

# SENATE BILL NO. 396

June 15, 2023, Introduced by Senator MCDONALD RIVET and referred to the Committee on Education.

A bill to amend 1937 (Ex Sess) PA 4, entitled

"An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,"

by amending section 4 of article I, sections 2a and 3b of article II, and section 3 of article III (MCL 38.74, 38.82a, 38.83b, and 38.93), section 4 of article I as amended by 2011 PA 100 and sections 2a and 3b of article II as added and section 3 of article

III as amended by 2011 PA 101.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 ARTICLE I

2 Sec. 4. The word "demote" means to suspend without pay for 15  
3 or more consecutive days or reduce compensation for a particular  
4 school year by more than an amount equivalent to 30 days'  
5 compensation or to transfer to a position carrying a lower salary.  
6 However, demote does not include discontinuance of salary pursuant  
7 ~~to~~**under** section 3 of article IV, ~~the discontinuance or reduction~~  
8 ~~of performance-based compensation paid pursuant to section 1250 of~~  
9 ~~the revised school code, 1976 PA 451, MCL 380.1250,~~ or a reduction  
10 in personnel, including, but not limited to, a reduction in  
11 workweeks or workdays.

12 ARTICLE II

13 Sec. 2a. A probationary teacher who is rated as effective ~~or~~  
14 ~~highly effective on his or her~~**the probationary teacher's** most  
15 recent ~~annual~~ year-end performance evaluation under section 1249 of  
16 the revised school code, 1976 PA 451, MCL 380.1249, is not subject  
17 to ~~being displaced~~**displacement** by a teacher on continuing tenure  
18 solely because the other teacher has continuing tenure.

19 Sec. 3b. (1) ~~Except~~**Before July 1, 2024, and except** as  
20 otherwise provided in subsection (2), a teacher ~~shall~~**is** not ~~be~~  
21 considered to have successfully completed the probationary period  
22 unless the teacher has been rated as effective or highly effective  
23 on ~~his or her~~**the teacher's** 3 most recent ~~annual~~ year-end  
24 performance evaluations under section 1249 of the revised school  
25 code, 1976 PA 451, MCL 380.1249, and has completed at least 5 full  
26 school years of employment in a probationary period.

27 (2) ~~If~~**Before July 1, 2024, if** a teacher has been rated as

1 highly effective on 3 consecutive ~~annual~~-year-end performance  
 2 evaluations under section 1249 of the revised school code, 1976 PA  
 3 451, MCL 380.1249, and has completed at least 4 full school years  
 4 of employment in a probationary period, the teacher ~~shall be~~ **is**  
 5 considered to have successfully completed the probationary period.

6 **(3) Beginning July 1, 2024, if a teacher has been rated as**  
 7 **effective on or after July 1, 2024, or highly effective before July**  
 8 **1, 2024, on 3 consecutive year-end performance evaluations under**  
 9 **section 1249 of the revised school code, 1976 PA 451, MCL 380.1249,**  
 10 **and has completed at least 4 full school years of employment in a**  
 11 **probationary period, the teacher is considered to have successfully**  
 12 **completed the probationary period.**

13 ARTICLE III

14 Sec. 3. The controlling board of the school district employing  
 15 a teacher on continuing tenure shall ensure that the teacher is  
 16 provided with ~~an annual~~ **a** year-end performance evaluation in  
 17 accordance with section 1249 of the revised school code, 1976 PA  
 18 451, MCL 380.1249. If the teacher has received a **needing-support**  
 19 ~~rating of ineffective or minimally effective on an annual~~ **a** year-  
 20 end performance evaluation, the school district shall provide the  
 21 teacher with an individualized development plan developed by  
 22 appropriate administrative personnel in consultation with the  
 23 individual teacher. The individualized development plan ~~shall~~ **must**  
 24 require the teacher to make progress toward individual development  
 25 goals within a specified time period, not to exceed 180 days. The  
 26 ~~annual~~-year-end performance evaluation ~~shall~~ **must** be based on  
 27 multiple classroom observations conducted during the period covered  
 28 by the evaluation and ~~shall~~ **must** include, in addition to the  
 29 factors required under section 1249 of the revised school code,

1 1976 PA 451, MCL 380.1249, at least an assessment of the teacher's  
2 progress in meeting the goals of ~~his or her~~ **the teacher's**  
3 individualized development plan. The controlling board shall  
4 determine the format and number of the classroom observations in  
5 consultation with teachers and school administrators.

6 Enacting section 1. This amendatory act takes effect July 1,  
7 2024.

8 Enacting section 2. This amendatory act does not take effect  
9 unless Senate Bill No. 395 of the 102nd Legislature is enacted into  
10 law.