

# HOUSE BILL No. 5357

December 3, 1991, Introduced by Reps. Dalman, Bryant, Trim, Griffin, Hoekman, Walberg, Munsell, Horton, DeLange, Brackenridge, Robertson, Hillegonds, Bandstra, Middleton, Stopczynski, Power, Dresch and Shugars and referred to the Committee on Education.

A bill to amend sections 1 and 2 of article I, sections 1 and 2 of article II, and section 2 of article III of Act No. 4 of the Public Acts of the Extra Session of 1937, entitled as amended

"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,"

being sections 38.71, 38.72, 38.81, 38.82, and 38.92 of the Michigan Compiled Laws; to add section 1a to article II; and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 2 of article I, sections 1 and 2  
2 of article II, and section 2 of article III of Act No. 4 of the  
3 Public Acts of the Extra Session of 1937, being sections 38.71,  
4 38.72, 38.81, 38.82, and 38.92 of the Michigan Compiled Laws, are

1 amended and section 1a is added to article II to read as  
2 follows:

3 ARTICLE I.

4 Sec. 1. The term "teacher" as used in this act ~~shall~~  
5 ~~include all~~ MEANS A certificated ~~persons~~ INDIVIDUAL employed  
6 for a full school year by any board of education or controlling  
7 board of any public educational institution, AND AN INDIVIDUAL  
8 EMPLOYED FOR A FULL SCHOOL YEAR PURSUANT TO SECTION 1233B OF THE  
9 SCHOOL CODE OF 1976, ACT NO. 451 OF THE PUBLIC ACTS OF 1976,  
10 BEING SECTION 380.1233B OF THE MICHIGAN COMPILED LAWS. "TEACHER"  
11 DOES NOT INCLUDE AN INDIVIDUAL WHOSE TEACHING CERTIFICATE HAS  
12 EXPIRED OR HAS BEEN SUSPENDED OR REVOKED.

13 Sec. 2. The term "certificated" ~~shall be as defined~~ MEANS  
14 POSSESSING A VALID TEACHING CERTIFICATE ISSUED by the state board  
15 of education.

16 ARTICLE II.

17 Sec. 1. ~~All teachers during the first 2 school years of~~  
18 ~~employment shall be deemed to be in a period of probation:~~  
19 ~~Provided, That any teacher under contract at the time this act~~  
20 ~~becomes effective who has previously rendered 2 or more years of~~  
21 ~~service in the same school district shall be granted continuing~~  
22 ~~tenure immediately upon reappointment by the controlling board:~~  
23 ~~Any such controlling board by unanimous vote of its members, how~~  
24 ~~ever, may refuse to appoint a teacher who has rendered 2 or more~~  
25 ~~years service in the school district under its control. In the~~  
26 ~~event the vote against reappointment of such teacher is not~~  
27 ~~unanimous the controlling board shall deem such teacher as on~~

~~1 continuing tenure with full right to hearing and appeal as  
2 provided in article 4 and article 6 of this act: Provided fur-  
3 ther, That the controlling board, after this act becomes effec-  
4 tive, may place on continuing tenure any teacher who has previ-  
5 ously rendered 2 or more years of service.~~

6 (1) SUBJECT TO SUBSECTIONS (3) AND (4), A TEACHER IS IN A  
7 PROBATIONARY PERIOD DURING HIS OR HER FIRST 4 YEARS OF  
8 EMPLOYMENT.

9 (2) A CONTROLLING BOARD MAY PLACE ON CONTINUING TENURE A  
10 TEACHER WHO HAS SERVED AT LEAST 4 YEARS.

11 (3) A TEACHER UNDER CONTRACT BUT NOT ON CONTINUING TENURE AS  
12 OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUB-  
13 SECTION WHO SERVES FOR AT LEAST 4 YEARS IN THE SAME SCHOOL DIS-  
14 TRICT IS ON CONTINUING TENURE, WITH FULL RIGHT TO HEARING AND  
15 APPEAL UNDER THIS ACT, IMMEDIATELY UPON REAPPOINTMENT FOR A FIFTH  
16 YEAR BY THE CONTROLLING BOARD. HOWEVER, A CONTROLLING BOARD MAY  
17 DENY REAPPOINTMENT TO SUCH A TEACHER BY VOTE OF NOT LESS THAN 2/3  
18 OF ITS MEMBERS. IF THE VOTE AGAINST REAPPOINTMENT IS LESS THAN  
19 2/3, THE TEACHER IS ON CONTINUING TENURE.

20 (4) A TEACHER ON CONTINUING TENURE AS OF THE EFFECTIVE DATE  
21 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL CONTINUE  
22 TO BE ON CONTINUING TENURE EVEN IF THE TEACHER HAS NOT SERVED FOR  
23 AT LEAST 4 YEARS.

24 SEC. 1A. (1) DURING A TEACHER'S PROBATIONARY PERIOD UNDER  
25 THIS ACT, THE CONTROLLING BOARD OF THE TEACHER'S EMPLOYING SCHOOL  
26 DISTRICT SHALL ENSURE THAT THE TEACHER IS PROVIDED WITH AN  
27 INDIVIDUALIZED PROFESSIONAL DEVELOPMENT PLAN DEVELOPED BY

1 APPROPRIATE BUILDING-LEVEL ADMINISTRATIVE PERSONNEL AND THE  
 2 INDIVIDUAL TEACHER AND WITH AT LEAST ANNUAL PERFORMANCE EVALU-  
 3 ATIONS CONDUCTED BY APPROPRIATE BUILDING-LEVEL ADMINISTRATIVE  
 4 PERSONNEL. EACH ANNUAL PERFORMANCE EVALUATION SHALL INCLUDE AT  
 5 LEAST AN ASSESSMENT OF THE TEACHER'S PROGRESS IN MEETING THE  
 6 OBJECTIVES OF HIS OR HER INDIVIDUALIZED PROFESSIONAL DEVELOPMENT  
 7 PLAN AND A REVISION OF THAT PLAN AS APPROPRIATE.

8 (2) IF A SCHOOL DISTRICT DOES NOT COMPLY WITH SUBSECTION (1)  
 9 WITH RESPECT TO AN INDIVIDUAL TEACHER AND THE CONTROLLING BOARD  
 10 VOTES UNDER SECTION 1(3) OF THIS ARTICLE TO DENY REAPPOINTMENT TO  
 11 THE TEACHER, THE TEACHER IS ENTITLED TO A FIFTH YEAR OF  
 12 PROBATION.

13 Sec. 2. ~~No~~ A teacher shall NOT be required to serve more  
 14 than 1 probationary period in any 1 school district or  
 15 institution. ~~:- Provided, That a third year of probation may be~~  
 16 ~~granted by the controlling board~~ HOWEVER, upon notice to the  
 17 tenure commission, THE CONTROLLING BOARD MAY GRANT A FIFTH YEAR  
 18 OF PROBATION TO AN INDIVIDUAL TEACHER.

### 19 ARTICLE III.

20 Sec. 2. If a teacher on continuing tenure is employed by  
 21 another controlling board, ~~he~~ THE TEACHER shall not be subject  
 22 to another probationary period of more than ~~1 year~~ 2 YEARS  
 23 beginning with the date of employment, and may at the option of  
 24 the controlling board be placed immediately on continuing  
 25 tenure. ~~Any~~ A notice provided under section 3 of article 2  
 26 shall be given at least 60 days before the completion of ~~the~~  
 27 EITHER year of probation. If a teacher on continuing tenure

1 becomes an employee of another controlling board as a result of  
2 school district annexation, consolidation or other form of school  
3 district reorganization, ~~he~~ THE TEACHER shall be placed on con-  
4 tinuing tenure within 30 days unless the controlling board, by a  
5 2/3 vote on an individual basis, places the teacher on not more  
6 than ~~1 year~~ 2 YEARS' probation.

7       Section 2. Section 5 of article IV of Act No. 4 of the  
8 Public Acts of the Extra Session of 1937, being section 38.105 of  
9 the Michigan Compiled Laws, is repealed.

10       Section 3. This amendatory act shall not take effect unless  
11 Senate Bill No. \_\_\_\_ or House Bill No. 5358 (request  
12 no. 04366'91a) of the 86th Legislature is enacted into law.