

State Budget Office  
**Office of Regulatory Reinvention**  
111 S. Capitol Avenue; 8th Floor, Romney Building,  
Lansing, MI 48933  
Phone: (517) 335-8658 FAX: (517) 335-9512

## REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at [orr@michigan.gov](mailto:orr@michigan.gov).

### 1. Agency Information

Agency name:	State Tenure Commission
Division/Bureau/Office:	Department of Education Office of Administrative Law
Agency contact person name, e-mail, and phone:	Bob Taylor Office of Administrative Law TaylorB1@michigan.gov 517-241-6985

### 2. Rule Set Information

Title of proposed rule set:	Teacher Tenure General Rules
Rule number(s) or range of numbers:	R 38.131 to R 38.179
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

### 3. Estimated timetable for completion, or statutory deadline, if applicable:

The estimated timetable for completion is spring 2019.
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### 4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

The primary general purposes of the proposed amendments are to clarify and simplify the requirements for filing appeals to the State Tenure Commission.
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### 5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

Section 4 of article IV, section 1 of article VI, and section 10 of article VII of 1937 (Ex. Sess.) PA 4 (the Teachers' Tenure Act), MCL 38.104, MCL 38.121, and MCL 38.140, and section 63 of 1969 PA 306 (the Administrative Procedures Act), MCL 24.263, confer rule promulgation authority on the State Tenure Commission, which was transferred to the Department of Education by a type I transfer by section 306 of 1965 PA 380, MCL 16.406.
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### 6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

The rules do not conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.
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### 7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

The subject matter of the rules is currently addressed in part in documents entitled “Tenure Case Checklist,” “Proof of Service,” and “Appearance,” which are located on the web site of the Department of Education at:  
[https://www.michigan.gov/mde/0,4615,7-140-37818\\_6555---,00.html](https://www.michigan.gov/mde/0,4615,7-140-37818_6555---,00.html)

**8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:**

The rules will be promulgated under the full rulemaking process.

**9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.**

No Advisory Rules Committee was formed pursuant to Executive Order 2011-5.

**10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.**

There is no applicable decision record as defined in section 3(6) and required by section 39(2) of the Administrative Procedures Act.

**11. Reviewed by the following Departmental Regulatory Affairs Officer:**

Mary Fielding

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 ↓ To be completed by the ORR ↓

Date RFR received: 7-27-2018

☒ **Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.**

ORR assigned rule set number:	2018-053 ED
Date of approval:	7/31/18

☐ **Based on the information in this RFR, the ORR is not approving the RFR at this time.**

Date of disapproval:	
Explanation:	