

Tenure Case Checklist

Deadlines are extremely important in tenure cases. You may lose important legal rights if you do not act promptly. In order to assert a claim under the Teachers' Tenure Act, it is necessary to follow all applicable state laws and Commission rules. R 38.145:

AN APPEARANCE. An attorney or litigant representing himself or herself shall file a written appearance with the Commission at the time of filing the claim of appeal or answer. R 38.141. An appearance should include your mailing address and a telephone number where you can be reached during regular business hours.

PETITION. An original petition plus six signed copies of the petition must be filed with the Commission. The proper format for a petition is included in R 38.143. A copy of the charges or other written decision of the board of education or its employees you are appealing should be attached to the claim of appeal. Also include a response to the charges, explaining your defense to the charges.

NOTICE OF APPEAL. An original plus six signed copies of the notice of appeal must be filed with the Commission. The proper format for a petition is included in R 38.143.

COPIES TO THE CONTROLLING BOARD. A copy of the appearance, petition and notice of appeal must be delivered to the controlling board in person or by registered mail. (The term "registered mail" includes the term "certified mail". However, if "certified mail" is used, the receipt of mailing must be postmarked by the post office.) R 38.144.

PROOF OF SERVICE. An attorney or litigant must prove that the controlling board has been served as required by law by filing a "proof of service" with the Commission. Proof of service may be by written acknowledgment of service or by affidavit of the person making the service. The return receipt and postmarked receipt of mailing must be attached to the affidavit of service. R 38.144. The proof of service should explain who at the school district was provided with your claim of appeal and related documents, how the person or persons were provided with the claim of appeal and related documents and when they were provided with the claim of appeal and related documents.

In order to file a timely claim of appeal you may fax it to the State Tenure Commission's office at 517/373-9238. If you fax your claim of appeal you will still need to follow-up by mail with an original and six copies. Any accompanying documentation does not need to be faxed, it can either be sent with the original and six copies or admitted as an exhibit at the time of the hearing.

A copy of the Commission rules, and the Teachers' Tenure Act, as amended, can be obtained at the following website: <http://www.michigan.gov/adminlaw/>

The above is not provided as legal advice. You should not act or refrain from acting on the basis of any content included in this checklist without seeking the appropriate legal advice. If you need legal advice, you should contact an attorney.