

HOUSE BILL No. 4321

February 23, 2011, Introduced by Reps. Hooker, Agema, MacGregor, Price, Yonker, Rogers, Bumstead, Hughes, Rendon and McMillin and referred to the Committee on Education.

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 3 of article IV (MCL 38.103), as amended by 2005 PA 124.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE IV

Sec. 3. (1) On the filing of charges in accordance with this article, the controlling board may suspend the accused teacher from active performance of duty until 1 of the following occurs:

(a) The teacher fails to contest the decision to proceed upon

1 the charges within the time period specified in section 4(1) of
2 this article.

3 (b) A preliminary decision and order discharging or demoting
4 the teacher is issued by the administrative law judge under section
5 4(5)(i) of this article.

6 (c) If the preliminary decision and order is to reinstate the
7 teacher, a final decision and order is rendered by the tenure
8 commission under section 4(5)(m) of this article.

9 (2) ~~IF~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), IF** a
10 teacher is suspended as described in subsection (1), **THE**
11 **CONTROLLING BOARD SHALL CONTINUE** the teacher's salary ~~shall~~
12 ~~continue~~ during the suspension **BY PLACING THE TEACHER'S SALARY IN**
13 **AN INTEREST-BEARING ESCROW ACCOUNT AND SHALL CONTINUE TO PAY FOR**
14 **THE TEACHER'S EMPLOYEE BENEFITS DURING THE SUSPENSION.** ~~However, if~~
15 ~~the teacher~~ **IF AT THE CONCLUSION OF THE SUSPENSION THE TEACHER IS**
16 **REINSTATED, OR IF THE TEACHER IS REINSTATED BY THE TENURE**
17 **COMMISSION OR BY A COURT AFTER THE CONCLUSION OF PROCEEDINGS UNDER**
18 **THIS ACT, THE CONTROLLING BOARD SHALL PAY THE MONEY IN THE ESCROW**
19 **ACCOUNT TO THE TEACHER. IF THE TEACHER FAILS TO CONTEST THE**
20 **DECISION TO PROCEED UPON THE CHARGES WITHIN THE TIME PERIOD**
21 **SPECIFIED IN SECTION 4(1) OF THIS ARTICLE OR THERE IS A FINAL**
22 **DECISION UPHOLDING THE DISCHARGE OF THE TEACHER AFTER THE**
23 **CONCLUSION OF PROCEEDINGS UNDER THIS ACT, THE CONTROLLING BOARD IS**
24 **ENTITLED TO THE MONEY IN THE ESCROW ACCOUNT.**

25 (3) **IF A TEACHER WHO IS SUSPENDED AS DESCRIBED IN SUBSECTION**
26 **(1) is convicted of a felony that is not a listed offense or of a**
27 **misdemeanor that is a listed offense, the controlling board may**

1 discontinue the teacher's salary effective upon the date of the
2 conviction **AND IS ENTITLED TO MONEY IN AN ESCROW ACCOUNT UNDER**
3 **SUBSECTION (2), IF ANY.** If the teacher is convicted of a felony
4 that is a listed offense, the controlling board shall discontinue
5 the teacher's salary effective upon the date of conviction **AND IS**
6 **ENTITLED TO THE MONEY IN AN ESCROW ACCOUNT UNDER SUBSECTION (2), IF**
7 **ANY.** As used in this subsection, "listed offense" means that term
8 as defined in section 2 of the sex offenders registration act, 1994
9 PA 295, MCL 28.722.

10 **(4) ~~(3)~~**—If a preliminary decision and order discharging a
11 teacher is issued by the administrative law judge and the tenure
12 commission subsequently reverses the preliminary decision and order
13 of the administrative law judge, the tenure commission may order
14 back pay.