

SUBSTITUTE FOR
SENATE BILL NO. 714

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1535b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1535B. (1) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION
2 HAS BEEN NOTIFIED THAT AN INDIVIDUAL WHO HOLDS A TEACHING
3 CERTIFICATE THAT IS VALID IN THIS STATE HAS ENGAGED OR PARTICIPATED
4 IN A STRIKE PROHIBITED BY SECTION 2 OF 1947 PA 336, MCL 423.202,
5 THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DO ALL OF THE
6 FOLLOWING:

7 (A) WITHIN 10 DAYS AFTER THE INCEPTION OF THE STRIKE OR AFTER
8 RECEIVING INFORMATION THAT THE INDIVIDUAL HAS ENGAGED OR
9 PARTICIPATED IN A STRIKE, NOTIFY THE INDIVIDUAL THAT HIS OR HER
10 TEACHING CERTIFICATE MAY BE SUSPENDED FOR A PERIOD OF AT LEAST 2
11 YEARS, OR REVOKED, FOR ENGAGING OR PARTICIPATING IN THE STRIKE AND

1 OF HIS OR HER RIGHT TO A HEARING BEFORE THE SUPERINTENDENT OF
2 PUBLIC INSTRUCTION UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
3 1969 PA 306, MCL 24.201 TO 24.328, TO SHOW CAUSE WHY HIS OR HER
4 TEACHING CERTIFICATE SHOULD NOT BE SUSPENDED OR REVOKED UNDER THIS
5 SECTION. THE NOTICE SHALL BE SENT TO THE INDIVIDUAL BY CERTIFIED
6 MAIL AT HIS OR HER LAST KNOWN ADDRESS AND SHALL INCLUDE AT LEAST
7 ALL OF THE FOLLOWING:

8 (i) THE DATE, TIME, AND PLACE FOR THE HEARING.

9 (ii) A STATEMENT ORDERING THE INDIVIDUAL TO APPEAR AT THE
10 DATE, TIME, AND PLACE OF THE HEARING TO SHOW CAUSE WHY HIS OR HER
11 TEACHING CERTIFICATE SHOULD NOT BE SUSPENDED OR REVOKED UNDER THIS
12 SECTION.

13 (iii) A STATEMENT THAT THE SUPERINTENDENT OF PUBLIC
14 INSTRUCTION HAS INFORMATION THAT THE INDIVIDUAL HAS ENGAGED OR
15 PARTICIPATED IN A STRIKE PROHIBITED BY SECTION 2 OF 1947 PA 336,
16 MCL 423.202, AND OF THE FACTUAL BASIS FOR THAT ALLEGATION, AND THAT
17 THE INDIVIDUAL'S TEACHING CERTIFICATE IS SUBJECT TO BEING SUSPENDED
18 OR REVOKED UNDER THIS SECTION IF IT IS DETERMINED THAT THE
19 ALLEGATIONS ARE TRUE OR IF THE INDIVIDUAL FAILS TO APPEAR AT THE
20 HEARING.

21 (B) SCHEDULE AND COMMENCE THE HEARING UNDER THIS SUBSECTION
22 WITHIN 15 WORKING DAYS AFTER THE DATE OF THE NOTICE UNDER
23 SUBDIVISION (A).

24 (2) IF AN INDIVIDUAL RECEIVING A NOTICE UNDER SUBSECTION (1)
25 DOES NOT APPEAR AT THE HEARING UNDER SUBSECTION (1) TO SHOW CAUSE
26 WHY HIS OR HER TEACHING CERTIFICATE SHOULD NOT BE SUSPENDED OR
27 REVOKED UNDER THIS SECTION, THE INDIVIDUAL'S FAILURE TO APPEAR

1 SHALL BE CONSIDERED TO BE A DEFAULT AND THE SUPERINTENDENT OF
2 PUBLIC INSTRUCTION SHALL SUSPEND THE INDIVIDUAL'S TEACHING
3 CERTIFICATE FOR AT LEAST 2 YEARS AND MAY REVOKE THE INDIVIDUAL'S
4 TEACHING CERTIFICATE BASED ON THE INFORMATION THAT HAD BEEN
5 RECEIVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER
6 SUBSECTION (1).

7 (3) IF AN INDIVIDUAL RECEIVING A NOTICE UNDER SUBSECTION (1)
8 APPEARS AT THE HEARING UNDER SUBSECTION (1), THE SUPERINTENDENT OF
9 PUBLIC INSTRUCTION SHALL CONDUCT THE HEARING, COMPLETE THE
10 PROCEEDINGS, AND MAKE A FINAL DECISION AND ORDER WITHIN 120 WORKING
11 DAYS AFTER THE DATE THE NOTICE OF HEARING WAS SENT. IF THE
12 SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES AS A RESULT OF THE
13 HEARING THAT THE PERSON HAS ENGAGED OR PARTICIPATED IN A STRIKE IN
14 VIOLATION OF SECTION 2 OF 1947 PA 336, MCL 423.202, THE
15 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL SUSPEND THE PERSON'S
16 TEACHING CERTIFICATE FOR AT LEAST 2 YEARS AND MAY PERMANENTLY
17 REVOKE THE PERSON'S TEACHING CERTIFICATE, BASED ON THE EVIDENCE
18 PRESENTED AT THE HEARING.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.