

TEACHER TENURE COMMISSION

House Bill 5356

Sponsor: Rep. Richard Bandstra

Committee: Education

Complete to 3-25-92

A SUMMARY OF HOUSE BILL 5356 AS INTRODUCED 12-3-91

The bill would amend the teachers' tenure act to modify the manner in which the state teacher tenure commission hears appeals by teachers of decisions of school boards. The bill would require that the review conducted by the state commission be confined to the record of the hearing transmitted to the commission by the local board and would eliminate the requirement that the tenure commission conduct a hearing in the same manner as the local board. The tenure commission would have to hear oral arguments and receive written briefs, at the request of a party to the appeal.

Under the bill, the tenure commission would be able to order the local controlling board to take additional evidence if timely application was made to the commission for permission to present the evidence and it was shown to the satisfaction of the commission that an inadequate record was made at the hearing before the local board or that the additional evidence was material and there were good reasons for failing to record or present it at the local proceeding. The local board could modify its findings or decision because of the additional evidence and would have to file the additional evidence and any new findings or decision with the tenure commission and the information would become part of the record. The tenure commission could also permit corrections to the record.

The tenure commission would set aside a decision of a local board only if substantial rights of the teacher had been prejudiced because the decision or order was in violation of law; made upon unlawful procedure resulting in material prejudice to the teacher; not supported by competent, material, and substantial evidence on the whole record; arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion; or affected by other substantial and material error of law. The commission, as appropriate, could affirm, reverse, or modify the decision or remand the case for further proceedings.

Appeals from the tenure commission would be to the court of appeals, which could set aside a tenure commission decision only for the reasons provided above that apply to the tenure commission's setting aside a local board's decision.

MCL 38.121 and 38.139

House Bill 5356 (3-25-92)