

# SENATE BILL No. 1363

September 21, 2000, Introduced by Senators JOHNSON, HAMMERSTROM, JAYE, BENNETT, GOSCHKA, STILLE, SHUGARS, STEIL, ROGERS, EMMONS, SIKKEMA and SCHUETTE and referred to the Committee on Education.

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.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1535a. (1) Subject to subsection (2), if a person who  
2 holds a teaching certificate that is valid in this state is con-  
3 victed of a crime described in this subsection, the ~~state board~~  
4 SUPERINTENDENT OF PUBLIC INSTRUCTION shall notify the person in  
5 writing that his or her teaching certificate may be suspended  
6 because of the conviction and of his or her right to a hearing  
7 before the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION.  
8 If the person does not avail himself or herself of this right to  
9 a hearing within 30 working days after receipt of this written  
10 notification, the teaching certificate of that person shall be

1 suspended. If a hearing takes place, the ~~state board~~  
2 SUPERINTENDENT OF PUBLIC INSTRUCTION may suspend the person's  
3 teaching certificate based upon the issues and evidence presented  
4 at the hearing. This subsection applies to any of the following  
5 crimes:

6 (a) Any felony.

7 (b) Any of the following misdemeanors:

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

10 (ii) Child abuse in the third or fourth degree or an attempt  
11 to commit child abuse in the third or fourth degree.

12 (iii) A misdemeanor involving cruelty, torture, or indecent  
13 exposure involving a child.

14 (iv) A misdemeanor violation of section 7410 of the public  
15 health code, ~~Act No. 368 of the Public Acts of 1978, being sec-~~  
16 ~~tion 333.7410 of the Michigan Compiled Laws~~ 1978 PA 368, MCL  
17 333.7410.

18 (v) A violation of section 115, 141a, 145a, or 359 of the  
19 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
20 ~~being sections 750.115, 750.141a, 750.145a, and 750.359 of the~~  
21 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.115, 750.141A,  
22 750.145A, AND 750.359, or a misdemeanor violation of section 81,  
23 81a, or 145c of ~~Act No. 328 of the Public Acts of 1931, being~~  
24 ~~sections 750.81, 750.81a, and 750.145c of the Michigan Compiled~~  
25 ~~Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81, 750.81A,  
26 AND 750.145C.

1       (vi) A misdemeanor violation of section ~~33 of the Michigan~~  
2 ~~liquor control act, Act No. 8 of the Public Acts of the Extra~~  
3 ~~Session of 1933, being section 436.33 of the Michigan Compiled~~  
4 ~~Laws~~ 701 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA  
5 58, MCL 436.1701.

6       (2) If a person who holds a teaching certificate that is  
7 valid in this state is convicted of a crime described in this  
8 subsection, the ~~state board~~ SUPERINTENDENT OF PUBLIC  
9 INSTRUCTION shall find that the public health, safety, or welfare  
10 requires emergency action and shall order summary suspension of  
11 the person's teaching certificate under section 92 of the admin-  
12 istrative procedures act of 1969, ~~Act No. 306 of the Public Acts~~  
13 ~~of 1969, being section 24.292 of the Michigan Compiled Laws~~ 1969  
14 PA 306, MCL 24.292. However, if a person convicted of a crime  
15 described in this subsection is incarcerated in a state correc-  
16 tional facility, the ~~state board~~ SUPERINTENDENT OF PUBLIC  
17 INSTRUCTION may delay ordering the summary suspension until not  
18 later than 10 work days after the person is released from secure  
19 confinement. This subsection does not limit the ~~state board's~~  
20 SUPERINTENDENT OF PUBLIC INSTRUCTION'S ability to order summary  
21 suspension of a person's teaching certificate for a reason other  
22 than described in this subsection. This subsection applies to  
23 conviction of any of the following crimes:

24       (a) Criminal sexual conduct in any degree, assault with  
25 intent to commit criminal sexual conduct, or an attempt to commit  
26 criminal sexual conduct in any degree.

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

3 (c) Cruelty, torture, or indecent exposure involving a  
4 child.

5 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i),  
6 7410, or 7416 of the public health code, ~~Act No. 368 of the~~  
7 ~~Public Acts of 1978, being sections 333.7401, 333.7403, 333.7410,~~  
8 ~~and 333.7416 of the Michigan Compiled Laws~~ 1978 PA 368, MCL  
9 333.7401, 333.7403, 333.7410, AND 333.7416.

10 (e) A violation of section 83, 89, 91, 316, 317, or 529 of  
11 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
12 ~~being sections 750.83, 750.89, 750.91, 750.316, 750.317, and~~  
13 ~~750.529 of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.83,  
14 750.89, 750.91, 750.316, 750.317, AND 750.529.

15 (3) After the completion of a person's sentence, the person  
16 may request a hearing before the ~~state board~~ SUPERINTENDENT OF  
17 PUBLIC INSTRUCTION on reinstatement of his or her teaching  
18 certificate. Based upon the issues and evidence presented at the  
19 hearing, the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION  
20 may reinstate, continue the suspension of, or permanently revoke  
21 the person's teaching certificate.

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

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

1 (b) If the suspension of the person's teaching certificate  
2 under this section was the sole cause of his or her discharge  
3 from employment, the person shall be reinstated, upon his or her  
4 notification to the appropriate local or intermediate school  
5 board of the reversal, with full rights and benefits, to the  
6 position he or she would have had if he or she had been continu-  
7 ously employed.

8 (5) The prosecuting attorney of the county in which a person  
9 who holds a teaching certificate was convicted of a crime  
10 described in THIS subsection ~~-(1)-~~ shall notify the ~~state board~~  
11 SUPERINTENDENT OF PUBLIC INSTRUCTION, and any public school,  
12 school district, intermediate school district, or nonpublic  
13 school in which the person is employed, of that conviction and of  
14 the sentence imposed on the person. The prosecuting attorney of  
15 each county shall inquire of each person convicted in the county  
16 of a crime described in THIS subsection ~~-(1)-~~ whether the person  
17 holds a teaching certificate. THIS SUBSECTION APPLIES TO ANY OF  
18 THE FOLLOWING CRIMES UNDER STATE LAW OR LOCAL ORDINANCE:

19 (A) A CRIME LISTED IN SUBSECTION (1).

20 (B) A MISDEMEANOR NOT LISTED IN SUBSECTION (1) THAT MEETS 1  
21 OF THE FOLLOWING:

22 (i) INVOLVES INDECENT EXPOSURE OR OTHER LEWD BEHAVIOR.

23 (ii) INVOLVES USE OR POSSESSION OF MARIJUANA OR ANOTHER CON-  
24 TROLLED SUBSTANCE.

25 (iii) IS AN ALCOHOL-RELATED OR DRUG-RELATED DRIVING OFFENSE.

26 (6) If the superintendent of a school district or  
27 intermediate school district, the chief administrative officer of

1 a nonpublic school, the president of the board of a school  
2 district or intermediate school district, or the president of the  
3 governing board of a nonpublic school is notified by a prosecut-  
4 ing attorney or learns through an authoritative source that a  
5 person who holds a teaching certificate and who is employed at  
6 the time by the school district, intermediate school district, or  
7 nonpublic school has been convicted of a crime described in sub-  
8 section (1), the superintendent, chief administrative officer, or  
9 board president shall notify the ~~state board~~ SUPERINTENDENT OF  
10 PUBLIC INSTRUCTION of that conviction.

11 (7) If a person convicted of a crime described in subsection  
12 (2) is incarcerated in a state correctional facility and the  
13 ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION delays summary  
14 suspension as described in subsection (2), the ~~state board~~  
15 SUPERINTENDENT OF PUBLIC INSTRUCTION shall contact the department  
16 of corrections and request to be notified before the person is  
17 released from secure confinement. Upon receipt of that request,  
18 the department of corrections shall notify the ~~state board~~  
19 SUPERINTENDENT OF PUBLIC INSTRUCTION at least 30 work days before  
20 the person is released from secure confinement.

21 (8) For the purposes of this section, a certified copy of  
22 the court record is conclusive evidence of conviction of a crime  
23 described in this section. For the purposes of this section,  
24 conviction of a crime described in this ~~subsection~~ SECTION is  
25 considered to be reasonably and adversely related to the ability  
26 of the person to serve in an elementary or secondary school and

1 is sufficient grounds for suspension or revocation of the  
2 person's teaching certificate.

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

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

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

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

15 (10) The ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION  
16 may promulgate, as necessary, rules to implement this section  
17 pursuant to the administrative procedures act of 1969, ~~Act~~  
18 ~~No. 306 of the Public Acts of 1969, being sections 24.201 to~~  
19 ~~24.328 of the Michigan Compiled Laws 1969 PA 306, MCL 24.201 TO~~  
20 ~~24.328.~~

21 (11) As used in this section:

22 (a) "Conviction" means a judgment entered by a court upon a  
23 plea of guilty, guilty but mentally ill, or nolo contendere or  
24 upon a jury verdict or court finding that a defendant is guilty  
25 or guilty but mentally ill.

1 (b) "State correctional facility" means a correctional  
2 facility under the jurisdiction of the department of  
3 corrections.

4 Sec. 1539a. (1) Subject to subsection (2), if a person who  
5 holds a school administrator's certificate that is valid in this  
6 state is convicted of a crime described in this subsection, the  
7 ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION shall notify  
8 the person in writing that his or her school administrator's cer-  
9 tificate may be suspended because of the conviction and of his or  
10 her right to a hearing before the ~~state board~~ SUPERINTENDENT OF  
11 PUBLIC INSTRUCTION. If the person does not avail himself or her-  
12 self of this right to a hearing within 30 working days after  
13 receipt of this written notification, the school administrator's  
14 certificate of that person shall be suspended. If a hearing  
15 takes place, the ~~state board~~ SUPERINTENDENT OF PUBLIC  
16 INSTRUCTION may suspend the person's school administrator's cer-  
17 tificate based upon the issues and evidence presented at the  
18 hearing. This subsection applies to any of the following  
19 crimes:

20 (a) Any felony.

21 (b) Any of the following misdemeanors:

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

24 (ii) Child abuse in the third or fourth degree or an attempt  
25 to commit child abuse in the third or fourth degree.

26 (iii) A misdemeanor involving cruelty, torture, or indecent  
27 exposure involving a child.



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

5 (v) A violation of section 115, 141a, 145a, or 359 of the  
 6 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
 7 ~~being sections 750.115, 750.141a, 750.145a, and 750.359 of the~~  
 8 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.115, 750.141A,  
 9 750.145A, AND 750.359, or a misdemeanor violation of section 81,  
 10 81a, or 145c of ~~Act No. 328 of the Public Acts of 1931, being~~  
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 15 ~~liquor control act, Act No. 8 of the Public Acts of the Extra~~  
 16 ~~Session of 1933, being section 436.33 of the Michigan Compiled~~  
 17 ~~Laws~~ 701 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA  
 18 58, MCL 436.1701.

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

1 person convicted of a crime described in this subsection is  
2 incarcerated in a state correctional facility, the ~~state board~~  
3 SUPERINTENDENT OF PUBLIC INSTRUCTION may delay ordering the sum-  
4 mary suspension until not later than 10 work days after the  
5 person is released from secure confinement. This subsection does  
6 not limit the ~~state board's~~ SUPERINTENDENT OF PUBLIC  
7 INSTRUCTION'S ability to order summary suspension of a person's  
8 school administrator's certificate for a reason other than  
9 described in this subsection. This subsection applies to convic-  
10 tion 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, MCL  
22 333.7401, 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~~  
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27 750.89, 750.91, 750.316, 750.317, AND 750.529.

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 school administrator's certificate. Based upon the issues  
5 and evidence presented at the hearing, the ~~state board~~  
6 SUPERINTENDENT OF PUBLIC INSTRUCTION may reinstate, continue the  
7 suspension of, or permanently revoke the person's school  
8 administrator's certificate.

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

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

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

21       (5) The prosecuting attorney of the county in which a person  
22 who holds a school administrator's certificate was convicted of a  
23 crime described in THIS subsection ~~(1)~~ shall notify the ~~state~~  
24 ~~board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION, and any public  
25 school, school district, intermediate school district, or nonpub-  
26 lic school in which the person is employed, of that conviction  
27 and of the sentence imposed on the person. The prosecuting

1 attorney of each county shall inquire of each person convicted in  
2 the county of a crime described in THIS subsection ~~-(1)-~~ whether  
3 the person holds a school administrator's certificate. THIS SUB-  
4 SECTION APPLIES TO ANY OF THE FOLLOWING CRIMES UNDER STATE LAW OR  
5 LOCAL ORDINANCE:

6 (A) A CRIME LISTED IN SUBSECTION (1).

7 (B) A MISDEMEANOR NOT LISTED IN SUBSECTION (1) THAT MEETS 1  
8 OF THE FOLLOWING:

9 (i) INVOLVES INDECENT EXPOSURE OR OTHER LEWD BEHAVIOR.

10 (ii) INVOLVES USE OR POSSESSION OF MARIJUANA OR ANOTHER CON-  
11 TROLLED SUBSTANCE.

12 (iii) IS AN ALCOHOL-RELATED OR DRUG-RELATED DRIVING OFFENSE.

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 and the  
27 ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION delays summary

1 suspension as described in subsection (2), the ~~state board~~  
2 SUPERINTENDENT OF PUBLIC INSTRUCTION shall contact the department  
3 of corrections and request to be notified before the person is  
4 released from secure confinement. Upon receipt of that request,  
5 the department of corrections 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 school administrator's certificate.

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

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

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

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.

15       Sec. 1539b. (1) Subject to subsection (2), if a person who  
16 holds state ~~board~~ approval is convicted of a crime described in  
17 this subsection, the ~~state board~~ SUPERINTENDENT OF PUBLIC  
18 INSTRUCTION shall notify the person in writing that his or her  
19 state ~~board~~ approval may be suspended because of the conviction  
20 and of his or her right to a hearing before the ~~state board~~  
21 SUPERINTENDENT OF PUBLIC INSTRUCTION. If the person does not  
22 avail himself or herself of this right to a hearing within 30  
23 working days after receipt of this written notification, the  
24 person's state ~~board~~ approval shall be suspended. If a hearing  
25 takes place, the ~~state board~~ SUPERINTENDENT OF PUBLIC  
26 INSTRUCTION may suspend the person's state ~~board~~ approval,

1 based upon the issues and evidence presented at the hearing.

2 This subsection applies to any of the following crimes:

3 (a) Any felony.

4 (b) Any of the following misdemeanors:

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

7 (ii) Child abuse in the third or fourth degree or an attempt  
8 to commit child abuse in the third or fourth degree.

9 (iii) A misdemeanor involving cruelty, torture, or indecent  
10 exposure involving a child.

11 (iv) A misdemeanor violation of section 7410 of the public  
12 health code, ~~Act No. 368 of the Public Acts of 1978, being sec-~~  
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15 (v) A violation of section 115, 141a, 145a, or 359 of the  
16 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
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18 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.115, 750.141A,  
19 750.145A, AND 750.359, or a misdemeanor violation of section 81,  
20 81a, or 145c of ~~Act No. 328 of the Public Acts of 1931, being~~  
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1 ~~Laws~~ 701 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA  
2 58, MCL 436.1701.

3       (2) If a person who holds state ~~board~~ approval is con-  
4 victed of a crime described in this subsection, the ~~state board~~  
5 SUPERINTENDENT OF PUBLIC INSTRUCTION shall find that the public  
6 health, safety, or welfare requires emergency action and shall  
7 order summary suspension of the person's state ~~board~~ approval  
8 under section 92 of the administrative procedures act of 1969,  
9 ~~Act No. 306 of the Public Acts of 1969, being section 24.292 of~~  
10 ~~the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.292. However, if  
11 a person convicted of a crime described in this subsection is  
12 incarcerated in a state correctional facility, the ~~state board~~  
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14 mary suspension until not later than 10 work days after the  
15 person is released from secure confinement. This subsection does  
16 not limit the ~~state board's~~ SUPERINTENDENT OF PUBLIC  
17 INSTRUCTION'S ability to order summary suspension of a person's  
18 state ~~board~~ approval for a reason other than described in this  
19 subsection. This subsection applies to conviction of any of the  
20 following crimes:

21       (a) Criminal sexual conduct in any degree, assault with  
22 intent to commit criminal sexual conduct, or an attempt to commit  
23 criminal sexual conduct in any degree.

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

26       (c) Cruelty, torture, or indecent exposure involving a  
27 child.



1 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i),  
2 7410, or 7416 of the public health code, ~~Act No. 368 of the~~  
3 ~~Public Acts of 1978, being sections 333.7401, 333.7403, 333.7410,~~  
4 ~~and 333.7416 of the Michigan Compiled Laws~~ 1978 PA 368, MCL  
5 333.7401, 333.7403, 333.7410, AND 333.7416.

6 (e) A violation of section 83, 89, 91, 316, 317, or 529 of  
7 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
8 ~~being sections 750.83, 750.89, 750.91, 750.316, 750.317, and~~  
9 ~~750.529 of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.83,  
10 750.89, 750.91, 750.316, 750.317, AND 750.529.

11 (3) After the completion of the person's sentence, the  
12 person may request a hearing before the ~~state board~~  
13 SUPERINTENDENT OF PUBLIC INSTRUCTION on reinstatement of his or  
14 her state ~~board~~ approval. Based upon the issues and evidence  
15 presented at the hearing, the ~~state board~~ SUPERINTENDENT OF  
16 PUBLIC INSTRUCTION may reinstate, continue the suspension of, or  
17 permanently revoke the person's state ~~board~~ approval.

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

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

23 (b) If the suspension of the state ~~board~~ approval was the  
24 sole cause of his or her discharge from employment, the person  
25 shall be reinstated upon his or her notification to the appropri-  
26 ate local or intermediate school board of the reversal, with full

1 rights and benefits, to the position he or she would have had if  
2 he or she had been continuously employed.

3       (5) The prosecuting attorney of the county in which a person  
4 who holds state ~~board~~ approval was convicted of a crime  
5 described in THIS subsection ~~(1)~~ shall notify the ~~state board~~  
6 SUPERINTENDENT OF PUBLIC INSTRUCTION, and any public school,  
7 school district, intermediate school district, or nonpublic  
8 school in which the person is employed, of that conviction and of  
9 the sentence imposed on the person. The prosecuting attorney of  
10 each county shall inquire of each person convicted in the county  
11 of a crime described in THIS subsection ~~(1)~~ whether the person  
12 holds state ~~board~~ approval. The ~~state board~~ SUPERINTENDENT  
13 OF PUBLIC INSTRUCTION shall make available to prosecuting attor-  
14 neys a list of school occupations that commonly require state  
15 ~~board~~ approval. THIS SUBSECTION APPLIES TO ANY OF THE FOLLOW-  
16 ING CRIMES UNDER STATE LAW OR LOCAL ORDINANCE:

17       (A) A CRIME LISTED IN SUBSECTION (1).

18       (B) A MISDEMEANOR NOT LISTED IN SUBSECTION (1) THAT MEETS 1  
19 OF THE FOLLOWING:

20       (i) INVOLVES INDECENT EXPOSURE OR OTHER LEWD BEHAVIOR.

21       (ii) INVOLVES USE OR POSSESSION OF MARIJUANA OR ANOTHER CON-  
22 TROLLED SUBSTANCE.

23       (iii) IS AN ALCOHOL-RELATED OR DRUG-RELATED DRIVING OFFENSE.

24       (6) If the superintendent of a school district or intermedi-  
25 ate school district, the chief administrative officer of a non-  
26 public school, the president of the board of a school district or  
27 intermediate school district, or the president of the governing

1 board of a nonpublic school is notified by a prosecuting attorney  
2 or learns through an authoritative source that a person who holds  
3 state ~~board~~ approval and who is employed at the time by the  
4 school district, intermediate school district, or nonpublic  
5 school has been convicted of a crime described in subsection (1),  
6 the superintendent, chief administrative officer, or board presi-  
7 dent shall notify the ~~state board~~ SUPERINTENDENT OF PUBLIC  
8 INSTRUCTION of that conviction.

9       (7) If a person convicted of a crime described in subsection  
10 (2) is incarcerated in a state correctional facility and the  
11 ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION delays summary  
12 suspension as described in subsection (2), the ~~state board~~  
13 SUPERINTENDENT OF PUBLIC INSTRUCTION shall contact the department  
14 of corrections and request to be notified before the person is  
15 released from secure confinement. Upon receipt of that request,  
16 the department of corrections shall notify the ~~state board~~  
17 SUPERINTENDENT OF PUBLIC INSTRUCTION at least 30 work days before  
18 the person is released from secure confinement.

19       (8) For the purposes of this section, a certified copy of  
20 the court record is conclusive evidence of conviction of a crime  
21 described in this section. For the purposes of this section,  
22 conviction of a crime described in this ~~subsection~~ SECTION is  
23 considered to be reasonably and adversely related to the ability  
24 of the person to serve in an elementary or secondary school and  
25 is sufficient grounds for suspension or revocation of the  
26 person's state ~~board~~ approval.

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

(a) Prohibit a person who holds state ~~board~~ approval from seeking monetary compensation from a school board or intermediate school board if that right is available under a collective bargaining agreement or another statute.

(b) Limit the rights and powers granted to a school district or intermediate school district under a collective bargaining agreement, this act, or another statute to discipline or discharge a person who holds state ~~board~~ approval.

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

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

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

(11) As used in this section:

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

1       (b) "State ~~board~~ approval" means a license, certificate,  
2 endorsement, permit, approval, or other evidence of  
3 qualifications to hold a particular position in a school district  
4 or intermediate school district or in a nonpublic school, other  
5 than a teacher's certificate subject to section 1535a or a school  
6 administrator's certificate subject to section 1539a, that is  
7 issued to a person by the state board OR THE SUPERINTENDENT OF  
8 PUBLIC INSTRUCTION under this act or a rule promulgated under  
9 this act.

10       (c) "State correctional facility" means a correctional  
11 facility under the jurisdiction of the department of  
12 corrections.