

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 754

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 626, 681, 1230d, 1277, 1288, 1310a, 1525, 1535a, 1539b, 1561, 1711, and 1751 (MCL 380.626, 380.681, 380.1230d, 380.1277, 380.1288, 380.1310a, 380.1525, 380.1535a, 380.1539b, 380.1561, 380.1711, and 380.1751), section 681 as amended by 2007 PA 45, sections 1230d, 1535a, and 1539b as amended by 2006 PA 680, section 1277 as amended by 1997 PA 179, section 1310a as amended by 2000 PA 230, section 1525 as amended by 2004 PA 596, section 1561 as amended by 2009 PA 204, and sections 1711 and 1751 as amended by 2008 PA 1, and by adding section 1281b; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 626. (1) Except as provided in subsection (2), **BY JULY 1**
2 **OF EACH ODD-NUMBERED YEAR** the intermediate school board shall
3 prepare **AND PUBLISH** a map of the intermediate school district ~~as of~~
4 ~~July 1, 1977, and biennially on July 1 thereafter,~~ showing by
5 district lines the boundaries of each constituent district **AND**
6 **SHALL SUBMIT A COPY OF THE MAP TO THE CLERK OF EACH TOWNSHIP AND**
7 **CITY LOCATED IN THE INTERMEDIATE SCHOOL DISTRICT, TO THE SECRETARY**
8 **OF EACH CONSTITUENT DISTRICT, AND TO THE SECRETARY OF STATE.** In the
9 period intervening between publication dates, the intermediate
10 school board shall report each boundary change to the principal
11 officers of the affected municipalities and townships ~~, the state~~
12 ~~board,~~ and the secretary of state. ~~One copy of the map shall be~~
13 ~~filed biennially, beginning July 1, 1977, or as soon as possible~~
14 ~~thereafter, with each of the clerks of the respective townships and~~
15 ~~cities, 1 copy with the secretary of each constituent district, 1~~
16 ~~copy with the state board, and 1 copy with the secretary of state.~~

17 (2) An intermediate school board ~~shall not be~~ **IS NOT** required
18 to prepare or ~~file~~ **SUBMIT** a new map of the intermediate school
19 district if the boundaries of its constituent districts have not
20 changed ~~subsequent to~~ **SINCE** the last ~~filing~~ **SUBMISSION.**

21 Sec. 681. (1) An intermediate school district may establish an
22 area career and technical education program and operate the program
23 under sections 681 to 690 if approved by a majority of the
24 intermediate school electors of the intermediate school district
25 voting on the question. The election shall be called and conducted
26 in accordance with this act and the Michigan election law. The
27 establishment of the area career and technical education program

1 may be rescinded by the same process.

2 (2) The question of establishing an area career and technical
3 education program may be submitted to the intermediate school
4 electors of an intermediate school district at a regular school
5 election or at a special election held in each of the constituent
6 districts. Subject to section 641 of the Michigan election law, MCL
7 168.641, the intermediate school board shall determine the date of
8 the election and shall give notice to the school district filing
9 official at least 60 days in advance of the date the ballot
10 question is to be submitted to the intermediate school electors.

11 (3) The ballot for referring the question of adopting sections
12 681 to 690 and establishing an area career and technical education
13 program to the intermediate school electors of an intermediate
14 school district shall be substantially in the following form:

15 "Shall _____ (legal name of intermediate school
16 district), state of Michigan, come under sections 681 to 690 of the
17 revised school code and establish an area career and technical
18 education program which is designed to encourage the operation of
19 area career and technical education programs if the annual property
20 tax levied for this purpose is limited to _____ mills?

21 Yes ()

22 No ()".

23 (4) Beginning in 1995, and subject to section 625b, the number
24 of mills of ad valorem property taxes an intermediate school board
25 may levy for area career and technical education program operating
26 purposes under sections 681 to 690 is limited to the following:

27 (a) If the intermediate school district did not levy any

1 millage in 1993 for area career and technical education program
2 operating purposes under sections 681 to 690, the intermediate
3 school board, with the approval of the intermediate school
4 electors, may levy not more than 1 mill for those purposes.

5 (b) If the intermediate school district levied millage in 1993
6 for area career and technical education program operating purposes
7 under sections 681 to 690, the intermediate school board, with the
8 approval of the intermediate school electors, may levy mills for
9 those purposes at a rate not to exceed 1.5 times the number of
10 mills authorized for those purposes in the intermediate school
11 district in 1993. Approval of the intermediate school electors is
12 not required for the levy under this subdivision of previously
13 authorized mills until that authorization expires.

14 (5) An intermediate school district that levies a tax for area
15 career and technical education program operating purposes shall not
16 use proceeds from the tax for any purpose other than area career
17 and technical education program operating purposes and shall submit
18 to the department of treasury a copy of the audit report from the
19 audit of the intermediate school district conducted under section
20 622a. If the department of treasury determines from the audit
21 report that the proceeds from the tax have been used for a purpose
22 other than area career and technical education program operating
23 purposes, as defined under subsection (7), the department of
24 treasury shall notify the intermediate school district of that
25 determination. If the intermediate school district disputes the
26 determination or claims that the situation has been corrected,
27 within 15 days after receipt of the determination the intermediate

1 school district may submit an appeal of the determination to the
2 department of treasury. Within 90 days after receipt of the appeal,
3 the department of treasury shall consider the appeal and make a
4 determination of whether the initial determination was correct or
5 incorrect and of whether the situation has been corrected. If the
6 department of treasury finds that the initial determination was
7 correct and that the situation has not been corrected, then the
8 department of treasury shall file a copy of the report with the
9 attorney general. The attorney general shall review the report and,
10 if the attorney general considers it appropriate, shall commence or
11 direct the prosecuting attorney for the county in which the
12 violations occurred to commence appropriate proceedings against the
13 intermediate school board or the official or employee. These
14 proceedings shall include at least a civil action in a court of
15 competent jurisdiction for the recovery of any public money
16 determined by the audit to have been illegally expended and for the
17 recovery of any public property determined by the audit to have
18 been converted or misappropriated.

19 (6) If the attorney general determines from a report filed
20 under subsection (5) that an intermediate school district has
21 misspent tax proceeds as described in subsection (5) and notifies
22 the intermediate school district of this determination, the
23 intermediate school district shall repay to its area career and
24 technical education program operating fund an amount equal to the
25 amount the department of treasury determined under subsection (5)
26 has been used for a purpose other than area career and technical
27 education program operating purposes. The intermediate school

1 district shall make this repayment from funds of the intermediate
2 school district that lawfully may be used for making such a
3 repayment.

4 (7) For the purposes of subsections (5) and (6), not later
5 than January 1, 2008, the department and the department of
6 treasury, in consultation with intermediate school districts, shall
7 develop and make available to intermediate school districts a
8 definition of area career and technical education program operating
9 purposes.

10 (8) An intermediate school district shall not hold more than 2
11 elections in a calendar year concerning the authorization of a
12 millage rate for area career and technical education program
13 operating purposes under sections 681 to 690.

14 (9) Within 30 days after receiving the audit results, an
15 intermediate school district shall publish the results of any audit
16 conducted concerning the area career and technical education
17 program on the intermediate school district's website. The results
18 shall remain posted on the website for at least 6 months.

19 **(10) THE STATE BOARD IS THE SOLE AGENCY RESPONSIBLE FOR THE**
20 **SUPERVISION AND ADMINISTRATION OF CAREER AND TECHNICAL EDUCATION IN**
21 **THIS STATE WITH AUTHORITY TO ACCEPT FEDERAL FUNDING FOR CAREER AND**
22 **TECHNICAL EDUCATION AND WITH THE RESPONSIBILITY TO ADMINISTER THE**
23 **REQUIREMENTS FOR CAREER AND TECHNICAL EDUCATION UNDER FEDERAL AND**
24 **STATE LAW.**

25 Sec. 1230d. (1) If a person who is employed in any capacity by
26 a school district, intermediate school district, public school
27 academy, or nonpublic school; who has applied for a position with a

1 school district, intermediate school district, public school
2 academy, or nonpublic school and has had an initial criminal
3 history check under section 1230 or criminal records check under
4 section 1230a; or who is regularly and continuously working under
5 contract in a school district, intermediate school district, public
6 school academy, or nonpublic school, is charged with a crime listed
7 in section 1535a(1) or 1539b(1) or a violation of a substantially
8 similar law of another state, a political subdivision of this state
9 or another state, or of the United States, the person shall report
10 to the department and to the school district, intermediate school
11 district, public school academy, or nonpublic school that he or she
12 has been charged with the crime. All of the following apply to this
13 reporting requirement:

14 (a) The person shall make the report on a form prescribed by
15 the department.

16 (b) The person shall submit the report to the department and
17 to the superintendent of the school district or intermediate school
18 district or chief administrator of the public school academy or
19 nonpublic school.

20 (c) The person shall submit the report within 3 business days
21 after being arraigned for the crime.

22 (2) If a person who is employed in any capacity by or is
23 regularly and continuously working under contract in a school
24 district, intermediate school district, public school academy, or
25 nonpublic school enters a plea of guilt or no contest to or is the
26 subject of a finding of guilt by a judge or jury of any crime after
27 having been initially charged with a crime described in section

1 1535a(1) or 1539b(1), then the person immediately shall disclose to
2 the court, on a form prescribed by the state court administrative
3 office, that he or she is employed by or regularly and continuously
4 working under contract in a school district, intermediate school
5 district, public school academy, or nonpublic school. The person
6 shall immediately provide a copy of the form to the prosecuting
7 attorney in charge of the case, to the superintendent of public
8 instruction, and to the superintendent or chief administrator of
9 the school district, intermediate school district, public school
10 academy, or nonpublic school.

11 (3) A person who violates subsection (1) or (2) is guilty of a
12 crime, as follows:

13 (a) If the person violates either subsection (1) or (2) and
14 the crime involved in the violation is a misdemeanor that is a
15 listed offense or is a felony, the person is guilty of a felony
16 punishable by imprisonment for not more than 2 years or a fine of
17 not more than \$2,000.00, or both.

18 (b) If the person violates either subsection (1) or (2) and
19 the crime involved in the violation is a misdemeanor that is not a
20 listed offense, the person is guilty of a misdemeanor punishable by
21 imprisonment for not more than 1 year or a fine of not more than
22 \$1,000.00, or both.

23 (4) A person who violates subsection (1) or (2) may be
24 discharged from his or her employment or have his or her contract
25 terminated. If the board of a school district or intermediate
26 school district or board of directors of a public school academy
27 finds, after providing notice and the opportunity for a hearing,

1 that a person employed by the school district, intermediate school
2 district, or public school academy has violated subsection (1) or
3 (2), the board or board of directors may discharge the person from
4 his or her employment. ~~However, if a collective bargaining~~
5 ~~agreement that applies to the affected person is in effect as of~~
6 ~~January 1, 2006, and if that collective bargaining agreement is not~~
7 ~~in compliance with this subsection, then this subsection does not~~
8 ~~apply to that school district, intermediate school district, or~~
9 ~~public school academy until after the expiration of that collective~~
10 ~~bargaining agreement.~~

11 (5) If a person submits a report that he or she has been
12 charged with a crime, as required under subsection (1), and the
13 person is subsequently not convicted of any crime after the
14 completion of judicial proceedings resulting from that charge, then
15 the person may request the department and the school district,
16 intermediate school district, public school academy, or nonpublic
17 school to delete the report from its records concerning the person.
18 Upon receipt of the request from the person and of documentation
19 verifying that the person was not convicted of any crime after the
20 completion of judicial proceedings resulting from that charge, the
21 department or a school district, intermediate school district,
22 public school academy, or nonpublic school shall delete the report
23 from its records concerning the person.

24 (6) If the prosecuting attorney in charge of a case receives a
25 form as provided under subsection (2), the prosecuting attorney
26 shall notify the superintendent of public instruction and the
27 superintendent or chief administrator of any school district,

1 intermediate school district, public school academy, or nonpublic
2 school in which the person is employed by forwarding a copy of the
3 form to each of them not later than 7 days after receiving the
4 form. If the court receives a form as provided under subsection
5 (2), the court shall notify the superintendent of public
6 instruction and the superintendent or chief administrator of any
7 school district, intermediate school district, public school
8 academy, or nonpublic school in which the person is employed by
9 forwarding to each of them a copy of the form and information
10 regarding the sentence imposed on the person not later than 7 days
11 after the date of sentencing, even if the court is maintaining the
12 file as a nonpublic record.

13 (7) The department of ~~information~~ technology, **MANAGEMENT, AND**
14 **BUDGET** shall work with the department and the department of state
15 police to develop and implement an automated program that does a
16 comparison of the department's list of registered educational
17 personnel, and of any other list maintained by the department of
18 individuals employed or regularly and continuously working under
19 contract in a school, with the conviction information received by
20 the department of state police. This comparison shall only include
21 individuals who are actually school employees at the time of the
22 comparison or who are regularly and continuously working under
23 contract at the time of the comparison. Unless otherwise prohibited
24 by law, this comparison shall include convictions contained in a
25 nonpublic record. The department and the department of state police
26 shall perform this comparison during January and June of each year
27 until July 1, 2008. The department of state police shall take all

1 reasonable and necessary measures using the available technology to
2 ensure the accuracy of this comparison before transmitting the
3 information under this subsection to the department. The department
4 shall take all reasonable and necessary measures using the
5 available technology to ensure the accuracy of this comparison
6 before notifying a school district, intermediate school district,
7 public school academy, or nonpublic school of a conviction. If a
8 comparison discloses that a person on the department's list of
9 registered educational personnel has been convicted of a crime, or
10 if the department is otherwise notified by the department of state
11 police that such a person has been convicted of a crime, the
12 department shall notify the superintendent or chief administrator
13 and the board or governing body of the school district,
14 intermediate school district, public school academy, or nonpublic
15 school in which the person is employed of that conviction.

16 (8) If a school district, intermediate school district, public
17 school academy, or nonpublic school receives a report under this
18 section of a conviction, within 60 days after receiving the report
19 the school district, intermediate school district, public school
20 academy, or nonpublic school shall submit to the department in the
21 form and manner prescribed by the department a report detailing the
22 information received and any action taken as a result by the school
23 district, intermediate school district, public school academy, or
24 nonpublic school. The department shall maintain a copy of this
25 report for at least 6 years.

26 (9) As used in this section:

27 (a) "At school" means in a classroom, elsewhere on school

1 property, or on a school bus or other school-related vehicle.

2 (b) "Felony" means that term as defined in section 1 of
3 chapter I of the code of criminal procedure, 1927 PA 175, MCL
4 761.1.

5 (c) "Listed offense" means that term as defined in section 2
6 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

7 (d) "Regularly and continuously work under contract" means any
8 of the following:

9 (i) To work at school on a more than intermittent or sporadic
10 basis as an owner or employee of an entity that has a contract with
11 a school district, intermediate school district, public school
12 academy, or nonpublic school to provide food, custodial,
13 transportation, counseling, or administrative services, or to
14 provide instructional services to pupils or related and auxiliary
15 services to special education pupils.

16 (ii) To work at school on a more than intermittent or sporadic
17 basis as an individual under a contract with a school district,
18 intermediate school district, public school academy, or nonpublic
19 school to provide food, custodial, transportation, counseling, or
20 administrative services, or to provide instructional services to
21 pupils or related and auxiliary services to special education
22 pupils.

23 (e) "School property" means that term as defined in section 33
24 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

25 Sec. 1277. (1) Considering criteria established by the state
26 board, in addition to the requirements specified in section 1280
27 for accreditation under that section, if the board of a school

1 district wants all of the schools of the school district to be
2 accredited under section 1280, the board shall adopt and implement
3 and, not later than September 1 each year, shall make available to
4 the department a copy of a 3- to 5-year school improvement plan and
5 continuing school improvement process for each school within the
6 school district. The school improvement plans shall include, but
7 are not limited to, a mission statement, goals based on student
8 academic objectives for all students, curriculum alignment
9 corresponding with those goals, evaluation processes, staff
10 development, development and utilization of community resources and
11 volunteers, the role of adult and community education, libraries
12 and community colleges in the learning community, and building
13 level decision making. School board members, school building
14 administrators, teachers and other school employees, pupils,
15 parents of pupils attending that school, and other residents of the
16 school district shall be invited and allowed to voluntarily
17 participate in the development, review, and evaluation of the
18 district's school improvement plans. Upon request of the board of a
19 school district, the department and the intermediate school
20 district shall assist the school district in the development and
21 implementation of district school improvement plans. Educational
22 organizations may also provide assistance for these purposes.
23 School improvement plans described in this section shall be updated
24 annually by each school and by the board of the school district.

25 (2) School improvement plans shall include at least all of the
26 following additional matters:

27 (a) Goals centered on student academic learning.

1 (b) Strategies to accomplish the goals.

2 (c) Evaluation of the plan.

3 (d) Development of alternative measures of assessment that
4 will provide authentic assessment of pupils' achievements, skills,
5 and competencies.

6 (e) Methods for effective use of technology as a way of
7 improving learning and delivery of services and for integration of
8 evolving technology in the curriculum.

9 (f) Ways to make available in as many fields as practicable
10 opportunities for structured on-the-job learning, such as
11 apprenticeships and internships, combined with classroom
12 instruction.

13 (3) Each intermediate school board shall adopt and implement
14 and, not later than September 1 each year, shall make available to
15 the department a copy of a 3- to 5-year intermediate school
16 district school improvement plan and continuing school improvement
17 process for the intermediate school district. Constituent and
18 intermediate school board members, school building administrators,
19 teachers and other school employees, pupils, parents of pupils, and
20 residents of the intermediate school district shall be invited and
21 allowed to voluntarily participate in the development, review, and
22 evaluation of the intermediate school district's school improvement
23 plan. Upon request of the intermediate school board, the department
24 shall assist the intermediate school district in the development
25 and implementation of an intermediate school district school
26 improvement plan. An intermediate school district school
27 improvement plan described in this section shall be updated

1 annually by the intermediate school board. An intermediate school
2 district school improvement plan shall include at least all of the
3 following:

4 (a) Methods to assist districts in improving pupils' academic
5 learning.

6 (b) Assurance that all pupils have reasonable access to all
7 programs offered by the intermediate school district, including,
8 but not limited to, transportation if necessary.

9 (c) A plan for professional development that supports academic
10 learning.

11 (d) Methods to assist school districts in integrating applied
12 academics and career and employability skills into all curricular
13 areas.

14 (e) Ways to make available in as many fields as practicable
15 opportunities for structured on-the-job learning, such as
16 apprenticeships and internships, combined with classroom
17 instruction.

18 (f) Collaborative efforts with supporting agencies that
19 enhance academic learning.

20 (g) Long-range cost containment measures, including additional
21 services that might be provided at reduced costs by the
22 intermediate school district or through cooperative programs, and
23 cost reduction programs such as interdistrict cooperation in
24 special education and other programs and services.

25 (h) To the extent that it would improve school effectiveness,
26 specific recommendations on consolidation or enhanced interdistrict
27 cooperation, or both, along with possible sources of revenue.

1 (i) Evaluation of the plan.

2 ~~—— (4) The state board shall annually review a random sampling of~~
3 ~~school improvement plans. Based on its review, the state board~~
4 ~~shall annually submit a report on school improvement activities~~
5 ~~planned and accomplished by each of the school districts and~~
6 ~~intermediate school districts that were part of the sampling to the~~
7 ~~senate and house committees that have the responsibility for~~
8 ~~education legislation.~~

9 SEC. 1281B. ALL OF THE FOLLOWING APPLY TO REPORTS REQUIRED TO
10 BE SUBMITTED UNDER THIS ACT BY THE STATE BOARD, SUPERINTENDENT OF
11 PUBLIC INSTRUCTION, DEPARTMENT, DEPARTMENT OF TREASURY, CENTER FOR
12 EDUCATIONAL PERFORMANCE AND INFORMATION, OR ANY OTHER STATE
13 DEPARTMENT OR AGENCY:

14 (A) THE STATE BOARD, SUPERINTENDENT OF PUBLIC INSTRUCTION,
15 DEPARTMENT, DEPARTMENT OF TREASURY, CENTER FOR EDUCATIONAL
16 PERFORMANCE AND INFORMATION, OR ANY OTHER STATE DEPARTMENT OR
17 AGENCY SHALL NOT REQUIRE, OR PROMULGATE A RULE REQUIRING, A NEW
18 REPORT TO BE SUBMITTED UNLESS STATE OR FEDERAL LAW SPECIFICALLY
19 REQUIRES OR AUTHORIZES THE REPORT.

20 (B) THE STATE BOARD, SUPERINTENDENT OF PUBLIC INSTRUCTION,
21 DEPARTMENT, DEPARTMENT OF TREASURY, CENTER FOR EDUCATIONAL
22 PERFORMANCE AND INFORMATION, OR ANY OTHER STATE DEPARTMENT OR
23 AGENCY SHALL NOT REQUIRE, OR PROMULGATE A RULE REQUIRING, ANY
24 MODIFICATIONS OR ADDITIONS TO A REPORT THAT, AS OF THE EFFECTIVE
25 DATE OF THIS SECTION, IS ALREADY REQUIRED TO BE SUBMITTED UNLESS 1
26 OR BOTH OF THE FOLLOWING APPLY:

27 (i) STATE OR FEDERAL LAW SPECIFICALLY REQUIRES OR AUTHORIZES

1 THE MODIFICATION OR ADDITION.

2 (ii) THE MODIFICATION OR ADDITION WILL REDUCE OR ELIMINATE A
3 REPORTING REQUIREMENT.

4 (C) IF THE STATE BOARD, SUPERINTENDENT OF PUBLIC INSTRUCTION,
5 DEPARTMENT, DEPARTMENT OF TREASURY, CENTER FOR EDUCATIONAL
6 PERFORMANCE AND INFORMATION, OR ANY OTHER STATE DEPARTMENT OR
7 AGENCY REQUIRES, OR PROMULGATES A RULE REQUIRING, A NEW REPORT OR
8 ADDITIONAL INFORMATION TO BE SUBMITTED UNDER THE CONDITIONS
9 SPECIFIED UNDER SUBDIVISIONS (A) AND (B), THE STATE BOARD,
10 SUPERINTENDENT OF PUBLIC INSTRUCTION, DEPARTMENT, DEPARTMENT OF
11 TREASURY, CENTER FOR EDUCATIONAL PERFORMANCE AND INFORMATION, OR
12 OTHER STATE DEPARTMENT OR AGENCY SHALL ENSURE THAT THE NEW REPORT
13 OR ADDITIONAL INFORMATION MAY BE SUBMITTED ELECTRONICALLY.

14 Sec. 1288. ~~(1) Each~~ IF PARTICIPATING IN A COURSE OR VISITING A
15 COURSE WOULD RESULT IN A PUPIL, TEACHER, OR VISITOR BEING EXPOSED
16 TO DANGER OF PHYSICAL HARM, EACH pupil and teacher participating in
17 ~~a~~ THE course ~~included in this section~~ AND EACH VISITOR TO THE
18 COURSE shall wear industrial quality ~~eye~~ PERSONAL protective
19 devices, which have been sanitized prior to use, ~~if exposure to~~
20 ~~danger exists~~ while participating in OR VISITING the course OR
21 PARTICIPATING IN OR VISITING SAFETY TRAINING REQUIRED FOR THE
22 COURSE. The board OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
23 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY shall
24 furnish the PROTECTIVE devices for pupils, teachers, and visitors
25 to the classrooms, ~~or~~ laboratories, AND FIELD SITES USED FOR THE
26 COURSE OR TRAINING. ~~The courses for which protective devices are~~
27 ~~required are:~~

1 ~~—— (a) Vocational or industrial arts shops or laboratories~~
2 ~~involving the use of or working with hot molten metals; milling,~~
3 ~~sawing, turning, shaping, grinding, cutting, or stamping of solid~~
4 ~~materials; heat treatment, tempering, or kiln firing of metal or~~
5 ~~other materials; gas or electric arc welding; repair or servicing~~
6 ~~of vehicles; or caustic or explosive materials.~~

7 ~~—— (b) Chemical or combined chemical-physical laboratory work~~
8 ~~involving acid, caustic, or explosive chemicals or hot liquids or~~
9 ~~solids.~~

10 ~~—— (2) The state board shall promulgate rules to enforce this~~
11 ~~section.~~

12 ~~—— (3) As used in this section, "industrial quality eye~~
13 ~~protective device" means a device meeting the standards of the~~
14 ~~American standard safety code for head, eye, and respiratory~~
15 ~~protection, Z87.1-1968, promulgated by the American standards~~
16 ~~association, incorporated.~~

17 Sec. 1310a. (1) At least annually, each school board shall
18 prepare and submit to the superintendent of public instruction, in
19 the form and manner prescribed by the superintendent of public
20 instruction, a report stating the number of pupils expelled from
21 the school district during the immediately preceding school year,
22 with a brief description of the incident that caused each
23 expulsion.

24 (2) In order to obtain an accurate local ~~and statewide~~ picture
25 of school crime and to develop the partnerships necessary to plan
26 and implement school safety programs, at least annually, each
27 school board shall ~~report to the superintendent of public~~

1 ~~instruction,~~ **POST ON ITS WEBSITE**, in the form and manner prescribed
2 by the superintendent of public instruction, incidents of crime
3 occurring at school within the school district. In determining the
4 form and manner of this report, the superintendent of public
5 instruction shall consult with local and intermediate school
6 districts and law enforcement officials. The reporting shall
7 include at least crimes involving physical violence, gang-related
8 activity, illegal possession of a controlled substance or
9 controlled substance analogue, or other intoxicant, trespassing,
10 and property crimes including, but not limited to, theft and
11 vandalism. For a property crime, the report shall include an
12 estimate of the cost to the school district resulting from the
13 property crime. The school crime reporting requirements of this
14 subsection are intended to do all of the following:

15 (a) Help policymakers and program designers ~~at the local and~~
16 ~~state levels~~ develop appropriate prevention and intervention
17 programs.

18 (b) Provide the continuous assessment tools needed for
19 revising and refining school safety programs.

20 (c) Assist schools and school districts to identify the most
21 pressing safety issues confronting their school communities, to
22 direct resources appropriately, and to enhance campus safety
23 through prevention and intervention strategies.

24 (d) Foster the creation of partnerships among schools, school
25 districts, state agencies, communities, law enforcement, and the
26 media to prevent further crime and violence and to assure a safe
27 learning environment for every pupil.

1 (3) Each school building shall collect and keep current on a
2 weekly basis the information required for the report under
3 subsection (2) and must provide that information, within 7 days,
4 upon request. At least annually, each school board shall make a
5 copy disaggregated by school building, of the most recent report
6 for the school district under subsection (2) available to the
7 parent or legal guardian of each pupil enrolled in the school
8 district.

9 (4) As used in this section, "**AT SCHOOL**", "school board", and
10 "school district" mean those terms as defined in section 1310.

11 Sec. 1525. (1) State and federal funds appropriated by the
12 legislature to support professional development and education may
13 be used for the following:

14 (a) Professional development programs for administrators and
15 teachers. These programs shall emphasize the improvement of
16 teaching and pupils' learning of academic core curriculum
17 objectives, as measured by ~~Michigan educational assessment program,~~
18 **THE MICHIGAN STUDENT TEST OF EDUCATION PROGRESS (M-STEP)**, the
19 Michigan merit examination, and other criterion - reference
20 assessments; collaborative decision-making; site-based management;
21 the process of school improvement; instructional leadership; and
22 the use of data and assessment instruments to improve teaching and
23 learning for all pupils.

24 (b) A biennial education policy leadership institute. The
25 state board shall organize and convene a biennial education policy
26 leadership institute for the governor, the lieutenant governor, the
27 state board, the state superintendent, the legislature, and the

1 presidents of the state board approved teacher education
2 institutions, and the staff of each as may be considered
3 appropriate, to examine the most current public education policy
4 issues and initiatives and the appropriate role of policy leaders.

5 (c) A statewide academy for school leadership established by
6 the state board.

7 (d) A principal leadership academy. The department, in
8 collaboration with statewide associations of school principals,
9 shall establish the principal leadership academy. The principal
10 leadership academy shall consist of training for school principals
11 that is conducted by other school principals who have a record of
12 demonstrated success in improving pupil performance. The department
13 shall solicit input from school district superintendents and
14 intermediate superintendents to compile a list of successful school
15 principals who would likely be effective in conducting the training
16 at the principal leadership academy and shall select school
17 principals to conduct the training from this list. The training
18 shall include all aspects of successful school leadership,
19 including at least all of the following:

20 (i) Strategies for increasing parental involvement.

21 (ii) Strategies for engaging community support and
22 involvement.

23 (iii) Creative problem-solving.

24 (iv) Financial decision-making.

25 (v) Management rights and techniques.

26 (vi) Other strategies for improving school leadership to
27 achieve better pupil performance.

1 (e) Community leadership development. The state board, in
2 conjunction with intermediate school districts, shall conduct a
3 leadership development training program in each school district for
4 members of the community.

5 (f) Promotion of high educational standards. The state board,
6 in collaboration with the business community and educators, shall
7 coordinate and assist in the promotion of a statewide public
8 education and information program concerning the need to achieve
9 world class educational standards in the public schools of this
10 state.

11 (g) Sabbatical leaves. School districts shall provide
12 sabbatical leaves for up to 1 academic year for selected master
13 teachers who aid in professional development.

14 (h) Any other purpose authorized in the appropriation for
15 professional development in the state school aid act of 1979.

16 ~~— (2) In order to receive professional development funding~~
17 ~~described in subsection (1), each school district and intermediate~~
18 ~~school district shall prepare and submit to the state board for~~
19 ~~approval an annual professional development plan.~~

20 (2) ~~(3)~~—The state board may disapprove for state funding
21 proposed professional development that the state board finds to be
22 1 or more of the following:

23 (a) Not in furtherance of core academic curriculum needs.

24 (b) Not constituting serious, informed innovation.

25 (c) Of generally inferior overall quality or depth regardless
26 of who sponsors or conducts the education or training.

27 (d) Not in compliance with the requirements of section 1526.

1 Sec. 1535a. (1) Subject to subsection (2), if a person who
2 holds a teaching certificate that is valid in this state has been
3 convicted of a crime described in this subsection, within 10
4 working days after receiving notice of the conviction the
5 superintendent of public instruction shall notify the person in
6 writing that his or her teaching certificate may be suspended
7 because of the conviction and of his or her right to a hearing
8 before the superintendent of public instruction. The hearing shall
9 be conducted as a contested case under the administrative
10 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the
11 person does not avail himself or herself of this right to a hearing
12 within 15 working days after receipt of this written notification,
13 the teaching certificate of that person shall be suspended. If a
14 hearing takes place, the superintendent of public instruction shall
15 complete the proceedings and make a final decision and order within
16 120 working days after receiving the request for a hearing. Subject
17 to subsection (2), the superintendent of public instruction may
18 suspend the person's teaching certificate based upon the issues and
19 evidence presented at the hearing. This subsection applies to any
20 of the following crimes:

21 (a) Any felony.

22 (b) Any of the following misdemeanors:

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

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

27 (iii) A misdemeanor involving cruelty, torture, or indecent

1 exposure involving a child.

2 (iv) A misdemeanor violation of section 7410 of the public
3 health code, 1978 PA 368, MCL 333.7410.

4 (v) A violation of section 115, 141a, 335a, or 359 of the
5 Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.335a,
6 and 750.359, or a misdemeanor violation of section 81, 81a, or 145d
7 of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and
8 750.145d.

9 (vi) A misdemeanor violation of section 701 of the Michigan
10 liquor control code of 1998, 1998 PA 58, MCL 436.1701.

11 (vii) Any misdemeanor that is a listed offense.

12 (c) A violation of a substantially similar law of another
13 state, of a political subdivision of this state or another state,
14 or of the United States.

15 (2) If a person who holds a teaching certificate that is valid
16 in this state has been convicted of a crime described in this
17 subsection, the superintendent of public instruction shall find
18 that the public health, safety, or welfare requires emergency
19 action and shall order summary suspension of the person's teaching
20 certificate under section 92 of the administrative procedures act
21 of 1969, 1969 PA 306, MCL 24.292, and shall subsequently provide an
22 opportunity for a hearing as provided under that section. This
23 subsection does not limit the superintendent of public
24 instruction's ability to order summary suspension of a person's
25 teaching certificate for a reason other than described in this
26 subsection. This subsection applies to conviction of any of the
27 following crimes:

1 (a) Criminal sexual conduct in any degree, assault with intent
2 to commit criminal sexual conduct, or an attempt to commit criminal
3 sexual conduct in any degree.

4 (b) Felonious assault on a child, child abuse in the first
5 degree, or an attempt to commit child abuse in the first degree.

6 (c) Cruelty, torture, or indecent exposure involving a child.

7 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410,
8 or 7416 of the public health code, 1978 PA 368, MCL 333.7401,
9 333.7403, 333.7410, and 333.7416.

10 (e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316,
11 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328,
12 MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316,
13 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony
14 violation of section 145d of the Michigan penal code, 1931 PA 328,
15 MCL 750.145d.

16 (f) A violation of section 158 of the Michigan penal code,
17 1931 PA 328, MCL 750.158, if a victim is an individual less than 18
18 years of age.

19 (g) Except for a juvenile disposition or adjudication, a
20 violation of section 338, 338a, or 338b of the Michigan penal code,
21 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an
22 individual less than 18 years of age.

23 (h) A violation of section 349 of the Michigan penal code,
24 1931 PA 328, MCL 750.349, if a victim is an individual less than 18
25 years of age.

26 (i) An offense committed by a person who was, at the time of
27 the offense, a sexually delinquent person as defined in section 10a

1 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

2 (j) Any other crime that is a listed offense.

3 (k) An attempt or conspiracy to commit an offense listed in
4 subdivision (a), (e), (f), (g), (h), (i), or (j).

5 (l) A violation of a substantially similar law of another
6 state, of a political subdivision of this state or another state,
7 or of the United States.

8 (m) Any other crime listed in subsection (1), if the
9 superintendent of public instruction determines the public health,
10 safety, or welfare requires emergency action based on the
11 circumstances underlying the conviction.

12 (3) All of the following apply to any proceedings affecting a
13 person's teaching certificate under this section:

14 (a) The superintendent of public instruction shall appoint a
15 designee to perform the investigatory and prosecutorial functions
16 involved in the proceedings. However, the superintendent of public
17 instruction must approve any settlement, conditional agreement, or
18 other decision not to proceed with charges.

19 (b) Any final action that affects the status of a person's
20 teaching certificate shall be taken by the superintendent of public
21 instruction.

22 (c) The superintendent of public instruction after a hearing
23 shall not take action against a person's teaching certificate under
24 subsection (1) or (2) unless the superintendent of public
25 instruction finds that the conviction is reasonably and adversely
26 related to the person's present fitness to serve in an elementary
27 or secondary school in this state or that the conviction

1 demonstrates that the person is unfit to teach in an elementary or
2 secondary school in this state. Further, the superintendent of
3 public instruction may take action against a person's teaching
4 certificate under subsection (1) or (2) based on a conviction that
5 occurred before April 1, 2004 if the superintendent of public
6 instruction finds that the conviction is reasonably and adversely
7 related to the person's present fitness to serve in an elementary
8 or secondary school in this state or that the conviction
9 demonstrates that the person is unfit to teach in an elementary or
10 secondary school in this state. For the purposes of this section,
11 conviction of a listed offense is reasonably and adversely related
12 to the person's fitness to serve in an elementary or secondary
13 school in this state and demonstrates that the person is unfit to
14 teach in an elementary or secondary school in this state.

15 (4) If a person who has entered a plea of guilt or no contest
16 to or who is the subject of a finding of guilt by a judge or jury
17 of a crime listed in subsection (2) has been suspended from active
18 performance of duty by a public school, school district,
19 intermediate school district, or nonpublic school during the
20 pendency of proceedings under this section, the public school,
21 school district, intermediate school district, or nonpublic school
22 employing the person shall discontinue the person's compensation
23 until the superintendent of public instruction has made a final
24 determination of whether or not to suspend or revoke the person's
25 teaching certificate. If the superintendent of public instruction
26 does not suspend or revoke the person's teaching certificate, the
27 public school, school district, intermediate school district, or

1 nonpublic school shall make the person whole for lost compensation,
2 without interest. ~~However, if a collective bargaining agreement is~~
3 ~~in effect as of January 1, 2006 for employees of a school district,~~
4 ~~intermediate school district, or public school academy, and if the~~
5 ~~terms of that collective bargaining agreement are inconsistent with~~
6 ~~this subsection, then this subsection does not apply to that school~~
7 ~~district, intermediate school district, or public school academy~~
8 ~~until after the expiration of that collective bargaining agreement.~~

9 (5) Except as otherwise provided in this subsection, after the
10 completion of a person's sentence, the person may request a hearing
11 on reinstatement of his or her teaching certificate. Based upon the
12 issues and evidence presented at the hearing, the superintendent of
13 public instruction may reinstate, continue the suspension of, or
14 permanently revoke the person's teaching certificate. The
15 superintendent of public instruction shall not reinstate a person's
16 teaching certificate unless the superintendent of public
17 instruction finds that the person is currently fit to serve in an
18 elementary or secondary school in this state and that reinstatement
19 of the person's teaching certificate will not adversely affect the
20 health, safety, and welfare of pupils. If a person's conviction was
21 for a listed offense, the person is not entitled to request a
22 hearing on reinstatement under this subsection, and the
23 superintendent of public instruction shall not reinstate the
24 person's teaching certificate under this subsection.

25 (6) All of the following apply to a person described in this
26 section whose conviction is reversed upon final appeal:

27 (a) The person's teaching certificate shall be reinstated upon

1 his or her notification to the superintendent of public instruction
2 of the reversal.

3 (b) If the suspension of the person's teaching certificate
4 under this section was the sole cause of his or her discharge from
5 employment, the person shall be reinstated, upon his or her
6 notification to the appropriate local or intermediate school board
7 of the reversal, with full rights and benefits, to the position he
8 or she would have had if he or she had been continuously employed.

9 (c) If the person's compensation was discontinued under
10 subsection (4), the public school, school district, intermediate
11 school district, or nonpublic school shall make the person whole
12 for lost compensation.

13 (7) If the prosecuting attorney in charge of a case receives a
14 form as provided under section 1230d, the prosecuting attorney
15 shall notify the superintendent of public instruction, and any
16 public school, school district, intermediate school district, or
17 nonpublic school in which the person is employed by forwarding a
18 copy of the form to each of them not later than 7 days after
19 receiving the form. If the court receives a form as provided under
20 section 1230d, the court shall notify the superintendent of public
21 instruction and any public school, school district, intermediate
22 school district, or nonpublic school in which the person is
23 employed by forwarding to each of them a copy of the form and
24 information regarding the sentence imposed on the person not later
25 than 7 days after the date of sentencing, even if the court is
26 maintaining the file as a nonpublic record.

27 (8) Not later than 7 days after receiving notification from

1 the prosecuting attorney or the court under subsection (7) or
2 learning through an authoritative source that a person who holds a
3 teaching certificate has been convicted of a crime listed in
4 subsection (1), the superintendent of public instruction shall
5 request the court to provide a certified copy of the judgment of
6 conviction and sentence or other document regarding the disposition
7 of the case to the superintendent of public instruction and shall
8 pay any fees required by the court. The court shall provide this
9 certified copy within 7 days after receiving the request and fees
10 under this section or after entry of the judgment or other
11 document, whichever is later, even if the court is maintaining the
12 judgment or other document as a nonpublic record.

13 (9) If the superintendent of a school district or intermediate
14 school district, the chief administrative officer of a nonpublic
15 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 or learns through an
18 authoritative source that a person who holds a teaching certificate
19 and who is employed by the school district, intermediate school
20 district, or nonpublic school has been convicted of a crime
21 described in subsection (1) or (2), the superintendent, chief
22 administrative officer, or board president shall notify the
23 superintendent of public instruction of that conviction within 15
24 days after learning of the conviction.

25 (10) For the purposes of this section, a certified copy of the
26 judgment of conviction and sentence is conclusive evidence of
27 conviction of a crime described in this section. For the purposes

1 of this section, conviction of a crime described in this section is
2 considered to be reasonably and adversely related to the ability of
3 the person to serve in an elementary or secondary school and is
4 sufficient grounds for suspension or revocation of the person's
5 teaching certificate.

6 (11) For any hearing under subsection (1), if the
7 superintendent of public instruction does not make a final decision
8 and order within 120 working days after receiving the request for
9 the hearing, as required under subsection (1), the superintendent
10 of public instruction shall submit a report detailing the reasons
11 for the delay to the standing committees and appropriations
12 subcommittees of the senate and house of representatives that have
13 jurisdiction over education and education appropriations. The
14 failure of the superintendent of public instruction to make a final
15 decision and order within this 120 working day time limit, or the
16 failure of any other official or agency to meet a time limit
17 prescribed in this section, does not affect the validity of an
18 action taken under this section affecting a person's teaching
19 certificate.

20 (12) ~~Beginning July 1, 2004, the~~ **THE** superintendent of public
21 instruction shall submit to the legislature a ~~quarterly~~ **AN ANNUAL**
22 report of all final actions he or she has taken under this section
23 affecting a person's teaching certificate during the preceding
24 ~~quarter.~~ **YEAR.** The report shall contain at least all of the
25 following with respect to each person whose teaching certificate
26 has been affected:

27 (a) The person's name, as it appears on the teaching

1 certificate.

2 (b) The school district, intermediate school district, public
3 school academy, or nonpublic school in which the person was
4 employed at the time of the conviction, if any.

5 (c) The offense for which the person was convicted and the
6 date of the offense and date of the conviction.

7 (d) Whether the action taken by the superintendent of public
8 instruction was a summary suspension, suspension due to failure to
9 request a hearing, suspension, revocation, or reinstatement of the
10 teaching certificate.

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

12 (a) Prohibit a person who holds a teaching certificate from
13 seeking monetary compensation from a school board or intermediate
14 school board if that right is available under a collective
15 bargaining agreement or another statute.

16 (b) Limit the rights and powers granted to a school district
17 or intermediate school district under a collective bargaining
18 agreement, this act, or another statute to discipline or discharge
19 a person who holds a teaching certificate.

20 (14) The superintendent of public instruction may promulgate,
21 as necessary, rules to implement this section pursuant to the
22 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
23 24.328.

24 (15) The department of ~~information-technology~~, **MANAGEMENT, AND**
25 **BUDGET** shall work with the department and the department of state
26 police to develop and implement an automated program that does a
27 comparison of the department's list of individuals holding a

1 teaching certificate or state board approval, and of any other list
2 maintained by the department of individuals employed or regularly
3 and continuously working under contract in a school, with the
4 conviction information received by the department of state police.
5 This comparison shall only include individuals who are actually
6 school employees at the time of the comparison or who are regularly
7 and continuously working under contract at the time of the
8 comparison. Unless otherwise prohibited by law, this comparison
9 shall include convictions contained in a nonpublic record. The
10 department and the department of state police shall perform this
11 comparison during January and June of each year until July 1, 2008.
12 The department of state police shall take all reasonable and
13 necessary measures using the available technology to ensure the
14 accuracy of this comparison before transmitting the information
15 under this subsection to the department. The department shall take
16 all reasonable and necessary measures using the available
17 technology to ensure the accuracy of this comparison before
18 notifying a school district, intermediate school district, public
19 school academy, or nonpublic school of a conviction. If a
20 comparison discloses that a person on the department's list of
21 individuals holding a teaching certificate or state board approval
22 has been convicted of a crime, or if the department is otherwise
23 notified by the department of state police that such a person has
24 been convicted of a crime, the department shall notify the
25 superintendent or chief administrator and the board or governing
26 body of the school district, intermediate school district, public
27 school academy, or nonpublic school in which the person is employed

1 of that conviction.

2 (16) As used in this section:

3 (a) "Conviction" means a judgment entered by a court upon a
4 plea of guilty, guilty but mentally ill, or nolo contendere or upon
5 a jury verdict or court finding that a defendant is guilty or
6 guilty but mentally ill.

7 (b) "Felony" means that term as defined in section 1 of
8 chapter I of the code of criminal procedure, 1927 PA 175, MCL
9 761.1.

10 (c) "Listed offense" means that term as defined in section 2
11 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

12 (d) "Prosecuting attorney" means the prosecuting attorney for
13 a county, an assistant prosecuting attorney for a county, the
14 attorney general, the deputy attorney general, an assistant
15 attorney general, a special prosecuting attorney, or, in connection
16 with the prosecution of an ordinance violation, an attorney for the
17 political subdivision that enacted the ordinance upon which the
18 violation is based.

19 (e) "Regularly and continuously work under contract" means
20 that term as defined in section 1230d.

21 Sec. 1539b. (1) Subject to subsection (2), if a person who
22 holds state board approval has been convicted of a crime described
23 in this subsection, within 10 working days after receiving notice
24 of the conviction the superintendent of public instruction shall
25 notify the person in writing that his or her state board approval
26 may be suspended because of the conviction and of his or her right
27 to a hearing before the superintendent of public instruction. The

1 hearing shall be conducted as a contested case under the
2 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
3 24.328. If the person does not avail himself or herself of this
4 right to a hearing within 15 working days after receipt of this
5 written notification, the person's state board approval shall be
6 suspended. If a hearing takes place, the superintendent of public
7 instruction shall complete the proceedings and make a final
8 decision and order within 120 working days after receiving the
9 request for a hearing. Subject to subsection (2), the
10 superintendent of public instruction may suspend the person's state
11 board approval, based upon the issues and evidence presented at the
12 hearing. This subsection applies to any of the following crimes:

13 (a) Any felony.

14 (b) Any of the following misdemeanors:

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

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

19 (iii) A misdemeanor involving cruelty, torture, or indecent
20 exposure involving a child.

21 (iv) A misdemeanor violation of section 7410 of the public
22 health code, 1978 PA 368, MCL 333.7410.

23 (v) A violation of section 115, 141a, 335a, or 359 of the
24 Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.335a,
25 and 750.359, or a misdemeanor violation of section 81, 81a, or 145d
26 of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and
27 750.145d.

1 (vi) A misdemeanor violation of section 701 of the Michigan
2 liquor control code of 1998, 1998 PA 58, MCL 436.1701.

3 (vii) Any misdemeanor that is a listed offense.

4 (c) A violation of a substantially similar law of another
5 state, of a political subdivision of this state or another state,
6 or of the United States.

7 (2) If a person who holds state board approval has been
8 convicted of a crime described in this subsection, the
9 superintendent of public instruction shall find that the public
10 health, safety, or welfare requires emergency action and shall
11 order summary suspension of the person's state board approval under
12 section 92 of the administrative procedures act of 1969, 1969 PA
13 306, MCL 24.292, and shall subsequently provide an opportunity for
14 a hearing as required under that section. This subsection does not
15 limit the superintendent of public instruction's ability to order
16 summary suspension of a person's state board approval for a reason
17 other than described in this subsection. This subsection applies to
18 conviction of any of the following crimes:

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

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

24 (c) Cruelty, torture, or indecent exposure involving a child.

25 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410,
26 or 7416 of the public health code, 1978 PA 368, MCL 333.7401,
27 333.7403, 333.7410, and 333.7416.

1 (e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316,
2 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328,
3 MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316,
4 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony
5 violation of section 145d of the Michigan penal code, 1931 PA 328,
6 MCL 750.145d.

7 (f) A violation of section 158 of the Michigan penal code,
8 1931 PA 328, MCL 750.158, if a victim is an individual less than 18
9 years of age.

10 (g) Except for a juvenile disposition or adjudication, a
11 violation of section 338, 338a, or 338b of the Michigan penal code,
12 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an
13 individual less than 18 years of age.

14 (h) A violation of section 349 of the Michigan penal code,
15 1931 PA 328, MCL 750.349, if a victim is an individual less than 18
16 years of age.

17 (i) An offense committed by a person who was, at the time of
18 the offense, a sexually delinquent person as defined in section 10a
19 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

20 (j) Any other crime that is a listed offense.

21 (k) An attempt or conspiracy to commit an offense listed in
22 subdivision (a), (e), (f), (g), (h), (i), or (j).

23 (l) A violation of a substantially similar law of another
24 state, of a political subdivision of this state or another state,
25 or of the United States.

26 (m) Any other crime listed in subsection (1), if the
27 superintendent of public instruction determines the public health,

1 safety, or welfare requires emergency action based on the
2 circumstances underlying the conviction.

3 (3) All of the following apply to any proceedings affecting a
4 person's state board approval under this section:

5 (a) The superintendent of public instruction shall appoint a
6 designee to perform the investigatory and prosecutorial functions
7 involved in the proceedings. However, the superintendent of public
8 instruction must approve any settlement, conditional agreement, or
9 other decision not to proceed with charges.

10 (b) Any final action that affects the status of a person's
11 state board approval shall be taken by the superintendent of public
12 instruction.

13 (c) The superintendent of public instruction after a hearing
14 shall not take action against a person's state board approval under
15 subsection (1) or (2) unless the superintendent of public
16 instruction finds that the conviction is reasonably and adversely
17 related to the person's present fitness to serve in an elementary
18 or secondary school in this state or that the conviction
19 demonstrates that the person is unfit to teach in an elementary or
20 secondary school in this state. Further, the superintendent of
21 public instruction may take action against a person's state board
22 approval under subsection (1) or (2) based on a conviction that
23 occurred before April 1, 2004 if the superintendent of public
24 instruction finds that the conviction is reasonably and adversely
25 related to the person's present fitness to serve in an elementary
26 or secondary school in this state. For the purposes of this
27 section, conviction of a listed offense is reasonably and adversely

1 related to the person's fitness to serve in an elementary or
2 secondary school in this state and demonstrates that the person is
3 unfit to teach in an elementary or secondary school in this state.

4 (4) If a person who has entered a plea of guilt or no contest
5 to or who is the subject of a finding of guilt by a judge or jury
6 of a crime listed in subsection (2) has been suspended from active
7 performance of duty by a public school, school district,
8 intermediate school district, or nonpublic school during the
9 pendency of proceedings under this section, the public school,
10 school district, intermediate school district, or nonpublic school
11 employing the person shall discontinue the person's compensation
12 until the superintendent of public instruction has made a final
13 determination of whether or not to suspend or revoke the person's
14 state board approval. If the superintendent of public instruction
15 does not suspend or revoke the person's state board approval, the
16 public school, school district, intermediate school district, or
17 nonpublic school shall make the person whole for lost compensation,
18 without interest. ~~However, if a collective bargaining agreement is
19 in effect as of January 1, 2006 for employees of a school district,
20 intermediate school district, or public school academy, and if the
21 terms of that collective bargaining agreement are inconsistent with
22 this subsection, then this subsection does not apply to that school
23 district, intermediate school district, or public school academy
24 until after the expiration of that collective bargaining agreement.~~

25 (5) Except as otherwise provided in this subsection, after the
26 completion of the person's sentence, the person may request a
27 hearing on reinstatement of his or her state board approval. Based

1 upon the issues and evidence presented at the hearing, the
2 superintendent of public instruction may reinstate, continue the
3 suspension of, or permanently revoke the person's state board
4 approval. The superintendent of public instruction shall not
5 reinstate a person's state board approval unless the superintendent
6 of public instruction finds that the person is currently fit to
7 serve in an elementary or secondary school in this state and that
8 reinstatement of the person's state board approval will not
9 adversely affect the health, safety, and welfare of pupils. If a
10 person's conviction was for a listed offense, the person is not
11 entitled to request a hearing on reinstatement under this
12 subsection, and the superintendent of public instruction shall not
13 reinstate the person's state board approval under this subsection.

14 (6) 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 upon
17 his or her notification to the superintendent of public instruction
18 of the reversal.

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

25 (c) If the person's compensation was discontinued under
26 subsection (4), the public school, school district, intermediate
27 school district, or nonpublic school shall make the person whole

1 for lost compensation.

2 (7) If the prosecuting attorney in charge of a case receives a
3 form as provided under section 1230d, the prosecuting attorney
4 shall notify the superintendent of public instruction, and any
5 public school, school district, intermediate school district, or
6 nonpublic school in which the person is employed by forwarding a
7 copy of the form to each of them not later than 7 days after
8 receiving the form. If the court receives a form as provided under
9 section 1230d, the court shall notify the superintendent of public
10 instruction and any public school, school district, intermediate
11 school district, or nonpublic school in which the person is
12 employed by forwarding to each of them a copy of the form and
13 information regarding the sentence imposed on the person not later
14 than 7 days after the date of the sentencing, even if the court is
15 maintaining the file as a nonpublic record.

16 (8) Not later than 7 days after receiving notification from
17 the prosecuting attorney or the court under subsection (7) or
18 learning through an authoritative source that a person who holds
19 state board approval has been convicted of a crime listed in
20 subsection (1), the superintendent of public instruction shall
21 request the court to provide a certified copy of the judgment of
22 conviction and sentence or other document regarding the disposition
23 of the case to the superintendent of public instruction and shall
24 pay any fees required by the court. The court shall provide this
25 certified copy within 7 days after receiving the request and fees
26 under this section or after entry of the judgment or other
27 document, whichever is later, even if the court is maintaining the

1 judgment or other document as a nonpublic record.

2 (9) If the superintendent of a school district or intermediate
3 school district, the chief administrative officer of a nonpublic
4 school, the president of the board of a school district or
5 intermediate school district, or the president of the governing
6 board of a nonpublic school is notified or learns through an
7 authoritative source that a person who holds state board approval
8 and who is employed by the school district, intermediate school
9 district, or nonpublic school has been convicted of a crime
10 described in subsection (1) or (2), the superintendent, chief
11 administrative officer, or board president shall notify the
12 superintendent of public instruction of that conviction within 15
13 days after learning of the conviction.

14 (10) For the purposes of this section, a certified copy of the
15 judgment of conviction and sentence is conclusive evidence of
16 conviction of a crime described in this section. For the purposes
17 of this section, conviction of a crime described in this section is
18 considered to be reasonably and adversely related to the ability of
19 the person to serve in an elementary or secondary school and is
20 sufficient grounds for suspension or revocation of the person's
21 state board approval.

22 (11) For any hearing under subsection (1), if the
23 superintendent of public instruction does not make a final decision
24 and order within 120 working days after receiving the request for
25 the hearing, as required under subsection (1), the superintendent
26 of public instruction shall submit a report detailing the reasons
27 for the delay to the standing committees and appropriations

1 subcommittees of the senate and house of representatives that have
2 jurisdiction over education and education appropriations. The
3 failure of the superintendent of public instruction to make a final
4 decision and order within this 120 working day time limit, or the
5 failure of any other official or agency to meet a time limit
6 prescribed in this section, does not affect the validity of an
7 action taken under this section affecting a person's state board
8 approval.

9 (12) ~~Beginning July 1, 2004, the~~ **THE** superintendent of public
10 instruction shall submit to the legislature a ~~quarterly~~ **AN ANNUAL**
11 report of all final actions he or she has taken under this section
12 affecting a person's state board approval during the preceding
13 ~~quarter.~~ **YEAR.** The report shall contain at least all of the
14 following with respect to each person whose state board approval
15 has been affected:

16 (a) The person's name, as it appears on the state board
17 approval.

18 (b) The school district, intermediate school district, public
19 school academy, or nonpublic school in which the person was
20 employed at the time of the conviction, if any.

21 (c) The offense for which the person was convicted and the
22 date of the offense and date of the conviction.

23 (d) Whether the action taken by the superintendent of public
24 instruction was a summary suspension, suspension due to failure to
25 request a hearing, suspension, revocation, or reinstatement of the
26 state board approval.

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

1 (a) Prohibit a person who holds state board approval from
2 seeking monetary compensation from a school board or intermediate
3 school board if that right is available under a collective
4 bargaining agreement or another statute.

5 (b) Limit the rights and powers granted to a school district
6 or intermediate school district under a collective bargaining
7 agreement, this act, or another statute to discipline or discharge
8 a person who holds state board approval.

9 (c) Exempt a person who holds state board approval from the
10 operation of section 1535a if the person holds a certificate
11 subject to that section.

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

14 (14) The superintendent of public instruction may promulgate,
15 as necessary, rules to implement this section pursuant to the
16 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
17 24.328.

18 (15) The department of ~~information~~-technology, **MANAGEMENT, AND**
19 **BUDGET** shall work with the department and the department of state
20 police to develop and implement an automated program that does a
21 comparison of the department's list of individuals holding a
22 teaching certificate or state board approval, and of any other list
23 maintained by the department of individuals employed or regularly
24 and continuously working under contract in a school, with the
25 conviction information received by the department of state police.
26 This comparison shall only include individuals who are actually
27 school employees at the time of the comparison or who are regularly

1 and continuously working under contract at the time of the
2 comparison. Unless otherwise prohibited by law, this comparison
3 shall include convictions contained in a nonpublic record. The
4 department and the department of state police shall perform this
5 comparison during January and June of each year until July 1, 2008.
6 The department of state police shall take all reasonable and
7 necessary measures using the available technology to ensure the
8 accuracy of this comparison before transmitting the information
9 under this subsection to the department. The department shall take
10 all reasonable and necessary measures using the available
11 technology to ensure the accuracy of this comparison before
12 notifying a school district, intermediate school district, public
13 school academy, or nonpublic school of a conviction. If a
14 comparison discloses that a person on the department's list of
15 individuals holding a teaching certificate or state board approval
16 has been convicted of a crime, or if the department is otherwise
17 notified by the department of state police that such a person has
18 been convicted of a crime, the department shall notify the
19 superintendent or chief administrator and the board or governing
20 body of the school district, intermediate school district, public
21 school academy, or nonpublic school in which the person is employed
22 of that conviction.

23 (16) As used in this section:

24 (a) "Conviction" means a judgment entered by a court upon a
25 plea of guilty, guilty but mentally ill, or nolo contendere or upon
26 a jury verdict or court finding that a defendant is guilty or
27 guilty but mentally ill.

1 (b) "Felony" means that term as defined in section 1 of
2 chapter I of the code of criminal procedure, 1927 PA 175, MCL
3 761.1.

4 (c) "Listed offense" means that term as defined in section 2
5 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

6 (d) "Prosecuting attorney" means the prosecuting attorney for
7 a county, an assistant prosecuting attorney for a county, the
8 attorney general, the deputy attorney general, an assistant
9 attorney general, a special prosecuting attorney, or, in connection
10 with the prosecution of an ordinance violation, an attorney for the
11 political subdivision that enacted the ordinance upon which the
12 violation is based.

13 (e) "Regularly and continuously work under contract" means
14 that term as defined in section 1230d.

15 (f) "State board approval" means a license, certificate,
16 approval not requiring a teaching certificate, or other evidence of
17 qualifications to hold a particular position in a school district
18 or intermediate school district or in a nonpublic school, other
19 than a teacher's certificate subject to section 1535a, that is
20 issued to a person by the state board or the superintendent of
21 public instruction under this act or a rule promulgated under this
22 act.

23 Sec. 1561. (1) Except as otherwise provided in this section,
24 for a child who turned age 11 before December 1, 2009 or who
25 entered grade 6 before 2009, the child's parent, guardian, or other
26 person in this state having control and charge of the child shall
27 send that child to a public school during the entire school year

1 from the age of 6 to the child's sixteenth birthday. Except as
2 otherwise provided in this section, for a child who turns age 11 on
3 or after December 1, 2009 or a child who was age 11 before that
4 date and enters grade 6 in 2009 or later, the child's parent,
5 guardian, or other person in this state having control and charge
6 of the child shall send the child to a public school during the
7 entire school year from the age of 6 to the child's eighteenth
8 birthday. The child's attendance shall be continuous and
9 consecutive for the school year fixed by the school district in
10 which the child is enrolled. In a school district that maintains
11 school during the entire calendar year and in which the school year
12 is divided into quarters, a child is not required to attend the
13 public school more than 3 quarters in 1 calendar year, but a child
14 shall not be absent for 2 or more consecutive quarters.

15 (2) A child becoming 6 years of age before December 1 shall be
16 enrolled on the first school day of the school year in which the
17 child's sixth birthday occurs, and a child becoming 6 years of age
18 on or after December 1 shall be enrolled on the first school day of
19 the school year following the school year in which the child's
20 sixth birthday occurs.

21 (3) A child is not required to attend a public school in any
22 of the following cases:

23 (a) The child is attending regularly and is being taught in a
24 state approved nonpublic school, which teaches subjects comparable
25 to those taught in the public schools to children of corresponding
26 age and grade, as determined by the course of study for the public
27 schools of the district within which the nonpublic school is

1 located.

2 (b) The child is less than 9 years of age and does not reside
3 within 2-1/2 miles by the nearest traveled road of a public school.
4 If transportation is furnished for pupils in the school district of
5 the child's residence, this subdivision does not apply.

6 (c) The child is age 12 or 13 and is in attendance at
7 confirmation classes conducted for a period of 5 months or less.

8 (d) The child is regularly enrolled in a public school while
9 in attendance at religious instruction classes for not more than 2
10 class hours per week, off public school property during public
11 school hours, upon written request of the parent, guardian, or
12 person in loco parentis. ~~under rules promulgated by the state~~
13 ~~board.~~

14 (e) The child has graduated from high school or has fulfilled
15 all requirements for high school graduation.

16 (f) The child is being educated at the child's home by his or
17 her parent or legal guardian in an organized educational program in
18 the subject areas of reading, spelling, mathematics, science,
19 history, civics, literature, writing, and English grammar.

20 (4) For a child being educated at the child's home by his or
21 her parent or legal guardian, exemption from the requirement to
22 attend public school may exist under either subsection (3) (a) or
23 (3) (f), or both.

24 (5) For a child who turns age 11 on or after December 1, 2009
25 or who was age 11 before that date and enters grade 6 in 2009 or
26 later, this section does not apply to the child if the child is at
27 least age 16 and the child's parent or legal guardian has provided

1 to school officials of the school district in which the child
2 resides a written notice that the child has the permission of the
3 parent or legal guardian to stop attending school.

4 Sec. 1711. (1) The intermediate school board shall do all of
5 the following:

6 (a) Develop, establish, and continually evaluate and modify in
7 cooperation with its constituent districts, a plan for special
8 education that provides for the delivery of special education
9 programs and services designed to ~~develop the maximum potential~~
10 **MEET THE INDIVIDUAL NEEDS** of each student with a disability of whom
11 the intermediate school board is required to maintain a record
12 under subdivision (f). The plan shall coordinate the special
13 education programs and services operated or contracted for by the
14 constituent districts and shall be submitted to the superintendent
15 of public instruction for approval.

16 (b) Contract for the delivery of a special education program
17 or service, in accordance with the intermediate school district
18 plan in compliance with section 1701. Under the contract the
19 intermediate school board may operate special education programs or
20 services and furnish transportation services and room and board.

21 (c) Employ or engage special education personnel in accordance
22 with the intermediate school district plan, and appoint a director
23 of special education meeting the qualifications and requirements of
24 the rules promulgated by the superintendent of public instruction.

25 (d) Accept and use available funds or contributions from
26 governmental or private sources for the purpose of providing
27 special education programs and services consistent with this

1 article.

2 (e) Lease, purchase, or otherwise acquire vehicles, sites,
3 buildings, or portions thereof, and equip them for its special
4 education staff, programs, and services.

5 (f) Maintain a record of each student with a disability under
6 26 years of age, who is a resident of 1 of its constituent
7 districts and who has not graduated from high school, and the
8 special education programs or services in which the student with a
9 disability is participating on the fourth Friday after Labor ~~day~~
10 **DAY** and Friday before Memorial ~~day~~—**DAY**. The sole basis for
11 determining the local school district in which a student with a
12 disability is a resident shall be the rules promulgated by the
13 superintendent of public instruction notwithstanding the provisions
14 of section 1148. The records shall be maintained in accordance with
15 rules promulgated by the superintendent of public instruction.

16 (g) Have the authority to place in appropriate special
17 education programs or services a student with a disability for whom
18 a constituent district is required to provide special education
19 programs or services under section 1751.

20 (h) Investigate special education programs and services
21 operated or contracted for by the intermediate school board or
22 constituent district boards and report in writing failures to
23 comply with the provisions of a contract, statute, or rule
24 governing the special education programs and services or with the
25 intermediate school district plan, to the local school district
26 board and to the superintendent of public instruction.

27 (i) Operate the special education programs or services or

1 contract for the delivery of special education programs or services
2 by local school district boards, in accordance with section 1702,
3 as if a local school district under section 1751. The contract
4 shall provide for items stated in section 1751 and shall be
5 approved by the superintendent of public instruction. The
6 intermediate school board shall contract for the transportation, or
7 room and board, or both, or persons participating in the program or
8 service as if a local school district board under sections 1756 and
9 1757.

10 (j) Receive the report of a parent or guardian or, with the
11 consent of a parent or guardian, receive the report of a licensed
12 physician, registered nurse, social worker, or school or other
13 appropriate professional personnel whose training and relationship
14 to students with a disability provide competence to judge them and
15 who in good faith believes that a person under 26 years of age
16 examined by the professional is or may be a student with a
17 disability, and immediately evaluate the person pursuant to rules
18 promulgated by the superintendent of public instruction. A person
19 making or filing this report or a local school district board shall
20 not incur liability to a person by reason of filing the report or
21 seeking the evaluation, unless lack of good faith is proven.

22 (k) Evaluate pupils in accordance with section 1311.

23 (2) The intermediate school board may expend up to 10% of the
24 annual budget but not to exceed \$12,500.00, for special education
25 programs approved by the intermediate school board without having
26 to secure the approval of the superintendent of public instruction.

27 Sec. 1751. (1) The board of a local school district shall

1 provide special education programs and services designed to ~~develop~~
2 ~~the maximum potential~~ **MEET THE INDIVIDUAL NEEDS** of each student
3 with a disability in its district on record under section 1711 for
4 whom an appropriate educational or training program can be provided
5 in accordance with the intermediate school district special
6 education plan, in either of the following ways or a combination
7 thereof:

8 (a) Operate the special education program or service.

9 (b) Contract with its intermediate school board, another
10 intermediate school board, another local school district board, an
11 adjacent school district board in a bordering state, the Michigan
12 schools for the deaf and blind, ~~the department of community health,~~
13 the department of **HEALTH AND** human services, or any combination
14 thereof, for delivery of the special education programs or
15 services, or with an agency approved by the superintendent of
16 public instruction for delivery of an ancillary professional
17 special education service. The intermediate school district of
18 which the local school district is constituent shall be a party to
19 each contract even if the intermediate school district does not
20 participate in the delivery of the program or services.

21 (2) A local school district contract for the provision of a
22 special education program or service shall provide specifically
23 for:

24 (a) Special education buildings, equipment, and personnel
25 necessary for the operation of the subject program or service.

26 (b) Transportation or room and board, or both, for persons
27 participating in the programs or services as required under

Senate Bill No. 754 as amended December 1, 2016

1 sections 1756 and 1757.

2 (c) The contribution to be made by the sending local school
3 district if the program or service is to be operated by another
4 party to the contract. The contribution shall be in accordance with
5 rules promulgated by the superintendent of public instruction.

6 (d) Other matters the parties consider appropriate.

7 (3) Each program or service operated or contracted for by a
8 local school district shall be in accordance with the intermediate
9 school district's plan established pursuant to section 1711.

10 (4) A local school district may provide additional special
11 education programs and services not included in, or required by,
12 the intermediate school district plan.

13 (5) This section shall be construed to allow operation of
14 programs by departments of state government without local school
15 district contribution.

16 Enacting section 1. The following acts and parts of acts are
17 repealed:

18 (a) Sections 761, 1279, and 1333 of the revised school code,
19 1976 PA 451, MCL 380.761, 380.1279, and 380.1333.

20 (b) Section 3 of 1965 PA 209, MCL 388.1033.

21 (c) 1966 PA 59, MCL 395.41 to 395.42.

22 (d) 1964 PA 230, MCL 388.671 to 388.674.

[[\(e\) 1964 PA 28, MCL 395.21.](#)]

23 Enacting section 2. This amendatory act takes effect 90 days
24 after the date it is enacted into law.