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**AFT Michigan**

Louise Somalski  
Legislative Coordinator

419 South Washington, Suite 301, Lansing, MI 48933 \* Ph: 517-371-4300 \* Fax: 517-371-1922

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## **Anti-Collective Bargaining and Tenure Bills Enactment**

### **PUBLIC ACTS 100, 101, 102, 103 of 2011**

A four-bill package consisting of House Bill 4625 (Rogers, R-Brighton), House Bill 4626 (Scott, R-Grand Blanc), House Bill 4627 (O'Brien, R-Portage), and House Bill 4628 (Yonker, R-Caledonia) revises Michigan's Teacher Tenure Law, the Revised School Code, and the Public Employment Relations Act (PERA).

These bills were signed by the Governor and took effect on July 19, 2011. **Check out how your Senator and Representative voted on these bills (and others) at our website: <http://www.aftmichigan.org/files/votingrecords11.pdf>.**

**Public Act 101 of 2011 (HB 4625) (Rogers, R-Brighton) Amends the Tenure Act to do the following:**

<http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0101.pdf>

- ▶ Increases probationary period from 4 to 5 full years.
- ▶ A probationary teacher who is rated “Effective” or “Highly Effective” on the most recent evaluation is not subject to being displaced by a teacher on continuing tenure solely because of continuing tenure.
- ▶ Replaces 60 day notice with 15 day notice to a probationary teacher as to whether their work is satisfactory.
- ▶ Allows probationary teacher to be dismissed at any time.
- ▶ Requires probationary teacher to be rated “Effective” or “Highly Effective” on three most recent annual year-end performance evaluations and to have completed at least 5 full years of employment to have successfully completed the probationary period. (Rated “Highly Effective” on 3 evaluations and 4 years employment = completed probation.)
- ▶ Gives school board authority to determine format and number of classroom observations in consultation with teachers and school administrators.
- ▶ Eliminates assumption of satisfactory performance if an evaluation is not conducted.
- ▶ Mandates annual year-end performance evaluation.

**Public Act 100 of 2011, (HB 4626) (Scott, R-Grand Blanc) Revises the Tenure Act to do the following:**

<http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0100.pdf>

- ▶ Redefines demotion to mean a suspension without pay for 15 or more consecutive days or reduced compensation equivalent to 30 days.
- ▶ Provides for the discontinuance or reduction of performance-based compensation paid if suspended or reduction in work weeks or days.
- ▶ Replaces “reasonable and just cause” with “not arbitrary and capricious” for teacher tenure discharge.
- ▶ If criminal charges filed against a teacher, allows for the controlling board to place the teacher’s salary in an escrow account until the conclusion of the tenure charge is determined.
- ▶ Addresses unrequested leave of absences for teachers with physical or mental disabilities and their reinstatement.

**Public Act 102 of 2011 (HB 4627) (O’Brien, R-Portage) Revises the School Code to do the following:**

<http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0102.pdf>

- ▶ Requires school board policy to provide that length of service or tenure status for persons covered under the Tenure Act is not the primary factor in determining personnel decisions on staffing, program reduction, elimination of positions, or recall.
- ▶ Requires school district to have a policy to determine staffing based on retaining effective teachers.
- ▶ Requires evaluation system to include ratings of “Highly Effective,” “Effective,” “Minimally Effective,” and “Ineffective.”
- ▶ Prohibits the use of seniority or tenure status in the reduction of staff unless all factors are equal. (May be used as a tie breaker.)
- ▶ Requires that during a staff reduction a teacher’s effectiveness must be considered, which includes individual performance as a major factor; evidence of student growth is a predominant factor; demonstrated pedagogical skills; classroom management; significant contributions above the normal expectation; demonstrated record of exceptional performance and relevant special training other than professional development or continuing education.
- ▶ Determines that a percentage of the evaluation will be based on student growth data which will be phased in over three years, starting in the year 2013 - 2014, for both teachers and administrators (25% / 40% / 50%).

- ▶ If a teacher is rated “Ineffective” on 3 consecutive annual year-end evaluations, the district shall dismiss the teacher.
- ▶ The sole remedy for a teacher who bring action against the district shall be reinstatement 30 days after decision.
- ▶ Creates a Governor’s Council on Educator Effectiveness to create a model assessment tool for districts to follow and to approve district-created assessment models.
- ▶ Requires district to notify parents in writing if student is assigned a teacher who has been rated “Ineffective” on his/her 2 most recent year-end evaluations starting in 2015-16.

**Public Act 103 of 2011 (HB 4628) (Yonker, R-Caledonia) amends PERA and adds the following prohibited subjects of bargaining:**

<http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0103.pdf>

- ▶ Decisions about the development, content, standards, procedures, adoption and implementation of personnel policies and decision for:
  - The placement of teachers;
  - Personnel decision for persons covered under Tenure Act;
  - Elimination of position, recall, and hiring after a reduction for persons covered under Tenure Act;
  - Evaluation systems for persons covered under Tenure Act;
  - Discharge and discipline for persons covered under Tenure Act;
  - Number, format, or timing of classroom observations for persons covered under Tenure Act;
  - Method of performance-based compensation for teachers and administrators;
  - Notification to parents of “Ineffective” teachers in child’s classroom.