

HOUSE BILL No. 5635

March 26, 1990, Introduced by Reps. DeMars, Keith, Bartnik, Gubow, Martin, Wallace, Bender, Willis Bullard, Hoffman, DeLange, DeBeaussiaert, London, Munsell, Oxender, Weeks, Barns, Webb, Hart, Stallworth, Hickner, Emerson, Bennett, Sofio, Stopczynski, Dolan, Bennane, Pitoniak, Bryant, Dunaskiss, Pridnia, Bankes, Murphy, Porreca, Clack, Gire, Kosteva, Jonker, Kilpatrick, Hunter, Walberg, Joe Young, Jr., Gagliardi, Stabenow, Wartner, Jaye, Hillegonds, O'Connor, Hollister, Giese, Krause, Trim, Camp, Strand, Mathieu, Randall, Stupak, Runco, Van Regenmorter and Saunders 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 1281a.

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 1281a to read as
4 follows:

5 SEC. 1281A. (1) IF AN INDIVIDUAL WHO HOLDS STATE BOARD
6 APPROVAL IS CONVICTED OF CRIMINAL SEXUAL CONDUCT IN ANY DEGREE,
7 ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT, AN ATTEMPT
8 TO COMMIT CRIMINAL SEXUAL CONDUCT IN ANY DEGREE, FELONIOUS
9 ASSAULT ON A CHILD, CHILD ABUSE, OR CRUELTY, TORTURE, OR INDECENT

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

9 (2) AFTER THE COMPLETION OF THE INDIVIDUAL'S SENTENCE, THE
10 INDIVIDUAL MAY REQUEST A HEARING BEFORE THE STATE BOARD ON REIN-
11 STATEMENT OF HIS OR HER STATE BOARD APPROVAL. BASED UPON THE
12 ISSUES AND EVIDENCE PRESENTED AT THE HEARING, THE STATE BOARD MAY
13 REINSTATE, CONTINUE THE SUSPENSION OF, OR PERMANENTLY REVOKE THE
14 INDIVIDUAL'S STATE BOARD APPROVAL.

15 (3) AN INDIVIDUAL DESCRIBED IN THIS SECTION WHOSE CONVICTION
16 IS REVERSED UPON FINAL APPEAL:

17 (A) SHALL HAVE HIS OR HER SCHOOL STATE BOARD APPROVAL UPON
18 HIS OR HER NOTIFICATION OF THAT FACT TO THE STATE BOARD.

19 (B) IF THE SUSPENSION OF THE STATE BOARD APPROVAL WAS THE
20 SOLE CAUSE OF HIS OR HER DISCHARGE FROM EMPLOYMENT, SHALL BE
21 REINSTATED UPON HIS OR HER NOTIFICATION OF THAT FACT TO THE
22 APPROPRIATE LOCAL OR INTERMEDIATE SCHOOL BOARD, WITH FULL RIGHTS
23 AND BENEFITS, TO THE POSITION HE OR SHE WOULD HAVE HAD IF HE OR
24 SHE HAD BEEN CONTINUOUSLY EMPLOYED.

25 (4) A SCHOOL DISTRICT EMPLOYING AN INDIVIDUAL DESCRIBED IN
26 THIS SECTION THAT HAS NOTICE OF HIS OR HER CONVICTION AND THE

1 PROSECUTING ATTORNEY OF THE COUNTY IN WHICH THE INDIVIDUAL WAS
2 CONVICTED SHALL NOTIFY THE STATE BOARD OF THAT CONVICTION.

3 (5) THIS SECTION SHALL NOT BE CONSTRUED TO DO ANY OF THE
4 FOLLOWING:

5 (A) PROHIBIT AN INDIVIDUAL DESCRIBED IN THIS SECTION FROM
6 SEEKING MONETARY COMPENSATION FROM A SCHOOL BOARD OR INTERMEDIATE
7 SCHOOL BOARD IF THAT RIGHT IS AVAILABLE UNDER A COLLECTIVE BAR-
8 GAINING AGREEMENT OR ANOTHER STATUTE.

9 (B) LIMIT THE RIGHTS AND POWERS GRANTED TO A SCHOOL DISTRICT
10 OR INTERMEDIATE SCHOOL DISTRICT UNDER A COLLECTIVE BARGAINING
11 AGREEMENT, THIS ACT, OR ANOTHER STATUTE TO DISCIPLINE OR DIS-
12 CHARGE AN INDIVIDUAL DESCRIBED IN THIS SECTION.

13 (C) EXEMPT AN INDIVIDUAL DESCRIBED IN THIS SECTION FROM THE
14 OPERATION OF SECTION 1535A OR 1539A, OR BOTH, IF THE INDIVIDUAL
15 HOLDS CERTIFICATION SUBJECT TO 1 OR BOTH OF THOSE SECTIONS.

16 (D) LIMIT THE ABILITY OF A STATE LICENSING BODY TO TAKE
17 ACTION AGAINST AN INDIVIDUAL'S LICENSE OR REGISTRATION FOR THE
18 SAME CONVICTION.

19 (6) THE STATE BOARD SHALL MAKE AVAILABLE TO PROSECUTING
20 ATTORNEYS A LIST OF SCHOOL OCCUPATIONS THAT COMMONLY REQUIRE
21 STATE BOARD APPROVAL.

22 (7) THE STATE BOARD MAY PROMULGATE, AS NECESSARY, RULES TO
23 IMPLEMENT THIS SECTION PURSUANT TO THE ADMINISTRATIVE PROCEDURES
24 ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SEC-
25 TIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS.

26 (8) AS USED IN THIS SECTION, "STATE BOARD APPROVAL" MEANS A
27 LICENSE, CERTIFICATE, ENDORSEMENT, PERMIT, APPROVAL, OR OTHER

1 EVIDENCE OF QUALIFICATIONS TO HOLD A PARTICULAR POSITION IN A
2 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT, OTHER THAN A
3 TEACHER'S CERTIFICATE SUBJECT TO SECTION 1535A OR A SCHOOL
4 ADMINISTRATOR'S CERTIFICATE SUBJECT TO SECTION 1539A, THAT IS
5 ISSUED TO AN INDIVIDUAL BY THE STATE BOARD UNDER THIS ACT OR A
6 RULE PROMULGATED UNDER THIS ACT.

7 Section 2. This amendatory act shall not take effect unless
8 House Bill No. 5082 of the 85th Legislature is enacted into law.