

HOUSE BILL No. 5159

December 15, 2015, Introduced by Reps. Yonker, Price and Garcia and referred to the Committee on Education.

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 163 (MCL 388.1763), as amended by 2015 PA 85,
and by adding section 163b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 163. (1) Except as provided in the revised school code,
2 the board of a district or intermediate district shall not permit
3 any of the following:

4 (a) A noncertificated educator to teach in an elementary or
5 secondary school or in an adult basic education or high school
6 completion program.

7 (b) A noncertificated educator to provide counseling services
8 to pupils in an elementary or secondary school or in an adult basic
9 education or high school completion program.

10 (c) A noncertificated educator to administer instructional

1 programs in an elementary or secondary school, or in an adult basic
2 education or high school completion program, unless that educator
3 is fulfilling applicable continuing education requirements.

4 (2) Except as provided in the revised school code **AND IN**
5 **SECTION 163B**, a district or intermediate district employing
6 educators not legally certificated or licensed shall have deducted
7 the sum equal to the amount paid the educators for the period of
8 noncertificated, unlicensed, or illegal employment. Each
9 intermediate superintendent shall notify the department of the name
10 of the noncertificated or unlicensed educator, and the district
11 employing that individual and the amount of salary the
12 noncertificated or unlicensed educator was paid within a
13 constituent district.

14 (3) If a school official is notified by the department that he
15 or she is employing a nonapproved, noncertificated, or unlicensed
16 educator in violation of this section and knowingly continues to
17 employ that educator, the school official is guilty of a
18 misdemeanor, punishable by a fine of \$1,500.00 for each incidence.
19 This penalty is in addition to all other financial penalties
20 otherwise specified in this article.

21 **SEC. 163B. A DISTRICT OR INTERMEDIATE DISTRICT THAT VIOLATES**
22 **ANY OF THE FOLLOWING FORFEITS FROM ITS STATE AID UNDER THIS ACT AN**
23 **AMOUNT EQUAL TO 5% OF ITS TOTAL STATE AID:**

24 (A) **SECTION 1246 OF THE REVISED SCHOOL CODE, MCL 380.1246.**

25 (B) **SECTION 1526 OF THE REVISED SCHOOL CODE, MCL 380.1526.**

26 (C) **SECTION 1527 OF THE REVISED SCHOOL CODE, MCL 380.1527.**

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless all of the following bills of the 98th Legislature are
4 enacted into law:

5 (a) Senate Bill No.____ or House Bill No. 5157 (request no.
6 04091'15).

7 (b) Senate Bill No.____ or House Bill No. 5158 (request no.
8 04092'15).

9 (c) Senate Bill No.____ or House Bill No. 5156 (request no.
10 04093'15).