

HOUSE BILL No. 4991

June 22, 2005, Introduced by Rep. Emmons.

A bill to amend 1937 (Ex Sess) PA 4, entitled

"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,"

by amending section 1 of article IV (MCL 38.101), as amended by 1993 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE IV

Sec. 1. **(1) —Discharge— EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), DISCHARGE** or demotion of a teacher on continuing tenure may be made only for reasonable and just cause and only as provided in this act. This act does not prevent any controlling board from establishing a reasonable policy for retirement to apply equally to all teachers who are eligible for retirement under the

public school employees retirement act of 1979, ~~Act No. 300 of the~~
~~Public Acts of 1980, being sections 38.1301 to 38.1408 of the~~
~~Michigan Compiled Laws~~ **1980 PA 300, MCL 38.1301 TO 38.1408**, or,
 having established a reasonable retirement age policy, from
 temporarily continuing on a year-to-year basis on criteria equally
 applied to all teachers the contract of any teacher whom the
 controlling board might wish to retain beyond the established
 retirement age for the benefit of the school system.

(2) THE RIGHTS OF A TEACHER ON CONTINUING TENURE UNDER THIS
ARTICLE ARE SUBJECT TO SECTIONS 1230D AND 1535A OF THE REVISED
SCHOOL CODE, 1976 PA 451, MCL 380.1230D AND 380.1535A. TO THE
EXTENT THAT ANY PROVISION OF THIS ARTICLE IS INCONSISTENT WITH
THOSE SECTIONS OF LAW, THIS ARTICLE DOES NOT APPLY TO THE TEACHER.

Enacting section 1. This amendatory act does not take effect
 unless all of the following bills of the 93rd Legislature are
 enacted into law:

(a) House Bill No. 4402.

(b) House Bill No. 4928.

(c) House Bill No. 4930.