

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,"

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 ARTICLE II

2 Sec. 3a. The controlling board of a probationary teacher's

3 employing school district shall ensure that the teacher is provided



1 with an individualized development plan developed by appropriate
 2 administrative personnel in consultation with the individual
 3 teacher and that the teacher is provided with at least an annual
 4 year-end performance evaluation each year during the teacher's
 5 probationary period. The annual year-end performance evaluation
 6 ~~shall~~**must** be based on classroom observations and ~~shall~~**must**
 7 include at least an assessment of the teacher's progress in meeting
 8 the goals of his or her individualized development plan. The
 9 controlling board shall determine the format and number of the
 10 classroom observations in consultation with teachers and school
 11 administrators. A performance evaluation ~~shall~~**must** be conducted in
 12 accordance with section 1249 of the revised school code, 1976 PA
 13 451, MCL 380.1249.

14 ARTICLE III

15 **Sec. 2a. (1) Notwithstanding any provision of this act to the**
 16 **contrary, strict compliance with rules and procedures under section**
 17 **3 of this article is temporarily suspended for the remainder of the**
 18 **2019-2020 school year to the extent necessary to waive any**
 19 **requirement for assessments or other performance evaluations of**
 20 **teachers, except for teachers on an individualized development plan**
 21 **on March 13, 2020, during the 2019-2020 school year.**

22 **(2) It is the intent of the legislature that the amendatory**
 23 **act that added this section is retroactive and that it apply**
 24 **retroactively beginning March 11, 2020.**

25 **Sec. 3.** The controlling board of the school district employing
 26 a teacher on continuing tenure shall ensure that the teacher is
 27 provided with an annual year-end performance evaluation in
 28 accordance with section 1249 of the revised school code, 1976 PA
 29 451, MCL 380.1249. If the teacher has received a rating of



1 ineffective or minimally effective on an annual year-end
2 performance evaluation, the school district shall provide the
3 teacher with an individualized development plan developed by
4 appropriate administrative personnel in consultation with the
5 individual teacher. The individualized development plan ~~shall~~**must**
6 require the teacher to make progress toward individual development
7 goals within a specified time period, not to exceed 180 days. The
8 annual year-end performance evaluation ~~shall~~**must** be based on
9 multiple classroom observations conducted during the period covered
10 by the evaluation and ~~shall~~**must** include, in addition to the
11 factors required under section 1249 of the revised school code,
12 1976 PA 451, MCL 380.1249, at least an assessment of the teacher's
13 progress in meeting the goals of his or her individualized
14 development plan. The controlling board shall determine the format
15 and number of the classroom observations in consultation with
16 teachers and school administrators.

17 ARTICLE XI

18 Sec. 1. (1) Notwithstanding any provision of this act to the
19 contrary, any teacher who has an individualized development plan on
20 March 13, 2020 under section 3a of article II or section 3 of
21 article III must be provided an annual year-end performance
22 evaluation as required under section 1851b(48) of the revised
23 school code, 1976 PA 451, MCL 380.1851b.

24 (2) Notwithstanding any provision of this act to the contrary,
25 strict compliance with rules and procedures under sections 3a and
26 3b of article II and section 3 of article III is temporarily
27 suspended until June 30, 2020, such that annual year-end
28 performance evaluations described in section 1851b(48) of the
29 revised school code, 1976 PA 451, MCL 380.1851b, must give no



1 consideration to criteria requiring data or other information
2 unavailable because a school district, student, teacher, or
3 administrator acts in conformance with section 1851b of the revised
4 school code, 1976 PA 451, MCL 380.1851b, section 296a of the state
5 school aid act of 1979, 1979 PA 94, MCL 388.1896a, or an executive
6 order, other orders, or response efforts prompted by a COVID-19
7 state of emergency or state of disaster.

8 (3) Notwithstanding any provision of this act to the contrary,
9 strict compliance with rules and procedures under sections 3a and
10 3b of article II and section 3 of article III is temporarily
11 suspended to the extent necessary to allow a teacher rated as
12 highly effective or effective on his or her annual year-end
13 performance evaluation described in section 1851b(48) of the
14 revised school code, 1976 PA 451, MCL 380.1851b, given the
15 application of subsection (2) and section 1851b(43) of the revised
16 school code, 1976 PA 451, MCL 380.1851b, for the 2019-2020 school
17 year to accrue time toward completing the teacher's probationary
18 period under article II.

19 (4) Notwithstanding any provision of this act to the contrary,
20 strict compliance with rules and procedures under sections 3a and
21 3b of article II and section 3 of article III is temporarily
22 suspended so as to allow a teacher rated as highly effective or
23 effective on his or her annual year-end performance evaluation
24 described in section 1851b(48) of the revised school code, 1976 PA
25 451, MCL 380.1851b, given the application of subsection (2) and
26 section 1851b(43) of the revised school code, 1976 PA 451, MCL
27 380.1851b, for the 2019-2020 school year to maintain continuing
28 tenure under article III.

29 (5) Nothing in this section or section 2a of article III



1 prohibits an employing school district from completing an annual
2 year-end performance evaluation for the 2019-2020 school year for a
3 teacher on continuing tenure as described in article III who has
4 not been provided with an individualized development plan. If the
5 school district completes an annual year-end performance evaluation
6 for the 2019-2020 school year for a teacher on continuing tenure
7 who has not been provided with an individualized development plan
8 as described in this subsection, the school district shall comply
9 with subsection (2) and section 1851b(43) and (48) of the revised
10 school code, 1976 PA 451, MCL 380.1851b, with regard to that
11 teacher.

12 (6) Notwithstanding any provision of this act to the contrary,
13 strict compliance with the rules and procedures under section 3 of
14 article III is temporarily suspended as follows:

15 (a) Time periods specified for a teacher on continuing tenure
16 to make progress toward individualized development plan goals, as
17 required under section 3 of article III, may be extended to allow
18 the teacher sufficient time to make progress toward goals based on
19 criteria requiring data or other information unavailable because a
20 school district, student, teacher, or administrator acts in
21 conformance with section 1851b of the revised school code, 1976 PA
22 451, MCL 380.1851b, section 296a of the state school aid act of
23 1979, 1979 PA 94, MCL 388.1896a, or an executive order, other
24 orders, or response efforts prompted by a COVID-19 state of
25 emergency or state of disaster.

26 (b) An individualized development plan goal based on criteria
27 requiring data or other information that is unavailable because of
28 the COVID-19 crisis, including, but not limited to, data or other
29 information that is unavailable because a school district, student,



1 teacher, or administrator acts in conformance with section 1851b of
2 the revised school code, 1976 PA 451, MCL 380.1851b, section 296a
3 of the state school aid act of 1979, 1979 PA 94, MCL 388.1896a, or
4 an executive order, other orders, or response efforts prompted by
5 the COVID-19 state of emergency or state of disaster, may be
6 waived.

7 (7) Notwithstanding any provision of this act to the contrary,
8 for a school district with a collective bargaining agreement that
9 is in effect for employees of the school district on or before the
10 date of the enactment of the amendatory act that added this
11 section, this section and section 2a of article III must be
12 implemented by the school district in a manner consistent with the
13 collective bargaining agreement.

14 (8) It is the intent of the legislature that the amendatory
15 act that added this section is retroactive and that it apply
16 retroactively as follows:

17 (a) Subsection (7) is effective beginning March 11, 2020.

18 (b) Subsections (1), (2), (3), (4), (5), and (6) are effective
19 beginning March 16, 2020.

20 Enacting section 1. This amendatory act does not take effect
21 unless all of the following bills of the 100th Legislature are
22 enacted into law:

23 (a) Senate Bill No. 873.

24 (b) Senate Bill No. 875.

