

STATE OF MICHIGAN
COURT OF APPEALS

JANE BRADLEY,

Petitioner-Appellant,

v

CRESTWOOD SCHOOL DISTRICT,

Respondent-Appellee.

UNPUBLISHED

January 13, 1998

No. 194791

State Tenure Commission

LC No. 95-000024

Before: Saad, P.J., and O'Connell and M.J. Matuzak,* JJ.

MEMORANDUM.

Petitioner appeals as of right from a decision of the State Tenure Commission ("Commission") upholding her discharge from a guidance counselor position with respondent school district. MCL 38.104(7); MSA 15.2004(7). We affirm.

Petitioner admittedly initiated and carried out a cheating scheme involving two students that was designed to help one of them graduate. Petitioner argues that the Commission's decision upholding her discharge was not supported by competent, material and substantial evidence on the record as a whole. To the contrary, there was substantial evidence to support the Commissioner's decision.

This Court must afford due deference to the Commission's administrative expertise and must not invade the exclusive province of administrative fact-finding by displacing the Commission's choice between reasonably differing views. See *Beebee v Haslett Public Schools (After Remand)*, 406 Mich 224, 231; 278 NW2d 37 (1979). We find it unnecessary to decide whether the school district was required to prove that petitioner's conduct had an adverse effect on the school community because, whether it was required to do so or not, the school district did prove the adverse effects of petitioner's conduct.¹

Affirmed.

* Circuit judge, sitting on the Court of Appeals by assignment.

/s/ Henry William Saad
/s/ Peter D. O'Connell
/s/ Michael J. Matuzak

¹ Though we need not rule on the issue, we note that our Court made it clear in *Satterfield v Grand Rapids Schools*, 219 Mich App 435; 556 NW2d 888 (1996), that a school district need not prove that the teacher's misconduct had an adverse effect on other teachers and students. *Id.* at 438-439.