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Senate Bill 638 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Patricia L. Birkholz
Committee: Education

Date Completed: 12-7-09

CONTENT

The bill would amend the teachers' tenure Act to add consistent ineffectiveness in teaching as a ground for the discharge or demotion of a teacher on continuing tenure.

Under Article IV (Discharge, Demotion or Retirement) of the Act, discharge or demotion of a teacher on continuing tenure may be made only for reasonable and just cause and only as provided under the Act. Under the bill, for the purposes of Article IV, a determination that a teacher on continuing tenure was consistently ineffective in teaching, according to standards developed by the Superintendent of Public Instruction or developed by the controlling board and approved by the Superintendent, would be considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and would be sufficient grounds to support his or her discharge or demotion.

Within 180 days after the bill's effective date, the Superintendent would have to develop and publish standards for a controlling board to use to determine whether a teacher on continuing tenure was consistently ineffective in teaching. Those standards or standards developed by a board under the bill would have to contain objective criteria for making that determination.

(The Act defines "controlling board" as all boards having the care, management, or control over public school districts and public educational institutions other than public school academies established under the Revised School Code.)

MCL 38.71 et al.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

State: The Department of Education would see increased costs associated with the required development and publication of standards for the objective determination of whether a teacher on continuing tenure was consistently ineffective in teaching.

Local: If a controlling board chose to develop standards other than those developed by the Superintendent to determine a teacher's ineffectiveness at teaching, the local district would experience additional costs related to developing those standards and seeking their approval.

Fiscal Analyst: Kathryn Summers

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.