

SUBSTITUTE FOR
HOUSE BILL NO. 5476
(As amended February 17, 2004)

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1535a and 1539b (MCL 380.1535a and
380.1539b), as amended by 1995 PA 289; and to repeal acts and
parts of acts.

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~~ **has**
3 **been** convicted of a crime described in this subsection, **[within 5 working**
4 **days after receiving notice of the conviction]** the
5 ~~state board~~ **superintendent of public instruction** shall notify
6 the person in writing that his or her teaching certificate may be
7 suspended because of the conviction and of his or her right to a
8 hearing before the ~~state board~~ **superintendent of public**
9 **instruction. The hearing shall be conducted as a contested case**
under the administrative procedures act of 1969, 1969 PA 306, MCL

1 **24.201 to 24.328.** If the person does not avail himself or herself
2 of this right to a hearing within ~~30~~ **15** working days after
3 receipt of this written notification, the teaching certificate of
4 that person shall be suspended. If a hearing takes place, the
5 ~~state board~~ **superintendent of public instruction shall complete**
6 **the proceedings and make a final decision and order within 20**
7 **working days after receiving the request for a hearing. Subject**
8 **to subsection (2), the superintendent of public instruction** may
9 suspend the person's teaching certificate based upon the issues
10 and evidence presented at the hearing. This subsection applies
11 to any of the following crimes:

12 (a) Any felony.

13 (b) Any of the following misdemeanors:

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

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

18 (iii) A misdemeanor involving cruelty, torture, or indecent
19 exposure involving a child.

20 (iv) A misdemeanor violation of section 7410 of the public
21 health code, ~~Act No. 368 of the Public Acts of 1978, being~~
22 ~~section 333.7410 of the Michigan Compiled Laws~~ **1978 PA 368, MCL**
23 **333.7410.**

24 (v) A violation of section 115, 141a, 145a, **335a**, or 359 of
25 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
26 ~~being sections 750.115, 750.141a, 750.145a, and 750.359 of the~~
27 ~~Michigan Compiled Laws~~ **1931 PA 328, MCL 750.115, 750.141a,**

1 750.145a, 750.335a, and 750.359, or a misdemeanor violation of
2 section 81, 81a, or ~~145e of Act No. 328 of the Public Acts of~~
3 ~~1931, being sections 750.81, 750.81a, and 750.145e of the~~
4 ~~Michigan Compiled Laws~~ 145d of the Michigan penal code, 1931 PA
5 328, MCL 750.81, 750.81a, and 750.145d.

6 (vi) A misdemeanor violation of section ~~33 of the Michigan~~
7 ~~liquor control act, Act No. 8 of the Public Acts of the Extra~~
8 ~~Session of 1933, being section 436.33 of the Michigan Compiled~~
9 ~~Laws~~ 701 of the Michigan liquor control code of 1998, 1998 PA
10 58, MCL 436.1701.

11 (2) If a person who holds a teaching certificate that is
12 valid in this state ~~is~~ **has been** convicted of a crime described
13 in this subsection, the ~~state board~~ **superintendent of public**
14 **instruction** shall find that the public health, safety, or welfare
15 requires emergency action and shall order summary suspension of
16 the person's teaching certificate under section 92 of the
17 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
18 ~~Acts of 1969, being section 24.292 of the Michigan Compiled Laws~~
19 **1969 PA 306, MCL 24.292.** ~~However, if a person convicted of a~~
20 ~~crime described in this subsection is incarcerated in a state~~
21 ~~correctional facility, the state board may delay ordering the~~
22 ~~summary suspension until not later than 10 work days after the~~
23 ~~person is released from secure confinement.~~ This subsection does
24 not limit the ~~state board's~~ **superintendent of public**
25 **instruction's** ability to order summary suspension of a person's
26 teaching certificate for a reason other than described in this
27 subsection. This subsection applies to conviction of any of the

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1 following crimes:

2 (a) Criminal sexual conduct in any degree, assault with
3 intent to commit criminal sexual conduct, or an attempt to commit
4 criminal sexual conduct in any degree.

5 (b) Felonious assault on a child [~~, child abuse in any degree,~~
6 ~~or an attempt to commit child abuse in any degree.~~]

7 (c) Cruelty, torture, or indecent exposure involving a
8 child.

9 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i),
10 7410, or 7416 of the public health code, ~~Act No. 368 of the~~
11 ~~Public Acts of 1978, being sections 333.7401, 333.7403, 333.7410,~~
12 ~~and 333.7416 of the Michigan Compiled Laws 1978 PA 368, MCL~~
13 ~~333.7401, 333.7403, 333.7410, and 333.7416.~~

14 (e) A violation of section 83, 89, 91, [145a, 145d,] 316, 317, or
15 529 of
16 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
17 ~~being sections 750.83, 750.89, 750.91, 750.316, 750.317, and~~
18 ~~750.529 of the Michigan Compiled Laws 1931 PA 328, MCL 750.83,~~
19 ~~750.89, 750.91, [750.145a, 750.145d,] 750.316, 750.317, and 750.529.~~

20 (f) Any other crime listed in subsection (1), if the
21 superintendent of public instruction determines the public
22 health, safety, or welfare requires emergency action based on the
23 circumstances underlying the conviction.

24 [(3) The superintendent of public instruction shall not take action
25 against a person's teaching certificate under subsection (1) or (2)
26 solely because of a conviction that occurred before the effective date of
27 the amendatory act that added this subsection unless the superintendent
of public instruction finds that the conviction is reasonably and

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1 adversely related to the person's present fitness to serve in an
2 elementary or secondary school in this state.

3]

4 (4) ~~-(3)-~~ After the completion of a 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 teaching certificate. Based upon the issues and evidence
8 presented at the hearing, the ~~state board~~ **superintendent of**
9 **public instruction** may reinstate, continue the suspension of, or
10 permanently revoke the person's teaching certificate. **The**
11 **superintendent of public instruction shall not reinstate a**
12 **person's teaching certificate unless the superintendent of public**
13 **instruction finds that the person is currently fit to serve in an**
14 **elementary or secondary school in this state and that**
15 **reinstatement of the person's teaching certificate will not**
16 **adversely affect the health, safety, and welfare of pupils.**

17 (5) ~~-(4)-~~ All of the following apply to a person described in
18 this section whose conviction is reversed upon final appeal:

19 (a) The person's teaching certificate shall be reinstated
20 upon his or her notification to the ~~state board~~ **superintendent**
21 **of public instruction** of the reversal.

22 (b) If the suspension of the person's teaching certificate
23 under this section was the sole cause of his or her discharge
24 from employment, the person shall be reinstated, upon his or her
25 notification to the appropriate local or intermediate school
26 board of the reversal, with full rights and benefits, to the
27 position he or she would have had if he or she had been

1 continuously employed.

2 **(6)** ~~-(5)-~~ The prosecuting attorney ~~of the county~~ **in charge**
3 **of a case** in which a person who holds a teaching certificate was
4 convicted of a crime described in subsection (1) shall notify the
5 ~~state board~~ **superintendent of public instruction**, and any
6 public school, school district, intermediate school district, or
7 nonpublic school in which the person is employed, of that
8 conviction and of the sentence imposed on the person. ~~The A~~
9 prosecuting attorney ~~of each county shall inquire of each person~~
10 ~~convicted in the county~~ **in charge of a case in which a person is**
11 **convicted** of a crime described in subsection (1) **shall inquire**
12 whether the person holds a teaching certificate.

13 **(7)** ~~-(6)-~~ If the superintendent of a school district or
14 intermediate school district, the chief administrative officer of
15 a nonpublic school, the president of the board of a school
16 district or intermediate school district, or the president of the
17 governing board of a nonpublic school is notified by a
18 prosecuting attorney or learns through an authoritative source
19 that a person who holds a teaching certificate and who is
20 employed ~~at the time~~ by the school district, intermediate
21 school district, or nonpublic school has been convicted of a
22 crime described in subsection (1), the superintendent, chief
23 administrative officer, or board president shall notify the
24 ~~state board~~ **superintendent of public instruction** of that
25 conviction.

26 ~~(7) If a person convicted of a crime described in subsection~~
27 ~~(2) is incarcerated in a state correctional facility and the~~

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

7 (8) For the purposes of this section, a certified copy of the
8 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 teaching certificate.

15 (9) **Beginning 3 months after the effective date of the**
16 **amendatory act that added this subsection, the superintendent of**
17 **public instruction shall submit to the legislature a quarterly**
18 **report of all final actions he or she has taken under this**
19 **section affecting a person's teaching certificate during the**
20 **preceding quarter. The report shall contain at least all of the**
21 **following with respect to each person whose teaching certificate**
22 **has been affected:**

23 (a) **The person's name, as it appears on the teaching**
24 **certificate.**

25 (b) **The school district, intermediate school district, public**
26 **school academy, or nonpublic school in which the person was**
27 **employed at the time of the conviction, if any.**

1 (c) The offense for which the person was convicted and the
2 date of the offense.

3 (d) Whether the action taken by the superintendent of public
4 instruction was a summary suspension, suspension due to failure
5 to request a hearing, suspension, revocation, or reinstatement of
6 the teaching certificate.

[(10) Not later than 6 months after the effective date of the
amendatory act that added this subsection, the superintendent of public
instruction shall submit to the legislature an inventory report with
information on all final actions taken under this section for the time
period from the date this section was added to this act until the
effective date of the amendatory act that added this subsection. The
report shall contain at least all of the information required in the
quarterly report under subsection (9) with respect to each person whose
teaching certificate was affected during that time period.

7 [(11)] ~~-(9)-~~ This section does not do any of the following:

8 (a) Prohibit a person who holds a teaching certificate from
9 seeking monetary compensation from a school board or intermediate
10 school board if that right is available under a collective
11 bargaining agreement or another statute.

12 (b) Limit the rights and powers granted to a school district
13 or intermediate school district under a collective bargaining
14 agreement, this act, or another statute to discipline or
15 discharge a person who holds a teaching certificate.

16 (c) Exempt a person who holds a teaching certificate from the
17 operation of section 1539a if the person also holds a school
18 administrator's certificate.

19 [(12)] ~~-(10)-~~ The ~~state board~~ **superintendent of public**
20 **instruction** may promulgate, as necessary, rules to implement this
21 section pursuant to the administrative procedures act of 1969,
22 ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to~~
23 ~~24.328 of the Michigan Compiled Laws~~ **1969 PA 306, MCL 24.201 to**
24 **24.328.**

25 [(13)] ~~-(11)-~~ As used in this section:

26 (a) "Conviction" means a judgment entered by a court upon a
27 plea of guilty, guilty but mentally ill, or nolo contendere or

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1 upon a jury verdict or court finding that a defendant is guilty
2 or guilty but mentally ill.

3 (b) ~~"State correctional facility" means a correctional~~
4 ~~facility under the jurisdiction of the department of corrections~~
5 "Prosecuting attorney" means the prosecuting attorney for a
6 county, an assistant prosecuting attorney for a county, the
7 attorney general, the deputy attorney general, an assistant
8 attorney general, a special prosecuting attorney, or, in
9 connection with the prosecution of an ordinance violation, an
10 attorney for the political subdivision that enacted the ordinance
11 upon which the violation is based.

12 Sec. 1539b. (1) Subject to subsection (2), if a person who
13 holds state board approval ~~is~~ **has been** convicted of a crime
14 described in this subsection, **[within 5 working days after receiving**
notice of the conviction] the ~~state board~~ **superintendent of**
15 **public instruction** shall notify the person in writing that his or
16 her state board approval may be suspended because of the
17 conviction and of his or her right to a hearing before the ~~state~~
18 ~~board~~ **superintendent of public instruction. The hearing shall**
19 **be conducted as a contested case under the administrative**
20 **procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.** If the
21 person does not avail himself or herself of this right to a
22 hearing within ~~30~~ 15 working days after receipt of this written
23 notification, the person's state board approval shall be
24 suspended. If a hearing takes place, the ~~state board~~
25 **superintendent of public instruction shall complete the**
26 **proceedings and make a final decision and order within 20 working**
27 **days after receiving the request for a hearing. Subject to**

1 subsection (2), the superintendent of public instruction may
2 suspend the person's state board approval, based upon the issues
3 and evidence presented at the hearing. This subsection applies
4 to any of the following crimes:

5 (a) Any felony.

6 (b) Any of the following misdemeanors:

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

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

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

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

17 (v) A violation of section 115, 141a, 145a, **335a**, or 359 of
18 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
19 ~~being sections 750.115, 750.141a, 750.145a, and 750.359 of the~~
20 ~~Michigan Compiled Laws~~ **1931 PA 328, MCL 750.115, 750.141a,**
21 **750.145a, 750.335a, and 750.359**, or a misdemeanor violation of
22 section 81, 81a, or ~~145e of Act No. 328 of the Public Acts of~~
23 ~~1931, being sections 750.81, 750.81a, and 750.145e of the~~
24 ~~Michigan Compiled Laws~~ **145d of the Michigan penal code, 1931 PA**
25 **328, MCL 750.81, 750.81a, and 750.145d.**

26 (vi) A misdemeanor violation of section ~~33 of the Michigan~~
27 ~~liquor control act, Act No. 8 of the Public Acts of the Extra~~

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1 ~~Session of 1933, being section 436.33 of the Michigan Compiled~~
2 ~~Laws~~ **701 of the Michigan liquor control code of 1998, 1998 PA**
3 **58, MCL 436.1701.**

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

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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, [145a, 145d,] 316, 317, or
 7 529 of
 8 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
 9 ~~being sections 750.83, 750.89, 750.91, 750.316, 750.317, and~~
 10 ~~750.529 of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.83,
 11 750.89, 750.91, [750.145a, 750.145d,] 750.316, 750.317, and 750.529.

12 (f) Any other crime listed in subsection (1), if the
 13 superintendent of public instruction determines the public
 14 health, safety, or welfare requires emergency action based on the
 15 circumstances underlying the conviction.

16 [(3) The superintendent of public instruction shall not take action
 17 against a person's state board approval under subsection (1) or (2)
 18 solely because of a conviction that occurred before the effective date of
 19 the amendatory act that added this subsection unless the superintendent
 20 of public instruction finds that the conviction is reasonably and
 21 adversely related to the person's present fitness to serve in an
 22 elementary or secondary school in this state.

23]
 24 (4) ~~(3)~~ After the completion of the person's sentence, the
 25 person may request a hearing before the ~~state board~~
 26 superintendent of public instruction on reinstatement of his or
 27 her state board approval. Based upon the issues and evidence
 presented at the hearing, the ~~state board~~ superintendent of

1 **public instruction** may reinstate, continue the suspension of, or
2 permanently revoke the person's state board approval. **The**
3 **superintendent of public instruction shall not reinstate a**
4 **person's state board approval unless the superintendent of public**
5 **instruction finds that the person is currently fit to serve in an**
6 **elementary or secondary school in this state and that**
7 **reinstatement of the person's state board approval will not**
8 **adversely affect the health, safety, and welfare of pupils.**

9 (5) ~~(4)~~ All of the following apply to a person described
10 in this section whose conviction is reversed upon final appeal:

11 (a) The person's state board approval shall be reinstated
12 upon his or her notification to the ~~state board~~ **superintendent**
13 **of public instruction** of the reversal.

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

20 (6) ~~(5)~~ The prosecuting attorney ~~of the county~~ **in charge**
21 **of a case** in which a person who holds state board approval was
22 convicted of a crime described in subsection (1) shall notify the
23 ~~state board~~ **superintendent of public instruction**, and any
24 public school, school district, intermediate school district, or
25 nonpublic school in which the person is employed, of that
26 conviction and of the sentence imposed on the person. ~~The~~ **A**
27 prosecuting attorney ~~of each county shall inquire of each person~~

1 ~~convicted in the county~~ **in charge of a case in which a person is**
2 **convicted** of a crime described in subsection (1) **shall inquire**
3 whether the person holds state board approval. The ~~state board~~
4 **superintendent of public instruction** shall make available to
5 prosecuting attorneys a list of school occupations that commonly
6 require state board approval.

7 (7) ~~(6)~~ If the superintendent of a school district or
8 intermediate school district, the chief administrative officer of
9 a nonpublic school, the president of the board of a school
10 district or intermediate school district, or the president of the
11 governing board of a nonpublic school is notified by a
12 prosecuting attorney or learns through an authoritative source
13 that a person who holds state board approval and who is employed
14 ~~at the time~~ by the school district, intermediate school
15 district, or nonpublic school has been convicted of a crime
16 described in subsection (1), the superintendent, chief
17 administrative officer, or board president shall notify the
18 ~~state board~~ **superintendent of public instruction** of that
19 conviction.

20 ~~(7) If a person convicted of a crime described in~~
21 ~~subsection (2) is incarcerated in a state correctional facility~~
22 ~~and the state board delays summary suspension as described in~~
23 ~~subsection (2), the state board shall contact the department of~~
24 ~~corrections and request to be notified before the person is~~
25 ~~released from secure confinement. Upon receipt of that request,~~
26 ~~the department of corrections shall notify the state board at~~
27 ~~least 30 work days before the person is released from secure~~

1 ~~confinement.~~

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

10 (9) Beginning 3 months after the effective date of the
11 amendatory act that added this subsection, the superintendent of
12 public instruction shall submit to the legislature a quarterly
13 report of all final actions he or she has taken under this
14 section affecting a person's state board approval during the
15 preceding quarter. The report shall contain at least all of the
16 following with respect to each person whose state board approval
17 has been affected:

18 (a) The person's name, as it appears on the state board
19 approval.

20 (b) The school district, intermediate school district,
21 public school academy, or nonpublic school in which the person
22 was employed at the time of the conviction, if any.

23 (c) The offense for which the person was convicted and the
24 date of the offense.

25 (d) Whether the action taken by the superintendent of public
26 instruction was a summary suspension, suspension due to failure
27 to request a hearing, suspension, revocation, or reinstatement of

1 the state board approval.

[(10) Not later than 6 months after the effective date of the amendatory act that added this subsection, the superintendent of public instruction shall submit to the legislature an inventory report with information on all final actions taken under this section for the time period from the date this section was added to this act until the effective date of the amendatory act that added this subsection. The report shall contain at least all of the information required in the quarterly report under subsection (9) with respect to each person whose state board approval was affected during that time period.

2 [(11)] ~~-(9)-~~ This section does not do any of the following:

3 (a) Prohibit a person who holds state board approval from
4 seeking monetary compensation from a school board or intermediate
5 school board if that right is available under a collective
6 bargaining 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
10 discharge a person who holds state board approval.

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

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

17 **[(12)]** ~~-(10)-~~ The ~~state board~~ **superintendent of public**
18 **instruction** may promulgate, as necessary, rules to implement this
19 section pursuant to the administrative procedures act of 1969,
20 ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to~~
21 ~~24.328 of the Michigan Compiled Laws~~ **1969 PA 306, MCL 24.201 to**
22 **24.328.**

23 **[(13)]** ~~-(11)-~~ As used in this section:

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

1 (b) "Prosecuting attorney" means the prosecuting attorney
2 for a county, an assistant prosecuting attorney for a county, the
3 attorney general, the deputy attorney general, an assistant
4 attorney general, a special prosecuting attorney, or, in
5 connection with the prosecution of an ordinance violation, an
6 attorney for the political subdivision that enacted the ordinance
7 upon which the violation is based.

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

17 ~~(c) "State correctional facility" means a correctional~~
18 ~~facility under the jurisdiction of the department of~~
19 ~~corrections.~~

20 Enacting section 1. Section 1539a of the revised school
21 code, 1976 PA 451, MCL 380.1539a, is repealed.