, 750.359,  
10 AND 750.448, or a misdemeanor violation of section 81, 81a, or  
11 145c of ~~Act No. 328 of the Public Acts of 1931, being~~  
12 ~~sections 750.81, 750.81a, and 750.145c of the Michigan Compiled~~  
13 ~~Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81, 750.81A,  
14 AND 750.145C.

15 (vi) A misdemeanor violation of section ~~33 of the Michigan~~  
16 ~~liquor control act, Act No. 8 of the Public Acts of the Extra~~  
17 ~~Session of 1933, being section 436.33 of the Michigan Compiled~~  
18 ~~Laws~~ 701 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998  
19 PA 58, MCL 436.1701.

20 (2) If a person who holds state ~~board~~ approval is con-  
21 victed of a crime described in this subsection, the ~~state board~~  
22 SUPERINTENDENT OF PUBLIC INSTRUCTION shall find that the public  
23 health, safety, or welfare requires emergency action and shall  
24 order summary suspension of the person's state ~~board~~ approval  
25 under section 92 of the administrative procedures act of 1969,  
26 ~~Act No. 306 of the Public Acts of 1969, being section 24.292 of~~  
27 ~~the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.292. However, if

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1 a person convicted of a crime described in this subsection is  
2 incarcerated in ~~a state correctional facility~~ SECURE  
3 CONFINEMENT, the ~~state board~~ SUPERINTENDENT OF PUBLIC  
4 INSTRUCTION may delay ordering the summary suspension until not  
5 later than 10 work days after the person is released from secure  
6 confinement. This subsection does not limit the ~~state board's~~  
7 SUPERINTENDENT OF PUBLIC INSTRUCTION'S ability to order summary  
8 suspension of a person's state ~~board~~ approval for a reason  
9 other than described in this subsection. This subsection applies  
10 to conviction of any of the following crimes:

11 (a) Criminal sexual conduct in any degree, assault with  
12 intent to commit criminal sexual conduct, or an attempt to commit  
13 criminal sexual conduct in any degree.

14 (b) Felonious assault on a child, child abuse in any degree,  
15 or an attempt to commit child abuse in any degree.

16 (c) Cruelty, torture, or indecent exposure involving a  
17 child.

18 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i),  
19 7410, or 7416 of the public health code, ~~Act No. 368 of the~~  
20 ~~Public Acts of 1978, being sections 333.7401, 333.7403, 333.7410,~~  
21 ~~and 333.7416 of the Michigan Compiled Laws~~ 1978 PA 368,  
22 MCL 333.7401, 333.7403, 333.7410, AND 333.7416.

23 (e) A violation of section 83, 89, 91, 316, 317, or 529 of  
24 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
25 ~~being sections 750.83, 750.89, 750.91, 750.316, 750.317, and~~  
26 ~~750.529 of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.83,  
27 750.89, 750.91, 750.316, 750.317, AND 750.529.

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1       (3) After the completion of the person's sentence, the  
2 person may request a hearing before the ~~state board~~  
3 SUPERINTENDENT OF PUBLIC INSTRUCTION on reinstatement of his or  
4 her state ~~board~~ approval. Based upon the issues and evidence  
5 presented at the hearing, the ~~state board~~ SUPERINTENDENT OF  
6 PUBLIC INSTRUCTION may reinstate, continue the suspension of, or  
7 permanently revoke the person's state ~~board~~ approval.

8       (4) All of the following apply to a person described in this  
9 section whose conviction is reversed upon final appeal:

10       (a) The person's state ~~board~~ approval shall be reinstated  
11 upon his or her notification to the ~~state board~~ SUPERINTENDENT  
12 OF PUBLIC INSTRUCTION of the reversal.

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

19       (5) The prosecuting attorney ~~of the county~~ HANDLING A CASE  
20 in which a person who holds state ~~board~~ approval was convicted  
21 of a crime described in subsection (1) shall notify the ~~state~~  
22 ~~board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION, and any public  
23 school, school district, intermediate school district, or nonpub-  
24 lic school in which the person is employed, of that conviction  
25 and of the sentence imposed on the person. ~~The~~ A prosecuting  
26 attorney ~~of each county shall inquire of each person convicted~~  
27 ~~in the county~~ HANDLING A CASE IN WHICH A PERSON IS CONVICTED of

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1 a crime described in subsection (1) SHALL INQUIRE whether the  
2 person holds state ~~board~~ approval. IF THE PROSECUTION OF A  
3 CRIME DESCRIBED IN SUBSECTION (1) WAS NOT AUTHORIZED BY THE PROS-  
4 ECUTING ATTORNEY UNDER SECTION 1 OF CHAPTER IV OF THE CODE OF  
5 CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.1, THEN THE COURT IN  
6 WHICH THE CONVICTION OCCURS SHALL FULFILL THE DUTIES OF THE PROS-  
7 ECUTING ATTORNEY UNDER THIS SUBSECTION. The ~~state board~~  
8 SUPERINTENDENT OF PUBLIC INSTRUCTION shall make available to  
9 prosecuting attorneys AND COURTS a list of school occupations  
10 that commonly require state ~~board~~ approval.

11 (6) If the superintendent of a school district or intermedi-  
12 ate school district, the chief administrative officer of a non-  
13 public school, the president of the board of a school district or  
14 intermediate school district, or the president of the governing  
15 board of a nonpublic school is notified by a prosecuting attorney  
16 or learns through an authoritative source that a person who holds  
17 state ~~board~~ approval and who is employed at the time by the  
18 school district, intermediate school district, or nonpublic  
19 school has been convicted of a crime described in subsection (1),  
20 the superintendent, chief administrative officer, or board presi-  
21 dent shall notify the ~~state board~~ SUPERINTENDENT OF PUBLIC  
22 INSTRUCTION of that conviction.

23 (7) If a person convicted of a crime described in subsection  
24 (2) is incarcerated in ~~a state correctional facility~~ SECURE  
25 CONFINEMENT and the ~~state board~~ SUPERINTENDENT OF PUBLIC  
26 INSTRUCTION delays summary suspension as described in subsection  
27 (2), the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION shall

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1 contact the ~~department of corrections~~ CORRECTIONAL AGENCY and  
2 request to be notified before the person is released from secure  
3 confinement. Upon receipt of that request, the ~~department of~~  
4 ~~corrections~~ CORRECTIONAL AGENCY shall notify the ~~state board~~  
5 SUPERINTENDENT OF PUBLIC INSTRUCTION at least 30 work days before  
6 the person is released from secure confinement.

7       (8) For the purposes of this section, a certified copy of  
8 the court record is conclusive evidence of conviction of a crime  
9 described in this section. For the purposes of this section,  
10 conviction of a crime described in this ~~subsection~~ SECTION is  
11 considered to be reasonably and adversely related to the ability  
12 of the person to serve in an elementary or secondary school and  
13 is sufficient grounds for suspension or revocation of the  
14 person's state ~~board~~ approval.

15       (9) This section does not do any 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  
25 the operation of section 1535a or 1539a, or both, if the person  
26 holds a certificate subject to 1 or both of those sections.

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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 (10) The ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION  
5 may promulgate, as necessary, rules to implement this section  
6 pursuant to the administrative procedures act of 1969, ~~Act~~  
7 ~~No. 306 of the Public Acts of 1969, being sections 24.201 to~~  
8 ~~24.328 of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO  
9 24.328.

10 (11) As used in this section:

11 (a) "Conviction" means a judgment entered by a court upon a  
12 plea of guilty, guilty but mentally ill, or nolo contendere or  
13 upon a jury verdict or court finding that a defendant is guilty  
14 or guilty but mentally ill.

15 (B) "CORRECTIONAL AGENCY" MEANS THE CITY, COUNTY, STATE, OR  
16 FEDERAL AGENCY RESPONSIBLE FOR PROVIDING THE SECURE CONFINEMENT.

17 (C) "PROSECUTING ATTORNEY" MEANS THE PROSECUTING ATTORNEY  
18 FOR A COUNTY, AN ASSISTANT PROSECUTING ATTORNEY FOR A COUNTY, THE  
19 ATTORNEY GENERAL, THE DEPUTY ATTORNEY GENERAL, AN ASSISTANT  
20 ATTORNEY GENERAL, A SPECIAL PROSECUTING ATTORNEY, OR, IN CONNEC-  
21 TION WITH THE PROSECUTION OF AN ORDINANCE VIOLATION, AN ATTORNEY  
22 FOR THE POLITICAL SUBDIVISION THAT ENACTED THE ORDINANCE UPON  
23 WHICH THE VIOLATION IS BASED.

24 (D) ~~-(b)-~~ "State ~~board~~ approval" means a license, certifi-  
25 cate, endorsement, permit, approval, or other evidence of quali-  
26 fications to hold a particular position in a school district or  
27 intermediate school district or in a nonpublic school, other than

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1 a teacher's certificate subject to section 1535a or a school  
2 administrator's certificate subject to section 1539a, that is  
3 issued to a person by the state board OR THE SUPERINTENDENT OF  
4 PUBLIC INSTRUCTION under this act or a rule promulgated under  
5 this act.

6 ~~-(c) "State correctional facility" means a correctional~~  
7 ~~facility under the jurisdiction of the department of~~  
8 ~~corrections.~~