

# SENATE BILL NO. 798

March 14, 2024, Introduced by Senator JOHNSON 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 4 of article I, sections 2a and 3b of article II, and section 3 of article III (MCL 38.74, 38.82a, 38.83b, and 38.93), as amended by 2023 PA 225.

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

## ARTICLE I

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 2       Sec. 4. The word "demote" means to suspend without pay for 15  
 3 or more consecutive days or reduce compensation for a particular  
 4 school year by more than an amount equivalent to 30 days'  
 5 compensation or to transfer to a position carrying a lower salary.  
 6 However, demote does not include discontinuance of salary under  
 7 section 3 of article IV, **the discontinuance or reduction of**  
 8 **performance-based compensation paid pursuant to section 1250a of**  
 9 **the revised school code, 1976 PA 451, MCL 380.1250a,** or a reduction  
 10 in personnel, including, but not limited to, a reduction in  
 11 workweeks or workdays.

## ARTICLE II

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 13       Sec. 2a. A probationary teacher who is rated as effective **or**  
 14 **highly effective** on the probationary teacher's most recent year-end  
 15 performance evaluation under section 1249 of the revised school  
 16 code, 1976 PA 451, MCL 380.1249, is not subject to displacement by  
 17 a teacher on continuing tenure solely because the other teacher has  
 18 continuing tenure.

19       Sec. 3b. (1) ~~Before July 1, 2024, and except~~ **Except** as  
 20 otherwise provided in subsection (2), a teacher is not considered  
 21 to have successfully completed the probationary period unless the  
 22 teacher has been rated as effective or highly effective on the  
 23 teacher's 3 most recent year-end performance evaluations under  
 24 section 1249 of the revised school code, 1976 PA 451, MCL 380.1249,  
 25 and has completed at least 5 full school years of employment in a  
 26 probationary period.

27       (2) ~~Before July 1, 2024, if~~ **If** a teacher has been rated as  
 28 highly effective on 3 consecutive year-end performance evaluations

1 under section 1249 of the revised school code, 1976 PA 451, MCL  
 2 380.1249, and has completed at least 4 full school years of  
 3 employment in a probationary period, the teacher is considered to  
 4 have successfully completed the probationary period.

5 ~~(3) Beginning July 1, 2024, if a teacher has been rated as~~  
 6 ~~effective on or after July 1, 2024, or highly effective before July~~  
 7 ~~1, 2024, on 3 consecutive year-end performance evaluations under~~  
 8 ~~section 1249 of the revised school code, 1976 PA 451, MCL 380.1249,~~  
 9 ~~and has completed at least 4 full school years of employment in a~~  
 10 ~~probationary period, the teacher is considered to have successfully~~  
 11 ~~completed the probationary period.~~

### 12 ARTICLE III

13 Sec. 3. The controlling board of the school district employing  
 14 a teacher on continuing tenure shall ensure that the teacher is  
 15 provided with a year-end performance evaluation in accordance with  
 16 section 1249 of the revised school code, 1976 PA 451, MCL 380.1249.  
 17 If the teacher has received a ~~needing support~~ rating **of ineffective**  
 18 **or minimally effective** on a year-end performance evaluation, the  
 19 school district shall provide the teacher with an individualized  
 20 development plan developed by appropriate administrative personnel  
 21 in consultation with the individual teacher. The individualized  
 22 development plan must require the teacher to make progress toward  
 23 individual development goals within a specified time period, not to  
 24 exceed 180 days. The year-end performance evaluation must be based  
 25 on multiple classroom observations conducted during the period  
 26 covered by the evaluation and must include, in addition to the  
 27 factors required under section 1249 of the revised school code,  
 28 1976 PA 451, MCL 380.1249, at least an assessment of the teacher's  
 29 progress in meeting the goals of the teacher's individualized

1 development plan. The controlling board shall determine the format  
2 and number of the classroom observations in consultation with  
3 teachers and school administrators.

4 Enacting section 1. This amendatory act takes effect July 1,  
5 2024.

6 Enacting section 2. This amendatory act does not take effect  
7 unless Senate Bill No. 797 of the 102nd Legislature is enacted into  
8 law.