

HOUSE BILL No. 4320

February 23, 2011, Introduced by Reps. Yonker, Price, Hooker, Haveman, Agema, Rendon, Opsommer, Rogers, MacGregor and Callton 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 3a of article II and section 3 of article III (MCL 38.83a and 38.93), as added by 1993 PA 59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE II

Sec. 3a. ~~(1)~~—If a probationary teacher is employed by a school district for at least 1 full school year, the controlling board of the probationary teacher's employing school district shall ensure

that the teacher is provided with an individualized development plan developed by appropriate administrative personnel in consultation with the individual teacher and that the teacher is provided with at least an annual year-end performance evaluation each year during the teacher's probationary period. The annual year-end performance evaluation shall be based on, but is not limited to, at least 2 classroom observations held at least 60 days apart, unless a shorter interval between the 2 classroom observations is mutually agreed upon by the teacher and the administration, and shall include at least an assessment of the teacher's progress in meeting the goals of his or her individualized development plan. This ~~subsection~~ **SECTION** does not prevent a collective bargaining agreement between the controlling board and the teacher's bargaining representative under ~~Act No. 336 of the Public Acts of 1947, being sections 423.201 to 423.216 of the Michigan Compiled Laws, 1947 PA 336, MCL 423.201 TO 423.217,~~ from providing for more performance evaluations or classroom observations in addition to those required under this ~~subsection~~. **SECTION.** Except as specifically stated in this ~~subsection~~, **SECTION**, this section does not require a particular method for conducting a performance evaluation or classroom observation or for providing an individualized development plan.

~~—— (2) Failure of a school district to comply with subsection (1) with respect to an individual teacher in a particular school year is conclusive evidence that the teacher's performance for that school year was satisfactory.~~

ARTICLE III

Sec. 3. ~~(1)~~ The controlling board

1 rd of the school district
2 employing a teacher on continuing tenure shall ensure that the
3 teacher is provided with a performance evaluation at least once
4 every 3 years and, if the teacher has received a less than
5 satisfactory performance evaluation **IN A COMPREHENSIVE PERFORMANCE**
6 **EVALUATION UNDER SECTION 1249 OF THE REVISED SCHOOL CODE, 1976 PA**
7 **451, MCL 380.1249**, the school district shall provide the teacher
8 with an individualized development plan developed by appropriate
9 administrative personnel in consultation with the individual
10 teacher **AND SHALL EVALUATE THE TEACHER'S PERFORMANCE AT LEAST**
11 **ANNUALLY UNTIL THE TEACHER RECEIVES A SATISFACTORY PERFORMANCE**
12 **EVALUATION.** The performance evaluation **UNDER THIS SECTION** shall be
13 based on, but is not limited to, at least 2 classroom observations
14 conducted during the period covered by the evaluation and, if the
15 teacher has an individualized development plan, shall include at
16 least an assessment of the teacher's progress in meeting the goals
17 of his or her individualized development plan. This section does
18 not prevent a collective bargaining agreement between the
19 controlling board and the teacher's bargaining representative under
20 ~~Act No. 336 of the Public Acts of 1947, being sections 423.201 to~~
21 ~~423.216 of the Michigan Compiled Laws, 1947 PA 336, MCL 423.201 TO~~
22 **423.217**, from providing for more performance evaluations or
23 classroom observations in addition to those required under this
24 section. Except as specifically stated in this ~~subsection,~~ **SECTION,**
25 this section does not require a particular method for conducting a
26 performance evaluation or classroom observation or for providing an
27 individualized development plan.

1 ~~———— (2) Failure of a school district to comply with subsection (1)~~
2 ~~with respect to an individual teacher in a particular 3-year period~~
3 ~~is conclusive evidence that the teacher's performance for that~~
4 ~~period was satisfactory.~~