

HOUSE BILL No. 4929

June 14, 2005, Introduced by Reps. Palmer, Gosselin, Hoogendyk, Stahl, Drolet, Vander Veen, Gaffney, Taub and Acciavatti 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 IV (MCL 38.101), as amended by 1993 PA 60, and by adding section 1a to article IV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE IV

Sec. 1. ~~Discharge~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 1A OF THIS ARTICLE, DISCHARGE** or demotion of a teacher on continuing tenure may be made only for reasonable and just cause and only as provided in this act. This act does not prevent any controlling board from establishing a reasonable policy for retirement to apply

1 equally to all teachers who are eligible for retirement under the
2 public school employees retirement act of 1979, ~~Act No. 300 of the~~
3 ~~Public Acts of 1980, being sections 38.1301 to 38.1408 of the~~
4 ~~Michigan Compiled Laws— 1980 PA 300, MCL 38.1301 TO 38.1408~~, or,
5 having established a reasonable retirement age policy, from
6 temporarily continuing on a year-to-year basis on criteria equally
7 applied to all teachers the contract of any teacher whom the
8 controlling board might wish to retain beyond the established
9 retirement age for the benefit of the school system.

10 **SEC. 1A. THE RIGHTS OF A TEACHER ON CONTINUING TENURE UNDER**
11 **THIS ARTICLE ARE SUBJECT TO SECTIONS 1230D AND 1535A OF THE REVISED**
12 **SCHOOL CODE, 1976 PA 451, MCL 380.1230D AND 380.1535A. TO THE**
13 **EXTENT THAT ANY PROVISION OF THIS ARTICLE IS INCONSISTENT WITH**
14 **THOSE SECTIONS OF LAW, THIS ARTICLE DOES NOT APPLY TO THE TEACHER.**

15 Enacting section 1. This amendatory act does not take effect
16 unless all of the following bills of the 93rd Legislature are
17 enacted into law:

18 (a) Senate Bill No.____ or House Bill No.____ (request no.
19 03526'05).

20 (b) Senate Bill No.____ or House Bill No. 4930(request no.
21 03633'05).

22 (c) Senate Bill No.____ or House Bill No. 4928(request no.
23 03634'05).