

Spring, 2007

**Tenure Update:
Outcome of the Michigan Tenure Commission Ruling**

by

Dr. Suzanne M. Dugger (formerly Hobson), Eastern Michigan University
Beatrice Harrison, Michigan Department of Education
Noah Smith, Capitol Services, Inc.

Since discovering that an unintended consequence of the passage of P.A. 288 of 2000 (the law removing the requirement that all Michigan school counselors also hold valid Michigan teaching certificates) was the rendering of school counselors as ineligible for tenure based upon service completed in the role of a school counselor, the Association of Michigan School Counselors and the Michigan Counseling Association have been working on your behalf to regain tenure eligibility for teacher-certified school counselors.

Our first step was to work with the Michigan Department of Education to revise the administrative rules to restore the ability of school guidance counselors who hold any Michigan teaching certificate with a school guidance counselor endorsement to earn teacher tenure. The Department of Education had proposed a change to the administrative rules governing Teacher's Tenure. The revised rule, "2005-027 ED," was approved on September 23, 2005. What this means is that (effective September 23, 2005) teacher-certified school counselors can once again count time served in the role of a school counselor toward the 4-year probationary period necessary to achieve first time tenure or the 2-year probationary period to earn continuing tenure.

This was a tremendous achievement on the part of our professional associations and many thanks go to the Michigan Department of Education for its assistance in helping us rectify this unintended consequence. Thanks go also to our lobbyist, Noah Smith, and our lobbying firm, Capitol Services, for their assistance with this matter.

Our next step was to determine whether time served in the role of a school counselor between July 10, 2000 (the date on which P.A. 288 was passed) and September 23, 2005 (the date on which the rules revision was passed) could also be counted toward the 4-year probationary period necessary to achieve first time tenure or the 2-year probationary period to earn continuing tenure. Toward this end, we sought a Determination Hearing before the Michigan Tenure Commission. In this hearing, an AMSC/MCA member, Craig Golembiewski, requested that the Michigan Tenure Commission consider his request for retroactivity so that the time he had served between July 10, 2000 and September 23, 2005 could be counted toward the 4-year probationary period necessary to achieve first time tenure.

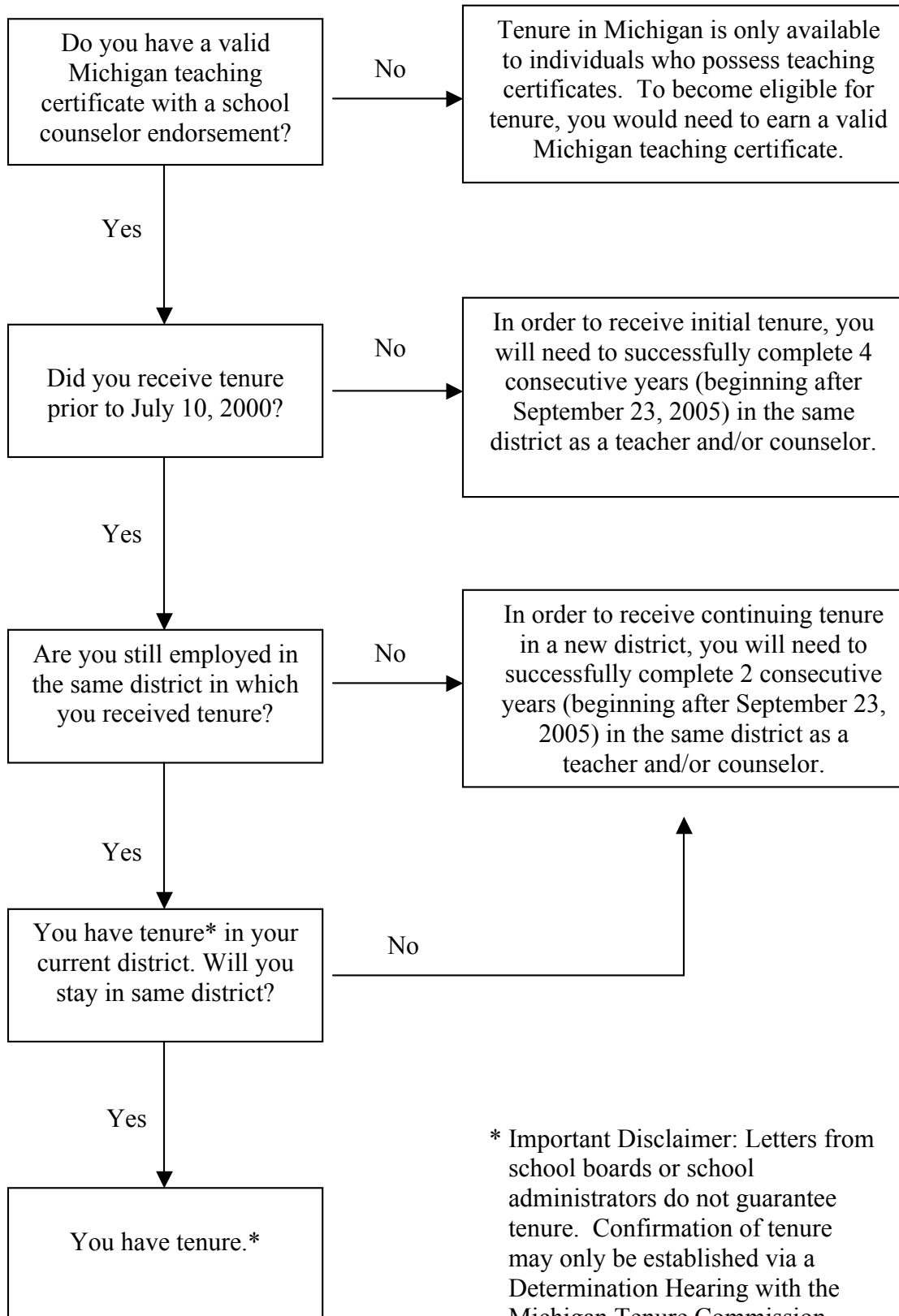
AMSC and MCA invested money to procure a written legal brief (from Mark Cousens, legal counsel for the Michigan Federation of Teachers) supporting this request. Because of the high costs associated with the development of a legal brief and the recognition that all school

counselors in Michigan would stand to benefit from this ruling, AMSC and MCA shared the financial costs of this venture with the Michigan School Counselors Association.

Despite our combined efforts, however, the Michigan Tenure Commission ruled against Craig Golembiewski's request and ruled that the time he had served between July 10, 2000 and September 23, 2005 could not be counted toward the 4-year probationary period necessary to achieve first time tenure. What this means is that school counselors who wish to use time served in the role of a school counselor to fulfill their probationary period and count it toward tenure may only count time served in the role of a school counselor if (a) they received tenure based on time served in the role of a school counselor prior to July 10, 2000 OR (b) they begin counting the time served in the role of a school counselor after September 23, 2005 in order to use this time toward tenure. Although this was a disappointing outcome, AMSC and MCA leaders remain pleased with their success in restoring the tenure eligibility of teacher-certified school counselors.

We offer the following flowchart to guide you in determining your own tenure eligibility. If you have any questions or concerns, please contact Beatrice Harrison, AMSC Liaison Board Member from the Michigan Department of Education, at (517) 241-0046.

School Counselor Eligibility for Tenure* in Michigan



* Important Disclaimer: Letters from school boards or school administrators do not guarantee tenure. Confirmation of tenure may only be established via a Determination Hearing with the Michigan Tenure Commission.