



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 714 (as introduced 1-21-16)  
Sponsor: Senator Dave Robertson  
Committee: Education

Date Completed: 2-1-16

**CONTENT**

**The bill would amend the Revised School Code to do the following:**

- **Require the Superintendent of Public Instruction to notify a person who held a teaching certificate and was believed to have engaged in a strike that his or her certificate could be suspended or revoked.**
- **Require the notice to inform a person of his or her right to an administrative hearing before the Superintendent.**
- **Require the Superintendent to revoke a person's teaching certificate if the person failed to avail himself or herself of the right to a hearing within 15 days.**
- **Require the Superintendent to issue a final decision and order within 120 working days, if a hearing took place.**
- **Provide that if the Superintendent determined that a person had engaged in a strike, the Superintendent would have to suspend the person's teaching certificate for at least two years.**

The bill would take effect 90 days after its enactment.

Specifically, if the Superintendent of Public Instruction had information that a person who held a teaching certificate had engaged or participated in a strike prohibited by Section 2 of Public Act 336 of 1947, the Superintendent, within 10 days after the inception of the strike or after receiving information that the person had engaged or participated in a strike, would have to notify the person that his or her teaching certificate could be suspended for at least two years, or revoked, for engaging or participating in the strike and of his or her right to a hearing before the Superintendent under the Administrative Procedures Act. (Public Act 336 of 1947 prohibits strikes by certain public employees, including teachers.)

If the person did not avail himself or herself of the right to a hearing within 15 days after receiving the written notification, the Superintendent of Public Instruction would have to revoke the person's teaching certificate permanently.

If a hearing took place, the Superintendent would have to complete the proceedings and make a final decision and order within 120 working days after receiving the request for a hearing. If the Superintendent determined as a result of the hearing that the person had engaged or participated in a prohibited strike, the Superintendent would have to suspend the person's teaching certificate for at least two years and could permanently revoke the person's teaching certificate, depending on his or her determination as to the severity of the offense.

Proposed MCL 380.1535b

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

The bill could result in additional expenses to the Department of Licensing and Regulatory Affairs since that Department would conduct the hearing if a teacher participated in a prohibited strike and would recommend to the State Superintendent of Public Instruction the suspension of the teacher's license. At this time, the costs per hearing and number of hearings in a given year are indeterminate. The bill also could result in additional costs to a school if it had to hire a substitute teacher in the event a teacher attended a hearing, or to replace a teacher whose certificate was suspended.

In addition, the Department of Education could incur minor administrative expenses due to informing teachers that their certificate could be suspended or revoked, tracking whether a teacher attended a hearing, recording the recommendations from the proceedings, making the final decision, and revoking a teacher's certificate if the teacher engaged in a strike. At this time, the Department estimates that these costs would be minor and within current appropriations.

Fiscal Analyst: Cory Savino

S1516\s714sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.