

HOUSE BILL No. 5125

October 12, 1993, Introduced by Reps. Horton, Dalman, Cropsey, Randall, Bullard, Bandstra, Dobb, Llewellyn, Munsell, Stille and Walberg and referred to the Committee on Education.

A bill to amend sections 1 and 3 of article I and section 1 of article III of Act No. 4 of the Public Acts of the Extra Session of 1937, entitled as amended

"An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,"

section 1 of article I and section 1 of article III as amended by Act No. 59 of the Public Acts of 1993, being sections 38.71, 38.73, and 38.91 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 3 of article I and section 1 of
2 article III of Act No. 4 of the Public Acts of the Extra Session
3 of 1937, section 1 of article I and section 1 of article III as
4 amended by Act No. 59 of the Public Acts of 1993, being sections

1 38.71, 38.73, and 38.91 of the Michigan Compiled Laws, are
2 amended to read as follows:

3 ARTICLE I

4 Sec. 1. (1) The term "teacher" as used in this act means a
5 certificated individual employed for a full school year by any
6 board of education or controlling board. ~~of any public educa-~~
7 ~~tional institution.~~

8 (2) An individual who is not certificated but is employed
9 for a full school year pursuant to section 1233b of the school
10 code of 1976, Act No. 451 of the Public Acts of 1976, being sec-
11 tion 380.1233b of the Michigan Compiled Laws, or is employed pur-
12 suant to an annual vocational authorization or a temporary
13 approval, as defined in state board rule, is considered to be a
14 teacher for the purpose of serving the probationary period under
15 article II, but such an individual is not considered a teacher
16 for the purpose of continuing tenure under article III until he
17 or she becomes certificated.

18 (3) AN INDIVIDUAL EMPLOYED AS A TEACHER IN A CHARTER PUBLIC
19 SCHOOL ESTABLISHED UNDER PART 6A OF ACT NO. 451 OF THE PUBLIC
20 ACTS OF 1976, BEING SECTIONS 380.501 TO 380.510 OF THE MICHIGAN
21 COMPILED LAWS, IS NOT CONSIDERED A TEACHER DURING THAT EMPLOYMENT
22 FOR THE PURPOSE OF CONTINUING TENURE UNDER ARTICLE III. HOWEVER,
23 AN INDIVIDUAL DESCRIBED IN SECTION 1(4) OF ARTICLE III IS A
24 TEACHER FOR THE PURPOSE OF RETAINING CONTINUING TENURE AS
25 DESCRIBED IN THAT SECTION.

26 (4) Teacher does not include an individual whose teaching
27 certificate has expired or has been suspended or revoked.

1 be considered to be on continuing tenure only in that school
2 district and shall not be considered to be on continuing tenure
3 in the school district that is the fiscal agent for the
4 consortium.

5 (4) IF A TEACHER EMPLOYED IN A CHARTER PUBLIC SCHOOL ESTAB-
6 LISHED UNDER PART 6A OF THE SCHOOL CODE OF 1976, ACT NO. 451 OF
7 THE PUBLIC ACTS OF 1976, BEING SECTIONS 380.501 TO 380.510 OF THE
8 MICHIGAN COMPILED LAWS, IS ON LEAVE OF ABSENCE FROM A SCHOOL DIS-
9 TRICT AND WAS ON CONTINUING TENURE IN THE SCHOOL DISTRICT AT THE
10 TIME HE OR SHE BEGAN THE LEAVE OF ABSENCE, THE TEACHER RETAINS
11 CONTINUING TENURE IN THAT SCHOOL DISTRICT DURING THE PERIOD HE OR
12 SHE IS EMPLOYED IN THE CHARTER PUBLIC SCHOOL.

13 (5) ~~(4)~~ If a teacher satisfactorily completes the proba-
14 tionary period as an adult education teacher, the teacher shall
15 be considered to be on continuing tenure in the school district
16 only for adult education and shall not by virtue of completing
17 the probationary period as an adult education teacher be consid-
18 ered to be on continuing tenure in the school district for ele-
19 mentary and secondary education.

20 (6) ~~(5)~~ If a teacher satisfactorily completes the proba-
21 tionary period as an elementary or secondary education teacher,
22 the teacher shall be considered to be on continuing tenure in the
23 school district only for elementary and secondary education and
24 shall not by virtue of completing the probationary period as an
25 elementary or secondary education teacher be considered to be on
26 continuing tenure in the school district for adult education.

1 (7) ~~(6)~~ If the controlling board provides in a contract of
2 employment of a teacher employed other than as a classroom
3 teacher, including but not limited to, a superintendent, assist-
4 ant superintendent, principal, department head or director of
5 curriculum, made with the teacher after the completion of the
6 probationary period, that the teacher shall not be considered to
7 be granted continuing tenure in that other capacity by virtue of
8 the contract of employment, then the teacher shall not be granted
9 tenure in that other capacity, but shall be considered to have
10 been granted continuing tenure as an active classroom teacher in
11 the school district. Upon the termination of such a contract of
12 employment, if the controlling board does not reemploy the
13 teacher under contract in the capacity covered by the contract,
14 the teacher shall be continuously employed by the controlling
15 board as an active classroom teacher. Failure of a controlling
16 board to reemploy a teacher in any such capacity upon the termi-
17 nation of any such contract of employment described in this sub-
18 section shall not be considered to be a demotion under this act.
19 The salary in the position to which the teacher is assigned shall
20 be the same as if the teacher had been continuously employed in
21 the newly assigned position. Failure of a controlling board to
22 so provide in any such contract of employment of a teacher in a
23 capacity other than a classroom teacher shall be considered to
24 constitute the employment of the teacher on continuing contract
25 in the other capacity and subject to this act.

26 (8) ~~(7)~~ Continuing tenure does not apply to an annual
27 assignment of extra duty for extra pay.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 5124 (request
3 no. 05115'93) of the 87th Legislature is enacted into law.