

TEACHERS' TENURE (EXCERPT)
Act 4 of 1937 (Ex. Sess.)

ARTICLE I
DEFINITIONS.

38.71 "Teacher" defined.

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

(2) An individual who is not certificated but is employed for a full school year pursuant to section 1233b of the revised school code, Act No. 451 of the Public Acts of 1976, being section 380.1233b of the Michigan Compiled Laws, or is employed pursuant to an annual vocational authorization or a temporary approval, as defined in state board rule, is considered to be a teacher for the purpose of serving the probationary period under article II, but such an individual is not considered a teacher for the purpose of continuing tenure under article III until he or she becomes certificated.

(3) An individual employed as a teacher in a public school academy established under Act No. 451 of the Public Acts of 1976, being sections 380.1 to 380.1852 of the Michigan Compiled Laws, is not considered a teacher during that employment for the purpose of continuing tenure under article III. However, an individual described in section 1(4) of article III is a teacher for the purpose of retaining continuing tenure as described in that section.

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

History: 1937, Ex. Sess., Act 4, Eff. Sept. 1, 1937;—CL 1948, 38.71;—Am. 1967, Act 216, Imd. Eff. July 10, 1967;—Am. 1993, Act 59, Imd. Eff. June 11, 1993;—Am. 1993, Act 337, Imd. Eff. Dec. 31, 1993;—Am. 1996, Act 282, Imd. Eff. June 17, 1996.

Popular name: Teachers' Tenure Act

38.72 "Certificated" defined.

Sec. 2. The term "certificated" means holding a valid teaching certificate, as defined by the state board of education. For the purpose of this section, an individual is considered to be holding a valid teaching certificate if the individual has on file with his or her employing school district either an appropriate teaching certificate issued by the state board of education or, if the individual's application for a teaching certificate has not been confirmed or rejected by the state board, written evidence from the individual's teacher education college that he or she meets the requirements described in section 1535 of the school code of 1976, Act No. 451 of the Public Acts of 1976, being section 380.1535 of the Michigan Compiled Laws.

History: 1937, Ex. Sess., Act 4, Eff. Sept. 1, 1937;—CL 1948, 38.72;—Am. 1967, Act 216, Imd. Eff. July 10, 1967;—Am. 1993, Act 59, Imd. Eff. June 11, 1993.

Popular name: Teachers' Tenure Act

Administrative rules: R 390.661 of the Michigan Administrative Code.

38.73 "Controlling board" defined.

Sec. 3. As used in this act, "controlling board" means all boards having the care, management, or control over public school districts and public educational institutions other than a public school academy established under the revised school code, Act No. 451 of the Public Acts of 1976, being sections 380.1 to 380.1852 of the Michigan Compiled Laws.

History: 1937, Ex. Sess., Act 4, Eff. Sept. 1, 1937;—CL 1948, 38.73;—Am. 1993, Act 337, Imd. Eff. Dec. 31, 1993;—Am. 1996, Act 282, Imd. Eff. June 17, 1996.

Popular name: Teachers' Tenure Act

38.74 "Demote" defined.

Sec. 4. The word "demote" means to suspend without pay for 15 or more consecutive days or reduce compensation for a particular school year by more than an amount equivalent to 30 days' compensation or to transfer to a position carrying a lower salary. However, demote does not include discontinuance of salary under section 3 of article IV or a reduction in personnel, including, but not limited to, a reduction in workweeks or workdays.

History: 1937, Ex. Sess., Act 4, Eff. Sept. 1, 1937;—CL 1948, 38.74;—Am. 1993, Act 60, Eff. Oct. 1, 1993;—Am. 2005, Act 124, Eff. Jan. 1, 2006;—Am. 2011, Act 100, Imd. Eff. July 19, 2011;—Am. 2023, Act 225, Eff. July 1, 2024.

Popular name: Teachers' Tenure Act

38.75 School year; definition.

Sec. 5. The "school year" shall be defined as the legal school year at the time and place where service was rendered.

History: 1937, Ex. Sess., Act 4, Eff. Sept. 1, 1937;—CL 1948, 38.75.

Popular name: Teachers' Tenure Act