

HOUSE BILL No. 5082

September 25, 1989, Introduced by Reps. London, DeMars, Hoffman, Trim, Stacey, Bandstra, Runco, Munsell, Keith, Bennett, Johnson, Dolan, Honigman, Emmons, Camp, Krause, Wallace, DeBeaussiaert, Gubow, Kosteva, Saunders, Randall, Bryant, Miller, Strand, Bankes, Walberg, Bartnik and Power and referred to the Committee on Education.

A bill to amend Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

as amended, being sections 380.1 to 380.1852 of the Michigan Compiled Laws, by adding section 1539a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 451 of the Public Acts of 1976, as
2 amended, being sections 380.1 to 380.1852 of the Michigan
3 Compiled Laws, is amended by adding section 1539a to read as
4 follows:

5 SEC. 1539A. (1) UPON AN ADMINISTRATOR'S CONVICTION OF CRIM-
6 INAL SEXUAL CONDUCT IN ANY DEGREE, ASSAULT WITH INTENT TO COMMIT
7 CRIMINAL SEXUAL CONDUCT, AN ATTEMPT TO COMMIT CRIMINAL SEXUAL
8 CONDUCT IN ANY DEGREE, FELONIOUS ASSAULT ON A CHILD, CHILD ABUSE
9 OR CRUELTY, TORTURE, OR INDECENT EXPOSURE INVOLVING A CHILD, THE

1 STATE BOARD SHALL NOTIFY, IN WRITING, THE ADMINISTRATOR OF HIS OR
2 HER RIGHT TO A HEARING BEFORE THE STATE BOARD. IF THE ADMINIS-
3 TRATOR DOES NOT AVAIL HIMSELF OR HERSELF OF THIS RIGHT WITHIN 30
4 WORKING DAYS AFTER RECEIPT OF THIS WRITTEN NOTIFICATION, THE
5 SCHOOL ADMINISTRATOR'S CERTIFICATE OF THAT ADMINISTRATOR SHALL BE
6 SUSPENDED. IF A HEARING TAKES PLACE, BASED UPON THE ISSUES AND
7 EVIDENCE PRESENTED AT THE HEARING, THE STATE BOARD MAY SUSPEND
8 THE ADMINISTRATOR'S SCHOOL ADMINISTRATOR'S CERTIFICATE.

9 (2) AFTER THE COMPLETION OF AN ADMINISTRATOR'S SENTENCE, AN
10 ADMINISTRATOR MAY REQUEST A HEARING BEFORE THE STATE BOARD ON
11 REINSTATEMENT OF HIS OR HER SCHOOL ADMINISTRATOR'S CERTIFICATE.
12 BASED UPON THE ISSUES AND EVIDENCE PRESENTED AT THE HEARING, THE
13 STATE BOARD MAY REINSTATE, CONTINUE THE SUSPENSION OF, OR PER-
14 MANENTLY REVOKE THE ADMINISTRATOR'S SCHOOL ADMINISTRATOR'S
15 CERTIFICATE.

16 (3) AN ADMINISTRATOR DESCRIBED IN THIS SECTION WHOSE CONVIC-
17 TION IS REVERSED UPON FINAL APPEAL:

18 (A) SHALL HAVE HIS OR HER SCHOOL ADMINISTRATOR'S CERTIFICATE
19 REINSTATED UPON HIS OR HER NOTIFICATION OF THAT FACT TO THE STATE
20 BOARD.

21 (B) SHALL BE REINSTATED, UPON HIS OR HER NOTIFICATION OF
22 THAT FACT TO THE APPROPRIATE LOCAL OR INTERMEDIATE SCHOOL BOARD,
23 WITH FULL RIGHTS AND BENEFITS, TO THE POSITION HE OR SHE WOULD
24 HAVE HAD IF HE OR SHE HAD BEEN CONTINUOUSLY EMPLOYED IF THE SUS-
25 PENSION OF THE SCHOOL ADMINISTRATOR'S CERTIFICATE WAS THE SOLE
26 CAUSE OF HIS OR HER DISCHARGE FROM EMPLOYMENT.

1 (4) THE PROSECUTING ATTORNEY OF THE COUNTY IN WHICH AN
2 ADMINISTRATOR WAS CONVICTED OF CRIMINAL SEXUAL CONDUCT IN ANY
3 DEGREE, ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT, AN
4 ATTEMPT TO COMMIT CRIMINAL SEXUAL CONDUCT IN ANY DEGREE, FELONI-
5 OUS ASSAULT ON A CHILD, CHILD ABUSE, OR CRUELTY, TORTURE, OR
6 INDECENT EXPOSURE INVOLVING A CHILD SHALL NOTIFY THE STATE BOARD
7 OF THAT CONVICTION.

8 (5) THIS SECTION SHALL NOT BE CONSTRUED TO DO EITHER OF THE
9 FOLLOWING:

10 (A) PROHIBIT AN ADMINISTRATOR FROM SEEKING MONETARY COMPEN-
11 SATION FROM A SCHOOL BOARD OR INTERMEDIATE SCHOOL BOARD IF THAT
12 RIGHT IS AVAILABLE UNDER A COLLECTIVE BARGAINING AGREEMENT OR
13 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 DIS-
17 CHARGE AN ADMINISTRATOR.

18 (6) THE STATE BOARD MAY PROMULGATE, AS NECESSARY, RULES TO
19 IMPLEMENT THIS SECTION PURSUANT TO THE ADMINISTRATIVE PROCEDURES
20 ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SEC-
21 TIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS.