

## **FILING A CLAIM OF APPEAL WITH THE STATE TENURE COMMISSION**

The timelines for challenging the decision of a controlling board are set forth in the Teachers' Tenure Act and the administrative rules governing tenure procedures. Those timelines are strictly enforced. If the timelines are not followed, a teacher may lose his or her right to challenge a controlling board's decision. Links to the Teachers' Tenure Act (MCL 38.71 to 38.191) and the tenure administrative rules (Mich Admin Code, Rule 38.131 to Rule 38.179) are found on the website of the Michigan Department of Education Office of Administrative Law at:

[www.michigan.gov/adminlaw](http://www.michigan.gov/adminlaw)

Upon request, the Office of Administrative Law will provide copies of the Act and the rules at no charge. Contact the Office of Administrative Law at 517-241-6986.

## **HOW TO FILE A CLAIM OF APPEAL WITH THE STATE TENURE COMMISSION**

To challenge a controlling board's decision under the Teachers' Tenure Act, an individual (appellant) shall do all of the following:

1. File a claim of appeal with the State Tenure Commission before the close of business on the final day of the 20-day period described in the Teachers' Tenure Act and the tenure administrative rules. File only the original claim of appeal, no copies. Attach to the claim of appeal a copy of charges filed against the appellant and the decision of the controlling board that the appellant is challenging.

The contents of a claim of appeal and the methods for filing a claim of appeal with the State Tenure Commission are described in Rule 38.143. On the website of the Office of Administrative Law is a claim of appeal template that may be used.

2. If the appellant is represented by an attorney, file the attorney's appearance with the State Tenure Commission with the claim of appeal.
3. Serve the controlling board with a copy of the claim of appeal and, if applicable, the appearance, before the close of business on the final day of the 20-day period described in the Teachers' Tenure Act and the tenure administrative rules. The methods for serving the controlling board are described in Rule 38.143.
4. File with the State Tenure Commission a proof of service showing when, how, and by whom the controlling board was served with a copy of the claim of appeal. A proof of service template is available on the website of the Office of Administrative Law.

The above is not provided as legal advice. Individuals are advised to seek the advice of an attorney.