



SENATE BILL No. 829

January 30, 1996, Introduced by Senators BENNETT, GAST,
DUNASKISS, GEAKE and SHUGARS and referred to the Committee
on Education.

A bill to amend 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 pro-
bationary periods; to regulate discharges or demotions; to pro-
vide 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,"

as amended by Act No. 337 of the Public Acts of 1993, being sec-
tion 38.91 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Section 1. Section 1 of article III of Act No. 4 of the
- 2 Public Acts of the Extra Session of 1937, as amended by Act
- 3 No. 337 of the Public Acts of 1993, being section 38.91 of the
- 4 Michigan Compiled Laws, is amended to read as follows:

ARTICLE III

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Sec. 1. (1) After the satisfactory completion of the probationary period, a teacher shall be employed continuously by the controlling board under which the probationary period has been completed, and shall not be dismissed or demoted except as specified in this act.

(2) If a teacher employed in a program operated by a consortium of school districts was previously on continuing tenure in a school district that participates in the consortium, the teacher shall be considered to be on continuing tenure only in that school district.

(3) If a teacher employed in a program operated by a consortium of school districts was not previously on continuing tenure in a school district that participates in the consortium and satisfactorily completes the probationary period, the teacher shall be considered to be on continuing tenure only in the school district that is the fiscal agent for the consortium. However, if there is a written agreement between the teacher and another participating school district that provides that the teacher will have continuing tenure in that school district, the teacher shall be considered to be on continuing tenure only in that school district and shall not be considered to be on continuing tenure in the school district that is the fiscal agent for the consortium.

(4) If a teacher employed in a public school academy established under part 6a OR 6B of the school code of 1976, Act No. 451 of the Public Acts of 1976, being sections 380.501 to ~~380.510~~ 380.507 AND 380.511 TO 380.518 of the Michigan Compiled

1 Laws, is on leave of absence from a school district and was on
2 continuing tenure in the school district at the time he or she
3 began the leave of absence, the teacher retains continuing tenure
4 in that school district during the period he or she is employed
5 in the public school academy.

6 (5) If a teacher satisfactorily completes the probationary
7 period as an adult education teacher, the teacher shall be con-
8 sidered to be on continuing tenure in the school district only
9 for adult education and shall not by virtue of completing the
10 probationary period as an adult education teacher be considered
11 to be on continuing tenure in the school district for elementary
12 and secondary education.

13 (6) If a teacher satisfactorily completes the probationary
14 period as an elementary or secondary education teacher, the
15 teacher shall be considered to be on continuing tenure in the
16 school district only for elementary and secondary education and
17 shall not by virtue of completing the probationary period as an
18 elementary or secondary education teacher be considered to be on
19 continuing tenure in the school district for adult education.

20 (7) If ~~the controlling board provides in a contract of~~
21 ~~employment of~~ a teacher IS employed IN A CAPACITY other than as
22 a classroom teacher, including but not limited to, a superinten-
23 dent, assistant superintendent, principal, department head, or
24 director of curriculum, ~~made with the teacher~~ after the comple-
25 tion of the probationary period, ~~that~~ the teacher shall not be
26 considered to be granted continuing tenure in that other capacity
27 by virtue of ~~the contract of employment, then the teacher shall~~

1 ~~not be granted tenure~~ EMPLOYMENT in that other capacity. ~~, but~~
2 A CONTROLLING BOARD SHALL NOT GRANT CONTINUING TENURE TO A
3 TEACHER IN ANY CAPACITY OTHER THAN AS A CLASSROOM TEACHER. IF A
4 TEACHER HAS CONTINUING TENURE UNDER THIS ACT IN A CAPACITY OTHER
5 THAN AS A CLASSROOM TEACHER, THAT CONTINUING TENURE IS REVOKED,
6 AND DOES NOT APPLY AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
7 THAT ADDED THIS SENTENCE. A TEACHER DESCRIBED IN THIS SUBSECTION
8 shall be considered to have been granted continuing tenure ONLY
9 as an active classroom teacher in the school district. Upon the
10 termination of ~~such~~ a contract of employment IN THE OTHER
11 CAPACITY, if the controlling board does not reemploy the teacher
12 under contract in the capacity covered by the contract, the
13 teacher ~~shall be continuously employed by the controlling board~~
14 RETAINS CONTINUING TENURE as an active classroom teacher IN THE
15 SCHOOL DISTRICT. Failure of a controlling board to reemploy a
16 teacher in ~~any such~~ THE OTHER capacity upon the termination of
17 ~~any such~~ THE contract of employment described in this subsec-
18 tion ~~shall not be considered to be~~ IS NOT a demotion under this
19 act. The salary in the position to which the teacher is assigned
20 shall be the same as if the teacher had been continuously
21 employed in the newly assigned position. ~~Failure of a control-~~
22 ~~ling board to so provide in any such contract of employment of a~~
23 ~~teacher in a capacity other than a classroom teacher shall be~~
24 ~~considered to constitute the employment of the teacher on con-~~
25 ~~tinuing contract in the other capacity and subject to this act.~~
26 (8) Continuing tenure does not apply to an annual assignment
27 of extra duty for extra pay.