

SENATE BILL No. 754

February 9, 2016, Introduced by Senators PAVLOV, KNOLLENBERG, PROOS, HILDENBRAND and MARLEAU and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 626, 684, 1230d, 1277, 1288, 1310a, 1525, 1535a, 1539b, 1711, and 1751 (MCL 380.626, 380.684, 380.1230d, 380.1277, 380.1288, 380.1310a, 380.1525, 380.1535a, 380.1539b, 380.1711, and 380.1751), section 684 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, and sections 1711 and 1751 as amended by 2008 PA 1; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 626. Except as provided in subsection (2), **BY JULY 1 OF**
 2 **EACH ODD-NUMBERED YEAR** the intermediate school board shall prepare
 3 **AND PUBLISH** a map of the intermediate school district ~~as of July 1,~~

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

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

18 Sec. 684. (1) An intermediate school board in which an area
19 career and technical education program has been established may
20 operate area career and technical education programs or may
21 contract with local school districts or with community colleges for
22 the operation of the programs or with a private degree-granting
23 postsecondary institution if the intermediate school district is
24 not within a community college district and if there existed on or
25 before July 1, 1992 a written agreement for the operation of such a
26 program. Area career and technical education programs operated
27 under sections 681 to 690 shall be submitted for review of the

1 representatives of the constituent districts of the intermediate
2 school district at an annual budget review meeting held on or
3 before June 1 under section 624.

4 (2) An intermediate school board may expend area career and
5 technical education funds for the operation of area career and
6 technical education programs for instructional, support, and
7 administrative costs associated with providing career and technical
8 education activities, including, but not limited to, staff
9 salaries, wages, and benefits for career and technical education
10 programs only; information and awareness activities; acquisition
11 and rental of real property; construction of buildings; acquisition
12 of equipment and supplies; and maintenance, repair, and replacement
13 of buildings, lands, equipment, and supplies. An intermediate
14 school board shall not expend area career and technical education
15 funds for purposes other than those set forth in sections 681 to
16 690. An intermediate school board must obtain state approval to use
17 state or federal career and technical education funds. Expenditure
18 of vocational education millage revenue for the purposes allowed
19 under this subsection shall be determined by the intermediate
20 school board. However, if the millage revenue is commingled with
21 state or federal funds, then the intermediate school district must
22 obtain state approval to use the commingled funds. If an audit by
23 or on behalf of the department determines that an intermediate
24 school board has expended area career and technical education funds
25 for a purpose other than those set forth in sections 681 to 690,
26 the intermediate school district is subject to the measures under
27 section 681(5) and (6).

1 (3) The intermediate school board shall ensure that all of the
2 following are met:

3 (a) The intermediate school board shall notify the department
4 at the time the area career and technical education program is
5 established.

6 (b) In order to be responsive to local workforce needs,
7 emerging technologies, and local demand occupations, the
8 intermediate school district shall establish a program advisory
9 committee pursuant to administrative guidelines established by the
10 office of career and technical preparation within the department.
11 At least a majority of the members of the program advisory
12 committee shall be representatives from business and industry.

13 (c) The program shall collect career and technical education
14 information data and distribute that data to the appropriate state
15 department or departments and to the program advisory committee.
16 **FOR THE PURPOSES OF THIS SUBDIVISION, THE DEPARTMENT OR CEPI SHALL**
17 **ONLY REQUIRE AN INTERMEDIATE SCHOOL DISTRICT TO REPORT INFORMATION**
18 **THAT IS NOT ALREADY AVAILABLE FROM THE FINANCIAL INFORMATION**
19 **DATABASE MAINTAINED BY CEPI.**

20 (d) The intermediate school district shall submit its career
21 and technical education plan to the department in the form and
22 manner prescribed by the department. **FOR THE PURPOSES OF THIS**
23 **SUBDIVISION, THE DEPARTMENT OR CEPI SHALL ONLY REQUIRE AN**
24 **INTERMEDIATE SCHOOL DISTRICT TO REPORT INFORMATION THAT IS NOT**
25 **ALREADY AVAILABLE FROM THE FINANCIAL INFORMATION DATABASE**
26 **MAINTAINED BY CEPI.**

27 (4) The department may monitor career and technical education

1 programs funded with state or federal funding based upon feedback
2 from the program advisory committee and predetermined state or
3 federal skills standards that include student outcomes.

4 (5) The department, in consultation with the appropriate
5 career and technical education professionals, shall develop a
6 process for expedited state approval of programs that recognize
7 local workforce needs, emerging technologies, and local demand
8 occupations.

9 (6) If there is a community college that offers career and
10 technical preparation programs within the intermediate school
11 district, the intermediate school board shall collaborate with the
12 community college to minimize duplication of programs.

13 (7) An area career and technical education program shall allow
14 participation by public school academy and nonpublic school pupils
15 to the same extent as pupils of constituent districts.

16 (8) An intermediate school board operating under sections 681
17 to 690 may expend funds received under section 683 for the costs of
18 a special election held to renew or increase the millage limit on
19 the annual property tax levied for area career and technical
20 education purposes.

21 (9) The treasurer of an intermediate school board shall pay
22 out area career and technical education funds on order of the
23 intermediate school board.

24 **(10) AS USED IN THIS SECTION, "CEPI" MEANS THE CENTER FOR**
25 **EDUCATIONAL PERFORMANCE AND INFORMATION CREATED IN SECTION 94A OF**
26 **THE STATE SCHOOL AID ACT OF 1979, MCL 388.1694A.**

27 Sec. 1230d. (1) If a person who is employed in any capacity by

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

16 (a) The person shall make the report on a form prescribed by
17 the department.

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

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

24 (2) If a person who is employed in any capacity by or is
25 regularly and continuously working under contract in a school
26 district, intermediate school district, public school academy, or
27 nonpublic school enters a plea of guilt or no contest to or is the

1 subject of a finding of guilt by a judge or jury of any crime after
2 having been initially charged with a crime described in section
3 1535a(1) or 1539b(1), then the person immediately shall disclose to
4 the court, on a form prescribed by the state court administrative
5 office, that he or she is employed by or regularly and continuously
6 working under contract in a school district, intermediate school
7 district, public school academy, or nonpublic school. The person
8 shall immediately provide a copy of the form to the prosecuting
9 attorney in charge of the case, to the superintendent of public
10 instruction, and to the superintendent or chief administrator of
11 the school district, intermediate school district, public school
12 academy, or nonpublic school.

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

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

20 (b) If the person violates either subsection (1) or (2) and
21 the crime involved in the violation is a misdemeanor that is not a
22 listed offense, the person is guilty of a misdemeanor punishable by
23 imprisonment for not more than 1 year or a fine of not more than
24 \$1,000.00, or both.

25 (4) A person who violates subsection (1) or (2) may be
26 discharged from his or her employment or have his or her contract
27 terminated. If the board of a school district or intermediate

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

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

26 (6) If the prosecuting attorney in charge of a case receives a
27 form as provided under subsection (2), the prosecuting attorney

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

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

1 shall perform this comparison during January and June of each year
2 until July 1, 2008. The department of state police shall take all
3 reasonable and necessary measures using the available technology to
4 ensure the accuracy of this comparison before transmitting the
5 information under this subsection to the department. The department
6 shall take all reasonable and necessary measures using the
7 available technology to ensure the accuracy of this comparison
8 before notifying a school district, intermediate school district,
9 public school academy, or nonpublic school of a conviction. If a
10 comparison discloses that a person on the department's list of
11 registered educational personnel has been convicted of a crime, or
12 if the department is otherwise notified by the department of state
13 police that such a person has been convicted of a crime, the
14 department shall notify the superintendent or chief administrator
15 and the board or governing body of the school district,
16 intermediate school district, public school academy, or nonpublic
17 school in which the person is employed of that conviction.

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

1 (9) As used in this section:

2 (a) "At school" means in a classroom, elsewhere on school
3 property, or on a school bus or other school-related vehicle.

4 (b) "Felony" means that term as defined in section 1 of
5 chapter I of the code of criminal procedure, 1927 PA 175, MCL
6 761.1.

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

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

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

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

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

27 Sec. 1277. (1) Considering criteria established by the state

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

27 (2) School improvement plans shall include at least all of the

1 following additional matters:

2 (a) Goals centered on student academic learning.

3 (b) Strategies to accomplish the goals.

4 (c) Evaluation of the plan.

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

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

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

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

1 improvement plan. An intermediate school district school
2 improvement plan described in this section shall be updated
3 annually by the intermediate school board. An intermediate school
4 district school improvement plan shall include at least all of the
5 following:

6 (a) Methods to assist districts in improving pupils' academic
7 learning.

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

11 (c) A plan for professional development that supports academic
12 learning.

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

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

20 (f) Collaborative efforts with supporting agencies that
21 enhance academic learning.

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

27 (h) To the extent that it would improve school effectiveness,

1 specific recommendations on consolidation or enhanced interdistrict
2 cooperation, or both, along with possible sources of revenue.

3 (i) Evaluation of the plan.

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

11 Sec. 1288. ~~(1)~~—Each pupil and teacher participating in a
12 course included in this section shall wear industrial quality eye
13 protective devices, which have been sanitized prior to use, if
14 exposure to danger exists while participating in the course. The
15 board **OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT** shall
16 furnish the devices for pupils, teachers, and visitors to the
17 classrooms or laboratories. The courses for which protective
18 devices are required are:

19 (a) Vocational or industrial arts shops or laboratories
20 involving the use of or working with hot molten metals; milling,
21 sawing, turning, shaping, grinding, cutting, or stamping of solid
22 materials; heat treatment, tempering, or kiln firing of metal or
23 other materials; gas or electric arc welding; repair or servicing
24 of vehicles; or caustic or explosive materials.

25 (b) Chemical or combined chemical-physical laboratory work
26 involving acid, caustic, or explosive chemicals or hot liquids or
27 solids.

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

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

8 Sec. 1310a. (1) At least annually, each school board shall
9 prepare and ~~submit to the superintendent of public instruction,~~
10 **POST ON ITS WEBSITE**, in the form and manner prescribed by the
11 superintendent of public instruction, a report stating the number
12 of pupils expelled from the school district during the immediately
13 preceding school year, with a brief description of the incident
14 that caused each expulsion.

15 (2) In order to obtain an accurate local ~~and statewide~~ picture
16 of school crime and to develop the partnerships necessary to plan
17 and implement school safety programs, at least annually, each
18 school board shall ~~report to the superintendent of public~~
19 ~~instruction,~~ **POST ON ITS WEBSITE**, in the form and manner prescribed
20 by the superintendent of public instruction, incidents of crime
21 occurring at school within the school district. In determining the
22 form and manner of this report, the superintendent of public
23 instruction shall consult with local and intermediate school
24 districts and law enforcement officials. The reporting shall
25 include at least crimes involving physical violence, gang-related
26 activity, illegal possession of a controlled substance or
27 controlled substance analogue, or other intoxicant, trespassing,

1 and property crimes including, but not limited to, theft and
2 vandalism. For a property crime, the report shall include an
3 estimate of the cost to the school district resulting from the
4 property crime. The school crime reporting requirements of this
5 subsection are intended to do all of the following:

6 (a) Help policymakers and program designers ~~at the local and~~
7 ~~state levels~~ develop appropriate prevention and intervention
8 programs.

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

11 (c) Assist schools and school districts to identify the most
12 pressing safety issues confronting their school communities, to
13 direct resources appropriately, and to enhance campus safety
14 through prevention and intervention strategies.

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

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

27 (4) As used in this section, "**AT SCHOOL**", "school board", and

1 "school district" mean those terms as defined in section 1310.

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

5 (a) Professional development programs for administrators and
6 teachers. These programs shall emphasize the improvement of
7 teaching and pupils' learning of academic core curriculum
8 objectives, as measured by Michigan educational assessment program,
9 the Michigan merit examination, and other criterion - reference
10 assessments; collaborative decision-making; site-based management;
11 the process of school improvement; instructional leadership; and
12 the use of data and assessment instruments to improve teaching and
13 learning for all pupils.

14 (b) A biennial education policy leadership institute. The
15 state board shall organize and convene a biennial education policy
16 leadership institute for the governor, the lieutenant governor, the
17 state board, the state superintendent, the legislature, and the
18 presidents of the state board approved teacher education
19 institutions, and the staff of each as may be considered
20 appropriate, to examine the most current public education policy
21 issues and initiatives and the appropriate role of policy leaders.

22 (c) A statewide academy for school leadership established by
23 the state board.

24 (d) A principal leadership academy. The department, in
25 collaboration with statewide associations of school principals,
26 shall establish the principal leadership academy. The principal
27 leadership academy shall consist of training for school principals

1 that is conducted by other school principals who have a record of
2 demonstrated success in improving pupil performance. The department
3 shall solicit input from school district superintendents and
4 intermediate superintendents to compile a list of successful school
5 principals who would likely be effective in conducting the training
6 at the principal leadership academy and shall select school
7 principals to conduct the training from this list. The training
8 shall include all aspects of successful school leadership,
9 including at least all of the following:

10 (i) Strategies for increasing parental involvement.

11 (ii) Strategies for engaging community support and
12 involvement.

13 (iii) Creative problem-solving.

14 (iv) Financial decision-making.

15 (v) Management rights and techniques.

16 (vi) Other strategies for improving school leadership to
17 achieve better pupil performance.

18 (e) Community leadership development. The state board, in
19 conjunction with intermediate school districts, shall conduct a
20 leadership development training program in each school district for
21 members of the community.

22 (f) Promotion of high educational standards. The state board,
23 in collaboration with the business community and educators, shall
24 coordinate and assist in the promotion of a statewide public
25 education and information program concerning the need to achieve
26 world class educational standards in the public schools of this
27 state.

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

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

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

10 (2) ~~(3)~~ The state board may disapprove for state funding
11 proposed professional development that the state board finds to be
12 1 or more of the following:

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

14 (b) Not constituting serious, informed innovation.

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

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

18 Sec. 1535a. (1) Subject to subsection (2), if a person who
19 holds a teaching certificate that is valid in this state has been
20 convicted of a crime described in this subsection, within 10
21 working days after receiving notice of the conviction the
22 superintendent of public instruction shall notify the person in
23 writing that his or her teaching certificate may be suspended
24 because of the conviction and of his or her right to a hearing
25 before the superintendent of public instruction. The hearing shall
26 be conducted as a contested case under the administrative
27 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the

1 person does not avail himself or herself of this right to a hearing
2 within 15 working days after receipt of this written notification,
3 the teaching certificate of that person shall be suspended. If a
4 hearing takes place, the superintendent of public instruction shall
5 complete the proceedings and make a final decision and order within
6 120 working days after receiving the request for a hearing. Subject
7 to subsection (2), the superintendent of public instruction may
8 suspend the person's teaching certificate based upon the issues and
9 evidence presented at the hearing. This subsection applies to any
10 of the following crimes:

11 (a) Any felony.

12 (b) Any of the following misdemeanors:

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

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

17 (iii) A misdemeanor involving cruelty, torture, or indecent
18 exposure involving a child.

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

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

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

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

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

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

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

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

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

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

27 (e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316,

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

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

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

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

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

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

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

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

25 (m) Any other crime listed in subsection (1), if the
26 superintendent of public instruction determines the public health,
27 safety, or welfare requires emergency action based on the

1 circumstances underlying the conviction.

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

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

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

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

1 conviction of a listed offense is reasonably and adversely related
2 to the person's fitness to serve in an elementary or secondary
3 school in this state and demonstrates that the person is unfit to
4 teach in an elementary or secondary school in this state.

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

26 (5) Except as otherwise provided in this subsection, after the
27 completion of a person's sentence, the person may request a hearing

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

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

17 (a) The person's teaching certificate shall be reinstated upon
18 his or her notification to the superintendent of public instruction
19 of the reversal.

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

26 (c) If the person's compensation was discontinued under
27 subsection (4), the public school, school district, intermediate

1 school district, or nonpublic school shall make the person whole
2 for lost compensation.

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

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

1 document, whichever is later, even if the court is maintaining the
2 judgment or other document as a nonpublic record.

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

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

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

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

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

17 (a) The person's name, as it appears on the teaching
18 certificate.

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

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

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

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

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

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

10 (14) The superintendent of public instruction may promulgate,
11 as necessary, rules to implement this section pursuant to the
12 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
13 24.328.

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

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

19 (16) As used in this section:

20 (a) "Conviction" means a judgment entered by a court upon a
21 plea of guilty, guilty but mentally ill, or nolo contendere or upon
22 a jury verdict or court finding that a defendant is guilty or
23 guilty but mentally ill.

24 (b) "Felony" means that term as defined in section 1 of
25 chapter I of the code of criminal procedure, 1927 PA 175, MCL
26 761.1.

27 (c) "Listed offense" means that term as defined in section 2

1 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

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

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

11 Sec. 1539b. (1) Subject to subsection (2), if a person who
12 holds state board approval has been convicted of a crime described
13 in this subsection, within 10 working days after receiving notice
14 of the conviction the superintendent of public instruction shall
15 notify the person in writing that his or her state board approval
16 may be suspended because of the conviction and of his or her right
17 to a hearing before the superintendent of public instruction. The
18 hearing shall be conducted as a contested case under the
19 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
20 24.328. If the person does not avail himself or herself of this
21 right to a hearing within 15 working days after receipt of this
22 written notification, the person's state board approval shall be
23 suspended. If a hearing takes place, the superintendent of public
24 instruction shall complete the proceedings and make a final
25 decision and order within 120 working days after receiving the
26 request for a hearing. Subject to subsection (2), the
27 superintendent of public instruction may suspend the person's state

1 board approval, based upon the issues and evidence presented at the
2 hearing. This subsection applies to any of the following crimes:

3 (a) Any felony.

4 (b) Any of the following misdemeanors:

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

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

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

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

13 (v) A violation of section 115, 141a, 335a, or 359 of the
14 Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.335a,
15 and 750.359, or a misdemeanor violation of section 81, 81a, or 145d
16 of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and
17 750.145d.

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

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

21 (c) A violation of a substantially similar law of another
22 state, of a political subdivision of this state or another state,
23 or of the United States.

24 (2) If a person who holds state board approval has been
25 convicted of a crime described in this subsection, the
26 superintendent of public instruction shall find that the public
27 health, safety, or welfare requires emergency action and shall

1 order summary suspension of the person's state board approval under
2 section 92 of the administrative procedures act of 1969, 1969 PA
3 306, MCL 24.292, and shall subsequently provide an opportunity for
4 a hearing as required under that section. This subsection does not
5 limit the superintendent of public instruction's ability to order
6 summary suspension of a person's state board approval for a reason
7 other than described in this subsection. This subsection applies to
8 conviction of any of the following crimes:

9 (a) Criminal sexual conduct in any degree, assault with intent
10 to commit criminal sexual conduct, or an attempt to commit criminal
11 sexual conduct in any degree.

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

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

15 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410,
16 or 7416 of the public health code, 1978 PA 368, MCL 333.7401,
17 333.7403, 333.7410, and 333.7416.

18 (e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316,
19 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328,
20 MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316,
21 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony
22 violation of section 145d of the Michigan penal code, 1931 PA 328,
23 MCL 750.145d.

24 (f) A violation of section 158 of the Michigan penal code,
25 1931 PA 328, MCL 750.158, if a victim is an individual less than 18
26 years of age.

27 (g) Except for a juvenile disposition or adjudication, a

1 violation of section 338, 338a, or 338b of the Michigan penal code,
2 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an
3 individual less than 18 years of age.

4 (h) A violation of section 349 of the Michigan penal code,
5 1931 PA 328, MCL 750.349, if a victim is an individual less than 18
6 years of age.

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

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

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

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

16 (m) Any other crime listed in subsection (1), if the
17 superintendent of public instruction determines the public health,
18 safety, or welfare requires emergency action based on the
19 circumstances underlying the conviction.

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

22 (a) The superintendent of public instruction shall appoint a
23 designee to perform the investigatory and prosecutorial functions
24 involved in the proceedings. However, the superintendent of public
25 instruction must approve any settlement, conditional agreement, or
26 other decision not to proceed with charges.

27 (b) Any final action that affects the status of a person's

1 state board approval shall be taken by the superintendent of public
2 instruction.

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

21 (4) If a person who has entered a plea of guilt or no contest
22 to or who is the subject of a finding of guilt by a judge or jury
23 of a crime listed in subsection (2) has been suspended from active
24 performance of duty by a public school, school district,
25 intermediate school district, or nonpublic school during the
26 pendency of proceedings under this section, the public school,
27 school district, intermediate school district, or nonpublic school

1 employing the person shall discontinue the person's compensation
2 until the superintendent of public instruction has made a final
3 determination of whether or not to suspend or revoke the person's
4 state board approval. If the superintendent of public instruction
5 does not suspend or revoke the person's state board approval, the
6 public school, school district, intermediate school district, or
7 nonpublic school shall make the person whole for lost compensation,
8 without interest. ~~However, if a collective bargaining agreement is~~
9 ~~in effect as of January 1, 2006 for employees of a school district,~~
10 ~~intermediate school district, or public school academy, and if the~~
11 ~~terms of that collective bargaining agreement are inconsistent with~~
12 ~~this subsection, then this subsection does not apply to that school~~
13 ~~district, intermediate school district, or public school academy~~
14 ~~until after the expiration of that collective bargaining agreement.~~

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

1 entitled to request a hearing on reinstatement under this
2 subsection, and the superintendent of public instruction shall not
3 reinstate the person's state board approval under this subsection.

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

6 (a) The person's state board approval shall be reinstated upon
7 his or her notification to the superintendent of public instruction
8 of the reversal.

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

15 (c) If the person's compensation was discontinued under
16 subsection (4), the public school, school district, intermediate
17 school district, or nonpublic school shall make the person whole
18 for lost compensation.

19 (7) If the prosecuting attorney in charge of a case receives a
20 form as provided under section 1230d, the prosecuting attorney
21 shall notify the superintendent of public instruction, and any
22 public school, school district, intermediate school district, or
23 nonpublic school in which the person is employed by forwarding a
24 copy of the form to each of them not later than 7 days after
25 receiving the form. If the court receives a form as provided under
26 section 1230d, the court shall notify the superintendent of public
27 instruction and any public school, school district, intermediate

1 school district, or nonpublic school in which the person is
2 employed by forwarding to each of them a copy of the form and
3 information regarding the sentence imposed on the person not later
4 than 7 days after the date of the sentencing, even if the court is
5 maintaining the file as a nonpublic record.

6 (8) Not later than 7 days after receiving notification from
7 the prosecuting attorney or the court under subsection (7) or
8 learning through an authoritative source that a person who holds
9 state board approval has been convicted of a crime listed in
10 subsection (1), the superintendent of public instruction shall
11 request the court to provide a certified copy of the judgment of
12 conviction and sentence or other document regarding the disposition
13 of the case to the superintendent of public instruction and shall
14 pay any fees required by the court. The court shall provide this
15 certified copy within 7 days after receiving the request and fees
16 under this section or after entry of the judgment or other
17 document, whichever is later, even if the court is maintaining the
18 judgment or other document as a nonpublic record.

19 (9) If the superintendent of a school district or intermediate
20 school district, the chief administrative officer of a nonpublic
21 school, the president of the board of a school district or
22 intermediate school district, or the president of the governing
23 board of a nonpublic school is notified or learns through an
24 authoritative source that a person who holds state board approval
25 and who is employed by the school district, intermediate school
26 district, or nonpublic school has been convicted of a crime
27 described in subsection (1) or (2), the superintendent, chief

1 administrative officer, or board president shall notify the
2 superintendent of public instruction of that conviction within 15
3 days after learning of the conviction.

4 (10) For the purposes of this section, a certified copy of the
5 judgment of conviction and sentence is conclusive evidence of
6 conviction of a crime described in this section. For the purposes
7 of this section, conviction of a crime described in this section is
8 considered to be reasonably and adversely related to the ability of
9 the person to serve in an elementary or secondary school and is
10 sufficient grounds for suspension or revocation of the person's
11 state board approval.

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

26 (12) ~~Beginning July 1, 2004, the~~ **THE** superintendent of public
27 instruction shall submit to the legislature a ~~quarterly~~ **AN ANNUAL**

1 report of all final actions he or she has taken under this section
2 affecting a person's state board approval during the preceding
3 ~~quarter.~~**YEAR.** The report shall contain at least all of the
4 following with respect to each person whose state board approval
5 has been affected:

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

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

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

13 (d) Whether the action taken by the superintendent of public
14 instruction was a summary suspension, suspension due to failure to
15 request a hearing, suspension, revocation, or reinstatement of the
16 state board approval.

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

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

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

26 (c) Exempt a person who holds state board approval from the
27 operation of section 1535a if the person holds a certificate

1 subject to that section.

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

4 (14) The superintendent of public instruction may promulgate,
5 as necessary, rules to implement this section pursuant to the
6 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
7 24.328.

8 (15) The department of ~~information~~-technology, **MANAGEMENT, AND**
9 **BUDGET** shall work with the department and the department of state
10 police to develop and implement an automated program that does a
11 comparison of the department's list of individuals holding a
12 teaching certificate or state board approval, and of any other list
13 maintained by the department of individuals employed or regularly
14 and continuously working under contract in a school, with the
15 conviction information received by the department of state police.
16 This comparison shall only include individuals who are actually
17 school employees at the time of the comparison or who are regularly
18 and continuously working under contract at the time of the
19 comparison. Unless otherwise prohibited by law, this comparison
20 shall include convictions contained in a nonpublic record. The
21 department and the department of state police shall perform this
22 comparison during January and June of each year until July 1, 2008.
23 The department of state police shall take all reasonable and
24 necessary measures using the available technology to ensure the
25 accuracy of this comparison before transmitting the information
26 under this subsection to the department. The department shall take
27 all reasonable and necessary measures using the available

1 technology to ensure the accuracy of this comparison before
2 notifying a school district, intermediate school district, public
3 school academy, or nonpublic school of a conviction. If a
4 comparison discloses that a person on the department's list of
5 individuals holding a teaching certificate or state board approval
6 has been convicted of a crime, or if the department is otherwise
7 notified by the department of state police that such a person has
8 been convicted of a crime, the department shall notify the
9 superintendent or chief administrator and the board or governing
10 body of the school district, intermediate school district, public
11 school academy, or nonpublic school in which the person is employed
12 of that conviction.

13 (16) As used in this section:

14 (a) "Conviction" means a judgment entered by a court upon a
15 plea of guilty, guilty but mentally ill, or nolo contendere or upon
16 a jury verdict or court finding that a defendant is guilty or
17 guilty but mentally ill.

18 (b) "Felony" means that term as defined in section 1 of
19 chapter I of the code of criminal procedure, 1927 PA 175, MCL
20 761.1.

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

23 (d) "Prosecuting attorney" means the prosecuting attorney for
24 a county, an assistant prosecuting attorney for a county, the
25 attorney general, the deputy attorney general, an assistant
26 attorney general, a special prosecuting attorney, or, in connection
27 with the prosecution of an ordinance violation, an attorney for the

1 political subdivision that enacted the ordinance upon which the
2 violation is based.

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

5 (f) "State board approval" means a license, certificate,
6 approval not requiring a teaching certificate, or other evidence of
7 qualifications to hold a particular position in a school district
8 or intermediate school district or in a nonpublic school, other
9 than a teacher's certificate subject to section 1535a, that is
10 issued to a person by the state board or the superintendent of
11 public instruction under this act or a rule promulgated under this
12 act.

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

15 (a) Develop, establish, and continually evaluate and modify in
16 cooperation with its constituent districts, a plan for special
17 education that provides for the delivery of special education
18 programs and services designed to ~~develop the maximum potential~~
19 **MEET THE INDIVIDUAL NEEDS** of each student with a disability of whom
20 the intermediate school board is required to maintain a record
21 under subdivision (f). The plan shall coordinate the special
22 education programs and services operated or contracted for by the
23 constituent districts and shall be submitted to the superintendent
24 of public instruction for approval.

25 (b) Contract for the delivery of a special education program
26 or service, in accordance with the intermediate school district
27 plan in compliance with section 1701. Under the contract the

1 intermediate school board may operate special education programs or
2 services and furnish transportation services and room and board.

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

7 (d) Accept and use available funds or contributions from
8 governmental or private sources for the purpose of providing
9 special education programs and services consistent with this
10 article.

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

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

25 (g) Have the authority to place in appropriate special
26 education programs or services a student with a disability for whom
27 a constituent district is required to provide special education

1 programs or services under section 1751.

2 (h) Investigate special education programs and services
3 operated or contracted for by the intermediate school board or
4 constituent district boards and report in writing failures to
5 comply with the provisions of a contract, statute, or rule
6 governing the special education programs and services or with the
7 intermediate school district plan, to the local school district
8 board and to the superintendent of public instruction.

9 (i) Operate the special education programs or services or
10 contract for the delivery of special education programs or services
11 by local school district boards, in accordance with section 1702,
12 as if a local school district under section 1751. The contract
13 shall provide for items stated in section 1751 and shall be
14 approved by the superintendent of public instruction. The
15 intermediate school board shall contract for the transportation, or
16 room and board, or both, or persons participating in the program or
17 service as if a local school district board under sections 1756 and
18 1757.

19 (j) Receive the report of a parent or guardian or, with the
20 consent of a parent or guardian, receive the report of a licensed
21 physician, registered nurse, social worker, or school or other
22 appropriate professional personnel whose training and relationship
23 to students with a disability provide competence to judge them and
24 who in good faith believes that a person under 26 years of age
25 examined by the professional is or may be a student with a
26 disability, and immediately evaluate the person pursuant to rules
27 promulgated by the superintendent of public instruction. A person

1 making or filing this report or a local school district board shall
2 not incur liability to a person by reason of filing the report or
3 seeking the evaluation, unless lack of good faith is proven.

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

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

9 Sec. 1751. (1) The board of a local school district shall
10 provide special education programs and services designed to ~~develop~~
11 ~~the maximum potential~~ **MEET THE INDIVIDUAL NEEDS** of each student
12 with a disability in its district on record under section 1711 for
13 whom an appropriate educational or training program can be provided
14 in accordance with the intermediate school district special
15 education plan, in either of the following ways or a combination
16 thereof:

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

18 (b) Contract with its intermediate school board, another
19 intermediate school board, another local school district board, an
20 adjacent school district board in a bordering state, the Michigan
21 schools for the deaf and blind, ~~the department of community health,~~
22 the department of **HEALTH AND** human services, or any combination
23 thereof, for delivery of the special education programs or
24 services, or with an agency approved by the superintendent of
25 public instruction for delivery of an ancillary professional
26 special education service. The intermediate school district of
27 which the local school district is constituent shall be a party to

1 each contract even if the intermediate school district does not
2 participate in the delivery of the program or services.

3 (2) A local school district contract for the provision of a
4 special education program or service shall provide specifically
5 for:

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

8 (b) Transportation or room and board, or both, for persons
9 participating in the programs or services as required under
10 sections 1756 and 1757.

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

15 (d) Other matters the parties consider appropriate.

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

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

22 (5) This section shall be construed to allow operation of
23 programs by departments of state government without local school
24 district contribution.

25 Enacting section 1. The following acts and parts of acts are
26 repealed:

27 (a) Sections 761, 1279, and 1296 of the revised school code,

1 1976 PA 451, MCL 380.761, 380.1279, and 380.1296.

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

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

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

5 (e) 1964 PA 44, MCL 395.31 to 395.34.

6 (f) 1964 PA 28, MCL 395.21.

7 (g) 1962 PA 198, MCL 395.71 to 395.73.

8 (h) 1919 PA 149, MCL 395.1 to 395.10.

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