

HOUSE BILL No. 4395

February 23, 2005, Introduced by Rep. Caul 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 (MCL 38.71), as amended by 1996 PA 282.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) The term "teacher" as used in this act means a
2 certificated individual employed for a full school year by any
3 board of education or controlling board. **TEACHER INCLUDES AN**
4 **INDIVIDUAL WHO HOLDS A VALID TEACHING CERTIFICATE WITH AN**
5 **ENDORSEMENT IN GUIDANCE AND COUNSELING AND IS EMPLOYED FOR A FULL**
6 **SCHOOL YEAR AS A SCHOOL COUNSELOR BY ANY BOARD OF EDUCATION OR**

1 **CONTROLLING BOARD.**

2 (2) An individual who is not certificated but is employed for
3 a full school year pursuant to section **1233(2)(B) OR (C) OR SECTION**
4 **1233b** of the revised school code, ~~Act No. 451 of the Public Acts of~~
5 ~~1976, being section 380.1233b of the Michigan Compiled Laws~~ **1976 PA**
6 **451, MCL 380.1233 AND 380.1233B**, or is employed pursuant to an
7 annual vocational authorization or a temporary approval, as defined
8 in state board **OR SUPERINTENDENT OF PUBLIC INSTRUCTION** rule, is
9 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.