

# HOUSE BILL No. 5051

June 9, 2009, Introduced by Reps. Womack and Rogers and referred to the Committee on Labor.

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

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

1           **SEC. 1535B. IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION HAS**  
2           **INFORMATION THAT A PERSON WHO HOLDS A TEACHING CERTIFICATE THAT IS**  
3           **VALID IN THIS STATE HAS ENGAGED OR PARTICIPATED IN A STRIKE**  
4           **PROHIBITED BY SECTION 2 OF THE PUBLIC EMPLOYMENT RELATIONS ACT, MCL**  
5           **423.202, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DO ALL OF**  
6           **THE FOLLOWING:**

7           **(A) WITHIN 10 DAYS AFTER THE INCEPTION OF THE STRIKE OR AFTER**  
8           **RECEIVING INFORMATION THAT THE PERSON HAS ENGAGED OR PARTICIPATED**  
9           **IN A STRIKE, NOTIFY THE PERSON THAT HIS OR HER TEACHING CERTIFICATE**

1 MAY BE SUSPENDED FOR A PERIOD OF AT LEAST 2 YEARS, OR REVOKED, FOR  
2 ENGAGING OR PARTICIPATING IN THE STRIKE AND OF HIS OR HER RIGHT TO  
3 A HEARING BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER THE  
4 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO  
5 24.328.

6 (B) IF THE PERSON DOES NOT AVAIL HIMSELF OR HERSELF OF THIS  
7 RIGHT TO A HEARING WITHIN 15 WORKING DAYS AFTER RECEIPT OF THIS  
8 WRITTEN NOTIFICATION, PERMANENTLY REVOKE THE PERSON'S TEACHING  
9 CERTIFICATE.

10 (C) IF A HEARING TAKES PLACE, COMPLETE THE PROCEEDINGS AND  
11 MAKE A FINAL DECISION AND ORDER WITHIN 120 WORKING DAYS AFTER  
12 RECEIVING THE REQUEST FOR A HEARING. IF THE SUPERINTENDENT OF  
13 PUBLIC INSTRUCTION DETERMINES AS A RESULT OF THE HEARING THAT THE  
14 PERSON HAS ENGAGED OR PARTICIPATED IN A STRIKE IN VIOLATION OF  
15 SECTION 2 OF 1947 PA 336, MCL 423.202, THE SUPERINTENDENT OF PUBLIC  
16 INSTRUCTION SHALL SUSPEND THE PERSON'S TEACHING CERTIFICATE FOR AT  
17 LEAST 2 YEARS AND MAY PERMANENTLY REVOKE THE PERSON'S TEACHING  
18 CERTIFICATE, DEPENDING ON HIS OR HER DETERMINATION AS TO THE  
19 SEVERITY OF THE OFFENSE.

20 Enacting section 1. This amendatory act does not take effect  
21 unless Senate Bill No.\_\_\_\_ or House Bill No. 5050(request no.  
22 01707'09) of the 95th Legislature is enacted into law.