

HOUSE BILL No. 4602

May 14, 2015, Introduced by Rep. Pagel 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 1 of article I, sections 1 and 3b of article II, and section 1 of article III (MCL 38.71, 38.81, 38.83b, and 38.91), section 1 of article I as amended by 1996 PA 282 and section 1 of article II and section 1 of article III as amended and section 3b of article II as added by 2011 PA 101.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE I

Sec. 1. (1) ~~The~~ **SUBJECT TO SUBSECTIONS (2) AND (3), THE** term "teacher" as used in this act means a certificated individual employed for a full school year by any board of education or

1 controlling board **IN A POSITION REQUIRING A VALID TEACHING**
2 **CERTIFICATE.**

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

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

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

24 ARTICLE II

25 Sec. 1. (1) Subject to subsections (2) and (3) and section 3b
26 of this article, a teacher is in a probationary period during his
27 or her first 5 full school years of employment **IN A POSITION**

1 **REQUIRING A VALID TEACHING CERTIFICATE.**

2 (2) Subject to section 3b of this article, a teacher under
3 contract but not on continuing tenure as of ~~the effective date of~~
4 ~~the 2011 amendatory act that amended this subsection~~ **JULY 19, 2011**
5 is in a probationary period during his or her first 4 full school
6 years of employment **IN A POSITION REQUIRING A VALID TEACHING**
7 **CERTIFICATE.**

8 (3) A teacher on continuing tenure as of ~~the effective date of~~
9 ~~the 2011 amendatory act that amended this subsection~~ **JULY 19, 2011**
10 continues to be on continuing tenure even if the teacher has not
11 served for at least 5 full school years of employment **IN A POSITION**
12 **REQUIRING A VALID TEACHING CERTIFICATE.**

13 Sec. 3b. (1) Except as otherwise provided in subsection (2), a
14 teacher shall not be considered to have successfully completed the
15 probationary period unless the teacher has been rated as effective
16 or highly effective on his or her 3 most recent annual year-end
17 performance evaluations under section 1249 of the revised school
18 code, 1976 PA 451, MCL 380.1249, and has completed at least 5 full
19 school years of employment in a probationary period **IN A POSITION**
20 **REQUIRING A VALID TEACHING CERTIFICATE.**

21 (2) If a teacher has been rated as highly effective on 3
22 consecutive annual year-end performance evaluations under section
23 1249 of the revised school code, 1976 PA 451, MCL 380.1249, and has
24 completed at least 4 full school years of employment in a
25 probationary period **IN A POSITION REQUIRING A VALID TEACHING**
26 **CERTIFICATE**, the teacher shall be considered to have successfully
27 completed the probationary period.

(3) If a teacher employed in a program operated by a consortium of school districts was not previously on continuing tenure in a school district that participates in the consortium and satisfactorily completes the probationary period, the teacher shall be considered to be on continuing tenure only in the school district that is the fiscal agent for the consortium. However, if there is a written agreement between the teacher and another participating school district that provides that the teacher will have continuing tenure in that school district, the teacher shall be considered to be on continuing tenure only in that school district and shall not be considered to be on continuing tenure in the school district that is the fiscal agent for the consortium.

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1 established under the revised school code, 1976 PA 451, MCL 380.1
2 to 380.1852, is on leave of absence from a school district and was
3 on continuing tenure in the school district at the time he or she
4 began the leave of absence, the teacher retains continuing tenure
5 in that school district during the period he or she is employed in
6 the public school academy.

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

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

21 (7) For a teacher employed in a capacity other than as a
22 classroom teacher, including but not limited to, a superintendent,
23 assistant superintendent, principal, department head or director of
24 curriculum, under a contract of employment made with the teacher
25 after the completion of the probationary period, a controlling
26 board shall not provide in the contract of employment that the
27 teacher will be considered to be granted continuing tenure in that

1 other capacity by virtue of the contract of employment. Such a
2 teacher shall be considered to have been granted continuing tenure
3 only as an active classroom teacher in the school district. Upon
4 the termination of such a contract of employment, if the
5 controlling board does not reemploy the teacher under contract in
6 the capacity covered by the contract, the teacher shall be
7 continuously employed by the controlling board as an active
8 classroom teacher. Failure of a controlling board to reemploy a
9 teacher in any such capacity upon the termination of any such
10 contract of employment described in this subsection shall not be
11 considered to be a demotion under this act. The salary in the
12 position to which the teacher is assigned shall be the same as if
13 the teacher had been continuously employed as an active classroom
14 teacher.

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

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted into law.