



# SENATE BILL No. 898

March 7, 1996, Introduced by Senators STILLE, DE GROW, GAST, GEAKE, STEIL, HOFFMAN, ROGERS, EMMONS, CARL and GOUGEON 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,"

as amended by Act No. 337 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, as amended by Act No. 337 of the Public Acts of 1993,  
4 being sections 38.71, 38.73, and 38.91 of the Michigan Compiled  
5 Laws, are amended to read as follows:

## ARTICLE I

1

2       Sec. 1. (1) The term "teacher" as used in this act means a  
3 certificated individual employed for a full school year by any  
4 board of education or controlling board.

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

15       (3) An individual employed as a teacher in a public school  
16 academy established under ~~part 6a of~~ Act No. 451 of the Public  
17 Acts of 1976, being sections ~~380.501 to 380.510~~ 380.1 TO  
18 380.1852 of the Michigan Compiled Laws, is not considered a  
19 teacher during that employment for the purpose of continuing  
20 tenure under article III. However, an individual described in  
21 section 1(4) of article III is a teacher for the purpose of  
22 retaining continuing tenure as described in that section.

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

25       Sec. 3. As used in this act, "controlling board" means all  
26 boards having the care, management, or control over public school  
27 districts and public educational institutions other than a public

1 school academy established under ~~part 6a of~~ the REVISED school  
2 code, ~~of 1976,~~ Act No. 451 of the Public Acts of 1976, being  
3 sections ~~380.501 to 380.510~~ 380.1 TO 380.1852 of the Michigan  
4 Compiled Laws.

5 ARTICLE III

6 Sec. 1. (1) After the satisfactory completion of the proba-  
7 tionary period, a teacher shall be employed continuously by the  
8 controlling board under which the probationary period has been  
9 completed, and shall not be dismissed or demoted except as speci-  
10 fied in this act.

11 (2) If a teacher employed in a program operated by a consor-  
12 tium of school districts was previously on continuing tenure in a  
13 school district that participates in the consortium, the teacher  
14 shall be considered to be on continuing tenure only in that  
15 school district.

16 (3) If a teacher employed in a program operated by a consor-  
17 tium of school districts was not previously on continuing tenure  
18 in a school district that participates in the consortium and sat-  
19 isfactorily completes the probationary period, the teacher shall  
20 be considered to be on continuing tenure only in the school dis-  
21 trict that is the fiscal agent for the consortium. However, if  
22 there is a written agreement between the teacher and another par-  
23 ticipating school district that provides that the teacher will  
24 have continuing tenure in that school district, the teacher shall  
25 be considered to be on continuing tenure only in that school dis-  
26 trict and shall not be considered to be on continuing tenure in  
27 the school district that is the fiscal agent for the consortium.

1 (4) If a teacher employed in a public school academy  
2 established under ~~part 6a of~~ the REVISED school code, ~~of~~  
3 ~~1976,~~ Act No. 451 of the Public Acts of 1976, being sections  
4 ~~380.501 to 380.510~~ 380.1 TO 380.1852 of the Michigan Compiled  
5 Laws, is on leave of absence from a school district and was on  
6 continuing tenure in the school district at the time he or she  
7 began the leave of absence, the teacher retains continuing tenure  
8 in that school district during the period he or she is employed  
9 in the public school academy.

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

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

24 (7) If the controlling board provides in a contract of  
25 employment of a teacher employed other than as a classroom teach-  
26 er, including but not limited to, a superintendent, assistant  
27 superintendent, principal, department head or director of

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

22 (8) Continuing tenure does not apply to an annual assignment  
23 of extra duty for extra pay.