

STATE OF MICHIGAN
COURT OF APPEALS

ANNA LAND,

Petitioner-Appellee/Cross-
Appellant,

v

L'ANSE CREUSE PUBLIC SCHOOL BOARD
OF EDUCATION,

Respondent-Appellant/Cross-
Appellee.

UNPUBLISHED

May 27, 2010

No. 288612

State Tenure Commission

LC No. 07-000054

Before: BANDSTRA, P.J., and BORRELLO and SHAPIRO, JJ.

BANDSTRA, P.J., (*concurring*)

I concur with the decision to affirm this case because the record here could not support a determination that, as a result of the photographs being posted on the internet, petitioner's ability to teach effectively was adversely impacted enough to justify her discharge. That is not to say, however, that I agree with the commission or the majority opinion to the extent they conclude that, absent some misbehavior by a teacher involving students directly, a discharge decision can only be justified by a finding of professional misconduct. There may well be situations where misbehavior short of professional misconduct negatively impacts the teaching environment (either a teacher's ability to teach or the school community more generally) sufficiently to conclude that the misbehavior constitutes a "reasonable and just cause" for discharge under the statute.

/s/ Richard A. Bandstra