

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 103

(as amended October 15, 2015)

[A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1249 and 1249a (MCL 380.1249 and 380.1249a),
section 1249 as amended by 2014 PA 257 and section 1249a as added
by 2011 PA 102, and by adding sections 1249b, 1531j, and 1531k.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1249. (1) Subject to subsection ~~(7)~~, **(4)**, with the
2 involvement of teachers and school administrators, the board of a
3 school district or intermediate school district or board of
4 directors of a public school academy shall adopt and implement for
5 all teachers and school administrators a rigorous, transparent, and
6 fair performance evaluation system that does all of the following:
7 (a) Evaluates the teacher's or school administrator's job
8 performance at least annually while providing timely and

1 constructive feedback.

2 (b) Establishes clear approaches to measuring student growth
3 and provides teachers and school administrators with relevant data
4 on student growth.

5 (c) Evaluates a teacher's or school administrator's job
6 performance, using multiple rating categories that take into
7 account ~~data on student growth as a significant factor. For 2014-~~
8 ~~2015, for grades and subjects in which state assessments are~~
9 ~~administered in compliance with 20 USC 6311, student growth must be~~
10 ~~measured, at least in part, using the state assessments, and for~~
11 ~~grades and subjects in which state assessments are not required and~~
12 ~~administered for purposes of 20 USC 6311, student~~ **AND ASSESSMENT**
13 **DATA. STUDENT** growth must be measured, ~~at least in part, using~~
14 **MULTIPLE MEASURES THAT MAY INCLUDE STUDENT LEARNING OBJECTIVES,**
15 **ACHIEVEMENT OF INDIVIDUALIZED EDUCATION PROGRAM GOALS, NATIONALLY**
16 **NORMED OR LOCALLY DEVELOPED ASSESSMENTS THAT ARE ALIGNED TO STATE**
17 **STANDARDS, RESEARCH-BASED GROWTH MEASURES, OR** alternative
18 assessments that are rigorous and comparable across schools within
19 the school district, intermediate school district, or public school
20 academy. If the performance evaluation system implemented by a
21 school district, intermediate school district, or public school
22 academy under this section does not already include the rating of
23 teachers as highly effective, effective, minimally effective, and
24 ineffective, then the school district, intermediate school
25 district, or public school academy shall revise the performance
26 evaluation system not later than September 19, 2011 to ensure that
27 it rates teachers as highly effective, effective, minimally

1 effective, or ineffective.

2 (d) Uses the evaluations, at a minimum, to inform decisions
3 regarding all of the following:

4 (i) The effectiveness of teachers and school administrators,
5 ensuring that they are given ample opportunities for improvement.

6 (ii) Promotion, retention, and development of teachers and
7 school administrators, including providing relevant coaching,
8 instruction support, or professional development.

9 (iii) Whether to grant tenure or full certification, or both,
10 to teachers and school administrators using rigorous standards and
11 streamlined, transparent, and fair procedures.

12 (iv) Removing ineffective tenured and untenured teachers and
13 school administrators after they have had ample opportunities to
14 improve, and ensuring that these decisions are made using rigorous
15 standards and streamlined, transparent, and fair procedures.

16 (2) ~~Beginning with the 2015-2016 school year, the~~ **THE** board of
17 a school district or intermediate school district or board of
18 directors of a public school academy shall ensure that the
19 performance evaluation system for teachers meets all of the
20 following:

21 (a) The performance evaluation system shall include at least
22 an annual year-end evaluation for all teachers. ~~An~~ **BEGINNING WITH**
23 **THE 2015-2016 SCHOOL YEAR, AN** annual year-end evaluation shall meet
24 all of the following:

25 (i) ~~At least 50%~~ **FOR THE 2015-2016, 2016-2017, AND 2017-2018**
26 **SCHOOL YEARS, 25%** of the annual year-end evaluation shall be based
27 on student growth and assessment data. ~~All student growth and~~

1 ~~assessment data shall be measured using the student growth~~
2 ~~assessment tool that is required under legislation enacted by the~~
3 ~~legislature after review of the recommendations contained in the~~
4 ~~report of the former Michigan council for educator~~
5 ~~effectiveness.~~ BEGINNING WITH THE 2018-2019 SCHOOL YEAR, 40% OF THE
6 ANNUAL YEAR-END EVALUATION SHALL BE BASED ON STUDENT GROWTH AND
7 ASSESSMENT DATA.

8 (ii) BEGINNING WITH THE 2018-2019 SCHOOL YEAR, FOR CORE
9 CONTENT AREAS IN GRADES AND SUBJECTS IN WHICH STATE ASSESSMENTS ARE
10 ADMINISTERED, 50% OF STUDENT GROWTH MUST BE MEASURED USING THE
11 STATE ASSESSMENTS, AND THE PORTION OF STUDENT GROWTH NOT MEASURED
12 USING STATE ASSESSMENTS MUST BE MEASURED USING MULTIPLE RESEARCH-
13 BASED GROWTH MEASURES OR ALTERNATIVE ASSESSMENTS THAT ARE RIGOROUS
14 AND COMPARABLE ACROSS SCHOOLS WITHIN THE SCHOOL DISTRICT,
15 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY. STUDENT
16 GROWTH ALSO MAY BE MEASURED BY STUDENT LEARNING OBJECTIVES OR
17 NATIONALLY NORMED OR LOCALLY ADOPTED ASSESSMENTS THAT ARE ALIGNED
18 TO STATE STANDARDS, OR BASED ON ACHIEVEMENT OF INDIVIDUALIZED
19 EDUCATION PROGRAM GOALS.

20 (iii) BEGINNING WITH THE 2016-2017 SCHOOL YEAR, THE PORTION OF
21 A TEACHER'S ANNUAL YEAR-END EVALUATION THAT IS NOT BASED ON STUDENT
22 GROWTH AND ASSESSMENT DATA, AS DESCRIBED UNDER SUBPARAGRAPH (i) ,
23 SHALL BE BASED PRIMARILY ON A TEACHER'S PERFORMANCE AS MEASURED BY
24 THE EVALUATION TOOL DEVELOPED OR ADOPTED BY THE SCHOOL DISTRICT,
25 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY UNDER
26 SUBDIVISION (F) .

27 (iv) THE PORTION OF A TEACHER'S EVALUATION THAT IS NOT

1 MEASURED USING STUDENT GROWTH AND ASSESSMENT DATA, AS DESCRIBED
2 UNDER SUBPARAGRAPH (i), OR USING THE EVALUATION TOOL DEVELOPED OR
3 ADOPTED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
4 PUBLIC SCHOOL ACADEMY, AS DESCRIBED UNDER SUBPARAGRAPH (iii), SHALL
5 INCORPORATE CRITERIA ENUMERATED IN SECTION 1248(1)(B)(i) TO (iii)
6 THAT ARE NOT OTHERWISE EVALUATED UNDER SUBPARAGRAPH (i) OR (iii).

7 (B) ~~(ii)~~—If there are student growth and assessment data
8 available for a teacher for at least 3 school years, the annual
9 year-end evaluation shall be based on the student growth and
10 assessment data for the most recent 3-consecutive-school-year
11 period. If there are not student growth and assessment data
12 available for a teacher for at least 3 school years, the annual
13 year-end evaluation shall be based on all student growth and
14 assessment data that are available for the teacher.

15 (C) ~~(iii)~~—The annual year-end evaluation shall include
16 specific performance goals that will assist in improving
17 effectiveness for the next school year and are developed by the
18 school administrator or his or her designee conducting the
19 evaluation, in consultation with the teacher, and any recommended
20 training identified by the school administrator or designee, in
21 consultation with the teacher, that would assist the teacher in
22 meeting these goals. For a teacher described in subdivision ~~(b)~~,
23 (D), the school administrator or designee shall develop, in
24 consultation with the teacher, an individualized development plan
25 that includes these goals and training and is designed to assist
26 the teacher to improve his or her effectiveness.

27 (D) ~~(b)~~—The performance evaluation system shall include a

1 midyear progress report for a teacher who is in the first year of
2 the probationary period prescribed by section 1 of article II of
3 1937 (Ex Sess) PA 4, MCL 38.81, or who received a rating of
4 minimally effective or ineffective in his or her most recent annual
5 year-end evaluation. The midyear progress report shall be used as a
6 supplemental tool to gauge a teacher's improvement from the
7 preceding school year and to assist a teacher to improve. All of
8 the following apply to the midyear progress report:

9 (i) The midyear progress report shall be based at least in
10 part on student achievement.

11 (ii) The midyear progress report shall be aligned with the
12 teacher's individualized development plan under subdivision
13 ~~(a) (iii)~~ (C).

14 (iii) The midyear progress report shall include specific
15 performance goals for the remainder of the school year that are
16 developed by the school administrator conducting the annual year-
17 end evaluation or his or her designee and any recommended training
18 identified by the school administrator or designee that would
19 assist the teacher in meeting these goals. At the midyear progress
20 report, the school administrator or designee shall develop, in
21 consultation with the teacher, a written improvement plan that
22 includes these goals and training and is designed to assist the
23 teacher to improve his or her rating.

24 (iv) The midyear progress report shall not take the place of
25 an annual year-end evaluation.

26 (E) ~~(e)~~ The performance evaluation system shall include
27 classroom observations to assist in the performance evaluations.

1 All of the following apply to these classroom observations:

2 ~~—— (i) Except as provided in this subdivision, the manner in~~
3 ~~which a classroom observation is conducted shall be prescribed in~~
4 ~~the evaluation tool for teachers described in subdivision (d).~~

5 (i) ~~(ii)~~—A classroom observation shall include a review of the
6 teacher's lesson plan and the state curriculum standard being used
7 in the lesson and a review of pupil engagement in the lesson.

8 (ii) ~~(iii)~~—A classroom observation does not have to be for an
9 entire class period.

10 (iii) ~~(iv)~~—Unless a teacher has received a rating of effective
11 or highly effective on his or her 2 most recent annual year-end
12 evaluations, there shall be ~~multiple~~ **AT LEAST 2** classroom
13 observations of the teacher each school year. **BEGINNING WITH THE**
14 **2016-2017 SCHOOL YEAR, AT LEAST 1 OBSERVATION MUST BE UNSCHEDULED.**

15 (iv) **BEGINNING WITH THE 2016-2017 SCHOOL YEAR, THE SCHOOL**
16 **ADMINISTRATOR RESPONSIBLE FOR THE TEACHER'S PERFORMANCE EVALUATION**
17 **SHALL CONDUCT AT LEAST 1 OF THE OBSERVATIONS. OTHER OBSERVATIONS**
18 **MAY BE CONDUCTED BY OTHER OBSERVERS WHO ARE TRAINED IN THE USE OF**
19 **THE EVALUATION TOOL THAT IS USED UNDER SUBDIVISION (F). THESE OTHER**
20 **OBSERVERS MAY BE TEACHER LEADERS.**

21 (v) **BEGINNING WITH THE 2016-2017 SCHOOL YEAR, A SCHOOL**
22 **DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY**
23 **SHALL ENSURE THAT, WITHIN 30 DAYS AFTER EACH OBSERVATION, THE**
24 **TEACHER IS PROVIDED WITH FEEDBACK FROM THE OBSERVATION.**

25 (F) ~~(d)~~—For the purposes of conducting annual year-end
26 evaluations under the performance evaluation system, ~~the school~~
27 ~~district, intermediate school district, or public school academy~~

1 ~~shall adopt and implement the state evaluation tool for teachers~~
2 ~~that is required under legislation enacted by the legislature after~~
3 ~~review of the recommendations contained in the report of the former~~
4 ~~Michigan council for educator effectiveness. However, if a school~~
5 ~~district, intermediate school district, or public school academy~~
6 ~~has a local evaluation tool for teachers that is consistent with~~
7 ~~the state evaluation tool, the school district, intermediate school~~
8 ~~district, or public school academy may conduct annual year-end~~
9 ~~evaluations for teachers using that local evaluation tool.~~ **BY THE**
10 **BEGINNING OF THE 2016-2017 SCHOOL YEAR, THE SCHOOL DISTRICT,**
11 **INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ADOPT**
12 **AND IMPLEMENT 1 OR MORE OF THE EVALUATION TOOLS FOR TEACHERS THAT**
13 **ARE INCLUDED ON THE LIST UNDER SUBSECTION (5). HOWEVER, IF A SCHOOL**
14 **DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY**
15 **HAS 1 OR MORE LOCAL EVALUATION TOOLS FOR TEACHERS OR MODIFICATIONS**
16 **OF AN EVALUATION TOOL ON THE LIST UNDER SUBSECTION (5), AND THE**
17 **SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL**
18 **ACADEMY COMPLIES WITH SUBSECTION (3), THE SCHOOL DISTRICT,**
19 **INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY CONDUCT**
20 **ANNUAL YEAR-END EVALUATIONS FOR TEACHERS USING 1 OR MORE LOCAL**
21 **EVALUATION TOOLS OR MODIFICATIONS. THE EVALUATION TOOLS SHALL BE**
22 **USED CONSISTENTLY AMONG THE SCHOOLS OPERATED BY A SCHOOL DISTRICT,**
23 **INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SO THAT ALL**
24 **SIMILARLY SITUATED TEACHERS ARE EVALUATED USING THE SAME EVALUATION**
25 **TOOL.**

26 (G) ~~(e)~~ The performance evaluation system shall assign an
27 effectiveness rating to each teacher of highly effective,

1 effective, minimally effective, or ineffective, based on his or her
2 score on the annual year-end evaluation described in this
3 subsection.

4 (H) ~~(f)~~—As part of the performance evaluation system, and in
5 addition to the requirements of section 1526, a school district,
6 intermediate school district, or public school academy is
7 encouraged to assign a mentor or coach to each teacher who is
8 described in subdivision ~~(b)~~-(D).

9 (I) ~~(g)~~—The performance evaluation system may allow for
10 exemption of student growth data for a particular pupil for a
11 school year upon the recommendation of the school administrator
12 conducting the annual year-end evaluation or his or her designee
13 and approval of the school district superintendent or his or her
14 designee, intermediate superintendent or his or her designee, or
15 chief administrator of the public school academy, as applicable.

16 (J) ~~(h)~~—The performance evaluation system shall provide that,
17 if a teacher is rated as ineffective on 3 consecutive annual year-
18 end evaluations, the school district, public school academy, or
19 intermediate school district shall dismiss the teacher from his or
20 her employment. This subdivision does not affect the ability of a
21 school district, intermediate school district, or public school
22 academy to dismiss an ~~ineffective~~ **A** teacher from his or her
23 employment regardless of whether the teacher is rated as
24 ineffective on 3 consecutive annual year-end evaluations.

25 (K) ~~(i)~~—The performance evaluation system shall provide that,
26 if a teacher is rated as highly effective on 3 consecutive annual
27 year-end evaluations, the school district, intermediate school

1 district, or public school academy may choose to conduct a year-end
2 evaluation biennially instead of annually. However, if a teacher is
3 not rated as highly effective on 1 of these biennial year-end
4 evaluations, the teacher shall again be provided with annual year-
5 end evaluations.

6 (I) ~~(j)~~—The performance evaluation system shall provide that,
7 if a teacher who is not in a probationary period prescribed by
8 section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated
9 as ineffective on an annual year-end evaluation, the teacher may
10 request a review of the evaluation and the rating by the school
11 district superintendent, intermediate superintendent, or chief
12 administrator of the public school academy, as applicable. The
13 request for a review must be submitted in writing within 20 days
14 after the teacher is informed of the rating. Upon receipt of the
15 request, the school district superintendent, intermediate
16 superintendent, or chief administrator of the public school
17 academy, as applicable, shall review the evaluation and rating and
18 may make any modifications as appropriate based on his or her
19 review. However, the performance evaluation system shall not allow
20 for a review as described in this subdivision more than twice in a
21 3-school-year period.

22 (M) BEGINNING WITH THE 2016-2017 SCHOOL YEAR, THE SCHOOL
23 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
24 SHALL PROVIDE TRAINING TO TEACHERS ON THE EVALUATION TOOL OR TOOLS
25 USED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
26 PUBLIC SCHOOL ACADEMY IN ITS PERFORMANCE EVALUATION SYSTEM AND ON
27 HOW EACH EVALUATION TOOL IS USED. THIS TRAINING MAY BE PROVIDED BY

1 A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
2 ACADEMY, OR BY A CONSORTIUM CONSISTING OF 2 OR MORE OF THESE.

3 (N) BEGINNING WITH THE 2016-2017 SCHOOL YEAR, A SCHOOL
4 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
5 SHALL ENSURE THAT TRAINING IS PROVIDED TO ALL EVALUATORS AND
6 OBSERVERS. THE TRAINING SHALL BE PROVIDED BY AN INDIVIDUAL WHO HAS
7 EXPERTISE IN THE EVALUATION TOOL OR TOOLS USED BY THE SCHOOL
8 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY,
9 WHICH MAY INCLUDE EITHER A CONSULTANT ON THAT EVALUATION TOOL OR
10 FRAMEWORK OR AN INDIVIDUAL WHO HAS BEEN TRAINED TO TRAIN OTHERS IN
11 THE USE OF THE EVALUATION TOOL OR TOOLS. THIS SUBDIVISION DOES NOT
12 PROHIBIT A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC
13 SCHOOL ACADEMY, OR CONSORTIUM CONSISTING OF 2 OR MORE OF THESE,
14 FROM PROVIDING THE TRAINING IN THE USE OF THE EVALUATION TOOL OR
15 TOOLS IF THE TRAINER HAS EXPERTISE IN THE EVALUATION TOOL OR TOOLS.

16 ~~—— (3) Beginning with the 2015-2016 school year, the board of a~~
17 ~~school district or intermediate school district or board of~~
18 ~~directors of a public school academy shall ensure that the~~
19 ~~performance evaluation system for building level school~~
20 ~~administrators and for central office level school administrators~~
21 ~~who are regularly involved in instructional matters meets all of~~
22 ~~the following:~~

23 ~~—— (a) The performance evaluation system shall include at least~~
24 ~~an annual year-end evaluation for all school administrators~~
25 ~~described in this subsection by the school district superintendent~~
26 ~~or his or her designee, intermediate superintendent or his or her~~
27 ~~designee, or chief administrator of the public school academy, as~~

1 ~~applicable, except that a superintendent or chief administrator~~
2 ~~shall be evaluated by the board or board of directors.~~

3 ~~—— (b) At least 50% of the annual year-end evaluation shall be~~
4 ~~based on student growth and assessment data. The student growth and~~
5 ~~assessment data to be used for the school administrator annual~~
6 ~~year-end evaluation are the aggregate student growth and assessment~~
7 ~~data that are used in teacher annual year-end evaluations in each~~
8 ~~school in which the school administrator works as an administrator~~
9 ~~or, for a central office level school administrator, for the entire~~
10 ~~school district or intermediate school district.~~

11 ~~—— (c) The portion of the annual year-end evaluation that is not~~
12 ~~based on student growth and assessment data shall be based on at~~
13 ~~least the following for each school in which the school~~
14 ~~administrator works as an administrator or, for a central office~~
15 ~~level school administrator, for the entire school district or~~
16 ~~intermediate school district.~~

17 ~~—— (i) If the school administrator conducts teacher performance~~
18 ~~evaluations, the school administrator's training and proficiency in~~
19 ~~using the evaluation tool for teachers described in subsection~~
20 ~~(2) (d), including a random sampling of his or her teacher~~
21 ~~performance evaluations to assess the quality of the school~~
22 ~~administrator's input in the teacher performance evaluation system.~~
23 ~~If the school administrator designates another person to conduct~~
24 ~~teacher performance evaluations, the evaluation of the school~~
25 ~~administrator on this factor shall be based on the designee's~~
26 ~~training and proficiency in using the evaluation tool for teachers~~
27 ~~described in subsection (2) (d), including a random sampling of the~~

1 ~~designee's teacher performance evaluations to assess the quality of~~
2 ~~the designee's input in the teacher performance evaluation system,~~
3 ~~with the designee's performance to be counted as if it were the~~
4 ~~school administrator personally conducting the teacher performance~~
5 ~~evaluations.~~

6 ~~—— (ii) The progress made by the school or school district in~~
7 ~~meeting the goals set forth in the school's school improvement plan~~
8 ~~or the school district's school improvement plans.~~

9 ~~—— (iii) Pupil attendance in the school or school district.~~

10 ~~—— (iv) Student, parent, and teacher feedback, and other~~
11 ~~information considered pertinent by the superintendent or other~~
12 ~~school administrator conducting the performance evaluation or the~~
13 ~~board or board of directors.~~

14 ~~—— (d) For the purposes of conducting performance evaluations~~
15 ~~under the performance evaluation system, the school district,~~
16 ~~intermediate school district, or public school academy shall adopt~~
17 ~~and implement the state evaluation tool for school administrators~~
18 ~~described in this subsection that is required under legislation~~
19 ~~enacted by the legislature after review of the recommendations~~
20 ~~contained in the report of the former Michigan council for educator~~
21 ~~effectiveness. However, if a school district, intermediate school~~
22 ~~district, or public school academy has a local evaluation tool for~~
23 ~~school administrators described in this subsection that is~~
24 ~~consistent with the state evaluation tool, the school district,~~
25 ~~intermediate school district, or public school academy may conduct~~
26 ~~performance evaluations for school administrators using that local~~
27 ~~evaluation tool.~~

1 ~~—— (c) The performance evaluation system shall assign an~~
2 ~~effectiveness rating to each school administrator described in this~~
3 ~~subsection of highly effective, effective, minimally effective, or~~
4 ~~ineffective, based on his or her score on the evaluation tool~~
5 ~~described in subdivision (d).~~

6 ~~—— (f) The performance evaluation system shall ensure that if a~~
7 ~~school administrator described in this subsection is rated as~~
8 ~~minimally effective or ineffective, the person or persons~~
9 ~~conducting the evaluation shall develop and require the school~~
10 ~~administrator to implement an improvement plan to correct the~~
11 ~~deficiencies. The improvement plan shall recommend professional~~
12 ~~development opportunities and other measures designed to improve~~
13 ~~the rating of the school administrator on his or her next annual~~
14 ~~year-end evaluation.~~

15 ~~—— (g) The performance evaluation system shall provide that, if a~~
16 ~~school administrator described in this subsection is rated as~~
17 ~~ineffective on 3 consecutive annual year-end evaluations, the~~
18 ~~school district, public school academy, or intermediate school~~
19 ~~district shall dismiss the school administrator from his or her~~
20 ~~employment. However, this subdivision applies only if the 3~~
21 ~~consecutive annual year-end evaluations are conducted using the~~
22 ~~same evaluation tool and under the same performance evaluation~~
23 ~~system. This subdivision does not affect the ability of a school~~
24 ~~district, intermediate school district, or public school academy to~~
25 ~~dismiss an ineffective school administrator from his or her~~
26 ~~employment regardless of whether the school administrator is rated~~
27 ~~as ineffective on 3 consecutive annual year-end evaluations.~~

~~1 (h) The performance evaluation system shall provide that, if a
2 school administrator is rated as highly effective on 3 consecutive
3 annual year end evaluations, the school district, intermediate
4 school district, or public school academy may choose to conduct a
5 year end evaluation biennially instead of annually. However, if a
6 school administrator is not rated as highly effective on 1 of these
7 biennial year end evaluations, the school administrator shall again
8 be provided with annual year end evaluations.~~

~~9 (4) It is the intent of the legislature to review the report
10 submitted by the former Michigan council for educator effectiveness
11 and to enact appropriate legislation to put into place a statewide
12 performance evaluation system taking into consideration the
13 recommendations contained in the report.~~

~~14 (5) If all of the following apply for a public school operated
15 by a school district, intermediate school district, or public
16 school academy, then the school district, intermediate school
17 district, or public school academy is not required to comply with
18 subsection (2) or (3) for that public school:~~

~~19 (a) As of July 19, 2011, the school district, intermediate
20 school district, or public school academy had already implemented
21 and is currently using a performance evaluation system for that
22 public school that meets all of the following requirements:~~

~~23 (i) Under the system, the most significant portion of a
24 teacher's or school administrator's evaluation is based on student
25 growth and assessment data, which may include value added measures.~~

~~26 (ii) The system uses research based measures to determine
27 student growth. For 2014-2015, for grades and subjects in which~~

~~1 state assessments are administered in compliance with 20 USC 6311,
2 student growth must be measured, at least in part, using the state
3 assessments, and for grades and subjects in which state assessments
4 are not required and administered for purposes of 20 USC 6311,
5 student growth must be measured, at least in part, using
6 alternative assessments that are rigorous and comparable across
7 schools within the school district, intermediate school district,
8 or public school academy. Student growth also may be measured by
9 standards based, nationally normed assessments and other objective
10 eriteria which may include other national or local assessments.
11 ——— (iii) The system determines professional competence through
12 multiple direct observations of classroom practices and
13 professional practices throughout the school year.
14 ——— (iv) Under the system, teacher effectiveness and ratings, as
15 measured by student achievement and growth data, are factored into
16 teacher retention, promotion, and termination decisions.
17 ——— (v) Under the system, teacher and school administrator
18 performance evaluation results are used to inform teacher
19 professional development for the succeeding year.
20 ——— (vi) The system ensures that teachers and school
21 administrators are evaluated at least annually.
22 ——— (b) The school district, intermediate school district, or
23 public school academy notified the former governor's council on
24 educator effectiveness by November 1, 2011 that it is exempt under
25 this subsection from the requirements of subsections (2) and (3).
26 ——— (c) The school district, intermediate school district, or
27 public school academy posts a description of its evaluation system~~

1 ~~on its website.~~

2 ~~—— (6) If, after July 19, 2011, a school district, intermediate~~
3 ~~school district, or public school academy begins operating a new~~
4 ~~public school, or implements a new performance evaluation system~~
5 ~~for a public school it operates, and all of the following apply,~~
6 ~~then the school district, intermediate school district, or public~~
7 ~~school academy is not required to comply with subsection (2) or (3)~~
8 ~~for that public school.~~

9 ~~—— (a) The performance evaluation system adopted and implemented~~
10 ~~for that public school replicates and is identical to the~~
11 ~~performance evaluation system of a public school that is exempt~~
12 ~~under subsection (5).~~

13 ~~—— (b) The school district, intermediate school district, or~~
14 ~~public school academy posts a description of the performance~~
15 ~~evaluation system on its website.~~

16 **(3) BEGINNING WITH THE 2016-2017 SCHOOL YEAR, A SCHOOL**
17 **DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY**
18 **SHALL POST ON ITS PUBLIC WEBSITE ALL OF THE FOLLOWING INFORMATION**
19 **ABOUT THE EVALUATION TOOL OR TOOLS IT USES FOR ITS PERFORMANCE**
20 **EVALUATION SYSTEM FOR TEACHERS:**

21 **(A) THE RESEARCH BASE FOR THE EVALUATION FRAMEWORK,**
22 **INSTRUMENT, AND PROCESS OR, IF THE SCHOOL DISTRICT, INTERMEDIATE**
23 **SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY ADAPTS OR MODIFIES AN**
24 **EVALUATION TOOL FROM THE LIST UNDER SUBSECTION (5), THE RESEARCH**
25 **BASE FOR THE LISTED EVALUATION TOOL AND AN ASSURANCE THAT THE**
26 **ADAPTATIONS OR MODIFICATIONS DO NOT COMPROMISE THE VALIDITY OF THAT**
27 **RESEARCH BASE.**

1 (B) THE IDENTITY AND QUALIFICATIONS OF THE AUTHOR OR AUTHORS
2 OR, IF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
3 SCHOOL ACADEMY ADAPTS OR MODIFIES AN EVALUATION TOOL FROM THE LIST
4 UNDER SUBSECTION (5), THE IDENTITY AND QUALIFICATIONS OF A PERSON
5 WITH EXPERTISE IN TEACHER EVALUATIONS WHO HAS REVIEWED THE ADAPTED
6 OR MODIFIED EVALUATION TOOL.

7 (C) EITHER EVIDENCE OF RELIABILITY, VALIDITY, AND EFFICACY OR
8 A PLAN FOR DEVELOPING THAT EVIDENCE OR, IF THE SCHOOL DISTRICT,
9 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY ADAPTS OR
10 MODIFIES AN EVALUATION TOOL FROM THE LIST UNDER SUBSECTION (5), AN
11 ASSURANCE THAT THE ADAPTATIONS OR MODIFICATIONS DO NOT COMPROMISE
12 THE RELIABILITY, VALIDITY, OR EFFICACY OF THE EVALUATION TOOL OR
13 THE EVALUATION PROCESS.

14 (D) THE EVALUATION FRAMEWORKS AND RUBRICS WITH DETAILED
15 DESCRIPTORS FOR EACH PERFORMANCE LEVEL ON KEY SUMMATIVE INDICATORS.

16 (E) A DESCRIPTION OF THE PROCESSES FOR CONDUCTING CLASSROOM
17 OBSERVATIONS, COLLECTING EVIDENCE, CONDUCTING EVALUATION
18 CONFERENCES, DEVELOPING PERFORMANCE RATINGS, AND DEVELOPING
19 PERFORMANCE IMPROVEMENT PLANS.

20 (F) A DESCRIPTION OF THE PLAN FOR PROVIDING EVALUATORS AND
21 OBSERVERS WITH TRAINING.

22 (4) ~~(7)~~—If a collective bargaining agreement ~~is~~ **WAS** in effect
23 for teachers or school administrators of a school district, public
24 school academy, or intermediate school district as of July 19,
25 2011, **IF THAT SAME COLLECTIVE BARGAINING AGREEMENT IS STILL IN**
26 **EFFECT AS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**
27 **SECTION 1531J**, and if that collective bargaining agreement prevents

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1 compliance with subsection (1), then subsection (1) does not apply
2 to that school district, public school academy, or intermediate
3 school district until after the expiration of that collective
4 bargaining agreement.

5 (5) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A LIST OF
6 TEACHER EVALUATION TOOLS THAT HAVE DEMONSTRATED EVIDENCE OF
7 EFFICACY AND THAT MAY BE USED FOR THE PURPOSES OF THIS SECTION.
8 THAT LIST INITIALLY SHALL INCLUDE AT LEAST THE EVALUATION MODELS
9 RECOMMENDED IN THE FINAL RECOMMENDATIONS RELEASED BY THE MICHIGAN
10 COUNCIL ON EDUCATOR EFFECTIVENESS IN JULY 2013. THE LIST SHALL
11 INCLUDE A STATEMENT INDICATING THAT SCHOOL DISTRICTS, INTERMEDIATE
12 SCHOOL DISTRICTS, AND PUBLIC SCHOOL ACADEMIES ARE NOT LIMITED TO
13 ONLY USING THE EVALUATION TOOLS THAT ARE INCLUDED ON THE LIST. A
14 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
15 ACADEMY IS NOT REQUIRED TO USE AN EVALUATION TOOL FOR TEACHER
16 EVALUATIONS THAT IS THE SAME AS IT USES FOR SCHOOL ADMINISTRATOR
17 EVALUATIONS OR THAT HAS THE SAME AUTHOR OR AUTHORS AS THE
18 EVALUATION TOOL IT USES FOR SCHOOL ADMINISTRATOR EVALUATIONS. THE
19 DEPARTMENT SHALL PROMULGATE RULES ESTABLISHING STANDARDS AND
20 PROCEDURES FOR ADDING AN EVALUATION TOOL TO OR REMOVING AN
21 EVALUATION TOOL FROM THE LIST. THESE RULES SHALL INCLUDE A PROCESS
22 FOR A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
23 SCHOOL ACADEMY TO SUBMIT ITS OWN EVALUATION TOOL FOR REVIEW FOR
24 PLACEMENT ON THE LIST.

[(6) THE TRAINING REQUIRED UNDER SUBSECTION (2) SHALL BE PAID FOR
FROM THE FUNDS AVAILABLE IN THE EDUCATOR EVALUATION RESERVE FUND CREATED
UNDER SECTION 95A OF THE STATE SCHOOL AID ACT, MCL 388.1695A.

25 (7) THIS SECTION DOES NOT AFFECT THE OPERATION OR
26 APPLICABILITY OF SECTION 1248.

27 Sec. 1249a. (1) BEGINNING WITH THE 2018-2019 SCHOOL YEAR,

1 SUBJECT TO SUBSECTION (2), A SCHOOL DISTRICT, INTERMEDIATE SCHOOL
2 DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL NOT ASSIGN A PUPIL TO BE
3 TAUGHT IN THE SAME SUBJECT AREA FOR 2 CONSECUTIVE YEARS BY A
4 TEACHER WHO HAS BEEN RATED AS INEFFECTIVE ON HIS OR HER 2 MOST
5 RECENT ANNUAL YEAR-END EVALUATIONS UNDER SECTION 1249.

6 (2) Beginning ~~in 2015-2016,~~ WITH THE 2018-2019 SCHOOL YEAR, if
7 a pupil is assigned to be taught by a teacher who has been rated as
8 ineffective on his or her 2 most recent annual year-end evaluations
9 under section 1249, SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,
10 OR PUBLIC SCHOOL ACADEMY IS UNABLE TO COMPLY WITH SUBSECTION (1)
11 AND PLANS TO ASSIGN A PUPIL TO BE TAUGHT IN THE SAME SUBJECT AREA
12 FOR 2 CONSECUTIVE YEARS BY A TEACHER WHO HAS BEEN RATED AS
13 INEFFECTIVE ON HIS OR HER 2 MOST RECENT ANNUAL YEAR-END EVALUATIONS
14 UNDER SECTION 1249, the board of the school district or
15 intermediate school district or board of directors of the public
16 school academy in which the pupil is enrolled shall notify the
17 pupil's parent or legal guardian that the BOARD OR BOARD OF
18 DIRECTORS IS UNABLE TO COMPLY WITH SUBSECTION (1) AND THAT THE
19 pupil has been assigned to BE TAUGHT IN THE SAME SUBJECT AREA FOR A
20 SECOND CONSECUTIVE YEAR BY a teacher who has been rated as
21 ineffective on his or her 2 most recent annual year-end
22 evaluations. The notification shall be in writing, shall be
23 delivered to the parent or legal guardian not later than July 15
24 immediately preceding the beginning of the school year for which
25 the pupil is assigned to the teacher, and shall ~~identify the~~
26 ~~teacher who is the subject of the notification.~~ INCLUDE AN
27 EXPLANATION OF WHY THE BOARD OR BOARD OF DIRECTORS IS UNABLE TO

1 COMPLY WITH SUBSECTION (1).

2 SEC. 1249B. (1) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE
3 SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY
4 SHALL ENSURE THAT THE PERFORMANCE EVALUATION SYSTEM FOR BUILDING-
5 LEVEL SCHOOL ADMINISTRATORS AND FOR CENTRAL-OFFICE-LEVEL SCHOOL
6 ADMINISTRATORS WHO ARE REGULARLY INVOLVED IN INSTRUCTIONAL MATTERS
7 MEETS ALL OF THE FOLLOWING:

8 (A) THE PERFORMANCE EVALUATION SYSTEM SHALL INCLUDE AT LEAST
9 AN ANNUAL EVALUATION FOR ALL SCHOOL ADMINISTRATORS DESCRIBED IN
10 THIS SUBSECTION BY THE SCHOOL DISTRICT SUPERINTENDENT OR HIS OR HER
11 DESIGNEE, INTERMEDIATE SUPERINTENDENT OR HIS OR HER DESIGNEE, OR
12 CHIEF ADMINISTRATOR OF THE PUBLIC SCHOOL ACADEMY, AS APPLICABLE.
13 HOWEVER, A SUPERINTENDENT OR CHIEF ADMINISTRATOR SHALL BE EVALUATED
14 BY THE BOARD OR BOARD OF DIRECTORS OR, IF THE SUPERINTENDENT OR
15 CHIEF ADMINISTRATOR IS NOT EMPLOYED DIRECTLY BY THE BOARD OR BOARD
16 OF DIRECTORS, BY THE DESIGNEE OF THE BOARD OR BOARD OF DIRECTORS.

17 (B) FOR THE 2015-2016, 2016-2017, AND 2017-2018 SCHOOL YEARS,
18 25% OF THE ANNUAL EVALUATION SHALL BE BASED ON STUDENT GROWTH AND
19 ASSESSMENT DATA. BEGINNING WITH THE 2018-2019 SCHOOL YEAR, 40% OF
20 THE ANNUAL EVALUATION SHALL BE BASED ON STUDENT GROWTH AND
21 ASSESSMENT DATA. THE STUDENT GROWTH AND ASSESSMENT DATA TO BE USED
22 FOR THE SCHOOL ADMINISTRATOR ANNUAL EVALUATION ARE THE AGGREGATE
23 STUDENT GROWTH AND ASSESSMENT DATA THAT ARE USED IN TEACHER ANNUAL
24 YEAR-END EVALUATIONS IN EACH SCHOOL IN WHICH THE SCHOOL
25 ADMINISTRATOR WORKS AS AN ADMINISTRATOR OR, FOR A CENTRAL-OFFICE-
26 LEVEL SCHOOL ADMINISTRATOR, FOR THE ENTIRE SCHOOL DISTRICT OR
27 INTERMEDIATE SCHOOL DISTRICT.

1 (C) FOR THE PURPOSES OF CONDUCTING ANNUAL EVALUATIONS UNDER
2 THE PERFORMANCE EVALUATION SYSTEM, THE SCHOOL DISTRICT,
3 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL
4 DEVELOP OR ADOPT AND IMPLEMENT AN EVALUATION TOOL FOR SCHOOL
5 ADMINISTRATORS. THE PORTION OF A SCHOOL ADMINISTRATOR'S ANNUAL
6 EVALUATION THAT IS NOT BASED ON STUDENT GROWTH SHALL BE BASED
7 PRIMARILY ON THE SCHOOL ADMINISTRATOR'S PERFORMANCE AS MEASURED BY
8 THIS EVALUATION TOOL.

9 (D) THE PORTION OF THE ANNUAL EVALUATION THAT IS NOT BASED ON
10 STUDENT GROWTH AND ASSESSMENT DATA AS PROVIDED UNDER SUBDIVISION
11 (B) OR ON AN EVALUATION TOOL AS PROVIDED UNDER SUBDIVISION (C)
12 SHALL BE BASED ON AT LEAST THE FOLLOWING FOR EACH SCHOOL IN WHICH
13 THE SCHOOL ADMINISTRATOR WORKS AS AN ADMINISTRATOR OR, FOR A
14 CENTRAL-OFFICE-LEVEL SCHOOL ADMINISTRATOR, FOR THE ENTIRE SCHOOL
15 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT:

16 (i) IF THE SCHOOL ADMINISTRATOR CONDUCTS TEACHER PERFORMANCE
17 EVALUATIONS, THE SCHOOL ADMINISTRATOR'S PROFICIENCY IN USING THE
18 EVALUATION TOOL FOR TEACHERS USED BY THE SCHOOL DISTRICT,
19 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY UNDER
20 SECTION 1249. IF THE SCHOOL ADMINISTRATOR DESIGNATES ANOTHER PERSON
21 TO CONDUCT TEACHER PERFORMANCE EVALUATIONS, THE EVALUATION OF THE
22 SCHOOL ADMINISTRATOR ON THIS FACTOR SHALL BE BASED ON THE
23 DESIGNEE'S PROFICIENCY IN USING THE EVALUATION TOOL FOR TEACHERS
24 USED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
25 PUBLIC SCHOOL ACADEMY UNDER SECTION 1249, WITH THE DESIGNEE'S
26 PERFORMANCE TO BE COUNTED AS IF IT WERE THE SCHOOL ADMINISTRATOR
27 PERSONALLY CONDUCTING THE TEACHER PERFORMANCE EVALUATIONS.

1 (ii) THE PROGRESS MADE BY THE SCHOOL OR SCHOOL DISTRICT IN
2 MEETING THE GOALS SET FORTH IN THE SCHOOL'S SCHOOL IMPROVEMENT PLAN
3 OR THE SCHOOL DISTRICT'S SCHOOL IMPROVEMENT PLANS.

4 (iii) PUPIL ATTENDANCE IN THE SCHOOL OR SCHOOL DISTRICT.

5 (iv) STUDENT, PARENT, AND TEACHER FEEDBACK, AS AVAILABLE, AND
6 OTHER INFORMATION CONSIDERED PERTINENT BY THE SUPERINTENDENT OR
7 OTHER SCHOOL ADMINISTRATOR CONDUCTING THE PERFORMANCE EVALUATION OR
8 THE BOARD OR BOARD OF DIRECTORS.

9 (E) FOR THE PURPOSES OF CONDUCTING ANNUAL EVALUATIONS UNDER
10 THE PERFORMANCE EVALUATION SYSTEM, BY THE BEGINNING OF THE 2016-
11 2017 SCHOOL YEAR, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
12 DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ADOPT AND IMPLEMENT 1 OR
13 MORE OF THE EVALUATION TOOLS FOR SCHOOL ADMINISTRATORS THAT ARE
14 INCLUDED ON THE LIST UNDER SUBSECTION (3). HOWEVER, IF A SCHOOL
15 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
16 HAS 1 OR MORE LOCAL EVALUATION TOOLS FOR SCHOOL ADMINISTRATORS OR
17 MODIFICATIONS OF AN EVALUATION TOOL ON THE LIST UNDER SUBSECTION
18 (3), AND THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
19 PUBLIC SCHOOL ACADEMY COMPLIES WITH SUBSECTION (2), THE SCHOOL
20 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
21 MAY CONDUCT ANNUAL YEAR-END EVALUATIONS FOR SCHOOL ADMINISTRATORS
22 USING 1 OR MORE LOCAL EVALUATION TOOLS OR MODIFICATIONS.

23 (F) THE EVALUATION TOOL AND OTHER MEASURES USED BY THE SCHOOL
24 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IN
25 ITS PERFORMANCE EVALUATION SYSTEM FOR SCHOOL ADMINISTRATORS SHALL
26 BE USED CONSISTENTLY ACROSS THE SCHOOLS OPERATED BY A SCHOOL
27 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SO

1 THAT ALL SIMILARLY SITUATED SCHOOL ADMINISTRATORS ARE EVALUATED
2 USING THE SAME MEASURES.

3 (G) THE PERFORMANCE EVALUATION SYSTEM SHALL ASSIGN AN
4 EFFECTIVENESS RATING TO EACH SCHOOL ADMINISTRATOR DESCRIBED IN THIS
5 SUBSECTION OF HIGHLY EFFECTIVE, EFFECTIVE, MINIMALLY EFFECTIVE, OR
6 INEFFECTIVE.

7 (H) THE PERFORMANCE EVALUATION SYSTEM SHALL ENSURE THAT IF A
8 SCHOOL ADMINISTRATOR DESCRIBED IN THIS SUBSECTION IS RATED AS
9 MINIMALLY EFFECTIVE OR INEFFECTIVE, THE PERSON OR PERSONS
10 CONDUCTING THE EVALUATION SHALL DEVELOP AND REQUIRE THE SCHOOL
11 ADMINISTRATOR TO IMPLEMENT AN IMPROVEMENT PLAN TO CORRECT THE
12 DEFICIENCIES. THE IMPROVEMENT PLAN SHALL RECOMMEND PROFESSIONAL
13 DEVELOPMENT OPPORTUNITIES AND OTHER ACTIONS DESIGNED TO IMPROVE THE
14 RATING OF THE SCHOOL ADMINISTRATOR ON HIS OR HER NEXT ANNUAL
15 EVALUATION.

16 (I) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A
17 SCHOOL ADMINISTRATOR DESCRIBED IN THIS SUBSECTION IS RATED AS
18 INEFFECTIVE ON 3 CONSECUTIVE ANNUAL EVALUATIONS, THE SCHOOL
19 DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT
20 SHALL DISMISS THE SCHOOL ADMINISTRATOR FROM HIS OR HER EMPLOYMENT.
21 THIS SUBDIVISION DOES NOT AFFECT THE ABILITY OF A SCHOOL DISTRICT,
22 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY TO DISMISS A
23 SCHOOL ADMINISTRATOR FROM HIS OR HER EMPLOYMENT REGARDLESS OF
24 WHETHER THE SCHOOL ADMINISTRATOR IS RATED AS INEFFECTIVE ON 3
25 CONSECUTIVE ANNUAL EVALUATIONS.

26 (J) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A
27 SCHOOL ADMINISTRATOR IS RATED AS HIGHLY EFFECTIVE ON 3 CONSECUTIVE

1 ANNUAL EVALUATIONS, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
2 DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY CHOOSE TO CONDUCT AN
3 EVALUATION BIENNIALLY INSTEAD OF ANNUALLY. HOWEVER, IF A SCHOOL
4 ADMINISTRATOR IS NOT RATED AS HIGHLY EFFECTIVE ON 1 OF THESE
5 BIENNIAL EVALUATIONS, THE SCHOOL ADMINISTRATOR SHALL AGAIN BE
6 PROVIDED WITH ANNUAL EVALUATIONS.

7 (K) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
8 PUBLIC SCHOOL ACADEMY SHALL PROVIDE TRAINING TO SCHOOL
9 ADMINISTRATORS ON THE MEASURES USED BY THE SCHOOL DISTRICT,
10 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IN ITS
11 PERFORMANCE EVALUATION SYSTEM FOR SCHOOL ADMINISTRATORS AND ON HOW
12 EACH OF THE MEASURES IS USED. THIS TRAINING MAY BE PROVIDED BY A
13 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
14 ACADEMY, OR BY A CONSORTIUM CONSISTING OF 2 OR MORE OF THESE.

15 (I) BEGINNING WITH THE 2016-2017 SCHOOL YEAR, A SCHOOL
16 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
17 SHALL ENSURE THAT TRAINING IS PROVIDED TO ALL EVALUATORS AND
18 OBSERVERS. THE TRAINING SHALL BE PROVIDED BY AN INDIVIDUAL WHO HAS
19 EXPERTISE IN THE EVALUATION TOOL OR TOOLS USED BY THE SCHOOL
20 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY,
21 WHICH MAY INCLUDE EITHER A CONSULTANT ON THAT EVALUATION TOOL OR
22 FRAMEWORK OR AN INDIVIDUAL WHO HAS BEEN TRAINED TO TRAIN OTHERS IN
23 THE USE OF THE EVALUATION TOOL OR TOOLS. THIS SUBDIVISION DOES NOT
24 PROHIBIT A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC
25 SCHOOL ACADEMY, OR CONSORTIUM CONSISTING OF 2 OR MORE OF THESE,
26 FROM PROVIDING THE TRAINING IN THE USE OF THE EVALUATION TOOL OR
27 TOOLS IF THE TRAINER HAS EXPERTISE IN THE EVALUATION TOOL OR TOOLS.

1 (2) BEGINNING WITH THE 2016-2017 SCHOOL YEAR, A SCHOOL
2 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
3 SHALL POST ON ITS PUBLIC WEBSITE ALL OF THE FOLLOWING INFORMATION
4 ABOUT THE MEASURES IT USES FOR ITS PERFORMANCE EVALUATION SYSTEM
5 FOR SCHOOL ADMINISTRATORS:

6 (A) THE RESEARCH BASE FOR THE EVALUATION FRAMEWORK,
7 INSTRUMENT, AND PROCESS OR, IF THE SCHOOL DISTRICT, INTERMEDIATE
8 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY ADAPTS OR MODIFIES AN
9 EVALUATION TOOL FROM THE LIST UNDER SUBSECTION (3), THE RESEARCH
10 BASE FOR THE LISTED EVALUATION TOOL AND AN ASSURANCE THAT THE
11 ADAPTATIONS OR MODIFICATIONS DO NOT COMPROMISE THE VALIDITY OF THAT
12 RESEARCH BASE.

13 (B) THE IDENTITY AND QUALIFICATIONS OF THE AUTHOR OR AUTHORS
14 OR, IF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
15 SCHOOL ACADEMY ADAPTS OR MODIFIES AN EVALUATION TOOL FROM THE LIST
16 UNDER SUBSECTION (3), THE IDENTITY AND QUALIFICATIONS OF A PERSON
17 WITH EXPERTISE IN TEACHER EVALUATIONS WHO HAS REVIEWED THE ADAPTED
18 OR MODIFIED EVALUATION TOOL.

19 (C) EITHER EVIDENCE OF RELIABILITY, VALIDITY, AND EFFICACY OR
20 A PLAN FOR DEVELOPING THAT EVIDENCE OR, IF THE SCHOOL DISTRICT,
21 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY ADAPTS OR
22 MODIFIES AN EVALUATION TOOL FROM THE LIST UNDER SUBSECTION (3), AN
23 ASSURANCE THAT THE ADAPTATIONS OR MODIFICATIONS DO NOT COMPROMISE
24 THE RELIABILITY, VALIDITY, OR EFFICACY OF THE EVALUATION TOOL OR
25 THE EVALUATION PROCESS.

26 (D) THE EVALUATION FRAMEWORKS AND RUBRICS, WITH DETAILED
27 DESCRIPTORS FOR EACH PERFORMANCE LEVEL ON KEY SUMMATIVE INDICATORS.

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1 (E) A DESCRIPTION OF THE PROCESSES FOR COLLECTING EVIDENCE,
2 CONDUCTING EVALUATION CONFERENCES, DEVELOPING PERFORMANCE RATINGS,
3 AND DEVELOPING PERFORMANCE IMPROVEMENT PLANS.

4 (F) A DESCRIPTION OF THE PLAN FOR PROVIDING EVALUATORS AND
5 OBSERVERS WITH TRAINING.

6 (3) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A LIST OF
7 SCHOOL ADMINISTRATOR EVALUATION TOOLS THAT HAVE DEMONSTRATED
8 EVIDENCE OF EFFICACY AND THAT MAY BE USED FOR THE PURPOSES OF THIS
9 SECTION. THAT LIST INITIALLY SHALL INCLUDE AT LEAST THE 2
10 EVALUATION MODELS RECOMMENDED IN THE FINAL RECOMMENDATIONS RELEASED
11 BY THE MICHIGAN COUNCIL ON EDUCATOR EFFECTIVENESS IN JULY 2013. THE
12 LIST SHALL INCLUDE A STATEMENT INDICATING THAT SCHOOL DISTRICTS,
13 INTERMEDIATE SCHOOL DISTRICTS, AND PUBLIC SCHOOL ACADEMIES ARE NOT
14 LIMITED TO ONLY USING THE EVALUATION TOOLS THAT ARE INCLUDED ON THE
15 LIST. A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
16 SCHOOL ACADEMY IS NOT REQUIRED TO USE AN EVALUATION TOOL FOR SCHOOL
17 ADMINISTRATOR EVALUATIONS THAT IS THE SAME AS IT USES FOR TEACHER
18 EVALUATIONS OR THAT HAS THE SAME AUTHOR OR AUTHORS AS THE
19 EVALUATION TOOL IT USES FOR TEACHER EVALUATIONS. THE DEPARTMENT
20 SHALL PROMULGATE RULES ESTABLISHING STANDARDS AND PROCEDURES FOR
21 ADDING AN EVALUATION TOOL TO OR REMOVING AN EVALUATION TOOL FROM
22 THE LIST. THESE RULES SHALL INCLUDE A PROCESS FOR A SCHOOL
23 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY TO
24 SUBMIT ITS OWN EVALUATION TOOL FOR REVIEW FOR PLACEMENT ON THE
25 LIST.

26 [(4) THE TRAINING REQUIRED UNDER SUBSECTION (1) SHALL BE PAID FOR
FROM THE FUNDS AVAILABLE IN THE EDUCATOR EVALUATION RESERVE FUND CREATED
UNDER SECTION 95A OF THE STATE SCHOOL AID ACT, MCL 388.1695A.]

27 SEC. 1531J. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR
A RULE TO THE CONTRARY, BEGINNING JULY 1, 2018, THE SUPERINTENDENT

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1 OF PUBLIC INSTRUCTION SHALL NOT ISSUE AN INITIAL PROFESSIONAL
 2 TEACHING CERTIFICATE TO AN INDIVIDUAL UNLESS THE INDIVIDUAL
 3 PRESENTS EVIDENCE SATISFACTORY TO THE SUPERINTENDENT OF PUBLIC
 4 INSTRUCTION DEMONSTRATING THAT HE OR SHE MEETS ALL OF THE
 5 FOLLOWING:

6 (A) THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED AT LEAST 3 FULL
 7 YEARS OF CLASSROOM TEACHING.

8 (B) THE INDIVIDUAL MEETS EITHER OF THE FOLLOWING:

9 (i) WAS RATED AS EITHER EFFECTIVE OR HIGHLY EFFECTIVE ON HIS
 10 OR HER ANNUAL YEAR-END PERFORMANCE EVALUATION UNDER SECTION 1249
 11 FOR THE 3 CONSECUTIVE SCHOOL YEARS IMMEDIATELY PRECEDING HIS OR HER
 12 APPLICATION FOR THE PROFESSIONAL TEACHING CERTIFICATE.

13 (ii) WAS RATED AS EITHER EFFECTIVE OR HIGHLY EFFECTIVE ON HIS
 14 OR HER ANNUAL YEAR-END PERFORMANCE EVALUATION UNDER SECTION 1249
 15 FOR AT LEAST 3 NONCONSECUTIVE SCHOOL YEARS BEFORE HIS OR HER
 16 APPLICATION FOR THE PROFESSIONAL TEACHING CERTIFICATE AND SUBMITS A
 17 RECOMMENDATION FROM THE CHIEF SCHOOL ADMINISTRATOR OF THE SCHOOL AT
 18 WHICH HE OR SHE IS CURRENTLY EMPLOYED THAT HE OR SHE BE ISSUED A
 19 PROFESSIONAL TEACHING CERTIFICATE.

[SEC. 1531K. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, THE
 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOT ISSUE AN INITIAL ADVANCED
 PROFESSIONAL EDUCATION CERTIFICATE TO AN INDIVIDUAL, OR RENEW AN
 INDIVIDUAL'S ADVANCED PROFESSIONAL EDUCATION CERTIFICATE, UNLESS THE
 INDIVIDUAL PRESENTS EVIDENCE SATISFACTORY TO THE SUPERINTENDENT OF PUBLIC
 INSTRUCTION DEMONSTRATING THAT HE OR SHE MEETS ALL OF THE FOLLOWING:

(A) HAS BEEN RATED AS HIGHLY EFFECTIVE ON HIS OR HER ANNUAL YEAR-
 END EVALUATION UNDER SECTION 1249 FOR 3 OUT OF THE 5 MOST RECENT SCHOOL
 YEARS.

(B) HAS NOT BEEN RATED INEFFECTIVE ON HIS OR HER ANNUAL YEAR-END
 EVALUATION UNDER SECTION 1249 WITHIN THE 5 MOST RECENT SCHOOL YEARS.

(C) MEETS ADDITIONAL CRITERIA ESTABLISHED BY THE DEPARTMENT.]