



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5476 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Representative Craig DeRouche

House Committee: Education

Senate Committee: Education

CONTENT

The bill would amend the Revised School Code to permit the Superintendent of Public Instruction to suspend a teacher's certificate or State Board approval based on a conviction that occurred before the bill's effective date, if he or she found that the conviction demonstrated that the person was unfit to teach in, or was reasonably and adversely related to the person's present fitness to serve in, a public school. The bill also would:

- Prohibit the Superintendent from reinstating a person's teaching certificate or Board approval unless he or she found that the person was fit to serve in a school.
- Establish notification and procedural timelines for the Superintendent to act to suspend a teacher's certificate or Board approval.
- Shorten the period of time a convicted teacher has to request a hearing before the Superintendent when action has been taken to suspend his or her certificate or approval.
- Require the Superintendent to report to the Legislature all final actions he or she took regarding suspensions and reinstatements.
- Establish a 15-day deadline for prosecuting attorneys to notify the State Superintendent and school districts of a teacher's conviction.

MCL 380.1535a & 380.1539b

Legislative Analyst: Claire Layman

FISCAL IMPACT

The Department of Education likely would see increased costs associated with this legislation. Since the bill would expand the list of crimes for which a certificate or State Board approval suspension may or must occur, as well as opening the possibility of suspending certificates of people convicted of offenses before the bill's enactment, it is anticipated that the Department would see increased hearings and associated costs. Further, by requiring the Superintendent to complete the proceedings and make a final decision within 120 working days after receiving a hearing request, the bill likely would increase the cost of processing and conducting hearings, primarily due to the increased costs for a court reporter to transcribe the hearings in an expedited manner.

Requiring the Department to request copies of convictions and sentences and pay-related fees would impose new costs on the Department. It also appears that the proposed time lines would require staff to travel to prisons and jails to conduct hearings, if the people were incarcerated, thereby imposing additional travel and setup costs. (Current practice is to wait until the person is released from incarceration before beginning the hearing process.) Minimal increased costs to the Department also are anticipated from the proposed reporting requirements.

Since the bill would allow and/or require the suspension under certain circumstances of State Board approval and teaching certificates of people convicted of prior offenses, then school districts employing these individuals could face hiring costs.

Date Completed: 3-15-04

Fiscal Analyst: Kathryn Summers-Coty