

**No. 33**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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Senate Chamber, Lansing, Thursday, March 30, 2006.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present  
Barcia—present  
Basham—present  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—present  
Cropsey—present  
Emerson—present

Garcia—present  
George—present  
Gilbert—present  
Goschka—present  
Hammerstrom—present  
Hardiman—present  
Jacobs—present  
Jelinek—present  
Johnson—present  
Kuipers—present  
Leland—present  
McManus—present  
Olshove—present

Patterson—present  
Prusi—present  
Sanborn—present  
Schauer—present  
Scott—present  
Sikkema—present  
Stamas—present  
Switalski—present  
Thomas—present  
Toy—excused  
Van Woerkom—present  
Whitmer—present

Senator Michael A. Prusi of the 38th District offered the following invocation:

Generally, we begin each day asking for God's blessing for wisdom, for strength, for compassion, and for guidance to do the right thing, but I believe that we've already been blessed with all of these virtues and more. They are placed in our spirits and our souls when we are born into innocence. All that is required of us is that we reach into ourselves and exercise these gifts.

Let us use our wisdom to measure the issues before us and bring sound judgment for the benefit of the people who have placed their trust in us, for they deserve no less. Let us put our strength to work on the difficult and complex problems confronting this great state. If we all put our shoulders to the wheel with a common purpose, good things must indeed follow. Let us bring compassion for the weak and downtrodden whose voices are not heard in the lobby beyond those doors at the rear of this chamber. By lifting up those who are low, we raise ourselves in the eyes of God.

For those who believe, Your guidance is with us always. Let us go forward with the gifts You have bestowed on us and truly do the work of the people. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

Senator Hammerstrom moved that consideration of the following bill be postponed for today:

**Senate Bill No. 246**

The motion prevailed.

Senators Goschka, Johnson and Sanborn entered the Senate Chamber.

Senator Hammerstrom moved that Senator Toy be excused from today's session.

The motion prevailed.

Senator Schauer moved that Senator Leland be temporarily excused from today's session.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 30:

**House Bill Nos. 4138 4375 5125**

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, March 29, and are available at the legislative website:

**Senate Bill Nos. 1193 1194 1195 1196**

**House Bill Nos. 5912 5913 5914 5915 5916 5917**

**House Joint Resolution U**

### Messages from the Governor

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

**Senate Bill No. 272**

**Senate Bill No. 271**

**Senate Bill No. 264**

**Senate Bill No. 274**

**Senate Bill No. 281**

**Senate Bill No. 175**

**Senate Bill No. 236**

**Senate Bill No. 892**

**Senate Bill No. 893**

**Senate Bill No. 956**

**Senate Bill No. 957**

**Senate Bill No. 179**

**Senate Bill No. 1026**

**Senate Bill No. 1027****Senate Bill No. 1028**

The motion prevailed.

The following message from the Governor was received:

Date: March 29, 2006

Time: 12:21 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 779 (Public Act No. 83), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 722 (MCL 257.722), as amended by 2002 PA 41.

(Filed with the Secretary of State on March 29, 2006, at 3:10 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

**Messages from the House**

Senator Hammerstrom moved that consideration of the following bill be postponed for today:

**Senate Bill No. 242**

The motion prevailed.

Senator Garcia entered the Senate Chamber.

**Senate Bill No. 922, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending sections 6 and 8a (MCL 125.2686 and 125.2688a), as amended by 2004 PA 430.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the substitute made to the bill by the House,

Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

**Senate Bill No. 969, entitled**

A bill to authorize the state administrative board to convey certain interests in property in Ingham county; to authorize the state administrative board to convey, exchange, or purchase certain parcels of property in Jackson county; to prescribe certain conditions for the conveyances, purchases, and exchanges; to provide for disposition of the revenue derived from the conveyances; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 14, after “deed” by inserting “or other instrument”.

2. Amend page 4, following line 7, by inserting:

“Sec. 3. The revenue received under this act shall be deposited in the state treasury and credited to the general fund.”.

The House of Representatives has passed the bill as amended and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on concurring in the amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 213**

**Yeas—36**

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Birkholz	Emerson	Johnson	Sikkema
Bishop	Garcia	Kuipers	Stamas
Brater	George	McManus	Switalski
Brown	Gilbert	Olshove	Thomas
Cassis	Goschka	Patterson	Van Woerkom
Cherry	Hammerstrom	Prusi	Whitmer

**Nays—0**

**Excused—2**

Leland Toy

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Leland entered the Senate Chamber.

**Senate Bill No. 327, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1531 (MCL 380.1531), as amended by 2000 PA 497.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 214****Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassia	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

**Nays—0****Excused—1**

Toy

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
 The recommendation was concurred in, 2/3 of the members serving voting therefor.  
 The Senate agreed to the full title.  
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 328, entitled**

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts," by amending section 11f (MCL 388.1611f), as amended by 2005 PA 155.

Substitute (H-3).

The question being on concurring in the substitute made to the bill by the House,  
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 215****Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas

Cassis  
Cherry  
Clark-Coleman

Hammerstrom  
Hardiman

Patterson  
Prusi

Van Woerkom  
Whitmer

**Nays—0**

**Excused—1**

Toy

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the title as amended.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Schauer moved that Senator Whitmer be temporarily excused from the balance of today's session.  
The motion prevailed.

**Senate Bill No. 329, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 20 (MCL 388.1620), as amended by 2004 PA 351, and by adding section 34.

Substitute (H-6).

The question being on concurring in the substitute made to the bill by the House,  
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 216**

**Yeas—36**

Allen  
Barcia  
Basham  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Clark-Coleman  
Clarke  
Cropsey  
Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Hardiman  
Jacobs  
Jelinek  
Johnson  
Kuipers  
Leland  
McManus  
Olshove  
Patterson

Prusi  
Sanborn  
Schauer  
Scott  
Sikkema  
Stamas  
Switalski  
Thomas  
Van Woerkom

**Nays—0**

**Excused—2**

Toy

Whitmer

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the title as amended.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 330, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 31a (MCL 388.1631a), as amended by 2004 PA 593.

Substitute (H-3).

The question being on concurring in the substitute made to the bill by the House,  
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 217**

**Yeas—36**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Emerson	Johnson	Scott
Bishop	Garcia	Kuipers	Sikkema
Brater	George	Leland	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Goschka	Olshove	Thomas
Cherry	Hammerstrom	Patterson	Van Woerkom

**Nays—0**

**Excused—2**

Toy	Whitmer
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**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the title as amended.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate returned to consideration of the following bill:

**Senate Bill No. 922, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending sections 6 and 8a (MCL 125.2686 and 125.2688a), as amended by 2004 PA 430.





Senator Sikkema moved that his name be removed as prime sponsor of the following bill:

**Senate Bill No. 922**

The motion prevailed.

Senator Hardiman moved that his name be removed as co-sponsor of the following bill:

**Senate Bill No. 922**

The motion prevailed.

Senators Cropsey, Cassis and Stamas moved that they be named co-sponsors of the following bill:

**Senate Bill No. 922**

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**General Orders**

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**Senate Bill No. 934, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 307b.

**House Bill No. 5199, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 29 (MCL 250.1029). The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 5643, entitled**

A bill to amend 1984 PA 118, entitled "The prisoner reimbursement to the county act," by amending section 7 (MCL 801.87), as amended by 1996 PA 544.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

The following bill was announced:

**Senate Bill No. 1095, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 11, 11a, 11f, 11g, 11j, 11k, 14, 15, 17a, 17b, 18, 20, 20j, 22a, 22b, 22d, 24, 25a, 26a, 26b, 31a, 31d, 31f, 32c, 32d, 32j, 32l, 39, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 54a, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 105, 105c, 107, 121, 147, 161a, and 167 (MCL 388.1603, 388.1606, 388.1611, 388.1611a, 388.1611f, 388.1611g, 388.1611j, 388.1611k, 388.1614, 388.1615, 388.1617a, 388.1617b, 388.1618, 388.1620, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1625a, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632c, 388.1632d, 388.1632j, 388.1632l, 388.1639, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1654a, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1701, 388.1705, 388.1705c, 388.1707, 388.1721, 388.1747, 388.1761a, and 388.1767), sections 3, 6, 11, 11a, 11f, 11g, 11j, 15, 18, 20, 20j, 22a, 22b, 22d, 24, 26a, 31a, 31d, 32c, 32d, 32j, 39, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 105, 105c, 107, 147, and 167 as amended and sections 11k, 26b, 31f, 32l, and 54a as added by 2005 PA 155, section 14 as amended by 1993 PA 336, section 17a as amended by 2005 PA 95, section 17b as amended by 2005 PA 150, sections 25a and 161a as added by 1998 PA 553, and section 121 as amended

by 1995 PA 130, and by adding sections 11m, 22c, 22e, 24a, 24c, 31c, 32, 32b, 32m, 65, 99c, and 104; and to repeal acts and parts of acts.

(This bill was passed on March 29 and the motion to reconsider the vote postponed. See Senate Journal No. 32, p. 621.)  
The question being on the motion to reconsider the vote by which the bill was passed,  
Senator Hammerstrom withdrew the motion.

The following bill was announced:

**Senate Bill No. 1088, entitled**

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

(This bill was passed on March 29 and the motion to reconsider the vote postponed. See Senate Journal No. 32, p. 608.)  
The question being on the motion to reconsider the vote by which the bill was passed,  
Senator Hammerstrom withdrew the motion.

The following bill was announced:

**Senate Bill No. 1084, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

(This bill was passed on March 29 and the motion to reconsider the vote postponed. See Senate Journal No. 32, p. 610.)  
The question being on the motion to reconsider the vote by which the bill was passed,  
Senator Hammerstrom withdrew the motion.

The following bill was announced:

**Senate Bill No. 1086, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(This bill was passed on March 29 and the motion to reconsider the vote postponed. See Senate Journal No. 32, p. 611.)  
The question being on the motion to reconsider the vote by which the bill was passed,  
Senator Hammerstrom withdrew the motion.

The following bill was announced:

**Senate Bill No. 1082, entitled**

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

(This bill was passed on March 28 and the motion to reconsider the vote postponed. See Senate Journal No. 31, p. 570.)  
The question being on the motion to reconsider the vote by which the bill was passed,  
Senator Hammerstrom withdrew the motion.

The following bill was announced:

**Senate Bill No. 1083, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

(This bill was passed on March 28 and the motion to reconsider the vote postponed. See Senate Journal No. 31, p. 571.)  
The question being on the motion to reconsider the vote by which the bill was passed,  
Senator Hammerstrom withdrew the motion.

The following bill was announced:

**Senate Bill No. 1085, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

(This bill was passed on March 28 and the motion to reconsider the vote postponed. See Senate Journal No. 31, p. 572.)  
The question being on the motion to reconsider the vote by which the bill was passed,  
Senator Hammerstrom withdrew the motion.

Senator Hammerstrom moved that the following bills be placed at the head of the Third Reading of Bills calendar:

**Senate Bill No. 582**

**House Bill No. 5813**

**Senate Bill No. 777**

**Senate Bill No. 1113**

**Senate Bill No. 1114**

**Senate Bill No. 1112**

**Senate Bill No. 1184**

**House Bill No. 5640**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 582, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 46 and 49 (MCL 24.246 and 24.249), section 46 as amended by 1999 PA 262 and section 49 as amended by 2004 PA 23.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 219**

**Yeas—36**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Emerson	Johnson	Scott
Bishop	Garcia	Kuipers	Sikkema
Brater	George	Leland	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Goschka	Olshove	Thomas
Cherry	Hammerstrom	Patterson	Van Woerkom

**Nays—0**

**Excused—2**

Toy

Whitmer

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5813, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 381 (MCL 168.381), as amended by 2005 PA 71.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 220****Yeas—36**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Emerson	Johnson	Scott
Bishop	Garcia	Kuipers	Sikkema
Brater	George	Leland	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Goschka	Olshove	Thomas
Cherry	Hammerstrom	Patterson	Van Woerkom

**Nays—0****Excused—2**

Toy

Whitmer

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 777, entitled**

A bill to amend 1965 PA 329, entitled “Michigan seed law,” (MCL 286.701 to 286.716) by amending the title, as amended by 1988 PA 455, and by adding section 14; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Brater offered the following substitute:

Substitute (S-4).

The substitute was not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The substitute was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 221**

**Yeas—16**

Barcia	Clark-Coleman	Leland	Schauer
Basham	Clarke	Olshove	Scott
Brater	Emerson	Patterson	Switalski
Cherry	Jacobs	Prusi	Thomas

**Nays—20**

Allen	Cropsey	Hammerstrom	McManus
Birkholz	Garcia	Hardiman	Sanborn
Bishop	George	Jelinek	Sikkema
Brown	Gilbert	Johnson	Stamas
Cassis	Goschka	Kuipers	Van Woerkom

**Excused—2**

Toy	Whitmer
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**Not Voting—0**

In The Chair: President

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 222**

**Yeas—26**

Allen	Garcia	Johnson	Sanborn
Barcia	George	Kuipers	Schauer
Birkholz	Gilbert	McManus	Sikkema
Bishop	Goschka	Olshove	Stamas
Brown	Hammerstrom	Patterson	Switalski
Cassis	Hardiman	Prusi	Van Woerkom
Cropsey	Jelinek		

**Nays—10**

Basham  
Brater  
Cherry

Clark-Coleman  
Clarke  
Emerson

Jacobs  
Leland

Scott  
Thomas

**Excused—2**

Toy

Whitmer

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protest**

Senator Brater, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 777 and moved that the statements she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Brater’s first statement is as follows:

I am offering a substitute because I believe that bringing Senate Bill No. 777 out of committee to the floor has been premature. The Senate agriculture committee did hold four hearings on this bill over the past four months, and I appreciate the chair taking this much time to study the bill. I know it’s unusual in Senate time to give it that much thought, but I think that the reason that we took so much time on it in committee is because of the uncertainty surrounding the effects that this bill may have as public policy for the citizens of the state of Michigan and the well-being of the people and the environment and agriculture in the state of Michigan.

There are still too many unanswered questions about the safety of genetically-engineered (GE) seeds and what the long-term impacts of these seeds are on human, animal, and plant health. That is why the substitute I am offering today will put a hold on the original intent of the bill, to prevent local governments from prohibiting the use of certain seeds, particularly GE seeds. Instead, my substitute would create a roundtable to provide for a thorough study of the effects of genetically-modified and genetically-engineered plants. I’d note here that it is very common in taking up environmental matters to create workgroups and advisory councils and take, literally, years to look at an issue before we move forward on it. I think for an issue as complex and which territory is unknown as genetically-modified organisms are then being released into the environment, I think it deserves an equal amount of study.

The first genetically-engineered crops were planted in open fields in the United States in 1995. Eleven years is too short a time frame to understand how these plants, which have been altered at the molecular level, will affect our health and our environment. It is the thought that these engineered products could pose allergy risks, for example, to human beings. Outdoor experimental crops, such as corn engineered to produce blood clotters and contraceptives, could present significant contamination risks to the food system. Pesticide resistance engineered into these plants can be passed to plants in the wild, creating the potential for weeds that cannot be killed by conventional means.

Proponents of Senate Bill No. 777 note that the federal government already has a regulatory framework in place to address these issues, but as we heard in committee, that framework is fraying at the seams. The Food and Drug Administration does not require pre-market safety testing or labeling of genetically-engineered foods and does not approve or disapprove the safety of this food.

The U.S. Department of Agriculture requires no specific safety tests for the approval of genetically-engineered crops, leaving the testing procedures to the industry it oversees, and that is a general problem throughout our federal government today, that the regulators are driving all their so-called scientific information from industry-paid scientists. The National Academy of Sciences has criticized this process as often lacking scientific rigor. The EPA has required

few safety tests specifically designed for GE crops and does not require the use of internationally-accepted testing procedures to ensure that new GE foods are not allergens. Clearly, we need to learn a lot more about these seeds before this Legislature takes away the ability of local governments to regulate them.

The roundtable created with my substitute would be composed of a broad spectrum of interested parties, including members representing traditional and organic farmers, environmentalists, agribusiness, local government, universities, and consumer advocacy groups. They would be charged with studying whether the current regulatory framework is sufficient to protect human health and the environment. They would look at whether the use of these seeds could lead to the loss of access to organic markets in the United States or foreign export markets that prohibit the use of these seeds. They would study whether the use of genetically-engineered seeds would contribute to the development of pesticide-resistant plants. And they would assess whether the use of these seeds by farmers could lead to greater legal liability for patent infringement or damage to the property of neighboring landowners.

We do not need to rush through the underlying bill. No communities in Michigan have tried to ban genetically-engineered seeds and I have not heard of any planning to do so. I ask for your support of my substitute to allow for more careful deliberation on this proposal.

Senator Brater's second statement is as follows:

I rise to oppose Senate Bill No. 777. This bill is a solution in search of a problem. No communities in Michigan have banned the use of genetically-engineered seeds, nor have any attempted to. Senate Bill No. 777 is part of a nationwide effort by agribusiness to take control of decisions away from local communities, threaten the public health, and endanger the livelihood of organic farmers.

As of today, 14 states have passed laws similar to the one we are considering. Local governments have historically overseen policies related to public health, safety, and welfare. Prohibiting local decision-making contradicts the legitimate and necessary responsibilities of cities, townships, and counties. No state, including Michigan, has yet enacted comprehensive regulations governing genetically-engineered seeds that protect public health and the environment. Local action on genetically-engineered seeds could address important gaps in federal or state policy. In addition to the issue of local control, this bill also raises some concerns about its impact on public health, which I addressed earlier in discussing my substitute.

An organic farmer's livelihood is based on his or her products being certified as organic, which, in part, requires proper buffering between organic farms and neighboring conventional farms. In order to have that buffering, the organic farmer would be required at his or her own expense to provide it in case a neighbor decided to use genetically-engineered crops next door. Seeds and pollen drift from genetically-engineered crops can directly contaminate organic farms with the subsequent loss of certification as well as organic markets.

In addition to the loss of this certification, these farmers are also at risk of being sued by seed companies for stealing these patented seeds, even though they had no desire or intention of using them. These seeds would have grown in the farmers' fields through no fault of their own and clearly to their own detriment. With the many challenges that small and medium-size farms already face, the Legislature should not restrict the ability of local governments to address their particular needs.

The following bill was read a third time:

**Senate Bill No. 1113, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12103 (MCL 333.12103), as amended by 1985 PA 17.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 223**

**Yeas—36**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Emerson	Johnson	Scott
Bishop	Garcia	Kuipers	Sikkema
Brater	George	Leland	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Goschka	Olshove	Thomas
Cherry	Hammerstrom	Patterson	Van Woerkom

**Nays—0**

**Excused—2**

Toy Whitmer

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1114, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 20112b.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 224**

**Yeas—36**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Emerson	Johnson	Scott
Bishop	Garcia	Kuipers	Sikkema
Brater	George	Leland	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Goschka	Olshove	Thomas
Cherry	Hammerstrom	Patterson	Van Woerkom

**Nays—0**

**Excused—2**

Toy Whitmer

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.



The following bill was read a third time:

**Senate Bill No. 1112, entitled**

A bill to amend 1917 PA 167, entitled “Housing law of Michigan,” by amending section 85a (MCL 125.485a), as added by 2003 PA 307.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 225**

**Yeas—36**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Emerson	Johnson	Scott
Bishop	Garcia	Kuipers	Sikkema
Brater	George	Leland	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Goschka	Olshove	Thomas
Cherry	Hammerstrom	Patterson	Van Woerkom

**Nays—0**

**Excused—2**

Toy	Whitmer
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator Emerson asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Emerson’s statement is as follow:

Today is the last day for one of my staff who is leaving our policy staff and going to work for the Department of Transportation. Adam Reames, who has worked on natural resource and environment issues and followed the budgets of both the DNR and DEQ for our staff, is leaving and taking a new job and moving on.

Adam has done a terrific job for us in working those issues. I have for him today a tribute that has been kindly signed by all the members of the Senate that we would like to present to Adam. We’d like to let him know that now that he is going to work for the Department of Transportation, since this is the third person they have taken from my staff, I intend to vote with Senator Johnson from now on on this budget, even if he comes over here and tries to work me over.

We want to let Adam know that we do appreciate the terrific service that he has provided to our caucus and to the Senate. We will miss him. He will be hard to replace, and we do appreciate everything that he has done for us during his tenure here at the Senate.

The following bill was read a third time:

**Senate Bill No. 1184, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1752.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 226****Yeas—36**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Emerson	Johnson	Scott
Bishop	Garcia	Kuipers	Sikkema
Brater	George	Leland	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Goschka	Olshove	Thomas
Cherry	Hammerstrom	Patterson	Van Woerkom

**Nays—0****Excused—2**

Toy	Whitmer
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5640, entitled**

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 3 and 8 (MCL 207.803 and 207.808), as amended by 2006 PA 21.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 227****Yeas—36**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Emerson	Johnson	Scott
Bishop	Garcia	Kuipers	Sikkema
Brater	George	Leland	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Goschka	Olshove	Thomas
Cherry	Hammerstrom	Patterson	Van Woerkom

**Nays—0****Excused—2**

Toy	Whitmer
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**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

**Conference Reports**

Senator Whitmer entered the Senate Chamber.

Senator Kuipers submitted the following:

**FIRST CONFERENCE REPORT**

The Committee of Conference on the matters of difference between the two Houses concerning

**Senate Bill No. 1124, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1278a.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1278a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**SEC. 1278A. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR SECTION 1278B, BEGINNING WITH PUPILS ENTERING GRADE 8 IN 2006, THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL NOT AWARD A HIGH SCHOOL DIPLOMA TO A PUPIL UNLESS THE PUPIL MEETS ALL OF THE FOLLOWING:**

**(A) HAS SUCCESSFULLY COMPLETED ALL OF THE FOLLOWING CREDIT REQUIREMENTS OF THE MICHIGAN MERIT STANDARD BEFORE GRADUATING FROM HIGH SCHOOL:**

**(i) AT LEAST 4 CREDITS IN MATHEMATICS THAT ARE ALIGNED WITH SUBJECT AREA CONTENT EXPECTATIONS DEVELOPED BY THE DEPARTMENT AND APPROVED BY THE STATE BOARD UNDER SECTION 1278B, INCLUDING COMPLETION OF AT LEAST ALGEBRA I, GEOMETRY, AND ALGEBRA II, OR AN INTEGRATED SEQUENCE OF THIS COURSE CONTENT THAT CONSISTS OF 3 CREDITS, AND AN ADDITIONAL MATHEMATICS CREDIT, SUCH AS TRIGONOMETRY, STATISTICS, PRECALCULUS, CALCULUS, APPLIED MATH, ACCOUNTING, BUSINESS MATH, OR A RETAKE OF ALGEBRA II. EACH PUPIL MUST SUCCESSFULLY COMPLETE AT LEAST 1 MATHEMATICS COURSE DURING HIS OR HER FINAL YEAR OF HIGH SCHOOL ENROLLMENT.**

**(ii) AT LEAST 3 CREDITS IN SOCIAL SCIENCE THAT ARE ALIGNED WITH SUBJECT AREA CONTENT EXPECTATIONS DEVELOPED BY THE DEPARTMENT AND APPROVED BY THE STATE BOARD UNDER SECTION 1278B, INCLUDING COMPLETION OF AT LEAST 1 CREDIT IN UNITED STATES HISTORY AND GEOGRAPHY, 1 CREDIT IN WORLD HISTORY AND GEOGRAPHY, 1/2 CREDIT IN ECONOMICS, AND THE CIVICS COURSE DESCRIBED IN SECTION 1166(2).**

**(iii) AT LEAST 1 CREDIT IN SUBJECT MATTER THAT INCLUDES BOTH HEALTH AND PHYSICAL EDUCATION ALIGNED WITH GUIDELINES DEVELOPED BY THE DEPARTMENT AND APPROVED BY THE STATE BOARD UNDER SECTION 1278B.**

(iv) AT LEAST 1 CREDIT IN VISUAL ARTS, PERFORMING ARTS, OR APPLIED ARTS, AS DEFINED BY THE DEPARTMENT, THAT IS ALIGNED WITH GUIDELINES DEVELOPED BY THE DEPARTMENT AND APPROVED BY THE STATE BOARD UNDER SECTION 1278B.

(v) THE CREDIT REQUIREMENTS SPECIFIED IN SECTION 1278B(1).

(B) MEETS THE ONLINE COURSE OR LEARNING EXPERIENCE REQUIREMENT OF THIS SUBSECTION. A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL PROVIDE THE BASIC LEVEL OF TECHNOLOGY AND INTERNET ACCESS REQUIRED BY THE STATE BOARD TO COMPLETE THE ONLINE COURSE OR LEARNING EXPERIENCE. FOR A PUPIL TO MEET THIS REQUIREMENT, THE PUPIL SHALL MEET EITHER OF THE FOLLOWING, AS DETERMINED BY THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY:

(i) HAS SUCCESSFULLY COMPLETED AT LEAST 1 COURSE OR LEARNING EXPERIENCE THAT IS PRESENTED ONLINE, AS DEFINED BY THE DEPARTMENT.

(ii) THE PUPIL'S SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY HAS INTEGRATED AN ONLINE EXPERIENCE THROUGHOUT THE HIGH SCHOOL CURRICULUM BY ENSURING THAT EACH TEACHER OF EACH COURSE THAT PROVIDES THE REQUIRED CREDITS OF THE MICHIGAN MERIT CURRICULUM HAS INTEGRATED AN ONLINE EXPERIENCE INTO THE COURSE.

(2) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (1), BEGINNING WITH PUPILS ENTERING GRADE 3 IN 2006, THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL NOT AWARD A HIGH SCHOOL DIPLOMA TO A PUPIL UNLESS THE PUPIL HAS SUCCESSFULLY COMPLETED DURING GRADES 9 TO 12 AT LEAST 2 CREDITS, AS DETERMINED BY THE DEPARTMENT, IN A LANGUAGE OTHER THAN ENGLISH, OR THE PUPIL HAS SUCCESSFULLY COMPLETED AT ANY TIME DURING GRADES K TO 12 COURSE WORK OR OTHER LEARNING EXPERIENCES THAT ARE SUBSTANTIALLY EQUIVALENT TO 2 CREDITS IN A LANGUAGE OTHER THAN ENGLISH, BASED ON GUIDELINES DEVELOPED BY THE DEPARTMENT. FOR THE PURPOSES OF THIS SUBSECTION, ALL OF THE FOLLOWING APPLY:

(A) AMERICAN SIGN LANGUAGE IS CONSIDERED TO BE A LANGUAGE OTHER THAN ENGLISH.

(B) THE PUPIL MAY MEET ALL OR PART OF THIS REQUIREMENT WITH ONLINE COURSE WORK.

(3) THE REQUIREMENTS UNDER THIS SECTION AND SECTION 1278B FOR A HIGH SCHOOL DIPLOMA ARE IN ADDITION TO ANY LOCAL REQUIREMENTS IMPOSED BY THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY. THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY, AS A LOCAL REQUIREMENT FOR A HIGH SCHOOL DIPLOMA, MAY REQUIRE A PUPIL TO COMPLETE SOME OR ALL OF THE SUBJECT AREA ASSESSMENTS UNDER SECTION 1279 OR THE MICHIGAN MERIT EXAMINATION UNDER SECTION 1279G, AS APPLICABLE TO THE PUPIL UNDER SECTION 1279G, OR MAY REQUIRE A PUPIL TO PARTICIPATE IN THE MIACCESS ASSESSMENTS IF APPROPRIATE FOR THE PUPIL.

(4) FOR THE PURPOSES OF THIS SECTION AND SECTION 1278B, ALL OF THE FOLLOWING APPLY:

(A) A PUPIL IS CONSIDERED TO HAVE COMPLETED A CREDIT IF THE PUPIL SUCCESSFULLY COMPLETES THE SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES DEVELOPED BY THE DEPARTMENT THAT APPLY TO THE CREDIT.

(B) A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL BASE ITS DETERMINATION OF WHETHER A PUPIL HAS SUCCESSFULLY COMPLETED THE SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES DEVELOPED BY THE DEPARTMENT THAT APPLY TO A CREDIT AT LEAST IN PART ON THE PUPIL'S PERFORMANCE ON THE ASSESSMENTS DEVELOPED OR SELECTED BY THE DEPARTMENT UNDER SECTION 1278B OR ON 1 OR MORE ASSESSMENTS DEVELOPED OR SELECTED BY THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY THAT MEASURE A PUPIL'S UNDERSTANDING OF THE SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES THAT APPLY TO THE CREDIT.

(C) A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL ALSO GRANT A PUPIL A CREDIT IF THE PUPIL EARNS A QUALIFYING SCORE, AS DETERMINED BY THE DEPARTMENT, ON THE ASSESSMENTS DEVELOPED OR SELECTED FOR THE SUBJECT AREA BY THE DEPARTMENT UNDER SECTION 1278B OR THE PUPIL EARNS A QUALIFYING SCORE, AS DETERMINED BY THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY, ON 1 OR MORE ASSESSMENTS DEVELOPED OR SELECTED BY THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY THAT MEASURE A PUPIL'S UNDERSTANDING OF THE SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES THAT APPLY TO THE CREDIT.

(5) IF A HIGH SCHOOL IS DESIGNATED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION AS A SPECIALTY SCHOOL AND THE HIGH SCHOOL MEETS THE REQUIREMENTS OF SUBSECTION (6), THEN THE PUPILS OF THE HIGH SCHOOL ARE NOT REQUIRED TO SUCCESSFULLY COMPLETE

**THE 4 CREDITS IN ENGLISH LANGUAGE ARTS REQUIRED UNDER SECTION 1278B(1)(A) OR THE 3 CREDITS IN SOCIAL SCIENCE REQUIRED UNDER SUBSECTION (1)(A)(ii) AND THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY IS NOT REQUIRED TO ENSURE THAT EACH PUPIL IS OFFERED THE CURRICULUM NECESSARY FOR MEETING THOSE ENGLISH LANGUAGE ARTS OR SOCIAL SCIENCE CREDIT REQUIREMENTS. THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY DESIGNATE UP TO 15 HIGH SCHOOLS THAT MEET THE REQUIREMENTS OF THIS SUBSECTION AS SPECIALTY SCHOOLS. SUBJECT TO THIS MAXIMUM NUMBER, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DESIGNATE A HIGH SCHOOL AS A SPECIALTY SCHOOL IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION FINDS THAT THE HIGH SCHOOL MEETS ALL OF THE FOLLOWING CRITERIA:**

**(A) THE HIGH SCHOOL INCORPORATES A SIGNIFICANT READING AND WRITING COMPONENT THROUGHOUT ITS CURRICULUM.**

**(B) THE HIGH SCHOOL USES A SPECIALIZED, INNOVATIVE, AND RIGOROUS CURRICULUM IN SUCH AREAS AS PERFORMING ARTS, FOREIGN LANGUAGE, EXTENSIVE USE OF INTERNSHIPS, OR OTHER LEARNING INNOVATIONS THAT CONFORM TO PIONEERING INNOVATIONS AMONG OTHER LEADING NATIONAL OR INTERNATIONAL HIGH SCHOOLS.**

**(6) A HIGH SCHOOL THAT IS DESIGNATED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION AS A SPECIALTY SCHOOL UNDER SUBSECTION (5) IS ONLY EXEMPT FROM REQUIREMENTS AS DESCRIBED UNDER SUBSECTION (5) AS LONG AS THE SUPERINTENDENT OF PUBLIC INSTRUCTION FINDS THAT THE HIGH SCHOOL CONTINUES TO MEET ALL OF THE FOLLOWING REQUIREMENTS:**

**(A) THE HIGH SCHOOL CLEARLY STATES TO PROSPECTIVE PUPILS AND THEIR PARENTS THAT IT DOES NOT MEET THE REQUIREMENTS OF THE MICHIGAN MERIT STANDARD UNDER THIS SECTION AND SECTION 1278B BUT IS A DESIGNATED SPECIALTY SCHOOL THAT IS EXEMPT FROM SOME OF THOSE REQUIREMENTS AND THAT A PUPIL WHO ENROLLS IN THE HIGH SCHOOL AND SUBSEQUENTLY TRANSFERS TO A HIGH SCHOOL THAT IS NOT A SPECIALTY SCHOOL MEETING THE REQUIREMENTS OF THIS SUBSECTION WILL BE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THE MICHIGAN MERIT STANDARD UNDER THIS SECTION AND SECTION 1278B.**

**(B) FOR THE MOST RECENT YEAR FOR WHICH THE DATA ARE AVAILABLE, THE MEAN SCORES ON BOTH THE MATHEMATICS AND SCIENCE PORTIONS OF THE ACT EXAMINATION FOR THE PUPILS OF THE HIGH SCHOOL EXCEED BY AT LEAST 10% THE MEAN SCORES ON THE MATHEMATICS AND SCIENCE PORTIONS OF THE ACT EXAMINATION FOR THE PUPILS OF THE SCHOOL DISTRICT IN WHICH THE GREATEST NUMBER OF THE PUPILS OF THE HIGH SCHOOL RESIDE.**

**(C) FOR THE MOST RECENT YEAR FOR WHICH THE DATA ARE AVAILABLE, THE HIGH SCHOOL HAD A GRADUATION RATE OF AT LEAST 85%, AS DETERMINED BY THE DEPARTMENT.**

**(D) FOR THE MOST RECENT YEAR FOR WHICH THE DATA ARE AVAILABLE, AT LEAST 75% OF THE PUPILS WHO GRADUATED FROM THE HIGH SCHOOL THE PRECEDING YEAR ARE ENROLLED IN A POSTSECONDARY INSTITUTION.**

**(E) ALL PUPILS OF THE HIGH SCHOOL ARE REQUIRED TO MEET THE MATHEMATICS CREDIT REQUIREMENTS OF SUBSECTION (1)(A)(i), WITH NO MODIFICATION OF THESE REQUIREMENTS UNDER SECTION 1278B(5), AND EACH PUPIL IS OFFERED THE CURRICULUM NECESSARY TO MEET THIS REQUIREMENT.**

**(F) ALL PUPILS OF THE HIGH SCHOOL ARE REQUIRED TO MEET THE SCIENCE CREDIT REQUIREMENTS OF SECTION 1278B(1)(B) AND ARE ALSO REQUIRED TO SUCCESSFULLY COMPLETE AT LEAST 1 ADDITIONAL SCIENCE CREDIT, FOR A TOTAL OF AT LEAST 4 SCIENCE CREDITS, WITH NO MODIFICATION OF THESE REQUIREMENTS UNDER SECTION 1278B(5), AND EACH PUPIL IS OFFERED THE CURRICULUM NECESSARY TO MEET THIS REQUIREMENT.**

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5606 of the 93rd Legislature is enacted into law.

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund;

to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," (MCL 380.1 to 380.1852) by adding section 1278a.

Wayne Kuipers  
Kenneth R. Sikkema  
Irma Clark-Coleman  
Conferees for the Senate

Brian Palmer  
Craig DeRoche  
Hoon-Yung Hopgood  
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,  
Senator Hammerstrom moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 228**

**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Barcia	Cropsey	Jelinek	Schauer
Basham	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

**Nays—0**

**Excused—1**

Toy

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Senators Barcia, Basham, Birkholz, Bishop, Brater, Brown, Cherry, Clarke, Cropsey, George, Gilbert, Goschka, Hardiman, Jacobs, Jelinek, Olshove, Sanborn, Schauer, Scott, Stamas and Whitmer moved that they be named co-sponsors of the following bill:

**Senate Bill No. 1124**

The motion prevailed.

Senators Clark-Coleman and Kuipers asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Clark-Coleman's statement is as follows:

I'd like to take this opportunity to thank the chairman of the Education Committee for taking this issue to the people. In addition to the hearings that he held, I held two hearings in my district. The common theme that I heard was that we've got to improve the curriculum. If that means strengthening, we need to do that. I think that what has been worked out here has been a good compromise. There are a couple issues there that I would like to have addressed differently; that being the foreign language requirement. I would have liked to have seen it enacted a little earlier. But all in all, I think it's a good compromise, and I think it's time for us to move forward and make sure that when our students leave high school that they are college-ready.

I urge a "yes" vote on this conference report.

Senator Kuiper's statement is as follows:

I probably should explain what is contained in these two bills before I ask members to vote. This is it. This is sort of the end of a very long journey that has covered over 11 public hearings across the state from Marquette to Milan and Port Huron to Muskegon. I think we, as a Senate committee and as a Senate chamber, have really done a lot of digging and research and spent a lot of time listening to concerns over the last three months.

I want to applaud the work of the members of the Senate Education Committee for their diligence in attending the meetings and sitting through some very long debates, and I think that at the end of the day, it was worth it.

For those of us who have been intimately involved in this process, this sort of seems like the end of a journey. In reality, I think this is just the beginning because today after we approve this and send it on to the Governor, we really do set in motion a course that will change the history in Michigan for a long, long time. I think we'll help propel Michigan once again to the forefront in the country of educational rigor.

Let me just go through a couple of the issues that are contained in these two conference reports. First, the credit requirements and opt-outs. The English requirement is for four credits, with no opt-outs. The math requirement is for four credits, but as you know, we've been debating for some time what an opt-out looks like for Algebra II. I think we've created some good language in that regard. Social studies, three credits with an opt-out that is allowed after two credits. But, again, the opt-out language which is included in the bill allows students to opt-out of the core curriculum at certain periods of time, but to take more class work in math and language arts and science and foreign language. So really, to opt-out, really, in many respects, increases the rigor of the curriculum rather than decrease.

Foreign language requirement is in the bill. It's a K-12 requirement. We apply it to next year's third-grade class. They would be the first class on record who will be responsible to meet the requirements of the two-year foreign language, but we hope that many school districts across the state, knowing full well that the requirement is coming, will begin the process of putting in place foreign language courses not only in high school, but in middle and elementary school.

One credit of physical education and health and one credit in the arts, which includes performing arts, applied arts, and visual arts, and one online experience. The online experience can be determined by the board of a local district. They can either teach an online class, or they can pass a resolution locally that requires the online experience to be a component of each class in the curriculum.

There is a test-out option. We're less concerned about seat time and more concerned about content requirements. If a child can demonstrate mastery of content, they can opt-out of a class. We allow classes to be combined as long as the content requirements of each class are being met. You could potentially take two classes at one time and receive credit for both.

The thing I like best about this bill—there are a lot of things to like about this bill—but one of the things that really stands out about this legislation is the content expectations. We've heard for years that classes across the state, even though they shared the same name, they didn't necessarily cover the same content. The content expectations in these two bills really will ensure that when a child is taking an Algebra I class, the content will be the same whether that class is taken here in the city of Lansing or in the city of Zeeland or in the city of Marquette because each class will have to meet the same content expectations.

Finally, let me get to the issue of the education development plans, which were an area of some difference with the House. I think we've created a good compromise. Each student will be required to take a career pathways course in seventh grade. Career pathways will help students identify areas of interest. We think that helps build some relevance into this curriculum. They'll understand why, in fact, they are being required to take certain classes. My time is about to expire. Again, thank you to the members of the committee. I would urge support.

#### **House Bill No. 5606, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278b.

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning  
**House Bill No. 5606, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278a; and to repeal acts and parts of acts.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**SEC. 1278B. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION OR SECTION 1278A, BEGINNING WITH PUPILS ENTERING GRADE 8 IN 2006, AS PART OF THE REQUIREMENTS UNDER SECTION 1278A THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL NOT AWARD A HIGH SCHOOL DIPLOMA TO A PUPIL UNLESS THE PUPIL HAS SUCCESSFULLY COMPLETED ALL OF THE FOLLOWING CREDIT REQUIREMENTS OF THE MICHIGAN MERIT STANDARD BEFORE GRADUATING FROM HIGH SCHOOL:**

**(A) AT LEAST 4 CREDITS IN ENGLISH LANGUAGE ARTS THAT ARE ALIGNED WITH SUBJECT AREA CONTENT EXPECTATIONS DEVELOPED BY THE DEPARTMENT AND APPROVED BY THE STATE BOARD UNDER THIS SECTION.**

**(B) AT LEAST 3 CREDITS IN SCIENCE THAT ARE ALIGNED WITH SUBJECT AREA CONTENT EXPECTATIONS DEVELOPED BY THE DEPARTMENT AND APPROVED BY THE STATE BOARD UNDER THIS SECTION, INCLUDING COMPLETION OF AT LEAST BIOLOGY AND EITHER CHEMISTRY OR PHYSICS. THE LEGISLATURE STRONGLY ENCOURAGES PUPILS TO COMPLETE A FOURTH CREDIT IN SCIENCE, SUCH AS FORENSICS, ASTRONOMY, EARTH SCIENCE, AGRICULTURAL SCIENCE, ENVIRONMENTAL SCIENCE, GEOLOGY, PHYSICS OR CHEMISTRY, PHYSIOLOGY, OR MICROBIOLOGY.**

**(C) THE CREDIT REQUIREMENTS SPECIFIED IN SECTION 1278A(1)(A).**

**(2) IF A PUPIL SUCCESSFULLY COMPLETES 1 OR MORE OF THE HIGH SCHOOL CREDITS REQUIRED UNDER SUBSECTION (1) OR UNDER SECTION 1278A(1) BEFORE ENTERING HIGH SCHOOL, THE PUPIL SHALL BE GIVEN HIGH SCHOOL CREDIT FOR THAT CREDIT.**

**(3) FOR THE PURPOSES OF THIS SECTION AND SECTION 1278A, THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:**

**(A) DEVELOP SUBJECT AREA CONTENT EXPECTATIONS THAT APPLY TO THE CREDIT REQUIREMENTS OF THE MICHIGAN MERIT STANDARD THAT ARE REQUIRED UNDER SUBSECTION (1)(A) AND (B) AND SECTION 1278A(1)(A)(i) AND (ii) AND DEVELOP GUIDELINES FOR THE REMAINING CREDIT REQUIREMENTS OF THE MICHIGAN MERIT STANDARD THAT ARE REQUIRED UNDER THIS SECTION AND SECTION 1278A(1)(A), FOR THE ONLINE COURSE OR LEARNING EXPERIENCE REQUIRED UNDER SECTION 1278A(1)(B), AND FOR THE REQUIREMENTS FOR A LANGUAGE OTHER THAN ENGLISH UNDER SECTION 1278A(2). ALL OF THE FOLLOWING APPLY TO THESE SUBJECT AREA CONTENT EXPECTATIONS AND GUIDELINES:**

**(i) ALL SUBJECT AREA CONTENT EXPECTATIONS SHALL BE CONSISTENT WITH THE STATE BOARD RECOMMENDED MODEL CORE ACADEMIC CURRICULUM CONTENT STANDARDS UNDER SECTION 1278. SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES SHALL NOT INCLUDE ATTITUDES, BELIEFS, OR VALUE SYSTEMS THAT ARE NOT ESSENTIAL IN THE LEGAL, ECONOMIC, AND SOCIAL STRUCTURE OF OUR SOCIETY AND TO THE PERSONAL AND SOCIAL RESPONSIBILITY OF CITIZENS OF OUR SOCIETY. THE SUBJECT AREA CONTENT EXPECTATIONS SHALL REQUIRE PUPILS TO DEMONSTRATE CRITICAL THINKING SKILLS.**

**(ii) THE SUBJECT AREA CONTENT EXPECTATIONS AND THE GUIDELINES MUST BE APPROVED BY THE STATE BOARD UNDER SUBSECTION (4).**

**(iii) THE SUBJECT AREA CONTENT EXPECTATIONS SHALL STATE IN CLEAR AND MEASURABLE TERMS WHAT PUPILS ARE EXPECTED TO KNOW UPON COMPLETION OF EACH CREDIT.**

**(iv) THE DEPARTMENT SHALL COMPLETE THE DEVELOPMENT OF THE SUBJECT AREA CONTENT EXPECTATIONS THAT APPLY TO ALGEBRA I AND THE GUIDELINES FOR THE ONLINE COURSE OR LEARNING EXPERIENCE UNDER SECTION 1278A(1)(B) NOT LATER THAN AUGUST 1, 2006.**



(v) THE DEPARTMENT SHALL COMPLETE DEVELOPMENT OF THE SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES THAT APPLY TO EACH OF THE OTHER CREDITS REQUIRED IN THE MICHIGAN MERIT STANDARD UNDER SUBSECTION (1) AND SECTION 1278A(1)(A) NOT LATER THAN 1 YEAR BEFORE THE BEGINNING OF THE SCHOOL YEAR IN WHICH A PUPIL ENTERING HIGH SCHOOL IN 2007 WOULD NORMALLY BE EXPECTED TO COMPLETE THE CREDIT.

(vi) IF THE DEPARTMENT HAS NOT COMPLETED DEVELOPMENT OF THE SUBJECT AREA CONTENT EXPECTATIONS THAT APPLY TO A PARTICULAR CREDIT REQUIRED IN THE MICHIGAN MERIT STANDARD UNDER SUBSECTION (1) OR SECTION 1278A(1)(A) BY THE DATE REQUIRED UNDER THIS SUBDIVISION, A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAY ALIGN THE CONTENT OF THE CREDIT WITH LOCALLY ADOPTED STANDARDS.

(vii) UNTIL ALL OF THE SUBJECT AREA CONTENT EXPECTATIONS AND GUIDELINES HAVE BEEN DEVELOPED BY THE DEPARTMENT AND APPROVED BY THE STATE BOARD, THE DEPARTMENT SHALL SUBMIT A REPORT AT LEAST EVERY 6 MONTHS TO THE SENATE AND HOUSE STANDING COMMITTEES RESPONSIBLE FOR EDUCATION LEGISLATION ON THE STATUS OF THE DEVELOPMENT OF THE SUBJECT AREA CONTENT EXPECTATIONS AND GUIDELINES. THE REPORT SHALL DETAIL ANY FAILURE BY THE DEPARTMENT TO MEET A DEADLINE ESTABLISHED UNDER SUBPARAGRAPH (iv) OR (v) AND THE REASONS FOR THAT FAILURE.

(B) DEVELOP AND IMPLEMENT A PROCESS FOR DEVELOPING THE SUBJECT AREA CONTENT EXPECTATIONS AND GUIDELINES REQUIRED UNDER THIS SECTION. THIS PROCESS SHALL PROVIDE FOR ALL OF THE FOLLOWING:

(i) SOLICITING INPUT FROM ALL OF THE FOLLOWING GROUPS:

(A) RECOGNIZED EXPERTS IN THE RELEVANT SUBJECT AREAS.

(B) REPRESENTATIVES FROM 4-YEAR COLLEGES OR UNIVERSITIES, COMMUNITY COLLEGES, AND OTHER POSTSECONDARY INSTITUTIONS.

(C) TEACHERS, ADMINISTRATORS, AND SCHOOL PERSONNEL WHO HAVE SPECIALIZED KNOWLEDGE OF THE SUBJECT AREA.

(D) REPRESENTATIVES FROM THE BUSINESS COMMUNITY.

(E) REPRESENTATIVES FROM VOCATIONAL AND CAREER AND TECHNICAL EDUCATION PROVIDERS.

(F) GOVERNMENT OFFICIALS, INCLUDING OFFICIALS FROM THE LEGISLATURE.

(G) PARENTS OF PUBLIC SCHOOL PUPILS.

(ii) A REVIEW OF THE SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES BY NATIONAL EXPERTS.

(iii) AN OPPORTUNITY FOR THE PUBLIC TO REVIEW AND PROVIDE INPUT ON THE PROPOSED SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES BEFORE THEY ARE SUBMITTED TO THE STATE BOARD FOR APPROVAL. THE TIME PERIOD ALLOWED FOR THIS REVIEW AND INPUT SHALL BE AT LEAST 15 BUSINESS DAYS.

(C) DETERMINE THE BASIC LEVEL OF TECHNOLOGY AND INTERNET ACCESS REQUIRED FOR PUPILS TO COMPLETE THE ONLINE COURSE OR LEARNING EXPERIENCE REQUIREMENT OF SECTION 1278A(1)(B), AND SUBMIT THAT DETERMINATION TO THE STATE BOARD FOR APPROVAL.

(D) NOT LATER THAN 3 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION, DEVELOP OR SELECT AND APPROVE ASSESSMENTS THAT MAY BE USED BY SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO DETERMINE WHETHER A PUPIL HAS SUCCESSFULLY COMPLETED A CREDIT REQUIRED UNDER THE MICHIGAN MERIT STANDARD UNDER SUBSECTION (1) OR SECTION 1278A(1)(A). THE ASSESSMENTS FOR EACH CREDIT SHALL MEASURE A PUPIL'S UNDERSTANDING OF THE SUBJECT AREA CONTENT EXPECTATIONS OR GUIDELINES THAT APPLY TO THE CREDIT. THE DEPARTMENT SHALL DEVELOP OR SELECT AND APPROVE ASSESSMENTS FOR AT LEAST EACH OF THE FOLLOWING CREDITS: ALGEBRA I, GEOMETRY, ALGEBRA II, EARTH SCIENCE, BIOLOGY, PHYSICS, CHEMISTRY, GRADE 9 ENGLISH, GRADE 10 ENGLISH, GRADE 11 ENGLISH, GRADE 12 ENGLISH, WORLD HISTORY, UNITED STATES HISTORY, ECONOMICS, AND CIVICS.

(E) DEVELOP AND MAKE AVAILABLE MATERIAL TO ASSIST SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES IN IMPLEMENTING THE REQUIREMENTS OF THIS SECTION AND SECTION 1278A. THIS SHALL INCLUDE DEVELOPING GUIDELINES FOR ALTERNATIVE INSTRUCTIONAL DELIVERY METHODS AS DESCRIBED IN SUBSECTION (7).

(4) THE STATE BOARD SHALL APPROVE SUBJECT AREA CONTENT EXPECTATIONS AND GUIDELINES DEVELOPED BY THE DEPARTMENT UNDER SUBSECTION (3) BEFORE THOSE SUBJECT AREA CONTENT EXPECTATIONS AND GUIDELINES MAY TAKE EFFECT. THE STATE BOARD ALSO SHALL APPROVE THE BASIC LEVEL OF TECHNOLOGY AND INTERNET ACCESS REQUIRED FOR PUPILS TO COMPLETE THE ONLINE COURSE OR LEARNING EXPERIENCE REQUIREMENT OF SECTION 1278A(1)(B).

(5) THE PARENT OR LEGAL GUARDIAN OF A PUPIL MAY REQUEST A PERSONAL CURRICULUM FOR THE PUPIL THAT MODIFIES CERTAIN OF THE MICHIGAN MERIT STANDARD REQUIREMENTS UNDER

**SUBSECTION (1) OR SECTION 1278A(1)(A). IF ALL OF THE REQUIREMENTS UNDER THIS SUBSECTION FOR A PERSONAL CURRICULUM ARE MET, THEN THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY MAY AWARD A HIGH SCHOOL DIPLOMA TO A PUPIL WHO SUCCESSFULLY COMPLETES HIS OR HER PERSONAL CURRICULUM EVEN IF IT DOES NOT MEET THE REQUIREMENTS OF THE MICHIGAN MERIT STANDARD REQUIRED UNDER SUBSECTION (1) AND SECTION 1278A(1)(A). ALL OF THE FOLLOWING APPLY TO A PERSONAL CURRICULUM:**

**(A) THE PERSONAL CURRICULUM SHALL BE DEVELOPED BY A GROUP CONSISTING OF THE PUPIL, AT LEAST 1 OF THE PUPIL'S PARENTS OR THE PUPIL'S LEGAL GUARDIAN, AND THE PUPIL'S HIGH SCHOOL COUNSELOR OR ANOTHER DESIGNEE QUALIFIED UNDER SECTION 1233 OR 1233A SELECTED BY THE HIGH SCHOOL PRINCIPAL.**

**(B) THE PERSONAL CURRICULUM SHALL INCORPORATE AS MUCH OF THE SUBJECT AREA CONTENT EXPECTATIONS OF THE MICHIGAN MERIT STANDARD REQUIRED UNDER SUBSECTION (1) AND SECTION 1278A(1)(A) AS IS PRACTICABLE; SHALL ESTABLISH MEASURABLE GOALS THAT THE PUPIL MUST ACHIEVE WHILE ENROLLED IN HIGH SCHOOL AND SHALL PROVIDE A METHOD TO EVALUATE WHETHER THE PUPIL ACHIEVED THESE GOALS; AND SHALL BE ALIGNED WITH THE PUPIL'S EDUCATIONAL DEVELOPMENT PLAN DEVELOPED UNDER SUBSECTION (11).**

**(C) BEFORE IT TAKES EFFECT, THE PERSONAL CURRICULUM MUST BE AGREED TO BY THE PUPIL'S PARENT OR LEGAL GUARDIAN AND BY THE SUPERINTENDENT OF THE SCHOOL DISTRICT OR CHIEF EXECUTIVE OF THE PUBLIC SCHOOL ACADEMY OR HIS OR HER DESIGNEE.**

**(D) THE PUPIL'S PARENT OR LEGAL GUARDIAN SHALL BE IN COMMUNICATION WITH EACH OF THE PUPIL'S TEACHERS AT LEAST ONCE EACH CALENDAR QUARTER TO MONITOR THE PUPIL'S PROGRESS TOWARD THE GOALS CONTAINED IN THE PUPIL'S PERSONAL CURRICULUM.**

**(E) REVISIONS MAY BE MADE IN A PERSONAL CURRICULUM IF THE REVISIONS ARE DEVELOPED AND AGREED TO IN THE SAME MANNER AS THE ORIGINAL PERSONAL CURRICULUM.**

**(F) THE ENGLISH LANGUAGE ARTS CREDIT REQUIREMENTS OF SUBSECTION (1)(A) AND THE SCIENCE CREDIT REQUIREMENTS OF SUBSECTION (1)(B) ARE NOT SUBJECT TO MODIFICATION AS PART OF A PERSONAL CURRICULUM UNDER THIS SUBSECTION.**

**(G) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE MATHEMATICS CREDIT REQUIREMENTS OF SECTION 1278A(1)(A)(i) MAY BE MODIFIED AS PART OF A PERSONAL CURRICULUM ONLY AFTER THE PUPIL HAS SUCCESSFULLY COMPLETED AT LEAST 2-1/2 CREDITS OF THE MATHEMATICS CREDITS REQUIRED UNDER THAT SECTION AND ONLY IF THE PUPIL SUCCESSFULLY COMPLETES AT LEAST 3-1/2 TOTAL CREDITS OF THE MATHEMATICS CREDITS REQUIRED UNDER THAT SECTION BEFORE COMPLETING HIGH SCHOOL. THE REQUIREMENT UNDER THAT SECTION THAT A PUPIL MUST SUCCESSFULLY COMPLETE AT LEAST 1 MATHEMATICS COURSE DURING HIS OR HER FINAL YEAR OF HIGH SCHOOL ENROLLMENT IS NOT SUBJECT TO MODIFICATION AS PART OF A PERSONAL CURRICULUM UNDER THIS SUBSECTION. THE ALGEBRA II CREDIT REQUIRED UNDER THAT SECTION MAY BE MODIFIED AS PART OF A PERSONAL CURRICULUM UNDER THIS SUBSECTION ONLY IF THE PUPIL HAS SUCCESSFULLY COMPLETED AT LEAST 2 CREDITS OF THE MATHEMATICS CREDITS REQUIRED UNDER SECTION 1278A(1)(A)(i) AND MEETS 1 OR MORE OF THE FOLLOWING:**

**(i) HAS SUCCESSFULLY COMPLETED THE SAME CONTENT AS 1 SEMESTER OF ALGEBRA II, AS DETERMINED BY THE DEPARTMENT.**

**(ii) ELECTS TO COMPLETE THE SAME CONTENT AS ALGEBRA II OVER 2 YEARS, WITH A CREDIT AWARDED FOR EACH OF THOSE 2 YEARS, AND SUCCESSFULLY COMPLETES THAT CONTENT.**

**(iii) ENROLLS IN A FORMAL CAREER AND TECHNICAL EDUCATION PROGRAM OR CURRICULUM AND IN THAT PROGRAM OR CURRICULUM SUCCESSFULLY COMPLETES THE SAME CONTENT AS 1 SEMESTER OF ALGEBRA II, AS DETERMINED BY THE DEPARTMENT.**

**(H) THE SOCIAL SCIENCE CREDIT REQUIREMENTS OF SECTION 1278A(1)(A)(ii) MAY BE MODIFIED AS PART OF A PERSONAL CURRICULUM ONLY IF ALL OF THE FOLLOWING ARE MET:**

**(i) THE PUPIL HAS SUCCESSFULLY COMPLETED 2 CREDITS OF THE SOCIAL SCIENCE CREDITS REQUIRED UNDER SECTION 1278A(1), INCLUDING THE CIVICS COURSE DESCRIBED IN SECTION 1166(2).**

**(ii) THE MODIFICATION REQUIRES THE PUPIL TO COMPLETE 1 ADDITIONAL CREDIT IN ENGLISH LANGUAGE ARTS, MATHEMATICS, OR SCIENCE OR 1 ADDITIONAL CREDIT IN A LANGUAGE OTHER THAN ENGLISH. THIS ADDITIONAL CREDIT MUST BE IN ADDITION TO THE NUMBER OF THOSE CREDITS OTHERWISE REQUIRED UNDER SUBSECTION (1) AND SECTION 1278A(1) OR UNDER SECTION 1278A(2).**

**(I) THE HEALTH AND PHYSICAL EDUCATION CREDIT REQUIREMENT UNDER SECTION 1278A(1)(A)(iii) MAY BE MODIFIED AS PART OF A PERSONAL CURRICULUM ONLY IF THE MODIFICATION REQUIRES THE PUPIL TO COMPLETE 1 ADDITIONAL CREDIT IN ENGLISH LANGUAGE ARTS, MATHEMATICS, OR SCIENCE OR 1 ADDITIONAL CREDIT IN A LANGUAGE OTHER THAN ENGLISH. THIS ADDITIONAL CREDIT**

**MUST BE IN ADDITION TO THE NUMBER OF THOSE CREDITS OTHERWISE REQUIRED UNDER SUBSECTION (1) AND SECTION 1278A(1) OR UNDER SECTION 1278A(2).**

**(J) THE VISUAL ARTS, PERFORMING ARTS, OR APPLIED ARTS CREDIT REQUIREMENT UNDER SECTION 1278(1)(A)(iv) MAY BE MODIFIED AS PART OF A PERSONAL CURRICULUM ONLY IF THE MODIFICATION REQUIRES THE PUPIL TO COMPLETE 1 ADDITIONAL CREDIT IN ENGLISH LANGUAGE ARTS, MATHEMATICS, OR SCIENCE OR 1 ADDITIONAL CREDIT IN A LANGUAGE OTHER THAN ENGLISH. THIS ADDITIONAL CREDIT MUST BE IN ADDITION TO THE NUMBER OF THOSE CREDITS OTHERWISE REQUIRED UNDER SUBSECTION (1) AND SECTION 1278A(1) OR UNDER SECTION 1278A(2).**

**(K) IF A PUPIL IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, THE PUPIL MAY ACT ON HIS OR HER OWN BEHALF UNDER THIS SUBSECTION.**

**(I) THIS SUBSECTION DOES NOT APPLY TO A PUPIL ENROLLED IN A HIGH SCHOOL THAT IS DESIGNATED AS A SPECIALTY SCHOOL UNDER SECTION 1278A(5) AND THAT IS EXEMPT UNDER THAT SECTION FROM THE ENGLISH LANGUAGE ARTS REQUIREMENT UNDER SUBSECTION (1)(A) AND THE SOCIAL SCIENCE CREDIT REQUIREMENT UNDER SECTION 1278A(1)(A)(ii).**

**(6) IF A PUPIL RECEIVES SPECIAL EDUCATION SERVICES, THE PUPIL'S INDIVIDUALIZED EDUCATION PROGRAM, IN ACCORDANCE WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, TITLE VI OF PUBLIC LAW 91-230, SHALL IDENTIFY THE APPROPRIATE COURSE OR COURSES OF STUDY AND IDENTIFY THE SUPPORTS, ACCOMMODATIONS, AND MODIFICATIONS NECESSARY TO ALLOW THE PUPIL TO PROGRESS IN THE CURRICULAR REQUIREMENTS OF THIS SECTION AND SECTION 1278A, OR IN A PERSONAL CURRICULUM AS PROVIDED UNDER SUBSECTION (5), AND MEET THE REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA.**

**(7) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY THAT OPERATES A HIGH SCHOOL SHALL ENSURE THAT EACH PUPIL IS OFFERED THE CURRICULUM NECESSARY FOR THE PUPIL TO MEET THE CURRICULAR REQUIREMENTS OF THIS SECTION AND SECTION 1278A. THE BOARD OR BOARD OF DIRECTORS MAY PROVIDE THIS CURRICULUM BY PROVIDING THE CREDITS SPECIFIED IN THIS SECTION AND SECTION 1278A, BY USING ALTERNATIVE INSTRUCTIONAL DELIVERY METHODS SUCH AS ALTERNATIVE COURSE WORK, HUMANITIES COURSE SEQUENCES, CAREER AND TECHNICAL EDUCATION, INDUSTRIAL TECHNOLOGY COURSES, OR VOCATIONAL EDUCATION, OR BY A COMBINATION OF THESE. SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES THAT OPERATE CAREER AND TECHNICAL EDUCATION PROGRAMS ARE ENCOURAGED TO INTEGRATE THE CREDIT REQUIREMENTS OF THIS SECTION AND SECTION 1278A INTO THOSE PROGRAMS.**

**(8) IF THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY WANTS ITS HIGH SCHOOL TO BE ACCREDITED UNDER SECTION 1280, THE BOARD OR BOARD OF DIRECTORS SHALL ENSURE THAT ALL ELEMENTS OF THE CURRICULUM REQUIRED UNDER THIS SECTION AND SECTION 1278A ARE MADE AVAILABLE TO ALL AFFECTED PUPILS. IF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY DOES NOT OFFER ALL OF THE REQUIRED CREDITS, THE BOARD OF THE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE PUPIL HAS ACCESS TO THE REQUIRED CREDITS BY ANOTHER MEANS, SUCH AS ENROLLMENT IN A POSTSECONDARY COURSE UNDER THE POSTSECONDARY ENROLLMENT OPTIONS ACT, 1996 PA 160, MCL 388.511 TO 388.524; ENROLLMENT IN AN ONLINE COURSE; A COOPERATIVE ARRANGEMENT WITH A NEIGHBORING SCHOOL DISTRICT OR WITH A PUBLIC SCHOOL ACADEMY; OR GRANTING APPROVAL UNDER SECTION 6(6) OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1606, FOR THE PUPIL TO BE COUNTED IN MEMBERSHIP IN ANOTHER SCHOOL DISTRICT.**

**(9) IF A PUPIL IS NOT SUCCESSFULLY COMPLETING A CREDIT REQUIRED FOR GRADUATION UNDER THIS SECTION AND SECTION 1278A, OR IS IDENTIFIED AS BEING AT RISK OF WITHDRAWING FROM HIGH SCHOOL, THEN THE PUPIL'S SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL NOTIFY THE PUPIL'S PARENT OR LEGAL GUARDIAN OR, IF THE PUPIL IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, THE PUPIL, OF THE AVAILABILITY OF TUTORING OR OTHER SUPPLEMENTAL EDUCATIONAL SUPPORT AND COUNSELING SERVICES THAT MAY BE AVAILABLE TO THE PUPIL UNDER EXISTING STATE OR FEDERAL PROGRAMS, SUCH AS THOSE PROGRAMS OR SERVICES AVAILABLE UNDER SECTION 31A OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1631A, OR UNDER THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110.**

**(10) TO THE EXTENT REQUIRED BY THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, THE BOARD OF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT ALL COMPONENTS OF THE CURRICULAR REQUIREMENTS UNDER THIS SECTION AND SECTION 1278A ARE TAUGHT BY HIGHLY QUALIFIED TEACHERS. IF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY DEMONSTRATES TO THE DEPARTMENT THAT THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY IS UNABLE TO MEET THE REQUIREMENTS OF THIS SECTION BECAUSE THE SCHOOL DISTRICT OR**

**PUBLIC SCHOOL ACADEMY IS UNABLE TO HIRE ENOUGH HIGHLY QUALIFIED TEACHERS, THE DEPARTMENT SHALL WORK WITH THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY TO DEVELOP A PLAN TO ALLOW THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY TO HIRE ENOUGH HIGHLY QUALIFIED TEACHERS TO MEET THE REQUIREMENTS OF THIS SECTION.**

**(11) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT EACH PUPIL IN GRADE 7 IS PROVIDED WITH THE OPPORTUNITY TO DEVELOP AN EDUCATIONAL DEVELOPMENT PLAN, AND THAT EACH PUPIL HAS DEVELOPED AN EDUCATIONAL DEVELOPMENT PLAN BEFORE HE OR SHE BEGINS HIGH SCHOOL. AN EDUCATIONAL DEVELOPMENT PLAN SHALL BE DEVELOPED BY THE PUPIL UNDER THE SUPERVISION OF THE PUPIL'S SCHOOL COUNSELOR OR ANOTHER DESIGNEE QUALIFIED UNDER SECTION 1233 OR 1233A SELECTED BY THE HIGH SCHOOL PRINCIPAL AND SHALL BE BASED ON A CAREER PATHWAYS PROGRAM OR SIMILAR CAREER EXPLORATION PROGRAM.**

**(12) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY IS UNABLE TO IMPLEMENT ALL OF THE CURRICULAR REQUIREMENTS OF THIS SECTION AND SECTION 1278A FOR PUPILS ENTERING GRADE 9 IN 2007 OR IS UNABLE TO IMPLEMENT ANOTHER REQUIREMENT OF THIS SECTION OR SECTION 1278A, THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAY APPLY TO THE DEPARTMENT FOR PERMISSION TO PHASE IN 1 OR MORE OF THE REQUIREMENTS OF THIS SECTION OR SECTION 1278A. TO APPLY, THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL SUBMIT A PROPOSED PHASE-IN PLAN TO THE DEPARTMENT. THE DEPARTMENT SHALL APPROVE A PHASE-IN PLAN IF THE DEPARTMENT DETERMINES THAT THE PLAN WILL RESULT IN THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAKING SATISFACTORY PROGRESS TOWARD FULL IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION AND SECTION 1278A. IF THE DEPARTMENT DISAPPROVES A PROPOSED PHASE-IN PLAN, THE DEPARTMENT SHALL WORK WITH THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY TO DEVELOP A SATISFACTORY PLAN THAT MAY BE APPROVED. HOWEVER, IF LEGISLATION IS ENACTED THAT ADDS SECTION 1290 TO ALLOW SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO APPLY FOR A CONTRACT THAT WAIVES CERTAIN STATE OR FEDERAL REQUIREMENTS, THEN THIS SUBSECTION DOES NOT APPLY BUT A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAY TAKE ACTION AS DESCRIBED IN SUBSECTION (13). THIS SUBSECTION DOES NOT APPLY TO A HIGH SCHOOL THAT IS DESIGNATED AS A SPECIALTY SCHOOL UNDER SECTION 1278A(5) AND THAT IS EXEMPT UNDER THAT SECTION FROM THE ENGLISH LANGUAGE ARTS REQUIREMENT UNDER SUBSECTION (1)(A) AND THE SOCIAL SCIENCE CREDIT REQUIREMENT UNDER SECTION 1278A(1)(A)(ii).**

**(13) IF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY DOES NOT OFFER ALL OF THE REQUIRED CREDITS OR PROVIDE OPTIONS TO HAVE ACCESS TO THE REQUIRED CREDITS AS PROVIDED UNDER SUBSECTION (8) AND IF LEGISLATION IS ENACTED THAT ADDS SECTION 1290 TO ALLOW SCHOOL DISTRICTS AND PUBLIC SCHOOL ACADEMIES TO APPLY FOR A CONTRACT THAT WAIVES CERTAIN STATE OR FEDERAL REQUIREMENTS, THEN THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY IS ENCOURAGED TO APPLY FOR A CONTRACT UNDER SECTION 1290. THE PURPOSE OF A CONTRACT DESCRIBED IN THIS SUBSECTION IS TO IMPROVE PUPIL PERFORMANCE.**

**(14) THIS SECTION AND SECTION 1278A DO NOT PROHIBIT A PUPIL FROM SATISFYING OR EXCEEDING THE CREDIT REQUIREMENTS OF THE MICHIGAN MERIT STANDARD UNDER THIS SECTION AND SECTION 1278A THROUGH ADVANCED STUDIES SUCH AS ACCELERATED COURSE PLACEMENT, ADVANCED PLACEMENT, DUAL ENROLLMENT IN A POSTSECONDARY INSTITUTION, OR PARTICIPATION IN THE INTERNATIONAL BACCALAUREATE PROGRAM OR AN EARLY COLLEGE/MIDDLE COLLEGE PROGRAM.**

**(15) NOT LATER THAN APRIL 1 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE THAT EVALUATES THE OVERALL SUCCESS OF THE CURRICULUM REQUIRED UNDER THIS SECTION AND SECTION 1278A, THE RIGOR AND RELEVANCE OF THE COURSE WORK REQUIRED BY THE CURRICULUM, THE ABILITY OF PUBLIC SCHOOLS TO IMPLEMENT THE CURRICULUM AND THE REQUIRED COURSE WORK, AND THE IMPACT OF THE CURRICULUM ON PUPIL SUCCESS, AND THAT DETAILS ANY ACTIVITIES THE DEPARTMENT HAS UNDERTAKEN TO IMPLEMENT THIS SECTION AND SECTION 1278A OR TO ASSIST PUBLIC SCHOOLS IN IMPLEMENTING THE REQUIREMENTS OF THIS SECTION AND SECTION 1278A.**

Sec. 1280. (1) The board of a school district that does not want to be subject to the measures described in this section shall ensure that each public school within the school district is accredited.

(2) As used in subsection (1), and subject to subsection (6), "accredited" means certified by the superintendent of public instruction as having met or exceeded standards established under this section for 6 areas of school operation: administration and school organization, curricula, staff, school plant and facilities, school and community relations, and school improvement plans and student performance. The building-level evaluation used in the accreditation process shall include, but is not limited

to, school data collection, self-study, visitation and validation, determination of performance data to be used, and the development of a school improvement plan.

(3) The department shall develop and distribute to all public schools proposed accreditation standards. Upon distribution of the proposed standards, the department shall hold statewide public hearings for the purpose of receiving testimony concerning the standards. After a review of the testimony, the department shall revise and submit the proposed standards to the superintendent of public instruction. After a review and revision, if appropriate, of the proposed standards, the superintendent of public instruction shall submit the proposed standards to the senate and house committees that have the responsibility for education legislation. Upon approval by these committees, the department shall distribute to all public schools the standards to be applied to each school for accreditation purposes. **THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL REVIEW AND UPDATE THE ACCREDITATION STANDARDS ANNUALLY USING THE PROCESS PRESCRIBED UNDER THIS SUBSECTION.**

(4) The superintendent of public instruction shall develop and distribute to all public schools standards for determining that a school is eligible for summary accreditation under subsection (6). The standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3) for accreditation standards, and shall be finally distributed and implemented not later than December 31, 1994.

(5) The standards for accreditation or summary accreditation under this section shall include **AS CRITERIA** pupil performance on Michigan education assessment program (MEAP) tests and **ON THE MICHIGAN MERIT EXAMINATION UNDER SECTION 1279G AND, UNTIL THE MICHIGAN MERIT EXAMINATION HAS BEEN FULLY IMPLEMENTED,** the percentage of pupils achieving state endorsement under section 1279, ~~as criteria,~~ but shall not be based solely on pupil performance on MEAP tests **OR THE MICHIGAN MERIT EXAMINATION** or on the percentage of pupils achieving state endorsement under section 1279. The standards shall also include **AS CRITERIA** multiple year change in pupil performance on MEAP tests **AND THE MICHIGAN MERIT EXAMINATION and, UNTIL AFTER THE MICHIGAN MERIT EXAMINATION IS FULLY IMPLEMENTED,** multiple year change in the percentage of pupils achieving state endorsement under section 1279. ~~as criteria.~~ If it is necessary for the superintendent of public instruction to revise accreditation or summary accreditation standards established under subsection (3) or (4) to comply with this subsection, the revised standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3).

(6) If the superintendent of public instruction determines that a public school has met the standards established under subsection (4) or (5) for summary accreditation, the school is considered to be accredited without the necessity for a full building-level evaluation under subsection (2).

(7) If the superintendent of public instruction determines that a school has not met the standards established under subsection (4) or (5) for summary accreditation but that the school is making progress toward meeting those standards, or if, based on a full building-level evaluation under subsection (2), the superintendent of public instruction determines that a school has not met the standards for accreditation but is making progress toward meeting those standards, the school is in interim status and is subject to a full building-level evaluation as provided in this section.

(8) If a school has not met the standards established under subsection (4) or (5) for summary accreditation and is not eligible for interim status under subsection (7), the school is unaccredited and subject to the measures provided in this section.

(9) Beginning with the 2002-2003 school year, if at least 5% of a public school's answer sheets from the administration of the Michigan educational assessment program (MEAP) tests are lost by the department or by a state contractor and if the public school can verify that the answer sheets were collected from pupils and forwarded to the department or the contractor, the department shall not assign an accreditation score or school report card grade to the public school for that subject area for the corresponding year for the purposes of determining state accreditation under this section. The department shall not assign an accreditation score or school report card grade to the public school for that subject area until the results of all tests for the next year are available.

(10) Subsection (9) does not preclude the department from determining whether a public school or a school district has achieved adequate yearly progress for the school year in which the answer sheets were lost for the purposes of the no child left behind act of 2001, Public Law 107-110, ~~115 Stat. 1425.~~ However, the department shall ensure that a public school or the school district is not penalized when determining adequate yearly progress status due to the fact that the public school's MEAP answer sheets were lost by the department or by a state contractor, but shall not require a public school or school district to retest pupils or produce scores from another test for this purpose.

(11) The superintendent of public instruction shall annually review and evaluate for accreditation purposes the performance of each school that is unaccredited and as many of the schools that are in interim status as permitted by the department's resources.

(12) The superintendent of public instruction shall, and the intermediate school district to which a school district is constituent, a consortium of intermediate school districts, or any combination thereof may, provide technical assistance, as appropriate, to a school that is unaccredited or that is in interim status upon request of the board of the school district in which the school is located. If requests to the superintendent of public instruction for technical assistance exceed the capacity, priority shall be given to unaccredited schools.

(13) A school that has been unaccredited for 3 consecutive years is subject to 1 or more of the following measures, as determined by the superintendent of public instruction:

(a) The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school becomes accredited.

(b) A parent, legal guardian, or person in loco parentis of a child who attends the school may send his or her child to any accredited public school with an appropriate grade level within the school district.

(c) The school, with the approval of the superintendent of public instruction, shall align itself with an existing research-based school improvement model or establish an affiliation for providing assistance to the school with a college or university located in this state.

(d) The school shall be closed.

(14) The superintendent of public instruction shall evaluate the school accreditation program and the status of schools under this section and shall submit an annual report based upon the evaluation to the senate and house committees that have the responsibility for education legislation. The report shall address the reasons each unaccredited school is not accredited and shall recommend legislative action that will result in the accreditation of all public schools in this state.

**(15) BEGINNING WITH THE 2008-2009 SCHOOL YEAR, A HIGH SCHOOL SHALL NOT BE ACCREDITED BY THE DEPARTMENT UNLESS THE DEPARTMENT DETERMINES THAT THE HIGH SCHOOL IS PROVIDING OR HAS OTHERWISE ENSURED THAT ALL PUPILS HAVE ACCESS TO ALL OF THE ELEMENTS OF THE CURRICULUM REQUIRED UNDER SECTIONS 1278A AND 1278B. IF IT IS NECESSARY FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO REVISE ACCREDITATION OR SUMMARY ACCREDITATION STANDARDS ESTABLISHED UNDER SUBSECTION (3) OR (4) TO COMPLY WITH THE CHANGES MADE TO THIS SECTION BY THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE REVISED STANDARDS SHALL BE DEVELOPED, REVIEWED, APPROVED, AND DISTRIBUTED USING THE SAME PROCESS AS PRESCRIBED IN SUBSECTION (3).**

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1124 of the 93rd Legislature is enacted into law.

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278b.

Brian Palmer  
Craig DeRoche  
Hoon-Yung Hopgood  
Conferees for the House

Wayne Kuipers  
Kenneth R. Sikkema  
Burton Leland  
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day, Senator Hammerstrom moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 229**

**Yeas—37**

Allen  
Barcia  
Basham

Clarke  
Cropsey  
Emerson

Jacobs  
Jelinek  
Johnson

Sanborn  
Schauer  
Scott

Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	Whitmer
Clark-Coleman			

**Nays—0**

**Excused—1**

Toy

**Not Voting—0**

In The Chair: President

Senator Schauer moved that Senator Thomas be excused from the balance of today's session. The motion prevailed.

**House Bill No. 5675, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as amended and section 1230c as added by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as added and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

The House of Representatives has adopted the report of the Committee of Conference. The Conference Report was read as follows:

**FIRST CONFERENCE REPORT**

The Committee of Conference on the matters of difference between the two Houses concerning

**House Bill No. 5675, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as amended and section 1230c as added by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as added and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

Recommends:

First: That the House and Senate agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as amended and section 1230c as added by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as added and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 1230. (1) Except as otherwise provided in this section, upon an offer of initial employment being made by the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school to an individual for any full-time or part-time employment or when school officials learn that an individual is being assigned to regularly and continuously work under contract in any of its schools, the district, public school academy, or nonpublic school shall request from the criminal records division of the department of state police a criminal history check on the individual and, before employing the individual as a regular employee or allowing the individual to regularly and continuously work under contract in any of its schools, shall have received from the department of state police the report described in subsection (8).

(2) If the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school determines it necessary to hire an individual for a particular school year during that school year or within 30 days before the beginning of that school year, the board or governing body may employ the individual as a conditional employee under this subsection without first receiving the report described in subsection (8) if all of the following apply:

(a) The board or governing body requests the criminal history check required under subsection (1) before conditionally employing the individual.

(b) The individual signs a statement identifying all crimes for which he or she has been convicted, if any, and agreeing that, if the report described in subsection (8) is not the same as the individual's statement, his or her employment contract is voidable at the option of the board or governing body. The department shall develop and distribute to districts and nonpublic schools a model form for the statement required under this subdivision. The department shall make the model form available to public school academies. A district, public school academy, or nonpublic school shall use the model form for the purposes of this subsection.

(3) If an individual is employed as a conditional employee under subsection (2) and the report described in subsection (8) is not the same as the individual's statement under subsection (2), the board or governing body may void the individual's employment contract. If an employment contract is voided under this subsection, the individual's employment is terminated, a collective bargaining agreement that would otherwise apply to the individual's employment does not apply to the termination, and the district, public school academy, or nonpublic school or the board or governing body is not liable for the termination.

(4) For an applicant for a position as a substitute teacher, instead of requesting a criminal history check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use a report received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the applicant.

(5) If an applicant is being considered for employment by more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the applicant agrees in writing to allow a district, public school academy, or nonpublic school to share the report described in subsection (8) with another district, public school academy, or nonpublic school, a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the report described in subsection (8) from another district, public school academy, or nonpublic school.

(6) An applicant for employment shall give written consent at the time of application for the criminal records division of the department of state police to conduct the criminal history check required under this section.

(7) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the criminal records division of the department of state police for a criminal history check required under this section on a form and in a manner prescribed by the criminal records division of the department of state police.

(8) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal history check on an individual under this section, the criminal records division of the department of state police shall conduct the criminal history check and, after conducting the criminal history check and within that time period, provide a report of the results of the criminal history check to the district, public school academy, or nonpublic school. The report shall contain any criminal history record information on the individual maintained by the criminal records division of the department of state police.

(9) If the report received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (8) discloses that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the report received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (8) discloses that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approve the employment or work assignment in writing. ~~As used in this subsection, "listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.~~

(10) Criminal history record information received from the criminal records division of the department of state police under subsection (8) shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in the position for which he or she has applied or been assigned and for the purposes of subsections (3), (4), and (5). A member of the board of a district or of the governing body of a public school academy or nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose the report or its contents, ~~except any felony conviction or~~ a misdemeanor conviction involving sexual or physical abuse **OR ANY FELONY CONVICTION**, to any person who is not directly involved in evaluating the applicant's qualifications for employment or assignment. However, for the purposes of subsections (4) and (5), a person described in this subsection may confirm to an employee of another district, public school academy, or nonpublic school that a report under subsection (8) has revealed that an individual does not have any criminal history or may disclose that no report under



subsection (8) has been received concerning the individual, and for the purposes of subsection (5), a person described in this subsection may provide a copy of the report under subsection (8) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804.

**(11) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS BEING EMPLOYED BY OR ASSIGNED TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN A SCHOOL OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IF THE INDIVIDUAL IS NOT MORE THAN 19 YEARS OF AGE AND IS ENROLLED AS A GENERAL EDUCATION PUPIL OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OR IS NOT MORE THAN 26 YEARS OF AGE AND IS ENROLLED IN SPECIAL EDUCATION PROGRAMS OR SERVICES IN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL. HOWEVER, BEFORE EMPLOYING THE INDIVIDUAL OR ASSIGNING THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN A SCHOOL, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL PERFORM A CRIMINAL HISTORY CHECK ON THAT PERSON USING THE DEPARTMENT OF STATE POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT). IF A SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY, AS PROVIDED UNDER SECTION 1230C, AND SHALL NOT ALLOW THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS. IF A SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OTHER THAN A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY OR ALLOW THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS UNLESS THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL EACH SPECIFICALLY APPROVES THE EMPLOYMENT OR WORK ASSIGNMENT IN WRITING.**

**(12) (~~H~~) As used in this section: ~~—criminal~~**

**(A) "AT SCHOOL" MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL PROPERTY, OR ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE.**

**(B) "CRIMINAL history record information" means that term as defined in section 1a of 1925 PA 289, MCL 28.241a.**

**(C) "LISTED OFFENSE" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.722.**

**(D) "REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT" MEANS EITHER OF THE FOLLOWING:**

**(i) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN OWNER OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.**

**(ii) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN INDIVIDUAL UNDER A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.**

**(E) "SCHOOL PROPERTY" MEANS THAT TERM AS DEFINED IN SECTION 33 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.733.**

Sec. 1230a. (1) In addition to the criminal history check required under section 1230, the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school shall request the department of state police to conduct a criminal records check through the federal bureau of investigation on an applicant for, or an individual who is hired for, any full-time or part-time employment or who is assigned to regularly and continuously work under contract in any of its schools. Except as otherwise provided in this section, a board or governing body shall not employ an individual or allow an individual to regularly and continuously work under contract in any of its schools until after the board or governing body receives the results of the criminal records check. A board or governing body requesting a criminal records check under this section shall require the individual to submit his or her fingerprints to the department of state police for that purpose. The department of state police may charge a fee for conducting the criminal records check. **A SUBJECT TO SECTION 1230G,**

A board or governing body shall require an individual to submit his or her fingerprints for the purposes of this section only at the time the individual initially applies for employment with the board or governing body or is initially employed by the board or governing body or is initially assigned to **REGULARLY AND CONTINUOUSLY** work under contract in any of its schools.

(2) If the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school determines it necessary to hire an individual for a particular school year during that school year or within 30 days before the beginning of that school year, the board or governing body may employ the individual as a conditional employee under this subsection without first receiving the results of the criminal records check under subsection (1) if all of the following apply:

(a) The board or governing body requests the criminal records check under subsection (1) before conditionally employing the individual.

(b) The individual signs a statement identifying all crimes for which he or she has been convicted, if any, and agreeing that, if the results of the criminal records check under subsection (1) reveal information that is inconsistent with the individual's statement, his or her employment contract is voidable at the option of the board or governing body. The department shall develop and distribute to districts and nonpublic schools a model form for the statement required under this subdivision. The department shall make the model form available to public school academies. A district, public school academy, or nonpublic school shall use the model form for the purposes of this subsection.

(3) If an individual is employed as a conditional employee under subsection (2) and the results of the criminal records check under subsection (1) reveal information that is inconsistent with the individual's statement under subsection (2), the board or governing body may void the individual's employment contract. If an employment contract is voided under this subsection, the individual's employment is terminated, a collective bargaining agreement that would otherwise apply to the individual's employment does not apply to the termination, and the district, public school academy, or nonpublic school or the board or governing body is not liable for the termination.

(4) For an applicant for a position as a substitute teacher, instead of requesting a criminal records check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use results received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the applicant.

(5) If an applicant is being considered for employment by more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the applicant agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal records check with another district, public school academy, or nonpublic school, then a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the results of the criminal records check from another district, public school academy, or nonpublic school.

(6) An applicant for employment shall give written consent at the time of application for the criminal records division of the department of state police to conduct the criminal records check required under this section.

(7) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the department of state police for a criminal records check under this section on a form and in a manner prescribed by the department of state police.

(8) The results of a criminal records check under this section shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in the position for which he or she has applied or been assigned and for the purposes of subsections (3), (4), and (5). A member of the board of a district or of the governing body of a public school academy or nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose those results, except ~~any felony conviction or a misdemeanor conviction involving sexual or physical abuse~~ **OR ANY FELONY CONVICTION**, to any person who is not directly involved in evaluating the individual's qualifications for employment or assignment. However, for the purposes of subsections (4) and (5), a person described in this subsection may provide a copy of the results under subsection (1) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804.

(9) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal records check on an individual under this section, the criminal records division of the department of state police shall initiate the criminal records check through the federal bureau of investigation. After conducting the criminal records check required under this section for a school district, intermediate school district, or public school academy, the criminal records division of the department of state police shall provide the results of the criminal records check to the district or public school academy. After conducting the criminal records check required under this section for a nonpublic school, the criminal records division of the department of state police shall notify the nonpublic school of whether or not the criminal records check disclosed any criminal history that is not disclosed in the report on the individual provided to the nonpublic school under section 1230.

(10) If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (9) disclose that an individual has been convicted of a listed offense, then the school district, intermediate

school district, public school academy, or nonpublic school shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (9) disclose that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approve the employment or work assignment in writing.

**(11) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS BEING EMPLOYED BY OR ASSIGNED TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN A SCHOOL OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IF THE INDIVIDUAL IS NOT MORE THAN 19 YEARS OF AGE AND IS ENROLLED AS A GENERAL EDUCATION PUPIL OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OR IS NOT MORE THAN 26 YEARS OF AGE AND IS ENROLLED IN SPECIAL EDUCATION PROGRAMS OR SERVICES IN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL. HOWEVER, BEFORE EMPLOYING THE INDIVIDUAL OR ASSIGNING THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN A SCHOOL, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL PERFORM A CRIMINAL HISTORY CHECK ON THAT PERSON USING THE DEPARTMENT OF STATE POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT). IF A SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY, AS PROVIDED UNDER SECTION 1230C, AND SHALL NOT ALLOW THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS. IF A SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OTHER THAN A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY OR ALLOW THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS UNLESS THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL EACH SPECIFICALLY APPROVES THE EMPLOYMENT OR WORK ASSIGNMENT IN WRITING.**

**(12) (~~H~~)** As used in this section: ~~“listed~~

**(A) “AT SCHOOL” MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL PROPERTY, OR ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE.**

**(B) “LISTED offense” means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.**

**(C) “REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT” MEANS EITHER OF THE FOLLOWING:**

**(i) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN OWNER OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.**

**(ii) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN INDIVIDUAL UNDER A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.**

**(D) “SCHOOL PROPERTY” MEANS THAT TERM AS DEFINED IN SECTION 33 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.733.**

Sec. 1230c. (1) If a school official of a school district, intermediate school district, public school academy, or nonpublic school has notice from an authoritative source that an individual has been convicted of a listed offense, the board of the school district or intermediate school district, board of directors of the public school academy, or governing board of the nonpublic school **SHALL TAKE STEPS TO VERIFY THAT INFORMATION USING PUBLIC RECORDS AND, IF THE INFORMATION IS VERIFIED USING PUBLIC RECORDS,** shall not employ that individual in any capacity or allow that person to regularly and continuously work under contract in any of its schools.

(2) As used in this section: ~~“listed~~

**(A) “AT SCHOOL” MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL PROPERTY, OR ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE.**

**(B) “LISTED offense”** means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

**(C) “REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT” MEANS EITHER OF THE FOLLOWING:**

**(i) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN OWNER OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.**

**(ii) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN INDIVIDUAL UNDER A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.**

**(D) “SCHOOL PROPERTY” MEANS THAT TERM AS DEFINED IN SECTION 33 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.733.**

Sec. 1230d. (1) If a person who is employed in any capacity by a school district, intermediate school district, public school academy, or nonpublic school; who has applied for a position with a school district, intermediate school district, public school academy, or nonpublic school and has had an initial criminal history check under section 1230 or criminal records check under section 1230a; or who is regularly and continuously working under contract in a school district, intermediate school district, public school academy, or nonpublic school, is charged with a crime listed in section 1535a(1) **OR 1539B(1)** or a violation of a substantially similar law of another state, a political subdivision of this state or another state, or of the United States, the person shall report to the department and to the school district, intermediate school district, public school academy, or nonpublic school that he or she has been charged with the crime. All of the following apply to this reporting requirement:

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

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

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

(2) If a person who is employed in any capacity by or is regularly and continuously working under contract in a school district, intermediate school district, public school academy, or nonpublic school enters a plea of guilt or no contest to or is the subject of a finding of guilt by a judge or jury of any crime after having been initially charged with a crime described in section 1535a(1) or 1539b(1), then the person immediately shall disclose to the court, on a form prescribed by the state court administrative office, that he or she is employed by or **REGULARLY AND CONTINUOUSLY** working under contract in a school district, intermediate school district, public school academy, or nonpublic school. The person shall immediately provide a copy of the form to the prosecuting attorney in charge of the case, to the superintendent of public instruction, and to the superintendent or chief administrator of the school district, intermediate school district, public school academy, or nonpublic school.

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

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

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

(4) A person who violates subsection (1) or (2) may be discharged from his or her employment or have his or her contract terminated. If the board of a school district or intermediate school district or board of directors of a public school academy finds, after providing notice and the opportunity for a hearing, that a person employed by the school district, intermediate school district, or public school academy has violated subsection (1) or (2), the board or board of directors may discharge the person from his or her employment. However, if a collective bargaining agreement that applies to the affected person is in effect as of the effective date of this section, and if that collective bargaining agreement is not in compliance with this subsection, then this subsection does not apply to that school district, intermediate school district, or public school academy until after the expiration of that collective bargaining agreement.

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

that charge, the department or a school district, intermediate school district, public school academy, or nonpublic school shall delete the report from its records concerning the person.

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

(7) The department of information technology shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of registered educational personnel with the conviction information received by the department of state police. **THIS COMPARISON SHALL ONLY INCLUDE INDIVIDUALS WHO ARE ACTUALLY SCHOOL EMPLOYEES AT THE TIME OF THE COMPARISON OR WHO ARE REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AT THE TIME OF THE COMPARISON.** Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department and the department of state police shall perform this comparison during January and June of each year until July 1, 2008. **THE DEPARTMENT OF STATE POLICE SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON BEFORE TRANSMITTING THE INFORMATION UNDER THIS SUBSECTION TO THE DEPARTMENT. THE DEPARTMENT SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON BEFORE NOTIFYING A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OF A CONVICTION.** If a comparison discloses that a person on the department's list of registered educational personnel has been convicted of a crime, the department shall notify the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed of that conviction.

**(8) NOT LATER THAN MAY 1, 2006, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE THAT DETAILS THE NUMBER OF INDIVIDUALS WHO WERE ON THE DEPARTMENT'S LIST OF REGISTERED EDUCATIONAL PERSONNEL AS OF JANUARY 1, 2006, WHO WERE SCHOOL EMPLOYEES OR REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AS OF JANUARY 1, 2006, AND WHO HAVE BEEN CONVICTED OF A LISTED OFFENSE OR ANY FELONY.**

(9) ~~(8)~~ As used in this section: ~~“listed~~

(A) **“AT SCHOOL” MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL PROPERTY, OR ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE.**

(B) **“LISTED offense”** means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(C) **“REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT” MEANS EITHER OF THE FOLLOWING:**

(i) **TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN OWNER OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.**

(ii) **TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN INDIVIDUAL UNDER A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.**

(D) **“SCHOOL PROPERTY” MEANS THAT TERM AS DEFINED IN SECTION 33 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.733.**

Sec. 1230g. (1) Not later than July 1, 2008, the board of a school district or intermediate school district, the board of directors of a public school academy, or the governing body of a nonpublic school shall do both of the following for each individual who, as of January 1, 2006, is either a full-time or part-time employee of the school district, intermediate school district, public school academy, or nonpublic school or is assigned to regularly and continuously work under contract in any of its schools:

(a) Request from the criminal records division of the department of state police a criminal history check on the individual.

(b) Request the department of state police to conduct a criminal records check on the individual through the federal bureau of investigation. The board, board of directors, or governing board shall require the individual to submit his or her fingerprints to the

department of state police for the purposes of this subdivision. The department of state police may charge a fee for conducting the criminal records check.

(2) For an individual employed or **REGULARLY AND CONTINUOUSLY** working under contract as a substitute teacher, instead of requesting a criminal history check and criminal records check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use results received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the individual.

(3) If an individual described in subsection (1) is employed by or **REGULARLY AND CONTINUOUSLY** working under contract in more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the individual agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal history check or criminal records check with another district, public school academy, or nonpublic school, then a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the results of the criminal history check or criminal records check from another district, public school academy, or nonpublic school.

(4) An individual described in subsection (1) shall give written consent for the criminal records division of the department of state police to conduct the criminal history check and criminal records check required under this section and shall submit his or her fingerprints to the department of state police for the purposes of the criminal records check.

(5) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the department of state police for the criminal history check and criminal records check under this section on a form and in a manner prescribed by the department of state police.

(6) The results of a criminal history check and criminal records check under this section shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in his or her position and for the purposes of subsections (2) and (3). A member of the board of a school district or intermediate school district, of the board of directors of a public school academy, or of the governing body of a nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose those results, except ~~any felony conviction or~~ a misdemeanor conviction involving sexual or physical abuse **OR ANY FELONY CONVICTION**, to any person who is not directly involved in evaluating the individual's qualifications for employment or assignment. However, for the purposes of subsections (2) and (3), a person described in this subsection may provide a copy of the results under subsection (1) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804.

(7) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal history check and criminal records check on an individual under this section, the criminal records division of the department of state police shall do both of the following:

(a) Conduct the criminal history check and, after conducting the criminal history check and within that time period, provide a report of the results of the criminal history check to the district, public school academy, or nonpublic school. The report shall contain any criminal history record information on the individual that is maintained by the criminal records division of the department of state police.

(b) Initiate the criminal records check through the federal bureau of investigation. After conducting the criminal records check required under this section for a school district, intermediate school district, or public school academy, the criminal records division of the department of state police shall provide the results of the criminal records check to the district or public school academy. After conducting the criminal records check required under this section for a nonpublic school, the criminal records division of the department of state police shall notify the nonpublic school of whether or not the criminal records check disclosed any criminal history that is not disclosed in the criminal history check report on the individual provided to the nonpublic school under subdivision (a).

(8) If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (7) disclose that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (7) disclose that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approve the employment or work assignment in writing.

**(9) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS AN EMPLOYEE OR IS ASSIGNED TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN A SCHOOL OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IF THE INDIVIDUAL IS NOT MORE THAN 19 YEARS OF AGE AND IS ENROLLED AS A GENERAL EDUCATION PUPIL OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OR IS NOT MORE THAN 26 YEARS OF AGE AND IS ENROLLED IN SPECIAL EDUCATION**

PROGRAMS OR SERVICES IN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL. HOWEVER, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL PERFORM A CRIMINAL HISTORY CHECK ON THAT PERSON USING THE DEPARTMENT OF STATE POLICE'S INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT). IF A SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY, AS PROVIDED UNDER SECTION 1230C, AND SHALL NOT ALLOW THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS. IF A SEARCH OF THE DEPARTMENT OF STATE POLICE'S ICHAT REVEALS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF A FELONY OTHER THAN A LISTED OFFENSE, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL SHALL NOT EMPLOY THE INDIVIDUAL IN ANY CAPACITY OR ALLOW THE INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IN ANY OF ITS SCHOOLS UNLESS THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL EACH SPECIFICALLY APPROVES THE EMPLOYMENT OR WORK ASSIGNMENT IN WRITING.

(10) As used in this subsection, ~~“listed~~ SECTION:

(A) “AT SCHOOL” MEANS IN A CLASSROOM, ELSEWHERE ON SCHOOL PROPERTY, OR ON A SCHOOL BUS OR OTHER SCHOOL-RELATED VEHICLE.

(B) “LISTED offense” means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(C) “REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT” MEANS EITHER OF THE FOLLOWING:

(i) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN OWNER OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.

(ii) TO WORK AT SCHOOL ON A MORE THAN INTERMITTENT OR SPORADIC BASIS AS AN INDIVIDUAL UNDER A CONTRACT WITH A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL TO PROVIDE FOOD, CUSTODIAL, TRANSPORTATION, COUNSELING, OR ADMINISTRATIVE SERVICES, OR TO PROVIDE INSTRUCTIONAL SERVICES TO PUPILS OR RELATED AND AUXILIARY SERVICES TO SPECIAL EDUCATION PUPILS.

(D) “SCHOOL PROPERTY” MEANS THAT TERM AS DEFINED IN SECTION 33 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.733.

SEC. 1230H. (1) A RECORD PREPARED BY A STATE AGENCY UNDER SECTION 1230D(7), 1535A(15), OR 1539B(15) IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. HOWEVER, SUBJECT TO SUBSECTIONS (2) AND (3), A RECORD DESCRIBED IN THIS SUBSECTION IS ONLY EXEMPT FROM DISCLOSURE AS PROVIDED IN THIS SUBSECTION UNTIL THE EXPIRATION OF 15 BUSINESS DAYS AFTER THE DATE THE RECORD IS RECEIVED BY A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL.

(2) IF INFORMATION DESCRIBED IN SUBSECTION (1) IS DETERMINED DURING THE 15 BUSINESS DAYS EXEMPTION PERIOD TO BE INACCURATE, THEN THAT INFORMATION IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(3) AFTER THE 15 BUSINESS DAYS EXEMPTION PERIOD UNDER SUBSECTION (1), ALL OF THE FOLLOWING APPLY:

(A) A STATE AGENCY SHALL DISCLOSE INFORMATION IN A RECORD DESCRIBED IN SUBSECTION (1) IF THE INFORMATION CONCERNS A CONVICTION THAT IS THE TYPE OF CONVICTION THAT IS ALLOWED TO BE DISCLOSED TO THE PUBLIC UNDER SECTION 1230(10), 1230A(8), OR 1230G(6).

(B) IF THE INFORMATION CONCERNS A TYPE OF CONVICTION OTHER THAN A CONVICTION DESCRIBED IN SUBDIVISION (A), THE INFORMATION IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. HOWEVER, A STATE AGENCY SHALL DISCLOSE THE INFORMATION TO THE PUBLIC UPON REQUEST, SORTED AND IDENTIFIED BY SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL, EXCEPT THAT THE STATE AGENCY SHALL ENSURE THAT THE INFORMATION DOES NOT INCLUDE ANY PERSONAL IDENTIFYING INFORMATION.

**(4) THIS SECTION DOES NOT AFFECT ANY OTHER RIGHTS, DUTIES, OR EXEMPTIONS UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, OR UNDER ANY OTHER LAW.**

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

- (a) Any felony.
- (b) Any of the following misdemeanors:
  - (i) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.
  - (ii) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.
  - (iii) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.
  - (iv) A misdemeanor violation of section 7410 of the public health code, 1978 PA 368, MCL 333.7410.
  - (v) A violation of section 115, 141a, 145a, 335a, or 359 of the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.145a, 750.335a, and 750.359, or a misdemeanor violation of section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.145d.
  - (vi) A misdemeanor violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701.
  - (vii) Any misdemeanor that is a listed offense.
- (c) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

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

- (a) Criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree.
- (b) Felonious assault on a child, child abuse in the first degree, or an attempt to commit child abuse in the first degree.
- (c) Cruelty, torture, or indecent exposure involving a child.
- (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the public health code, 1978 PA 368, MCL 333.7401, 333.7403, 333.7410, and 333.7416.
- (e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316, 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316, 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d.
- (f) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, if a victim is an individual less than 18 years of age.
- (g) Except for a juvenile disposition or adjudication, a violation of section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an individual less than 18 years of age.
- (h) A violation of section 349 of the Michigan penal code, 1931 PA 328, MCL 750.349, if a victim is an individual less than 18 years of age.
- (i) An offense committed by a person who was, at the time of the offense, a sexually delinquent person as defined in section 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.
- (j) An attempt or conspiracy to commit an offense listed in subdivision (a), (e), (f), (g), (h), or (i).
- (k) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

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

(3) The superintendent of public instruction after a hearing shall not take action against a person's teaching certificate under subsection (1) or (2) unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state. Further, the superintendent of public instruction may take action against a person's teaching certificate under subsection (1) or (2) based on a conviction that occurred before the effective date of the amendatory act that added this subsection if the superintendent of public instruction finds that



the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state.

(4) If a person who has entered a plea of guilt or no contest to or who is the subject of a finding of guilt by a judge or jury of a crime listed in subsection (2) has been suspended from active performance of duty by a public school, school district, intermediate school district, or nonpublic school during the pendency of proceedings under this section, the public school, school district, intermediate school district, or nonpublic school employing the person shall discontinue the person's compensation until the superintendent of public instruction has made a final determination of whether or not to suspend or revoke the person's teaching certificate. If the superintendent of public instruction does not suspend or revoke the person's teaching certificate, the public school, school district, intermediate school district, or nonpublic school shall make the person whole for lost compensation, without interest. However, if a collective bargaining agreement is in effect as of the effective date of this subsection for employees of a school district, intermediate school district, or public school academy, and if the terms of that collective bargaining agreement are inconsistent with this subsection, then this subsection does not apply to that school district, intermediate school district, or public school academy until after the expiration of that collective bargaining agreement.

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

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

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

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

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

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

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

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

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

(11) For any hearing under subsection (1), if the superintendent of public instruction does not complete the hearing procedures and make a final decision and order within 120 working days after receiving the request for the hearing, as required under subsection (1), the superintendent of public instruction shall submit a report detailing the reasons for the delay to the standing committees and appropriations subcommittees of the senate and house of representatives that have jurisdiction over education

and education appropriations. The failure of the superintendent of public instruction to complete the hearing procedures and make a final decision and order within this 120 working day time limit, or the failure of any other official or agency to meet a time limit prescribed in this section, does not affect the validity of an action taken under this section affecting a person's teaching certificate.

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

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

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

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

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

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

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

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

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

(15) The department of information technology shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of individuals holding a teaching certificate or state board approval with the conviction information received by the department of state police. **THIS COMPARISON SHALL ONLY INCLUDE INDIVIDUALS WHO ARE ACTUALLY SCHOOL EMPLOYEES AT THE TIME OF THE COMPARISON OR WHO ARE REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AT THE TIME OF THE COMPARISON.** Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department and the department of state police shall perform this comparison during January and June of each year until July 1, 2008. **THE DEPARTMENT OF STATE POLICE SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON BEFORE TRANSMITTING THE INFORMATION UNDER THIS SUBSECTION TO THE DEPARTMENT. THE DEPARTMENT SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON BEFORE NOTIFYING A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OF A CONVICTION.** If a comparison discloses that a person on the department's list of individuals holding a teaching certificate or state board approval has been convicted of a crime, the department shall notify the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed of that conviction.

**(16) NOT LATER THAN MAY 1, 2006, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE THAT DETAILS THE NUMBER OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE OR STATE BOARD APPROVAL WHO WERE SCHOOL EMPLOYEES OR REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AS OF JANUARY 1, 2006 AND WHO HAVE BEEN CONVICTED OF A LISTED OFFENSE OR ANY FELONY.**

(17) ~~(16)~~ As used in this section:

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

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

(c) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

**(D) "REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT" MEANS THAT TERM AS DEFINED IN SECTION 1230D.**

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

decision and order within 120 working days after receiving the request for a hearing. Subject to subsection (2), the superintendent of public instruction may suspend the person's state board approval, based upon the issues and evidence presented at the hearing. This subsection applies to any of the following crimes:

- (a) Any felony.
- (b) Any of the following misdemeanors:
  - (i) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.
  - (ii) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.
  - (iii) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.
  - (iv) A misdemeanor violation of section 7410 of the public health code, 1978 PA 368, MCL 333.7410.
  - (v) A violation of section 115, 141a, 145a, 335a, or 359 of the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.145a, 750.335a, and 750.359, or a misdemeanor violation of section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.145d.
  - (vi) A misdemeanor violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701.
  - (vii) Any misdemeanor that is a listed offense.
- (c) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

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

- (a) Criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree.
- (b) Felonious assault on a child, child abuse in the first degree, or an attempt to commit child abuse in the first degree.
- (c) Cruelty, torture, or indecent exposure involving a child.
- (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410, or 7416 of the public health code, 1978 PA 368, MCL 333.7401, 333.7403, 333.7410, and 333.7416.
- (e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316, 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316, 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d.
- (f) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, if a victim is an individual less than 18 years of age.
- (g) Except for a juvenile disposition or adjudication, a violation of section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an individual less than 18 years of age.
- (h) A violation of section 349 of the Michigan penal code, 1931 PA 328, MCL 750.349, if a victim is an individual less than 18 years of age.
- (i) An offense committed by a person who was, at the time of the offense, a sexually delinquent person as defined in section 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.
- (j) An attempt or conspiracy to commit an offense listed in subdivision (a), (e), (f), (g), (h), or (i).
- (k) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

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

(3) The superintendent of public instruction after a hearing shall not take action against a person's state board approval under subsection (1) or (2) unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state. Further, the superintendent of public instruction may take action against a person's state board approval under subsection (1) or (2) based on a conviction that occurred before the effective date of the amendatory act that added this subsection if the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state.

(4) If a person who has entered a plea of guilt or no contest to or who is the subject of a finding of guilt by a judge or jury of a crime listed in subsection (2) has been suspended from active performance of duty by a public school, school district, intermediate school district, or nonpublic school during the pendency of proceedings under this section, the public school, school district, intermediate school district, or nonpublic school employing the person shall discontinue the person's compensation until the superintendent of public instruction has made a final determination of whether or not to suspend or revoke the person's state board approval. If the superintendent of public instruction does not suspend or revoke the person's state board approval, the public school, school district, intermediate school district, or nonpublic school shall make the person whole for

lost compensation, without interest. However, if a collective bargaining agreement is in effect as of the effective date of this subsection for employees of a school district, intermediate school district, or public school academy, and if the terms of that collective bargaining agreement are inconsistent with this subsection, then this subsection does not apply to that school district, intermediate school district, or public school academy until after the expiration of that collective bargaining agreement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) The department of information technology shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of individuals holding a teaching certificate or state board approval with the conviction information received by the department of state police. **THIS COMPARISON SHALL ONLY INCLUDE INDIVIDUALS WHO ARE ACTUALLY SCHOOL EMPLOYEES AT THE TIME OF THE COMPARISON OR WHO ARE REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AT THE TIME OF THE COMPARISON.** Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department and the department of state police shall perform this comparison during January and June of each year until July 1, 2008. **THE DEPARTMENT OF STATE POLICE SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON BEFORE TRANSMITTING THE INFORMATION UNDER THIS SUBSECTION TO THE DEPARTMENT. THE DEPARTMENT SHALL TAKE ALL REASONABLE AND NECESSARY MEASURES USING THE AVAILABLE TECHNOLOGY TO ENSURE THE ACCURACY OF THIS COMPARISON BEFORE NOTIFYING A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL OF A CONVICTION.** If a comparison discloses that a person on the department's list of individuals holding a teaching certificate or state board approval has been convicted of a crime, the department shall notify the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed of that conviction.

**(16) NOT LATER THAN MAY 1, 2006, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE THAT DETAILS THE NUMBER OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE OR STATE BOARD APPROVAL WHO WERE SCHOOL EMPLOYEES OR REGULARLY AND CONTINUOUSLY WORKING UNDER CONTRACT AS OF JANUARY 1, 2006 AND WHO HAVE BEEN CONVICTED OF A LISTED OFFENSE OR ANY FELONY.**

(17) ~~(16)~~ As used in this section:

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

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

(c) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

**(D) "REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT" MEANS THAT TERM AS DEFINED IN SECTION 1230D.**

**(E) ~~(D)~~** "State board approval" means a license, certificate, approval not requiring a teaching certificate, or other evidence of qualifications to hold a particular position in a school district or intermediate school district or in a nonpublic school, other than a teacher's certificate subject to section 1535a, that is issued to a person by the state board or the superintendent of public instruction under this act or a rule promulgated under this act.

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding

schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as amended and section 1230c as added by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as added and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

William Van Regenmorter  
Dave Hildenbrand  
Hoon-Yung Hopgood  
Conferees for the House

Alan L. Cropsey  
Ron Jelinek  
Michael Switalski  
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,  
Senator Hammerstrom moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 230**

**Yeas—36**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Emerson	Johnson	Scott
Bishop	Garcia	Kuipers	Sikkema
Brater	George	Leland	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Goschka	Olshove	Van Woerkom
Cherry	Hammerstrom	Patterson	Whitmer

**Nays—0**

**Excused—2**

Thomas

Toy

**Not Voting—0**

In The Chair: President

Senator Cropsey asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Cropsey’s statement is as follows:

This is the bill that addresses the criminal background checklist of school employees. As passed by the Senate, the state only provided districts with lists of employees who had been convicted of a felony or of a misdemeanor involving a sexual or physical assault, which we’ve been calling the listed offenses because they’re actionable and can lead to the firing of the employee. This list was to be as accurate as possible, and the schools had 15 business days to verify the accuracy of the list before the list could be released under FOIA.

The conference report continues to require the State Police and the Department of Education to use all possible technology and practices to ensure that the list is accurate. Schools, however, would receive a list of employees who had been convicted of any offense, not just listed offenses. The districts would still have 15 days to verify the accuracy of the list. At the school district level, all listed offenses are still fully subject to FOIA; all the other offenses are not. At the state level, under FOIA, the state could release a list of how many offenses and all types that were found in every school district, but with no personal identifying information attached.

As I stated here during Third Reading earlier this month, the stated purpose of FOIA and clarifying court documents on FOIA have clearly defined FOIA's purpose as helping the public determine how a governmental agency performs its duties. FOIA is not to be used to spy on people. The court has consistently called the release of any information not needed to determine how an agency is performing its duties as an impermissible infringement on an individual's privacy.

The conference report reached this balance by allowing school districts to know if an employee had a prior conviction that may affect the terms of their employment, but not their employment itself. It lets the public know if any employees who have been convicted of an actionable offense are still employed, and it protects the privacy of individuals who have a record but that has nothing to do with their employment.

I have the case law here on my desk if anyone would like to see it, and I urge your support for the conference report.

I request that my comments be printed in the Journal and that they be printed in *Gongwer*, *MIRS*, the *Free Press*, the *Detroit News*, and the *Lansing State Journal*.

By unanimous consent the Senate returned to the order of

#### **Motions and Communications**

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

#### **Senate Bill No. 727**

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of

#### **General Orders**

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

#### **Senate Bill No. 727, entitled**

A bill to create certain offices in the Michigan economic development corporation; and to impose certain duties and responsibilities on those officers and on certain state employees and public employees.

Substitute (S-2).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 10, after "associated" by striking out "with defense and homeland security contracts." and inserting "with the procurement technical assistance center (PTAC) or with defense, homeland security, and other government contracts."

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

#### **Third Reading of Bills**

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

#### **Senate Bill No. 727**

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to consideration of the following bill:

**Senate Bill No. 727, entitled**

A bill to create certain centers in the Michigan economic development corporation; and to impose certain duties and responsibilities on those centers and on certain state employees and public employees.

The above bill was read a third time.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 231**

**Yeas—36**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Birkholz	Emerson	Johnson	Scott
Bishop	Garcia	Kuipers	Sikkema
Brater	George	Leland	Stamas
Brown	Gilbert	McManus	Switalski
Cassis	Goschka	Olshove	Van Woerkom
Cherry	Hammerstrom	Patterson	Whitmer

**Nays—0**

**Excused—2**

Thomas	Toy
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

Senator Hammerstrom moved that consideration of the following resolution be postponed for today:

**Senate Resolution No. 71**

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 112**

**Senate Resolution No. 113**

The resolution consent calendar was adopted.

Senator Thomas offered the following resolution:

**Senate Resolution No. 112.**

A resolution commemorating Saturday, June 3, 2006, as Childhood Cancer Survivors Day in the state of Michigan.

Whereas, Today, over 250,000 Americans are survivors of childhood cancer. Most children survive thanks to advances in early cancer detection, treatment, and research; and



Whereas, Children's Hospital of Michigan, the oldest and largest hospital caring for the children of Michigan, has an active productive cancer survivor population. This demonstrates that a cancer diagnosis is no longer an automatic death sentence; and

Whereas, In addition to Childhood Cancer Survivors Day, communities all across America will be celebrating life on Sunday, June 4, 2006, as part of the world's largest cancer survivor event, the 19th annual National Cancer Survivors Day; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate Saturday, June 3, 2006, as Childhood Cancer Survivors Day in the state of Michigan. We urge all citizens to join in this joyous celebration of life; and be it further

Resolved, That a copy of this resolution be transmitted to Children's Hospital of Michigan as evidence of our support for their endeavors.

Senators Sanborn, Garcia, Goschka, Cropsey, Gilbert, Hardiman, Bishop, Barcia, Allen, Olshove, Brown, Birkholz, Patterson, Cassis, Kuipers and Van Woerkom offered the following resolution:

**Senate Resolution No. 113.**

A resolution commemorating March 31, 2006, as Terri's Day of Remembrance in Michigan.

Whereas, There are millions of Americans who live with profound or severe cognitive impairments and profound mental retardation or severe brain damage who have parents, children, and loved ones who wish to care for them; and

Whereas, Americans need to be informed of their individual and family options to obtain a "living will," also known as a "will to live"; and

Whereas, There is a need to support and encourage families to spend time pursuing "Culture of Life" events on this day, which honor and respect some aspect of the culture of life, by visiting, volunteering, or supporting a nursing home, a school for disabled youth and adults, a long-term care facility, or by praying at their place of worship; and

Whereas, There is a need to support establishment of a state network of Terri Schindler Schiavo Foundation professional volunteers to assist families who are confronted with making life and death choices for their loved ones, but lack the professional guidance to assist them; and

Whereas, We support the Schindler Schiavo Foundation in the formation of health care facilities for brain-injured patients; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate March 31, 2006, as Terri's Day of Remembrance and Celebration of the Culture of Life in Michigan; and be it further

Resolved, That we encourage Congress and the President of the United States to establish March 31, 2006, as a National Terri's Day of Remembrance and Celebration of the Culture of Life and encourage activities which celebrate this designation; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States and the Michigan congressional delegation.

**House Concurrent Resolution No. 33.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives and Senate adjourn on Thursday, March 30, 2006, they stand adjourned until Tuesday, April 18, 2006.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The concurrent resolution was adopted.

Senators Jacobs and Switalski were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators Brater, Sanborn, Sikkema, Johnson, Scott, Van Woerkom, Goschka and Clark-Coleman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brater's statement is as follows:

I rise today to celebrate the release of Jill Carroll by her kidnappers earlier today in Iraq. Jill Carroll was born and raised in Ann Arbor. She was working in Iraq as a reporter for *The Christian Science Monitor*. She exposed herself to

great danger to participate in that function that is essential to a healthy democracy—a free press fostering an informed citizenry.

Even as we rejoice in Jill Carroll's safe release, we are mindful of the ongoing conflict in Iraq. We mourn the many deaths and life-altering injuries that American troops and Iraqi citizens are sustaining in massive numbers. Jill Carroll's ordeal exemplifies the many acts of terrorism that have been spawned, not prevented, by our presence in Iraq. I hope the day will soon come that the billions of dollars that we are spending on the war in Iraq will be put to a better use for education, health care, and programs to strengthen our economy.

We share the joy and relief of Jill Carroll, her family, friends, and colleagues that she appears to be safe and unharmed physically. We understand that, like many other victims of the war in Iraq, she and her family will have a long stretch to overcome the psychological trauma that she has experienced.

I know my Senate colleagues will join me in wishing Jill Carroll and her family strength and courage as they recover from this tragedy that has been so unfortunately imposed upon them.

Senator Sanborn's statement is as follows:

I rise today to speak about Senate Resolution No. 113, which I am introducing today. This resolution would commemorate tomorrow, March 31, 2006, as Terri's Day of Remembrance in Michigan. It was one year ago today that the story of Terri Schiavo brought to our attention the issue of the severely impaired and their right to make decisions, that are then honored, concerning some of life's most important questions.

Even though the end to Terri's story was one of sadness for the many people who loved her and wished to see her life continue, her passing brought to all of our attention the importance of making a living will. I'm not sure about your offices, but I know in my office we got calls on an almost daily basis regarding living wills when that story was on the front page of the news every day. Now that it's no longer a leading story in the news, I am concerned and afraid that people are failing once again to establish living wills, which puts their families in a terribly difficult position that loved ones would have to make possibly heartbreaking decisions should a tragic event occur in their lives. By supporting this resolution, we, as a body, reaffirm the importance of planning for any possibility in life, with a living will that is honored by family, friends, and caretakers.

In addition, this day of remembrance will help remind the citizens of this state that individuals with severe cognitive impairments or brain damage are parents, children, wives, and husbands who are cherished by their loved ones, and thus, worthy of our respect and praise.

I thank you for your attention to this important matter, and I urge your support for the resolution.

Senator Sikkema's statement is as follows:

Mr. President, I rise for the purpose of giving a tribute to a fallen soldier from my district, from Wyoming, Michigan, Corporal Ross Smith. His parents Mark and Sue Smith are up in the Gallery. I would ask that at this point they stand. I would like them to continue standing.

Mr. President and members, I have a tribute that will be given to them, and there are some comments and statements in the tribute that I want to mention, at least the highlights, but then I also have some personal thoughts that I would also like to make this morning.

Their son, Corporal Ross Smith, was a dedicated and caring person who selflessly gave his life and enriched the lives of many others. He will be long remembered and sincerely missed by his family and his community and all of us. He served his nation as a member of the United States Marine Corps and was completing his third tour of duty in the Middle East when he fell on February 9th near Fallujah.

He's a 2001 graduate from Wyoming Park High School, which is in my district. He actually decided to enlist in the Marine Corps prior to his senior year of high school. One month later, on September 11, 2001, when terrorists struck the World Trade Center in New York, Ross' resolve to defend his country was only strengthened.

The life of this young man, for all of those who knew him, was a very rich study in kindness, sacrifice, hard work, selflessness, and true commitment to his family, his community, his state, and obviously, his country. He was awarded the Purple Heart from the United States military and, as I mentioned, he is survived by his parents Mark and Sue, who are here today, and also his brothers Matt and Luke, all of Wyoming.

That's what is in this tribute. What is not in the tribute are some personal thoughts that I have. I reflect that it was Abraham Lincoln, one of America's great Presidents, who called America, "Man's last best hope on Earth." One hundred and forty years later, after that statement was made, we can continue to make it because of men and women like Ross Smith. He answered his country's call at a time of great national need. He served with great courage and distinction, knowing full well the potential costs that answering that call would entail, and, in fact, he gave and made the ultimate sacrifice for everyone in this room, for all his fellow citizens, for freedom, and for generations to come. It is his sacrifice and sacrifices of like individuals that allows us to continue to say as Abraham Lincoln did so many years ago that this country continues to be man's last best hope on Earth.

A moment of silence was observed in memory of Marine Corporal Ross Smith.

Senator Johnson's statement is as follows:

It's a little tough to do now. It seems so insignificant in terms of what I'm about to do after the tribute that was paid to Mr. and Mrs. Smith on the loss of their son.

I had planned to make this announcement on Tuesday, but with all the budget bills before us and being kind of busy, I decided I would wait. It's really just for personal purposes, frankly. Saturday was Adam's, my grandson, birthday; he turned 4. Cliff and I were in East Lansing visiting him and afterwards we went over to the Jenison Field House, where Clifford's niece Laura was in a gymnastics tournament. The ten top teams played here on MSU's campus.

Laura Johnson is a senior at Minnesota State University. As I said, she's my husband's niece. She was awarded for the third year in the row in the ten top first-string gymnasts. She went on to receive, as the result of being one of the top ten, the best gymnast. These are the top ten schools. In addition, she won several other awards. It was quite an overwhelming evening to be honest with you.

As a result of Laura's efforts and her team's efforts, for the first time in 14 years, U of M got beat. As the scores went, Penn State came in third; MSU came in second; and, by God, Minnesota came in first. And I've got to say, though, I stood there as a citizen of the state of Michigan and I was cheering for Minnesota.

Senator Scott's statement is as follows:

From my website: "Thank you so much for the idea of self-insurance. That is just what we need. The insurance companies are killing us with these over-the-top premiums. I will be looking out to see if you and Hansen Clarke are able to pull it off. Respectfully yours."

In regards to yesterday's education bill, it's unfortunate that we just talk about a part of a thing and not the whole. I noticed that in *Gongwer* and *MIRS*, they talk about the representative from Troy who talked about the reason why they put that amendment in yesterday was because I voted against the bill for \$100,000. It's unfortunate that they didn't talk about the \$25 million that they also took that I wasn't able to get, and nearly a million for Highland Park. That is my district. If you are going to tell part of it, then tell the whole story.

Senator Van Woerkom's statement is as follows:

I am proudly wearing the blue and gold today and wish to remind my colleagues that there is only one basketball team left in the state of Michigan, and that is the team of the blue and gold. The University of Michigan plays tonight in the National Invitation Tournament. We have every hope that we are going to bring home a national title. That title will join two other national titles that have come to the state of Michigan. Grand Valley State Lakers won the national title in District No. 2 for women's basketball, and Hope College won the national title in District No. 3 for women's basketball.

We hope to have three national titles here by the end of the night tonight.

Senator Goschka's statement is as follows:

Just a point of perspective, it dawned on me today and I am sure it dawned on others. Today, being March 30, 2006, it was twenty-five years ago today when former President Reagan was shot. I am sure we all remember where we were when that happened. It just reminds me that the clock stops for no one. It is a respecter of no one. Here we are twenty-five years later, and many of us remember that event. We have events that happen in our lives day after day, and eventually, as we all know, there will come a time when we will be here no more. It is just a reminder to me that in the time that I have, and the time that we have collectively—all of us being contemporaries—we have but a spate of time to really make a difference—a positive difference in our communities and in our state. We have been very blessed to be given the opportunity to serve the people of our state.

Again, twenty-five years ago today and I ask myself what will it be in a year, five years, twenty years—life will change for all of us. We really don't know one day to the next, but it is a reminder to me that time is fleeting. I know that in my time and in your time it is time to sometimes reflect on our lives and our goals and what we yet want to accomplish. We don't have a lot of time, so I just leave that with you as a reminder.

Senator Clark-Coleman's statement is as follows:

I just want to bring the Senate's attention to an incident that happened in my district yesterday. It created quite a big story. I want you, while you're on vacation, to really give some serious thought about what we're doing to our children and what we're doing to all God's children.

Yesterday, in my district at McKenzie High School, the students walked out of school. While I don't condone them walking out of school in protest, I can understand some of their points, and it had to do with the fact that the school was literally falling down. There were leaks in the roof, the bathrooms were in disarray, and the ceiling tiles were falling off.

Now when we on a partisan basis decide to allocate funds based on whose district is located in that area, we must think about the consequences of our actions. Now the children—all God's children—do not deserve to have to attend school in horrible conditions. All of the children deserve to go and attend school in schools that are environmentally-friendly as

well as appearances. We often don't understand the consequences of our actions here in Lansing when we deny certain school districts proper funding. It is not the fault of those children that we have declining enrollment, but the expenses of those schools continue. When we deny certain school districts, based on partisanship, adequate funds to repair those schools, we are committing an offense to mankind and to our children.

So I beg you when you go on your vacations and you go on your break, consider when you come back that you will make decisions based on what is good for all of God's children and not just for a select few.

By unanimous consent the Senate returned to the order of

**Introduction and Referral of Bills**

Senators Jacobs, Basham, Scott, Prusi, Garcia, Leland and Cassis introduced

**Senate Bill No. 1201, entitled**

A bill to establish a grant program for the repayment of state and federal loans of eligible teachers holding endorsements as science or mathematics teachers; to establish a fund for payment of grants awarded under this act; to provide for administration of the fund; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

The bill was read a first and second time by title and referred to the Committee on Appropriations.

Senators Patterson, Hardiman, Birkholz, Garcia, Basham, Van Woerkom and Prusi introduced

**Senate Bill No. 1202, entitled**

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending section 5 (MCL 445.65) and by adding section 5a.

The bill was read a first and second time by title and referred to the Committee on Technology and Energy.

Senator Cropsey introduced

**Senate Bill No. 1203, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3240 and 3241a (MCL 600.3240 and 600.3241a), section 3240 as amended by 2004 PA 538 and section 3241a as added by 1986 PA 94.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

**House Bill No. 4138, entitled**

A bill to provide for standards of accessibility for certain publicly funded housing; and to provide for certain powers and duties of certain state authorities.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

**House Bill No. 4375, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1171.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Education.

**House Bill No. 5125, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80110, 80111, and 80112 (MCL 324.80110, 324.80111, and 324.80112), as added by 1995 PA 58.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senator Cropsey moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

**Committee Reports**

The Committee on Technology and Energy reported

**Senate Bill No. 1074, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 8 (MCL 207.1008), as amended by 2002 PA 668.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Olshove and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

**Senate Bill No. 1075, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 213 (MCL 18.1213).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Cassis, Olshove, Leland and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

**Senate Bill No. 1076, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 78.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Cassis, Olshove, Leland and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

**Senate Bill No. 1077, entitled**

A bill to create a commission to investigate alternative fuels; to define certain alternative fuels; to determine certain powers and duties of the commission; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Cassis, Olshove, Leland and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

**Senate Bill No. 1078, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 3, 6, and 8 (MCL 125.2683, 125.2686, and 125.2688), section 3 as amended by 2005 PA 275, section 6 as amended by 2004 PA 430, and section 8 as amended by 2003 PA 266, and by adding section 8e.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Cassis, Olshove, Leland and Thomas

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Technology and Energy reported

**Senate Bill No. 1079, entitled**

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 2, 3, 4a, 5, 6, and 7 (MCL 290.642, 290.643, 290.644a, 290.645, 290.646, and 290.647), sections 2 and 7 as amended by 1993 PA 236, sections 3 and 5 as amended by 2002 PA 13, section 4a as amended by 2002 PA 425, and section 6 as amended by 2004 PA 278.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Cassis, Olshove, Leland and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

**Senate Bill No. 1109, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by repealing section 124 (MCL 207.1124).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Kuipers, Birkholz, Cassis, Olshove, Leland and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, March 22, 2006, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Kuipers, Birkholz, Cassis, Olshove, Leland and Thomas

Excused: Senator Brown

The Committee on Economic Development, Small Business and Regulatory Reform reported

**Senate Bill No. 727, entitled**

A bill to create certain offices in the Michigan economic development corporation; and to impose certain duties and responsibilities on those officers and on certain state employees and public employees.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Alan Sanborn  
Chairperson

## To Report Out:

Yeas: Senators Sanborn, Allen, Gilbert, Jacobs and Basham

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, March 29, 2006, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

## COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, March 28, 2006, at 3:32 p.m., Room 519, South Tower, House Office Building

Present: Senators Birkholz (C), Van Woerkom, Brater and Basham

Excused: Senator Patterson

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submitted the following:

Meeting held on Wednesday, March 29, 2006, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Hardiman (C), George and Scott

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Required High School Curriculum (SB 1124) submitted the following:

Meeting held on Wednesday, March 29, 2006, at 10:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Kuipers (C), Sikkema and Clark-Coleman

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Disclosure of Convictions of Education Employees (HB 5675) submitted the following:

Meeting held on Wednesday, March 29, 2006, at 2:25 p.m., Room 424, Capitol Building

Present: Senators Cropsy, Jelinek and Switalski

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on High School Curriculum Requirements (HB 5606) submitted the following:

Meeting held on Wednesday, March 29, 2006, at 3:50 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Kuipers, Sikkema and Leland

## COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on Oversight of the 21st Century Jobs Funds (SCR 38) submitted the following:

Meeting held on Thursday, March 30, 2006, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Garcia (C), Bishop, Gilbert and Switalski

## COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, March 30, 2006, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), George, Cropsy, Goschka, Hardiman, Prusi, Clarke and Cherry

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Agriculture** - Thursdays, April 20, April 27, May 4, May 11 and May 18, 3:30 p.m., Room 100, Farnum Building (373-5932)

**Judiciary and Corrections** - Tuesdays, April 18, April 25 and May 2, 3:00 p.m., Room 402, Capitol Building (373-3760)

**State Police and Military Affairs** - Thursdays, April 20, April 27, May 4, May 11 and May 18, 2:00 p.m., Room 100, Farnum Building (373-5932)

**Transportation Department** - Tuesdays, April 18, April 25, May 2, May 9, May 16 and May 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Senator Cropsey moved that the Senate adjourn.  
The motion prevailed, the time being 12:22 p.m.

Pursuant to House Concurrent Resolution No. 33, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, April 18, 2006, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate