



HOUSE BILL No. 5913

June 21, 2000, Introduced by Rep. Allen and referred to the Committee on Education.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1535a. (1) ~~Subject to subsection (2), if~~ IF a person
2 who holds a teaching certificate that is valid in this state is
3 convicted of a crime described in this subsection, the ~~state~~
4 board shall notify the person in writing that his or her teaching
5 certificate may be suspended because of the conviction and of his
6 or her right to a hearing before the state board. If the person
7 does not avail himself or herself of this right to a hearing
8 within 30 working days after receipt of this written
9 notification, the teaching certificate of that person shall be
10 suspended. If a hearing takes place, the state board may suspend

~~1 the person's teaching certificate based upon the issues and~~
~~2 evidence presented at the hearing.~~ SUPERINTENDENT OF PUBLIC
3 INSTRUCTION SHALL PROCEED AS REQUIRED UNDER SUBSECTION (2). This
4 ~~subsection~~ SECTION applies 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 sec-~~
15 ~~tion 333.7410 of the Michigan Compiled Laws 1978 PA 368,~~
16 MCL 333.7410.

17 (v) A violation of section 115, 141a, 145a, or 359 of the
18 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, AND 750.359, or a misdemeanor violation of section 81,~~
22 ~~81a, or 145c of Act No. 328 of the Public Acts of 1931, being~~
23 ~~sections 750.81, 750.81a, and 750.145c of the Michigan Compiled~~
24 ~~Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81, 750.81A,
25 AND 750.145C.

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~~

~~1 Session of 1933, being section 436.33 of the Michigan Compiled~~
~~2 Laws 701 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998~~
~~3 PA 58, MCL 436.1701.~~

~~4 (2) If a person who holds a teaching certificate that is~~
~~5 valid in this state is convicted of a crime described in this~~
~~6 subsection (1), the state board SUPERINTENDENT OF PUBLIC~~
~~7 INSTRUCTION shall find that the public health, safety, or welfare~~
~~8 requires emergency action and shall order summary suspension of~~
~~9 the person's teaching certificate under section 92 of the admin-~~
~~10 istrative procedures act of 1969, Act No. 306 of the Public Acts~~
~~11 of 1969, being section 24.292 of the Michigan Compiled Laws 1969~~
~~12 PA 306, MCL 24.292. However, if a person convicted of a crime~~
~~13 described in this subsection is incarcerated in a state correc-~~
~~14 tional facility, the state board SUPERINTENDENT OF PUBLIC~~
~~15 INSTRUCTION may delay ordering the summary suspension until not~~
~~16 later than 10 work days after the person is released from secure~~
~~17 confinement. This subsection does not limit the state board's~~
~~18 SUPERINTENDENT OF PUBLIC INSTRUCTION'S ability to order summary~~
~~19 suspension of, OR TO SUSPEND OR REVOKE, a person's teaching cer-~~
~~20 tificate for a reason other than described in this subsection.~~
~~21 This subsection applies to conviction of any of the following~~
~~22 crimes:~~

~~23 (a) Criminal sexual conduct in any degree, assault with~~
~~24 intent to commit criminal sexual conduct, or an attempt to commit~~
~~25 criminal sexual conduct in any degree.~~

~~26 (b) Felonious assault on a child, child abuse in any degree,~~
~~27 or an attempt to commit child abuse in any degree.~~

1 ~~(c) Cruelty, torture, or indecent exposure involving a~~
2 ~~child.~~

3 ~~(d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i),~~
4 ~~7410, or 7416 of the public health code, Act No. 368 of the~~
5 ~~Public Acts of 1978, being sections 333.7401, 333.7403, 333.7410,~~
6 ~~and 333.7416 of the Michigan Compiled Laws.~~

7 ~~(e) A violation of section 83, 89, 91, 316, 317, or 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.~~

11 (3) After the completion of a person's sentence, the person
12 may request a hearing before the ~~state board~~ SUPERINTENDENT OF
13 PUBLIC INSTRUCTION on reinstatement of his or her teaching
14 certificate. Based upon the issues and evidence presented at the
15 hearing, the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION
16 may reinstate, continue the suspension of, or permanently revoke
17 the person's teaching certificate.

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

20 (a) The person's teaching certificate shall be reinstated
21 upon his or her notification to the ~~state board~~ SUPERINTENDENT
22 OF PUBLIC INSTRUCTION of the reversal.

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

1 position he or she would have had if he or she had been
2 continuously employed.

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

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

25 (7) If a person convicted of a crime described in subsection
26 ~~(2)~~ (1) is incarcerated in a state correctional facility and
27 the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION delays

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

8 (8) For the purposes of this section, a certified copy of
9 the court record is conclusive evidence of conviction of a crime
10 described in this section. For the purposes of this section,
11 conviction of a crime described in ~~this~~ subsection (1) is con-
12 sidered to be reasonably and adversely related to the ability of
13 the person to serve in an elementary or secondary school and is
14 sufficient grounds for suspension or revocation of the person's
15 teaching certificate.

16 (9) This section does not do any of the following:

17 (a) Prohibit a person who holds a teaching certificate from
18 seeking monetary compensation from a school board or intermediate
19 school board if that right is available under a collective bar-
20 gaining agreement or another statute.

21 (b) Limit the rights and powers granted to a school district
22 or intermediate school district under a collective bargaining
23 agreement, this act, or another statute to discipline or dis-
24 charge a person who holds a teaching certificate.

25 (c) Exempt a person who holds a teaching certificate from
26 the operation of section 1539a if the person also holds a school
27 administrator's certificate.

1 (10) The state board may promulgate, as necessary, rules to
2 implement this section pursuant to the administrative procedures
3 act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sec=~~
4 ~~tions 24.201 to 24.328 of the Michigan Compiled Laws 1969~~
5 PA 306, MCL 24.201 TO 24.328.

6 (11) As used in this section:

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

11 (b) "State correctional facility" means a correctional
12 facility under the jurisdiction of the department of
13 corrections.

14 Sec. 1539a. (1) ~~Subject to subsection (2), if~~ IF a person
15 who holds a school administrator's certificate that is valid in
16 this state is convicted of a crime described in this subsection,
17 the ~~state board shall notify the person in writing that his or~~
18 ~~her school administrator's certificate may be suspended because~~
19 ~~of the conviction and of his or her right to a hearing before the~~
20 ~~state board. If the person does not avail himself or herself of~~
21 ~~this right to a hearing within 30 working days after receipt of~~
22 ~~this written notification, the school administrator's certificate~~
23 ~~of that person shall be suspended. If a hearing takes place, the~~
24 ~~state board may suspend the person's school administrator's cer=~~
25 ~~tificate based upon the issues and evidence presented at the~~
26 ~~hearing.~~ SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PROCEED AS

1 REQUIRED UNDER SUBSECTION (2). This subsection applies to any of
2 the following crimes:

3 (a) Any felony.

4 (b) Any of the following misdemeanors:

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

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

9 (iii) A misdemeanor involving cruelty, torture, or indecent
10 exposure involving a child.

11 (iv) A misdemeanor violation of section 7410 of the public
12 health code, ~~Act No. 368 of the Public Acts of 1978, being sec-~~
13 ~~tion 333.7410 of the Michigan Compiled Laws~~ 1978 PA 368,
14 MCL 333.7410.

15 (v) A violation of section 115, 141a, 145a, or 359 of the
16 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
17 ~~being sections 750.115, 750.141a, 750.145a, and 750.359 of the~~
18 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.115, 750.141A,
19 750.145A, AND 750.359, or a misdemeanor violation of section 81,
20 81a, or 145c of ~~Act No. 328 of the Public Acts of 1931, being~~
21 ~~sections 750.81, 750.81a, and 750.145c of the Michigan Compiled~~
22 ~~Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81, 750.81A,
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25 ~~liquor control act, Act No. 8 of the Public Acts of the Extra~~
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1 ~~Laws~~ 701 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998
2 PA 58, MCL 436.1701.

3 (2) If a person who holds a school administrator's certifi-
4 cate that is valid in this state is convicted of a crime
5 described in ~~this~~ subsection (1), the ~~state board~~
6 SUPERINTENDENT OF PUBLIC INSTRUCTION shall find that the public
7 health, safety, or welfare requires emergency action and shall
8 order summary suspension of the person's school administrator's
9 certificate under section 92 of the administrative procedures act
10 of 1969, ~~Act No. 306 of the Public Acts of 1969, being section~~
11 ~~24.292 of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.292.
12 However, if a person convicted of a crime described in this sub-
13 section is incarcerated in a state correctional facility, the
14 ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION may delay
15 ordering the summary suspension until not later than 10 work days
16 after the person is released from secure confinement. This sub-
17 section does not limit the ~~state board's~~ SUPERINTENDENT OF
18 PUBLIC INSTRUCTION'S ability to order summary suspension of, OR
19 TO SUSPEND OR REVOKE, a person's school administrator's certifi-
20 cate for a reason other than described in this subsection. ~~This~~
21 ~~subsection applies to conviction of any of the following crimes:~~
22 (a) ~~Criminal sexual conduct in any degree, assault with~~
23 ~~intent to commit criminal sexual conduct, or an attempt to commit~~
24 ~~criminal sexual conduct in any degree.~~
25 (b) ~~Felonious assault on a child, child abuse in any degree,~~
26 ~~or an attempt to commit child abuse in any degree.~~

1 ~~(c) Cruelty, torture, or indecent exposure involving a~~
2 ~~child.~~

3 ~~(d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i),~~
4 ~~7410, or 7416 of the public health code, Act No. 368 of the~~
5 ~~Public Acts of 1978, being sections 333.7401, 333.7403, 333.7410,~~
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8 ~~the Michigan penal code, Act No. 328 of the Public Acts of 1931,~~
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11 (3) After the completion of the person's sentence, the
12 person may request a hearing before the ~~state board~~
13 SUPERINTENDENT OF PUBLIC INSTRUCTION on reinstatement of his or
14 her school administrator's certificate. Based upon the issues
15 and evidence presented at the hearing, the ~~state board~~
16 SUPERINTENDENT OF PUBLIC INSTRUCTION may reinstate, continue the
17 suspension of, or permanently revoke the person's school
18 administrator's certificate.

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

21 (a) The person's school administrator's certificate shall be
22 reinstated upon his or her notification to the ~~state board~~
23 SUPERINTENDENT OF PUBLIC INSTRUCTION of the reversal.

24 (b) If the suspension of the person's school administrator's
25 certificate under this section was the sole cause of his or her
26 discharge from employment, the person shall be reinstated, upon
27 his or her notification to the appropriate local or intermediate

1 school board of the reversal, with full rights and benefits, to
2 the position he or she would have had if he or she had been con-
3 tinuously employed.

4 (5) The prosecuting attorney of the county in which a person
5 who holds a school administrator's certificate was convicted of a
6 crime described in subsection (1) shall notify the ~~state board~~
7 SUPERINTENDENT OF PUBLIC INSTRUCTION, and any public school,
8 school district, intermediate school district, or nonpublic
9 school in which the person is employed, of that conviction and of
10 the sentence imposed on the person. The prosecuting attorney of
11 each county shall inquire of each person convicted in the county
12 of a crime described in subsection (1) whether the person holds a
13 school administrator's certificate.

14 (6) If the superintendent of a school district or intermedi-
15 ate school district, the chief administrative officer of a non-
16 public school, the president of the board of a school district or
17 intermediate school district, or the president of the governing
18 board of a nonpublic school is notified by a prosecuting attorney
19 or learns through an authoritative source that a person who holds
20 a school administrator's certificate and who is employed at the
21 time by the school district, intermediate school district, or
22 nonpublic school has been convicted of a crime described in sub-
23 section (1), the superintendent, chief administrative officer, or
24 board president shall notify the ~~state board~~ SUPERINTENDENT OF
25 PUBLIC INSTRUCTION of that conviction.

26 (7) If a person convicted of a crime described in subsection
27 ~~-(2)-~~ (1) is incarcerated in a state correctional facility and

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

9 (8) For the purposes of this section, a certified copy of
10 the court record is conclusive evidence of conviction of a crime
11 described in this section. For the purposes of this section,
12 conviction of a crime described in ~~this~~ subsection (1) is con-
13 sidered to be reasonably and adversely related to the ability of
14 the person to serve in an elementary or secondary school and is
15 sufficient grounds for suspension or revocation of the person's
16 school administrator's certificate.

17 (9) This section does not do any of the following:

18 (a) Prohibit a person who holds a school administrator's
19 certificate from seeking monetary compensation from a school
20 board or intermediate school board if that right is available
21 under a collective bargaining agreement or another statute.

22 (b) Limit the rights and powers granted to a school district
23 or intermediate school district under a collective bargaining
24 agreement, this act, or another statute to discipline or dis-
25 charge a person who holds a school administrator's certificate.

26 (c) Exempt a person who holds a school administrator's
27 certificate from the operation of section 1535a.

1 (10) The state board may promulgate, as necessary, rules to
2 implement this section pursuant to the administrative procedures
3 act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sec=~~
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6 (11) As used in this section:

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

11 (b) "State correctional facility" means a correctional
12 facility under the jurisdiction of the department of
13 corrections.

14 Sec. 1539b. (1) ~~Subject to subsection (2), if~~ IF a person
15 who holds state board approval is convicted of a crime described
16 in this subsection, the ~~state board shall notify the person in~~
17 ~~writing that his or her state board approval may be suspended~~
18 ~~because of the conviction and of his or her right to a hearing~~
19 ~~before the state board. If the person does not avail himself or~~
20 ~~herself of this right to a hearing within 30 working days after~~
21 ~~receipt of this written notification, the person's state board~~
22 ~~approval shall be suspended. If a hearing takes place, the state~~
23 ~~board may suspend the person's state board approval, based upon~~
24 ~~the issues and evidence presented at the hearing. SUPERINTENDENT~~
25 OF PUBLIC INSTRUCTION SHALL PROCEED AS REQUIRED UNDER
26 SUBSECTION (2). This subsection applies to any of the following
27 crimes:

- 1 (a) Any felony.
- 2 (b) Any of the following misdemeanors:
- 3 (i) Criminal sexual conduct in the fourth degree or an
4 attempt to commit criminal sexual conduct in the fourth degree.
- 5 (ii) Child abuse in the third or fourth degree or an attempt
6 to commit child abuse in the third or fourth degree.
- 7 (iii) A misdemeanor involving cruelty, torture, or indecent
8 exposure involving a child.
- 9 (iv) A misdemeanor violation of section 7410 of the public
10 health code, ~~Act No. 368 of the Public Acts of 1978, being sec-~~
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- 13 (v) A violation of section 115, 141a, 145a, or 359 of the
14 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
15 ~~being sections 750.115, 750.141a, 750.145a, and 750.359 of the~~
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17 750.145A, AND 750.359, or a misdemeanor violation of section 81,
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26 PA 58, MCL 436.1701.

1 (2) If a person who holds state board approval is convicted
2 of a crime described in ~~this~~ subsection (1), the ~~state board~~
3 SUPERINTENDENT OF PUBLIC INSTRUCTION shall find that the public
4 health, safety, or welfare requires emergency action and shall
5 order summary suspension of the person's state board approval
6 under section 92 of the administrative procedures act of 1969,
7 ~~Act No. 306 of the Public Acts of 1969, being section 24.292 of~~
8 ~~the Michigan Compiled Laws 1969 PA 306, MCL 24.292.~~ However, if
9 a person convicted of a crime described in this subsection is
10 incarcerated in a state correctional facility, the ~~state board~~
11 SUPERINTENDENT OF PUBLIC INSTRUCTION may delay ordering the sum-
12 mary suspension until not later than 10 work days after the
13 person is released from secure confinement. This subsection does
14 not limit the ~~state board's~~ SUPERINTENDENT OF PUBLIC
15 INSTRUCTION'S ability to order summary suspension of, OR TO SUS-
16 PEND OR REVOKE, a person's state board approval for a reason
17 other than described in this subsection. ~~This subsection~~
18 ~~applies to conviction of any of the following crimes:~~

19 (a) ~~Criminal sexual conduct in any degree, assault with~~
20 ~~intent to commit criminal sexual conduct, or an attempt to commit~~
21 ~~criminal sexual conduct in any degree.~~

22 (b) ~~Felonious assault on a child, child abuse in any degree,~~
23 ~~or an attempt to commit child abuse in any degree.~~

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26 (d) ~~A violation of section 7401(2)(a)(i), 7403(2)(a)(i),~~
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7 (3) After the completion of the person's sentence, the
8 person may request a hearing before the ~~state board~~
9 SUPERINTENDENT OF PUBLIC INSTRUCTION on reinstatement of his or
10 her state board approval. Based upon the issues and evidence
11 presented at the hearing, the ~~state board~~ SUPERINTENDENT OF
12 PUBLIC INSTRUCTION may reinstate, continue the suspension of, or
13 permanently revoke the person's state board approval.

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

16 (a) The person's state board approval shall be reinstated
17 upon his or her notification to the ~~state board~~ SUPERINTENDENT
18 OF PUBLIC INSTRUCTION of the reversal.

19 (b) If the suspension of the state board approval was the
20 sole cause of his or her discharge from employment, the person
21 shall be reinstated upon his or her notification to the appropri-
22 ate local or intermediate school board of the reversal, with full
23 rights and benefits, to the position he or she would have had if
24 he or she had been continuously employed.

25 (5) The prosecuting attorney of the county in which a person
26 who holds state board approval was convicted of a crime described
27 in subsection (1) shall notify the ~~state board~~ SUPERINTENDENT

1 OF PUBLIC INSTRUCTION, and any public school, school district,
2 intermediate school district, or nonpublic school in which the
3 person is employed, of that conviction and of the sentence
4 imposed on the person. The prosecuting attorney of each county
5 shall inquire of each person convicted in the county of a crime
6 described in subsection (1) whether the person holds state board
7 approval. The ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION
8 shall make available to prosecuting attorneys a list of school
9 occupations that commonly require state board approval.

10 (6) If the superintendent of a school district or intermedi-
11 ate school district, the chief administrative officer of a non-
12 public school, the president of the board of a school district or
13 intermediate school district, or the president of the governing
14 board of a nonpublic school is notified by a prosecuting attorney
15 or learns through an authoritative source that a person who holds
16 state board approval and who is employed at the time by the
17 school district, intermediate school district, or nonpublic
18 school has been convicted of a crime described in subsection (1),
19 the superintendent, chief administrative officer, or board presi-
20 dent shall notify the ~~state board~~ SUPERINTENDENT OF PUBLIC
21 INSTRUCTION of that conviction.

22 (7) If a person convicted of a crime described in subsection
23 ~~(2)~~ (1) is incarcerated in a state correctional facility and
24 the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION delays
25 summary suspension as described in subsection (2), the ~~state~~
26 ~~board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION shall contact the
27 department of corrections and request to be notified before the

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

5 (8) For the purposes of this section, a certified copy of
6 the court record is conclusive evidence of conviction of a crime
7 described in this section. For the purposes of this section,
8 conviction of a crime described in ~~this~~ subsection (1) is con-
9 sidered to be reasonably and adversely related to the ability of
10 the person to serve in an elementary or secondary school and is
11 sufficient grounds for suspension or revocation of the person's
12 state board approval.

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

14 (a) Prohibit a person who holds state board approval from
15 seeking monetary compensation from a school board or intermediate
16 school board if that right is available under a collective bar-
17 gaining agreement or another statute.

18 (b) Limit the rights and powers granted to a school district
19 or intermediate school district under a collective bargaining
20 agreement, this act, or another statute to discipline or dis-
21 charge a person who holds state board approval.

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

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

1 (10) The state board may promulgate, as necessary, rules to
2 implement this section pursuant to the administrative procedures
3 act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sec-~~
4 ~~tions 24.201 to 24.328 of the Michigan Compiled Laws 1969~~
5 PA 306, MCL 24.201 TO 24.328.

6 (11) As used in this section:

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

11 (b) "State board approval" means a license, certificate,
12 endorsement, permit, approval, or other evidence of qualifica-
13 tions to hold a particular position in a school district or
14 intermediate school district or in a nonpublic school, other than
15 a teacher's certificate subject to section 1535a or a school
16 administrator's certificate subject to section 1539a, that is
17 issued to a person by the state board OR SUPERINTENDENT OF PUBLIC
18 INSTRUCTION under this act or a rule promulgated under this act.

19 (c) "State correctional facility" means a correctional
20 facility under the jurisdiction of the department of
21 corrections.