



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5476 (Substitute S-1 as reported)
Sponsor: Representative Craig DeRouche
House Committee: Education
Senate Committee: Education

CONTENT

The bill would amend the Revised School Code to require the Superintendent of Public Instruction, if the public safety, health, or welfare required emergency action, to suspend a teacher's certificate or State Board approval without a hearing if the teacher were convicted of a crime that is grounds for suspension. (Currently, a teacher may be suspended, after an opportunity for a hearing, if he or she is convicted of any felony or a misdemeanor involving criminal sexual conduct; child abuse; cruelty, torture, or indecent exposure involving a child; etc.). The bill also would:

- Establish notification and procedural timelines for the Superintendent to act, in the event a hearing was required.
- Shorten the period of time a convicted teacher has to request a hearing.
- Require the Superintendent to refuse to reinstate a person's teaching certificate or Board approval unless he or she found that the person was fit to serve in a school.
- 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 leaving open 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 90 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.

A new requirement that the Department request and provide court records 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.

If it were determined that the bill would allow and/or require the suspension 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: 3-2-04

Fiscal Analyst: Kathryn Summers-Coty

