

Act No. 225  
Public Acts of 2023  
Approved by the Governor  
November 22, 2023  
Filed with the Secretary of State  
November 22, 2023  
EFFECTIVE DATE: July 1, 2024

**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2023**

Introduced by Senators McDonald Rivet and Geiss

# ENROLLED SENATE BILL No. 396

AN ACT 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), section 4 of article I as amended by 2011 PA 100 and 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:*

## ARTICLE I

Sec. 4. The word “demote” means to suspend without pay for 15 or more consecutive days or reduce compensation for a particular school year by more than an amount equivalent to 30 days’ compensation or to transfer to a position carrying a lower salary. However, demote does not include discontinuance of salary under section 3 of article IV or a reduction in personnel, including, but not limited to, a reduction in workweeks or workdays.

## ARTICLE II

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

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

(2) Before July 1, 2024, if a teacher has been rated as highly effective on 3 consecutive year-end performance evaluations under section 1249 of the revised school code, 1976 PA 451, MCL 380.1249, and has completed at least 4 full school years of employment in a probationary period, the teacher is considered to have successfully completed the probationary period.

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

ARTICLE III

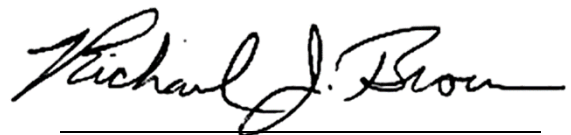
Sec. 3. The controlling board of the school district employing a teacher on continuing tenure shall ensure that the teacher is provided with a year-end performance evaluation in accordance with section 1249 of the revised school code, 1976 PA 451, MCL 380.1249. If the teacher has received a needing-support rating on a year-end performance evaluation, the school district shall provide the teacher with an individualized development plan developed by appropriate administrative personnel in consultation with the individual teacher. The individualized development plan must require the teacher to make progress toward individual development goals within a specified time period, not to exceed 180 days. The year-end performance evaluation must be based on multiple classroom observations conducted during the period covered by the evaluation and must include, in addition to the factors required under section 1249 of the revised school code, 1976 PA 451, MCL 380.1249, at least an assessment of the teacher's progress in meeting the goals of the teacher's individualized development plan. The controlling board shall determine the format and number of the classroom observations in consultation with teachers and school administrators.

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

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 395 of the 102nd Legislature is enacted into law.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

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Governor