

# HOUSE BILL No. 4843

May 31, 2005, Introduced by Rep. Hopgood and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b),  
as amended by 2004 PA 51.

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

1           Sec. 1535a. (1) Subject to subsection (2), if a person who  
2 holds a teaching certificate that is valid in this state has been  
3 convicted of a crime described in this subsection, within 10  
4 working days after receiving notice of the conviction the  
5 superintendent of public instruction shall notify the person in  
6 writing that his or her teaching certificate may be suspended

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

15 (a) Any felony.

16 (b) Any of the following misdemeanors:

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

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

21 (iii) A misdemeanor involving cruelty, torture, or indecent  
22 exposure involving a child.

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

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

1 section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328,  
2 MCL 750.81, 750.81a, and 750.145d.

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

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

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

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

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

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

27 (e) A violation of section 83, 89, 91, 145a, 316, 317, or 529

1 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.89,  
2 750.91, 750.145a, 750.316, 750.317, and 750.529, or a felony  
3 violation of section 145d of the Michigan penal code, 1931 PA 328,  
4 MCL 750.145d.

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

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

26 (4) After the completion of a person's sentence, the person  
27 may request a hearing before the superintendent of public

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

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

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

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

22 (6) ~~Not~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, NOT**  
23 later than 15 days after the date of the conviction, the  
24 prosecuting attorney in charge of a case in which a person who  
25 holds a teaching certificate was convicted of a crime described in  
26 subsection (1) or (2) and the court that convicted the person shall  
27 notify the superintendent of public instruction, and any public

1 school, school district, intermediate school district, or nonpublic  
2 school in which the person is employed, of that conviction, of the  
3 name and address of the person convicted, and of the sentence  
4 imposed on the person. A prosecuting attorney in charge of a case  
5 in which a person is convicted of a crime described in subsection  
6 (1) or (2) and a court that convicts a person of a crime described  
7 in subsection (1) or (2) shall inquire whether the person holds a  
8 teaching certificate. **THIS SUBSECTION DOES NOT APPLY AFTER THE**  
9 **DEPARTMENT HAS NOTIFIED THE ATTORNEY GENERAL AND THE STATE COURT**  
10 **ADMINISTRATIVE OFFICE THAT THE AUTOMATED PROGRAM DESCRIBED IN**  
11 **SUBSECTION (15) HAS BEEN DEVELOPED AND IMPLEMENTED, AS PROVIDED**  
12 **UNDER SUBSECTION (15).**

13 (7) Not later than 5 working days after receiving notification  
14 of a person's conviction from the prosecuting attorney or the court  
15 under subsection (6) **OR LEARNING OF A PERSON'S CONVICTION THROUGH**  
16 **THE PROGRAM DEVELOPED UNDER SUBSECTION (15) OR THROUGH AN**  
17 **AUTHORITATIVE SOURCE**, the superintendent of public instruction  
18 shall request the court that convicted the person to provide a  
19 certified copy of the judgment of conviction and sentence to the  
20 superintendent of public instruction and shall pay any fees  
21 required by the court. The court shall provide this certified copy  
22 within ~~5 working~~ 7 days after receiving the request and fees  
23 under this section, **EVEN IF THE COURT IS MAINTAINING THE JUDGMENT**  
24 **OF CONVICTION AND SENTENCE AS A NONPUBLIC RECORD.**

25 (8) If the superintendent of a school district or intermediate  
26 school district, the chief administrative officer of a nonpublic  
27 school, the president of the board of a school district or

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

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

18 (10) For any hearing under subsection (1), if the  
19 superintendent of public instruction does not complete the hearing  
20 procedures and make a final decision and order within 120 working  
21 days after receiving the request for the hearing, as required under  
22 subsection (1), the superintendent of public instruction shall  
23 submit a report detailing the reasons for the delay to the standing  
24 committees and appropriations subcommittees of the senate and house  
25 of representatives that have jurisdiction over education and  
26 education appropriations. The failure of the superintendent of  
27 public instruction to complete the hearing procedures and make a

1 final decision and order within this 120 working day time limit, or  
2 the failure of any other official or agency to meet a time limit  
3 prescribed in this section, does not affect the validity of an  
4 action taken under this section affecting a person's teaching  
5 certificate.

6 (11) Beginning ~~3 months after the effective date of the~~  
7 ~~amendatory act that added this subsection~~ **JULY 1, 2004**, the  
8 superintendent of public instruction shall submit to the  
9 legislature a quarterly report of all final actions he or she has  
10 taken under this section affecting a person's teaching certificate  
11 during the preceding quarter. The report shall contain at least all  
12 of the following with respect to each person whose teaching  
13 certificate has been affected:

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

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

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

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

25 (12) Not later than ~~6 months after the effective date of the~~  
26 ~~amendatory act that added this subsection~~ **OCTOBER 1, 2004**, the  
27 superintendent of public instruction shall submit to the



1 legislature an inventory report with information on all final  
2 actions taken under this section for the time period from March 30,  
3 1988 until ~~the effective date of the amendatory act that added~~  
4 ~~this subsection~~ **APRIL 1, 2004**. The report shall contain at least  
5 all of the information required in the quarterly report under  
6 subsection (11) with respect to each person whose teaching  
7 certificate was affected during that time period. If the  
8 superintendent of public instruction determines that the  
9 information required for the report is not available for any  
10 portion of that time period, the superintendent of public  
11 instruction shall include with the report a detailed explanation of  
12 the information that is not available and the reasons why the  
13 information is not available.

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

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

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

23 (14) The superintendent of public instruction may promulgate,  
24 as necessary, rules to implement this section pursuant to the  
25 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
26 24.328.

27 **(15) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL WORK WITH**

1 THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO DEVELOP AND  
2 IMPLEMENT AN AUTOMATED PROGRAM THAT DOES A MONTHLY COMPARISON OF  
3 THE DEPARTMENT'S LIST OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE  
4 OR STATE BOARD APPROVAL WITH THE CONVICTION INFORMATION RECEIVED BY  
5 THE DEPARTMENT OF STATE POLICE, INCLUDING CONVICTIONS CONTAINED IN  
6 A NONPUBLIC RECORD. AFTER THIS AUTOMATED PROGRAM HAS BEEN DEVELOPED  
7 AND IMPLEMENTED, THE DEPARTMENT PROMPTLY SHALL NOTIFY THE ATTORNEY  
8 GENERAL AND THE STATE COURT ADMINISTRATIVE OFFICE THAT THE  
9 AUTOMATED PROGRAM HAS BEEN DEVELOPED AND IMPLEMENTED.

10 (16) ~~(15)~~ As used in this section:

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

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

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

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

14 (a) Any felony.

15 (b) Any of the following misdemeanors:

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

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

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

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

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

1 MCL 750.81, 750.81a, and 750.145d.

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

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

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

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

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

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

25 (e) A violation of section 83, 89, 91, 145a, 316, 317, or 529  
26 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.89,  
27 750.91, 750.145a, 750.316, 750.317, and 750.529, or a felony

1 violation of section 145d of the Michigan penal code, 1931 PA 328,  
2 MCL 750.145d.

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

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

22 (4) After the completion of the person's sentence, the person  
23 may request a hearing before the superintendent of public  
24 instruction on reinstatement of his or her state board approval.  
25 Based upon the issues and evidence presented at the hearing, the  
26 superintendent of public instruction may reinstate, continue the  
27 suspension of, or permanently revoke the person's state board

1 approval. The superintendent of public instruction shall not  
2 reinstate a person's state board approval unless the superintendent  
3 of public instruction finds that the person is currently fit to  
4 serve in an elementary or secondary school in this state and that  
5 reinstatement of the person's state board approval will not  
6 adversely affect the health, safety, and welfare of pupils.

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

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

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

18 (6) ~~Not~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, NOT**  
19 later than 15 days after the date of the conviction, the  
20 prosecuting attorney in charge of a case in which a person who  
21 holds state board approval was convicted of a crime described in  
22 subsection (1) or (2) and the court that convicted the person shall  
23 notify the superintendent of public instruction, and any public  
24 school, school district, intermediate school district, or nonpublic  
25 school in which the person is employed, of that conviction, of the  
26 name and address of the person convicted, and of the sentence  
27 imposed on the person. A prosecuting attorney in charge of a case

1 in which a person is convicted of a crime described in subsection  
2 (1) or (2), and a court that convicts a person of a crime described  
3 in subsection (1) or (2) shall inquire whether the person holds  
4 state board approval. The superintendent of public instruction  
5 shall make available to prosecuting attorneys and courts a list of  
6 school occupations that commonly require state board approval. **THIS**  
7 **SUBSECTION DOES NOT APPLY AFTER THE DEPARTMENT HAS NOTIFIED THE**  
8 **ATTORNEY GENERAL AND THE STATE COURT ADMINISTRATIVE OFFICE THAT THE**  
9 **AUTOMATED PROGRAM DESCRIBED IN SUBSECTION (15) HAS BEEN DEVELOPED**  
10 **AND IMPLEMENTED, AS PROVIDED UNDER SUBSECTION (15).**

11 (7) Not later than 5 working days after receiving notification  
12 of a person's conviction from the prosecuting attorney or the court  
13 under subsection (6) **OR LEARNING OF A PERSON'S CONVICTION THROUGH**  
14 **THE PROGRAM DEVELOPED UNDER SUBSECTION (15) OR THROUGH AN**  
15 **AUTHORITATIVE SOURCE**, the superintendent of public instruction  
16 shall request the court that convicted the person to provide a  
17 certified copy of the judgment of conviction and sentence to the  
18 superintendent of public instruction and shall pay any fees  
19 required by the court. The court shall provide this certified copy  
20 within ~~5 working~~ 7 days after receiving the request and fees  
21 under this section, **EVEN IF THE COURT IS MAINTAINING THE JUDGMENT**  
22 **OF CONVICTION AND SENTENCE AS A NONPUBLIC RECORD.**

23 (8) If the superintendent of a school district or intermediate  
24 school district, the chief administrative officer of a nonpublic  
25 school, the president of the board of a school district or  
26 intermediate school district, or the president of the governing  
27 board of a nonpublic school is notified ~~by a prosecuting attorney~~

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

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

16 (10) For any hearing under subsection (1), if the  
17 superintendent of public instruction does not complete the hearing  
18 procedures and make a final decision and order within 120 working  
19 days after receiving the request for the hearing, as required under  
20 subsection (1), the superintendent of public instruction shall  
21 submit a report detailing the reasons for the delay to the standing  
22 committees and appropriations subcommittees of the senate and house  
23 of representatives that have jurisdiction over education and  
24 education appropriations. The failure of the superintendent of  
25 public instruction to complete the hearing procedures and make a  
26 final decision and order within this 120 working day time limit, or  
27 the failure of any other official or agency to meet a time limit



1 prescribed in this section, does not affect the validity of an  
2 action taken under this section affecting a person's state board  
3 approval.

4 (11) Beginning ~~3 months after the effective date of the~~  
5 ~~amendatory act that added this subsection~~ **JULY 1, 2004**, the  
6 superintendent of public instruction shall submit to the  
7 legislature a quarterly report of all final actions he or she has  
8 taken under this section affecting a person's state board approval  
9 during the preceding quarter. The report shall contain at least all  
10 of the following with respect to each person whose state board  
11 approval has been affected:

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

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

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

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

23 (12) Not later than ~~6 months after the effective date of the~~  
24 ~~amendatory act that added this subsection~~ **OCTOBER 1, 2004**, the  
25 superintendent of public instruction shall submit to the  
26 legislature an inventory report with information on all final  
27 actions taken under this section for the time period from June 23,

1 1992 until ~~the effective date of the amendatory act that added~~  
2 ~~this subsection~~ **APRIL 1, 2004**. The report shall contain at least  
3 all of the information required in the quarterly report under  
4 subsection (11) with respect to each person whose state board  
5 approval was affected during that time period. If the  
6 superintendent of public instruction determines that the  
7 information required for the report is not available for any  
8 portion of that time period, the superintendent of public  
9 instruction shall include with the report a detailed explanation of  
10 the information that is not available and the reasons why the  
11 information is not available.

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

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

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

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

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

26 (14) The superintendent of public instruction may promulgate,  
27 as necessary, rules to implement this section pursuant to the

1 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
2 24.328.

3 (15) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL WORK WITH  
4 THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO DEVELOP AND  
5 IMPLEMENT AN AUTOMATED PROGRAM THAT DOES A MONTHLY COMPARISON OF  
6 THE DEPARTMENT'S LIST OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE  
7 OR STATE BOARD APPROVAL WITH THE CONVICTION INFORMATION RECEIVED BY  
8 THE DEPARTMENT OF STATE POLICE, INCLUDING CONVICTIONS CONTAINED IN  
9 A NONPUBLIC RECORD. AFTER THIS AUTOMATED PROGRAM HAS BEEN DEVELOPED  
10 AND IMPLEMENTED, THE DEPARTMENT PROMPTLY SHALL NOTIFY THE ATTORNEY  
11 GENERAL AND THE STATE COURT ADMINISTRATIVE OFFICE THAT THE  
12 AUTOMATED PROGRAM HAS BEEN DEVELOPED AND IMPLEMENTED.

13 (16) ~~(15)~~ As used in this section:

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

18 (b) "Prosecuting attorney" means the prosecuting attorney for  
19 a county, an assistant prosecuting attorney for a county, the  
20 attorney general, the deputy attorney general, an assistant  
21 attorney general, a special prosecuting attorney, or, in connection  
22 with the prosecution of an ordinance violation, an attorney for the  
23 political subdivision that enacted the ordinance upon which the  
24 violation is based.

25 (c) "State board approval" means a license, certificate,  
26 approval not requiring a teaching certificate, or other evidence of  
27 qualifications to hold a particular position in a school district

1 or intermediate school district or in a nonpublic school, other  
2 than a teacher's certificate subject to section 1535a, that is  
3 issued to a person by the state board or the superintendent of  
4 public instruction under this act or a rule promulgated under this  
5 act.