

# HOUSE BILL NO. 5105

June 23, 2021, Introduced by Reps. Pohutsky, Camilleri, Clemente, Brabec, Breen, Aiyash, Stone, Scott, Weiss, Hope, Young, Hood, Sabo, Haadsma, Liberati, Morse, Shannon, Sowerby, Hertel, Tyrone Carter, Rogers, Puri, Cavanagh, Kuppa, Witwer, Cynthia Johnson, Hammoud, Anthony, Brixie and Yancey 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 sections 2a and 3b of article II and section 3 of article III (MCL 38.82a, 38.83b, and 38.93), 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 II

2 Sec. 2a. A probationary teacher who is rated as effective ~~or~~  
3 ~~highly effective~~ on his or her most recent ~~annual~~ year-end  
4 performance evaluation under section 1249 of the revised school  
5 code, 1976 PA 451, MCL 380.1249, is not subject to being displaced  
6 by a teacher on continuing tenure solely because the other teacher  
7 has continuing tenure.

8 Sec. 3b. (1) Except as otherwise provided in subsection (2), a  
9 teacher ~~shall~~ **is** not ~~be~~ considered to have successfully completed  
10 the probationary period unless the teacher has been rated as  
11 effective ~~or highly effective~~ on his or her 3 most recent ~~annual~~  
12 year-end performance evaluations under section 1249 of the revised  
13 school code, 1976 PA 451, MCL 380.1249, and has completed at least  
14 5 full school years of employment in a probationary period.

15 (2) If a teacher has been rated as ~~highly~~ effective on 3  
16 consecutive ~~annual~~ year-end performance evaluations under section  
17 1249 of the revised school code, 1976 PA 451, MCL 380.1249, and has  
18 completed at least 4 full school years of employment in a  
19 probationary period, the teacher ~~shall be~~ **is** considered to have  
20 successfully completed the probationary period.

21 ARTICLE III

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

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

16 Enacting section 1. This amendatory act does not take effect  
17 unless Senate Bill No. \_\_\_\_ or House Bill No. 5104 (request no.  
18 00651'21) of the 101st Legislature is enacted into law.