

**SUBSTITUTE FOR
HOUSE BILL NO. 5159**

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending section 163 (MCL 388.1763), as amended by 2015 PA 85,
and by adding section 163b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 163. (1) Except as provided in the revised school code,
2 the board of a district or intermediate district shall not permit
3 any of the following:

4 (a) A noncertificated educator to teach in an elementary or
5 secondary school or in an adult basic education or high school
6 completion program.

7 (b) A noncertificated educator to provide counseling services
8 to pupils in an elementary or secondary school or in an adult basic

1 education or high school completion program.

2 (c) A noncertificated educator to administer instructional
3 programs in an elementary or secondary school, or in an adult basic
4 education or high school completion program, unless that educator
5 is fulfilling applicable continuing education requirements.

6 (2) Except as provided in the revised school code **AND IN**
7 **SECTION 163B**, a district or intermediate district employing
8 educators not legally certificated or licensed shall have deducted
9 the sum equal to the amount paid the educators for the period of
10 noncertificated, unlicensed, or illegal employment. Each
11 intermediate superintendent shall notify the department of the name
12 of the noncertificated or unlicensed educator, and the district
13 employing that individual and the amount of salary the
14 noncertificated or unlicensed educator was paid within a
15 constituent district.

16 (3) If a school official is notified by the department that he
17 or she is employing a nonapproved, noncertificated, or unlicensed
18 educator in violation of this section and knowingly continues to
19 employ that educator, the school official is guilty of a
20 misdemeanor, punishable by a fine of \$1,500.00 for each incidence.
21 This penalty is in addition to all other financial penalties
22 otherwise specified in this article.

23 **SEC. 163B. IF THE DEPARTMENT DETERMINES THAT A DISTRICT OR**
24 **INTERMEDIATE DISTRICT HAS FAILED TO MEET THE REQUIREMENTS OF**
25 **SECTION 1246, 1526, OR 1527 OF THE REVISED SCHOOL CODE, MCL**
26 **380.1246, 380.1526, AND 380.1527, SHALL ISSUE TO THE DISTRICT OR**
27 **INTERMEDIATE DISTRICT A WRITTEN NOTICE AND EXPLANATION OF THE**

1 VIOLATION. WITHIN 30 CALENDAR DAYS AFTER THE ISSUANCE OF A NOTICE
2 UNDER THIS SECTION, A DISTRICT OR INTERMEDIATE DISTRICT SHALL
3 DEVELOP AND SUBMIT TO THE DEPARTMENT A COMPLIANCE PLAN FOR BRINGING
4 THE DISTRICT OR INTERMEDIATE DISTRICT INTO FULL COMPLIANCE WITH THE
5 REQUIREMENTS OF SECTIONS 1246, 1526, AND 1527 OF THE REVISED SCHOOL
6 CODE, MCL 380.1226, 380.1526, AND 380.1527, UPON IMPLEMENTATION OF
7 THE PLAN. IF A DISTRICT OR INTERMEDIATE DISTRICT FAILS TO SUBMIT A
8 COMPLIANCE PLAN WITHIN THIS TIME PERIOD, OR IF THE DEPARTMENT
9 DETERMINES THAT THE COMPLIANCE PLAN SUBMITTED BY A DISTRICT OR
10 INTERMEDIATE DISTRICT WILL NOT CORRECT THE INITIAL VIOLATION, THE
11 DEPARTMENT SHALL WITHHOLD AN AMOUNT EQUAL TO 5% OF ITS TOTAL STATE
12 AID UNTIL THE DEPARTMENT DETERMINES THAT THE DISTRICT OR
13 INTERMEDIATE DISTRICT HAS SUBMITTED A SATISFACTORY COMPLIANCE PLAN.
14 IF THE DEPARTMENT SUBSEQUENTLY DETERMINES THAT A DISTRICT OR
15 INTERMEDIATE DISTRICT HAS FAILED TO COMPLY WITH THE TERMS OF ITS
16 COMPLIANCE PLAN, THE DISTRICT OR INTERMEDIATE DISTRICT FORFEITS
17 FROM ITS STATE AID UNDER THIS ACT FOR THE NEXT STATE FISCAL YEAR
18 AFTER THIS DETERMINATION AN AMOUNT EQUAL TO 5% OF ITS TOTAL STATE
19 AID.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.

22 Enacting section 2. This amendatory act does not take effect
23 unless all of the following bills of the 98th Legislature are
24 enacted into law:

25 (a) House Bill No. 5156.

26 (b) House Bill No. 5157.

27 (c) House Bill No. 5158.