

SUBSTITUTE FOR  
SENATE BILL NO. 609

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 sections 1 and 3 of article IV (MCL 38.101 and 38.103), as amended by 1993 PA 60, and by adding section 1a to article IV.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1

ARTICLE IV

2

Sec. 1. ~~Discharge~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 1A**

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**OF THIS ARTICLE, DISCHARGE** or demotion of a teacher on continuing

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tenure may be made only for reasonable and just cause and only as

1 provided in this act. This act does not prevent any controlling  
2 board from establishing a reasonable policy for retirement to apply  
3 equally to all teachers who are eligible for retirement under the  
4 public school employees retirement act of 1979, ~~Act No. 300 of the~~  
5 ~~Public Acts of 1980, being sections 38.1301 to 38.1408 of the~~  
6 ~~Michigan Compiled Laws~~ 1980 PA 300, MCL 38.1301 TO 38.1408, or,  
7 having established a reasonable retirement age policy, from  
8 temporarily continuing on a year-to-year basis on criteria equally  
9 applied to all teachers the contract of any teacher whom the  
10 controlling board might wish to retain beyond the established  
11 retirement age for the benefit of the school system.

12       **SEC. 1A. THE RIGHTS OF A TEACHER ON CONTINUING TENURE UNDER**  
13 **THIS ARTICLE ARE SUBJECT TO SECTIONS 1230D AND 1535A OF THE REVISED**  
14 **SCHOOL CODE, 1976 PA 451, MCL 380.1230D AND 380.1535A. TO THE**  
15 **EXTENT THAT ANY PROVISION OF THIS ARTICLE IS INCONSISTENT WITH**  
16 **THOSE SECTIONS OF LAW, THIS ARTICLE DOES NOT APPLY TO THE TEACHER.**  
17 **FOR THE PURPOSES OF THIS ARTICLE, A CONVICTION OF A VIOLATION OF**  
18 **SECTION 1230D OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL**  
19 **380.1230D, OR A VIOLATION OF 1 OF THE CRIMES LISTED IN SECTION**  
20 **1535A(1) OR (2) OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL**  
21 **380.1535A, IS CONSIDERED TO BE REASONABLY AND ADVERSELY RELATED TO**  
22 **THE ABILITY OF THE PERSON TO SERVE IN AN ELEMENTARY OR SECONDARY**  
23 **SCHOOL AND IS SUFFICIENT GROUNDS TO SUPPORT THE DISCHARGE OR**  
24 **DEMOTION OF A TEACHER ON CONTINUING TENURE.**

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

1 (a) The teacher fails to contest the decision to proceed upon  
2 the charges within the time period specified in section 4(1) of  
3 this article.

4 (b) A preliminary decision and order discharging or demoting  
5 the teacher is issued by the administrative law judge under section  
6 4(5)(i) of this article.

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

10 (2) If a teacher is suspended as described in subsection (1),  
11 the teacher's salary shall continue during the suspension. However,  
12 if the teacher is convicted of a felony **THAT IS NOT A LISTED**  
13 **OFFENSE OR OF A MISDEMEANOR THAT IS A LISTED OFFENSE**, the  
14 controlling board may discontinue the teacher's salary effective  
15 upon the date of the conviction. **IF THE TEACHER IS CONVICTED OF A**  
16 **FELONY THAT IS A LISTED OFFENSE, THE CONTROLLING BOARD SHALL**  
17 **DISCONTINUE THE TEACHER'S SALARY EFFECTIVE UPON THE DATE OF**  
18 **CONVICTION. AS USED IN THIS SUBSECTION, "LISTED OFFENSE" MEANS THAT**  
19 **TERM AS DEFINED IN SECTION 2 OF THE SEX OFFENDERS REGISTRATION ACT,**  
20 **1994 PA 295, MCL 28.722.**

21 (3) If a preliminary decision and order discharging a teacher  
22 is issued by the administrative law judge and the tenure commission  
23 subsequently reverses the preliminary decision and order of the  
24 administrative law judge, the tenure commission may order back pay.

25 Enacting section 1. This amendatory act takes effect October  
26 15, 2005.

27 Enacting section 2. This amendatory act does not take effect

1 unless all of the following bills of the 93rd Legislature are  
2 enacted into law:

3 (a) Senate Bill No. 601.

4 (b) Senate Bill No. 610.

5 (c) Senate Bill No. 612.