

SENATE BILL NO. 925

May 19, 2020, Introduced by Senator THEIS and referred to the Committee on Education and Career Readiness.

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 amended by 2011 PA 101, and by adding section 2a to article III and adding article XI.

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

1
2 Sec. 3a. The controlling board of a probationary teacher's
3 employing school district shall ensure that the teacher is provided
4 with an individualized development plan developed by appropriate
5 administrative personnel in consultation with the individual
6 teacher and that the teacher is provided with at least an annual
7 year-end performance evaluation each year during the teacher's
8 probationary period. The annual year-end performance evaluation
9 ~~shall~~**must** be based on classroom observations and ~~shall~~**must**
10 include at least an assessment of the teacher's progress in meeting
11 the goals of his or her individualized development plan. The
12 controlling board shall determine the format and number of the
13 classroom observations in consultation with teachers and school
14 administrators. A performance evaluation ~~shall~~**must** be conducted in
15 accordance with section 1249 of the revised school code, 1976 PA
16 451, MCL 380.1249.

ARTICLE III

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

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

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

18 ARTICLE XI

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

25 (2) Notwithstanding any provision of this act to the contrary,
26 strict compliance with rules and procedures under sections 3a and
27 3b of article II and section 3 of article III is temporarily
28 suspended such that annual year-end performance evaluations
29 described in section 1851b(48) of the revised school code, 1976 PA

1 451, MCL 380.1851b, must give no consideration to criteria
2 requiring data or other information unavailable because a school
3 district, student, teacher, or administrator acts in conformance
4 with section 1851b of the revised school code, 1976 PA 451, MCL
5 380.1851b, section 296a of the state school aid act of 1979, 1979
6 PA 94, MCL 388.1896a, an executive order, other orders, or response
7 efforts prompted by a COVID-19 state of emergency or state of
8 disaster.

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

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

1 (5) Nothing in this section or section 2a of article III
2 prohibits an employing school district from completing an annual
3 year-end performance evaluation for the 2019-2020 school year for a
4 teacher on continuing tenure as described in article III who has
5 not been provided with an individualized development plan. If the
6 school district completes an annual year-end performance evaluation
7 for the 2019-2020 school year for a teacher on continuing tenure
8 who has not been provided with an individualized development plan
9 as described in this subsection, the school district shall comply
10 with subsection (2) and section 1851b(43) and (48) of the revised
11 school code, 1976 PA 451, MCL 380.1851b, with regard to that
12 teacher.

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

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

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

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

7 (7) For a school district with a collective bargaining
8 agreement, this section and section 2a of article III must be
9 implemented by the school district in a manner consistent with the
10 collective bargaining agreement.

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

14 (a) Senate Bill No. 873.

15 (b) Senate Bill No. 875.