

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5476

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 10**
4 **working days after receiving notice of the conviction** the ~~state~~
5 ~~board~~ **superintendent of public instruction** shall notify the
6 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**

1 under the administrative procedures act of 1969, 1969 PA 306, MCL
2 24.201 to 24.328. If the person does not avail himself or herself
3 of this right to a hearing within ~~30~~ 15 working days after
4 receipt of this written notification, the teaching certificate of
5 that person shall be suspended. If a hearing takes place, the
6 ~~state board~~ superintendent of public instruction shall complete
7 the proceedings and make a final decision and order within 120
8 working days after receiving the request for a hearing. Subject
9 to subsection (2), the superintendent of public instruction may
10 suspend the person's teaching certificate based upon the issues
11 and evidence presented at the hearing. This subsection applies
12 to any of the 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 attempt
18 to commit child abuse in the third or fourth degree.

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

21 (iv) A misdemeanor violation of section 7410 of the public
22 health code, ~~Act No. 368 of the Public Acts of 1978, being~~
23 ~~section 333.7410 of the Michigan Compiled Laws~~ 1978 PA 368, MCL
24 333.7410.

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

1 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.115, 750.141a,
2 750.145a, 750.335a, and 750.359, or a misdemeanor violation of
3 section 81, 81a, or ~~145e of Act No. 328 of the Public Acts of~~
4 ~~1931, being sections 750.81, 750.81a, and 750.145e of the~~
5 ~~Michigan Compiled Laws~~ 145d of the Michigan penal code, 1931 PA
6 328, MCL 750.81, 750.81a, and 750.145d.

7 (vi) A misdemeanor violation of section ~~33 of the Michigan~~
8 ~~liquor control act, Act No. 8 of the Public Acts of the Extra~~
9 ~~Session of 1933, being section 436.33 of the Michigan Compiled~~
10 ~~Laws~~ 701 of the Michigan liquor control code of 1998, 1998 PA
11 58, MCL 436.1701.

12 (2) If a person who holds a teaching certificate that is
13 valid in this state ~~is~~ **has been** convicted of a crime described
14 in this subsection, the ~~state board~~ **superintendent of public**
15 **instruction** shall find that the public health, safety, or welfare
16 requires emergency action and shall order summary suspension of
17 the person's teaching certificate under section 92 of the
18 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
19 ~~Acts of 1969, being section 24.292 of the Michigan Compiled Laws~~
20 1969 PA 306, MCL 24.292, and shall subsequently provide an
21 opportunity for a hearing as provided under that section.

22 ~~However, if a person convicted of a crime described in this~~
23 ~~subsection is incarcerated in a state correctional facility, the~~
24 ~~state board may delay ordering the summary suspension until not~~
25 ~~later than 10 work days after the person is released from secure~~
26 ~~confinement.~~ This subsection does not limit the ~~state board's~~
27 **superintendent of public instruction's** ability to order summary

1 suspension of a person's teaching certificate for a reason other
2 than described in this subsection. This subsection applies to
3 conviction of any of the following crimes:

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

7 (b) Felonious assault on a child, child abuse in ~~any~~ **the**
8 **first** degree, or an attempt to commit child abuse in ~~any~~ **the**
9 **first** degree.

10 (c) Cruelty, torture, or indecent exposure involving a
11 child.

12 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i),
13 7410, or 7416 of the public health code, ~~Act No. 368 of the~~
14 ~~Public Acts of 1978, being sections 333.7401, 333.7403, 333.7410,~~
15 ~~and 333.7416 of the Michigan Compiled Laws~~ **1978 PA 368, MCL**
16 **333.7401, 333.7403, 333.7410, and 333.7416.**

17 (e) A violation of section 83, 89, 91, **145a**, 316, 317, or 529
18 of the Michigan penal code, ~~Act No. 328 of the Public Acts of~~
19 ~~1931, being sections 750.83, 750.89, 750.91, 750.316, 750.317,~~
20 ~~and 750.529 of the Michigan Compiled Laws~~ **1931 PA 328, MCL**
21 **750.83, 750.89, 750.91, 750.145a, 750.316, 750.317, and 750.529,**
22 **or a felony violation of section 145d of the Michigan penal code,**
23 **1931 PA 328, MCL 750.145d.**

24 (f) Any other crime listed in subsection (1), if the
25 superintendent of public instruction determines the public
26 health, safety, or welfare requires emergency action based on the
27 circumstances underlying the conviction.

1 (3) The superintendent of public instruction after a hearing
2 shall not take action against a person's teaching certificate
3 under subsection (1) or (2) unless the superintendent of public
4 instruction finds that the conviction is reasonably and adversely
5 related to the person's present fitness to serve in an elementary
6 or secondary school in this state or that the conviction
7 demonstrates that the person is unfit to teach in an elementary
8 or secondary school in this state. Further, the superintendent
9 of public instruction may take action against a person's teaching
10 certificate under subsection (1) or (2) based on a conviction
11 that occurred before the effective date of the amendatory act
12 that added this subsection if the superintendent of public
13 instruction finds that the conviction is reasonably and adversely
14 related to the person's present fitness to serve in an elementary
15 or secondary school in this state or that the conviction
16 demonstrates that the person is unfit to teach in an elementary
17 or secondary school in this state.

18 (4) ~~(3)~~ After the completion of a person's sentence, the
19 person may request a hearing before the ~~state board~~
20 **superintendent of public instruction** on reinstatement of his or
21 her teaching certificate. Based upon the issues and evidence
22 presented at the hearing, the ~~state board~~ **superintendent of**
23 **public instruction** may reinstate, continue the suspension of, or
24 permanently revoke the person's teaching certificate. **The**
25 **superintendent of public instruction shall not reinstate a**
26 **person's teaching certificate unless the superintendent of public**
27 **instruction finds that the person is currently fit to serve in an**

1 elementary or secondary school in this state and that
2 reinstatement of the person's teaching certificate will not
3 adversely affect the health, safety, and welfare of pupils.

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

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

9 (b) If the suspension of the person's teaching certificate
10 under this section was the sole cause of his or her discharge
11 from employment, the person shall be reinstated, upon his or her
12 notification to the appropriate local or intermediate school
13 board of the reversal, with full rights and benefits, to the
14 position he or she would have had if he or she had been
15 continuously employed.

16 (6) ~~(5)~~ ~~The~~ **Not later than 15 days after the date of the**
17 **conviction, the** prosecuting attorney ~~of the county~~ **in charge of**
18 **a case** in which a person who holds a teaching certificate was
19 convicted of a crime described in subsection (1) **or (2) and the**
20 **court that convicted the person** shall notify the ~~state board~~
21 **superintendent of public instruction**, and any public school,
22 school district, intermediate school district, or nonpublic
23 school in which the person is employed, of that conviction, **of**
24 **the name and address of the person convicted**, and of the sentence
25 imposed on the person. ~~The~~ **A** prosecuting attorney ~~of each~~
26 ~~county shall inquire of each person convicted in the county in~~
27 **charge of a case in which a person is convicted** of a crime

1 described in subsection (1) or (2) and a court that convicts a
2 person of a crime described in subsection (1) or (2) shall
3 inquire whether the person holds a teaching certificate.

4 (7) Not later than 5 working days after receiving
5 notification of a person's conviction from the prosecuting
6 attorney or the court under subsection (6), the superintendent of
7 public instruction shall request the court that convicted the
8 person to provide a certified copy of the judgment of conviction
9 and sentence to the superintendent of public instruction and
10 shall pay any fees required by the court. The court shall
11 provide this certified copy within 5 working days after receiving
12 the request and fees under this section.

13 (8) ~~(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 court** or learns through an authoritative
19 source 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) **or (2)**, the superintendent,
23 chief administrative officer, or board president shall notify the
24 ~~state board~~ **superintendent of public instruction** of that
25 conviction **within 15 days after learning of the 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 (9) ~~—(8)—~~ For the purposes of this section, a certified copy
8 of the ~~court record~~ **judgment of conviction and sentence** is
9 conclusive evidence of conviction of a crime described in this
10 section. For the purposes of this section, conviction of a crime
11 described in this ~~subsection~~ **section** is considered to be
12 reasonably and adversely related to the ability of the person to
13 serve in an elementary or secondary school and is sufficient
14 grounds for suspension or revocation of the person's teaching
15 certificate.

16 (10) For any hearing under subsection (1), if the
17 superintendent of public instruction does not complete the
18 hearing procedures and make a final decision and order within 120
19 working days after receiving the request for the hearing, as
20 required under subsection (1), the superintendent of public
21 instruction shall submit a report detailing the reasons for the
22 delay to the standing committees and appropriations subcommittees
23 of the senate and house of representatives that have jurisdiction
24 over education and education appropriations. The failure of the
25 superintendent of public instruction to complete the hearing
26 procedures and make a final decision and order within this 120
27 working day time limit, or the failure of any other official or

1 agency to meet a time limit prescribed in this section, does not
2 affect the validity of an action taken under this section
3 affecting a person's teaching certificate.

4 (11) Beginning 3 months after the effective date of the
5 amendatory act that added this subsection, the superintendent of
6 public instruction shall submit to the legislature a quarterly
7 report of all final actions he or she has taken under this
8 section affecting a person's teaching certificate during the
9 preceding quarter. The report shall contain at least all of the
10 following with respect to each person whose teaching certificate
11 has been affected:

12 (a) The person's name, as it appears on the teaching
13 certificate.

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

17 (c) The offense for which the person was convicted and the
18 date of the offense and date of the conviction.

19 (d) Whether the action taken by the superintendent of public
20 instruction was a summary suspension, suspension due to failure
21 to request a hearing, suspension, revocation, or reinstatement of
22 the teaching certificate.

23 (12) Not later than 6 months after the effective date of the
24 amendatory act that added this subsection, the superintendent of
25 public instruction shall submit to the legislature an inventory
26 report with information on all final actions taken under this
27 section for the time period from March 30, 1988 until the

1 effective date of the amendatory act that added this subsection.
2 The report shall contain at least all of the information required
3 in the quarterly report under subsection (11) with respect to
4 each person whose teaching certificate was affected during that
5 time period. If the superintendent of public instruction
6 determines that the information required for the report is not
7 available for any portion of that time period, the superintendent
8 of public instruction shall include with the report a detailed
9 explanation of the information that is not available and the
10 reasons why the information is not available.

11 (13) ~~(9)~~ This section does not do any of the following:

12 (a) Prohibit a person who holds a teaching certificate from
13 seeking monetary compensation from a school board or intermediate
14 school board if that right is available under a collective
15 bargaining agreement or another statute.

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

20 ~~(c) Exempt a person who holds a teaching certificate from~~
21 ~~the operation of section 1539a if the person also holds a school~~
22 ~~administrator's certificate.~~

23 (14) ~~(10)~~ The ~~state board~~ **superintendent of public**
24 **instruction** may promulgate, as necessary, rules to implement this
25 section pursuant to the administrative procedures act of 1969,
26 ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to~~
27 ~~24.328 of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 to

1 24.328.

2 (15) ~~(11)~~ As used in this section:

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

7 (b) ~~"State correctional facility" means a correctional
8 facility under the jurisdiction of the department of corrections~~

9 "Prosecuting attorney" means the prosecuting attorney for a
10 county, an assistant prosecuting attorney for a county, the
11 attorney general, the deputy attorney general, an assistant
12 attorney general, a special prosecuting attorney, or, in
13 connection with the prosecution of an ordinance violation, an
14 attorney for the political subdivision that enacted the ordinance
15 upon which the violation is based.

16 Sec. 1539b. (1) Subject to subsection (2), if a person who
17 holds state board approval ~~is~~ **has been** convicted of a crime
18 described in this subsection, **within 10 working days after**
19 **receiving notice of the conviction** the ~~state board~~
20 **superintendent of public instruction** shall notify the person in
21 writing that his or her state board approval may be suspended
22 because of the conviction and of his or her right to a hearing
23 before the ~~state board~~ **superintendent of public instruction.**
24 **The hearing shall be conducted as a contested case under the**
25 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**
26 **24.328.** If the person does not avail himself or herself of this
27 right to a hearing within ~~30~~ 15 working days after receipt of

1 this written notification, the person's state board approval
2 shall be suspended. If a hearing takes place, the ~~state board~~
3 **superintendent of public instruction shall complete the**
4 **proceedings and make a final decision and order within 120**
5 **working days after receiving the request for a hearing. Subject**
6 **to subsection (2), the superintendent of public instruction** may
7 suspend the person's state board approval, based upon the issues
8 and evidence presented at the hearing. This subsection applies
9 to any of the following crimes:

10 (a) Any felony.

11 (b) Any of the following misdemeanors:

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

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

16 (iii) A misdemeanor involving cruelty, torture, or indecent
17 exposure involving a child.

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

22 (v) A violation of section 115, 141a, 145a, **335a**, or 359 of
23 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
24 ~~being sections 750.115, 750.141a, 750.145a, and 750.359 of the~~
25 ~~Michigan Compiled Laws~~ **1931 PA 328, MCL 750.115, 750.141a,**
26 **750.145a, 750.335a, and 750.359,** or a misdemeanor violation of
27 section 81, 81a, or ~~145e of Act No. 328 of the Public Acts of~~

1 ~~1931, being sections 750.81, 750.81a, and 750.145c of the~~
2 ~~Michigan Compiled Laws— 145d of the Michigan penal code, 1931 PA~~
3 ~~328, MCL 750.81, 750.81a, and 750.145d.~~

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

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

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

4 (b) Felonious assault on a child, child abuse in ~~any~~ **the**
5 **first** degree, or an attempt to commit child abuse in ~~any~~ **the**
6 **first** 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**, 316, 317, or
15 529 of the Michigan penal code, ~~Act No. 328 of the Public Acts~~
16 ~~of 1931, being sections 750.83, 750.89, 750.91, 750.316, 750.317,~~
17 ~~and 750.529 of the Michigan Compiled Laws 1931 PA 328, MCL~~
18 **750.83, 750.89, 750.91, 750.145a, 750.316, 750.317, and 750.529,**
19 **or a felony violation of section 145d of the Michigan penal code,**
20 **1931 PA 328, MCL 750.145d.**

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

25 (3) The superintendent of public instruction after a hearing
26 shall not take action against a person's state board approval
27 under subsection (1) or (2) unless the superintendent of public

1 instruction finds that the conviction is reasonably and adversely
2 related to the person's present fitness to serve in an elementary
3 or secondary school in this state or that the conviction
4 demonstrates that the person is unfit to teach in an elementary
5 or secondary school in this state. Further, the superintendent
6 of public instruction may take action against a person's state
7 board approval under subsection (1) or (2) based on a conviction
8 that occurred before the effective date of the amendatory act
9 that added this subsection if the superintendent of public
10 instruction finds that the conviction is reasonably and adversely
11 related to the person's present fitness to serve in an elementary
12 or secondary school in this state.

13 (4) ~~(3)~~ After the completion of the person's sentence, the
14 person may request a hearing before the ~~state board~~
15 **superintendent of public instruction** on reinstatement of his or
16 her state board approval. Based upon the issues and evidence
17 presented at the hearing, the ~~state board~~ **superintendent of**
18 **public instruction** may reinstate, continue the suspension of, or
19 permanently revoke the person's state board approval. **The**
20 **superintendent of public instruction shall not reinstate a**
21 **person's state board approval unless the superintendent of public**
22 **instruction finds that the person is currently fit to serve in an**
23 **elementary or secondary school in this state and that**
24 **reinstatement of the person's state board approval will not**
25 **adversely affect the health, safety, and welfare of pupils.**

26 (5) ~~(4)~~ All of the following apply to a person described
27 in this section whose conviction is reversed upon final appeal:

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

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

10 (6) ~~(5) The~~ **Not later than 15 days after the date of the**
11 **conviction, the** prosecuting attorney ~~of the county~~ **in charge of**
12 **a case** in which a person who holds state board approval was
13 convicted of a crime described in subsection (1) **or (2) and the**
14 **court that convicted the person** shall notify the ~~state board~~
15 **superintendent of public instruction**, and any public school,
16 school district, intermediate school district, or nonpublic
17 school in which the person is employed, of that conviction, **of**
18 **the name and address of the person convicted**, and of the sentence
19 imposed on the person. ~~The~~ **A** prosecuting attorney ~~of each~~
20 ~~county shall inquire of each person convicted in the county in~~
21 **charge of a case in which a person is convicted** of a crime
22 described in subsection (1) **or (2), and a court that convicts a**
23 **person of a crime described in subsection (1) or (2) shall**
24 **inquire** whether the person holds state board approval. The
25 ~~state board~~ **superintendent of public instruction** shall make
26 available to prosecuting attorneys **and courts** a list of school
27 occupations that commonly require state board approval.

1 (7) Not later than 5 working days after receiving
2 notification of a person's conviction from the prosecuting
3 attorney or the court under subsection (6), the superintendent of
4 public instruction shall request the court that convicted the
5 person to provide a certified copy of the judgment of conviction
6 and sentence to the superintendent of public instruction and
7 shall pay any fees required by the court. The court shall
8 provide this certified copy within 5 working days after receiving
9 the request and fees under this section.

10 (8) ~~(6)~~ If the superintendent of a school district or
11 intermediate school district, the chief administrative officer of
12 a nonpublic school, the president of the board of a school
13 district or intermediate school district, or the president of the
14 governing board of a nonpublic school is notified by a
15 prosecuting attorney **or court** or learns through an authoritative
16 source that a person who holds state board approval and who is
17 employed ~~at the time~~ by the school district, intermediate
18 school district, or nonpublic school has been convicted of a
19 crime described in subsection (1) **or (2)**, the superintendent,
20 chief administrative officer, or board president shall notify the
21 ~~state board~~ **superintendent of public instruction** of that
22 conviction **within 15 days after learning of the conviction.**

23 ~~(7) If a person convicted of a crime described in~~
24 ~~subsection (2) is incarcerated in a state correctional facility~~
25 ~~and the state board delays summary suspension as described in~~
26 ~~subsection (2), the state board shall contact the department of~~
27 ~~corrections and request to be notified before the person is~~

1 ~~released from secure confinement. Upon receipt of that request,~~
2 ~~the department of corrections shall notify the state board at~~
3 ~~least 30 work days before the person is released from secure~~
4 ~~confinement.~~

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

14 (10) For any hearing under subsection (1), if the
15 superintendent of public instruction does not complete the
16 hearing procedures and make a final decision and order within 120
17 working days after receiving the request for the hearing, as
18 required under subsection (1), the superintendent of public
19 instruction shall submit a report detailing the reasons for the
20 delay to the standing committees and appropriations subcommittees
21 of the senate and house of representatives that have jurisdiction
22 over education and education appropriations. The failure of the
23 superintendent of public instruction to complete the hearing
24 procedures and make a final decision and order within this 120
25 working day time limit, or the failure of any other official or
26 agency to meet a time limit prescribed in this section, does not
27 affect the validity of an action taken under this section

1 affecting a person's state board approval.

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

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

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

15 (c) The offense for which the person was convicted and the
16 date of the offense and date of the conviction.

17 (d) Whether the action taken by the superintendent of public
18 instruction was a summary suspension, suspension due to failure
19 to request a hearing, suspension, revocation, or reinstatement of
20 the state board approval.

21 (12) Not later than 6 months after the effective date of the
22 amendatory act that added this subsection, the superintendent of
23 public instruction shall submit to the legislature an inventory
24 report with information on all final actions taken under this
25 section for the time period from June 23, 1992 until the
26 effective date of the amendatory act that added this subsection.
27 The report shall contain at least all of the information required

1 in the quarterly report under subsection (11) with respect to
2 each person whose state board approval was affected during that
3 time period. If the superintendent of public instruction
4 determines that the information required for the report is not
5 available for any portion of that time period, the superintendent
6 of public instruction shall include with the report a detailed
7 explanation of the information that is not available and the
8 reasons why the information is not available.

9 (13) ~~—(9)—~~ This section does not do any of the following:

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

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

18 (c) Exempt a person who holds state board approval from the
19 operation of section 1535a ~~—or 1539a, or both,—~~ if the person
20 holds a certificate subject to ~~—1 or both of these sections—~~ **that**
21 **section.**

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

25 (14) ~~—(10)—~~ The ~~—state board—~~ **superintendent of public**
26 **instruction** may promulgate, as necessary, rules to implement this
27 section pursuant to the administrative procedures act of 1969,

1 ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to~~
2 ~~24.328 of the Michigan Compiled Laws 1969 PA 306, MCL 24.201 to~~
3 ~~24.328.~~

4 (15) ~~(11)~~ As used in this section:

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

9 (b) "Prosecuting attorney" means the prosecuting attorney
10 for a county, an assistant prosecuting attorney for a county, the
11 attorney general, the deputy attorney general, an assistant
12 attorney general, a special prosecuting attorney, or, in
13 connection with the prosecution of an ordinance violation, an
14 attorney for the political subdivision that enacted the ordinance
15 upon which the violation is based.

16 (c) ~~(b)~~ "State board approval" means a license,
17 certificate, ~~endorsement, permit,~~ approval **not requiring a**
18 **teaching certificate**, or other evidence of qualifications to hold
19 a particular position in a school district or intermediate school
20 district or in a nonpublic school, other than a teacher's
21 certificate subject to section 1535a, ~~or a school~~
22 ~~administrator's certificate subject to section 1539a,~~ that is
23 issued to a person by the state board **or the superintendent of**
24 **public instruction** under this act or a rule promulgated under
25 this act.

26 ~~(c) "State correctional facility" means a correctional~~
27 ~~facility under the jurisdiction of the department of~~

1 ~~corrections.~~

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