

SENATE BILL No. 522

October 27, 1987, Introduced by Senators FREDRICKS, MACK, WELBORN, CROUSEY, KELLY, POSTHUMUS, DI NELLO, FESSLER, CRUCE, GAST, CARL, O'BRIEN, DILLINGHAM, SHINKLE and NICHOLS and referred to the Committee on Education and Mental Health.

A bill to amend sections 1 and 3 of Act No. 302 of the Public Acts of 1921, entitled

"An act to provide for the supervision of private, denominational and parochial schools; to provide the manner of securing funds in payment of the expense of such supervision; to provide the qualifications of the teachers in such schools; and to provide for the endorsement of the provisions hereof,"

being sections 388.551 and 388.553 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 3 of Act No. 302 of the Public
2 Acts of 1921, being sections 388.551 and 388.553 of the Michigan
3 Compiled Laws, are amended to read as follows:

4 Sec. 1. The superintendent of public instruction ~~is hereby~~
5 ~~given supervision of all the~~ SHALL SUPERVISE EACH private,
6 denominational, and parochial ~~schools of~~ SCHOOL IN this state
7 in ~~such~~ THE matters and manner ~~as is hereinafter provided.~~

1 ~~He~~ DESCRIBED IN THIS ACT. THE SUPERINTENDENT OF PUBLIC
2 INSTRUCTION, WITH THE APPROVAL OF THE STATE ADMINISTRATIVE BOARD,
3 shall employ ~~such~~ assistants and ~~employees~~ EMPLOYEES as may be
4 necessary to comply with ~~the provisions hereof~~ THIS ACT and fix
5 ~~the~~ THEIR compensation. ~~thereof; the number of assistants and~~
6 ~~employees and the compensation payable thereto being subject to~~
7 ~~the approval of the state administrative board. Such~~ THE sala-
8 ries and expenses shall be paid by the STATE treasurer ~~of the~~
9 ~~state of Michigan upon the warrant of the auditor general from~~
10 ~~the fund as herein designated, at such~~ THE time and in ~~such~~
11 THE manner ~~as~~ THAT other state officers and ~~employees~~
12 EMPLOYEES are paid. The superintendent of public instruction
13 ~~shall have the authority to~~ MAY remove any appointee under this
14 act at any time that he ~~may deem such~~ OR SHE CONSIDERS removal
15 advisable. ~~It is the intent of this act that the sanitary~~
16 EXCEPT AS PROVIDED IN SECTION 3(2), THE PHYSICAL conditions of
17 ~~such~~ THOSE PRIVATE, DENOMINATIONAL, AND PAROCHIAL schools, the
18 courses of study ~~therein,~~ IN THOSE SCHOOLS, and the qualifica-
19 tions of the teachers ~~thereof~~ shall be of the same standard as
20 provided FOR PUBLIC SCHOOLS by the ~~general school laws of the~~
21 ~~state~~ SCHOOL CODE OF 1976, ACT NO. 451 OF THE PUBLIC ACTS OF
22 1976, BEING SECTIONS 380.1 TO 380.1852 OF THE MICHIGAN COMPILED
23 LAWS, AND OTHER APPLICABLE LAWS.

24 Sec. 3. (1) ~~No person shall teach or give instruction in~~
25 ~~any of the regular or elementary grade studies in any private,~~
26 ~~denominational or parochial school within this state~~ EXCEPT AS
27 PROVIDED IN SUBSECTION (2), A PERSON who does not hold a

1 certificate ~~such as~~ THAT would qualify him or her to teach A
2 COURSE in ~~like grades of the~~ A public ~~schools~~ SCHOOL of the
3 state ~~: Provided, however, That any person who shall have taught~~
4 ~~in any elementary school or schools of the standard specified in~~
5 ~~this act for a period of 10 years or more preceding the passage~~
6 ~~of this act, shall, upon filing proof of service with the super-~~
7 ~~intendent of public instruction, be entitled to a certificate by~~
8 ~~said superintendent of public instruction in such form as he~~
9 ~~shall prescribe, to teach in any of the said schools within the~~
10 ~~state: Provided further, That teaching in such schools~~ SHALL
11 NOT TEACH THAT COURSE IN ANY PRIVATE, DENOMINATIONAL, OR PARO-
12 CHIAL SCHOOL IN THIS STATE. TEACHING IN A PRIVATE, DENOMINATION-
13 AL, OR PAROCHIAL SCHOOL shall be equivalent to teaching in the
14 public schools for all purposes in obtaining a certificate.
15 ~~: Provided further, That the teachers~~

16 (2) NOTWITHSTANDING ANY OTHER REQUIREMENTS OF THIS ACT, FOR
17 A PERSON WHO HAS SINCERE OBJECTIONS, PREMISED ON RELIGIOUS
18 BELIEFS, TO STATE TEACHER CERTIFICATION, AND FOR WHOM TEACHER
19 CERTIFICATION WOULD ADVERSELY AFFECT THE FREE EXERCISE OF THOSE
20 RELIGIOUS BELIEFS, THE MOST COMPELLING INTEREST OF THE STATE
21 SHALL BE TO ASSURE, UNDER THE FIRST AMENDMENT TO THE CONSTITUTION
22 OF THE UNITED STATES, PROTECTION FOR THE FREE EXERCISE OF THOSE
23 BELIEFS. THE STATE HAS A MOST COMPELLING INTEREST IN ASSURING,
24 UNDER THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED
25 STATES, PROTECTION TO EACH PERSON THAT IS EQUAL TO PROTECTION
26 AFFORDED THE AMISH RELIGIOUS ORDER OR ANY OTHER RELIGIOUS GROUP
27 WHEN GRANTING AN EXCEPTION TO ITS REGULATION. THE STATE SHALL

1 DEMONSTRATE WITH PARTICULARITY THAT ANY EXCEPTION TO ITS
2 REGULATION IS EQUALLY APPLIED.

3 (3) TEACHERS affected by this act ~~may take any examination~~
4 SHALL BE EXAMINED as ~~now~~ provided by law, and ~~that~~ the super-
5 intendent of public instruction may direct ~~such~~ other examina-
6 tions at ~~such~~ A time and place as he ~~may see fit~~ OR SHE CON-
7 SIDERS APPROPRIATE. In all such examinations, 2 sets of questions
8 shall be prepared in subjects ordinarily written on Saturday, 1
9 of which sets shall be available for use on Wednesday by appli-
10 cants who observe Saturday as their Sabbath. ~~Provided fur-~~
11 ~~ther, That any~~

12 (4) A certificate issued under or by virtue of this act
13 shall be valid in any county in this state for the purpose of
14 teaching in the schools ~~operated under~~ REGULATED BY this act.
15 ~~Provided further, That any~~ A person holding a certificate
16 issued by the authorities of any recognized or accredited ~~normal~~
17 ~~school, college, or university~~ STATE INSTITUTION OF HIGHER
18 EDUCATION of this or ~~other~~ ANOTHER state shall be ~~entitled to~~
19 ~~certification~~ CERTIFIED as ~~now~~ provided by law. ~~Provided,~~
20 ~~however, That teachers employed in such private, denominational~~
21 ~~or parochial schools when this act takes effect shall have until~~
22 ~~September first, 1925, to obtain a legal certificate as herein~~
23 ~~provided.~~