

# SENATE BILL No. 103

February 12, 2015, Introduced by Senator PAVLOV and referred to the Committee on Education.

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 and 1531j; and to  
 repeal acts and parts of acts.

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

1           Sec. 1249. (1) Subject to subsection ~~(7)~~, **(5)**, 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~~  
8 **BEGINNING IN** 2014-2015, for grades and subjects in which state  
9 assessments are administered in compliance with 20 USC 6311,  
10 student growth must be measured, at least in part, using the state  
11 assessments, and for grades and subjects in which state assessments  
12 are not required and administered for purposes of 20 USC 6311,  
13 student growth must be measured, at least in part, using  
14 alternative assessments that are rigorous and comparable across  
15 schools within the school district, intermediate school district,  
16 or public school academy. If the performance evaluation system  
17 implemented by a school district, intermediate school district, or  
18 public school academy under this section does not already include  
19 the rating of teachers as highly effective, effective, minimally  
20 effective, and ineffective, then the school district, intermediate  
21 school district, or public school academy shall revise the  
22 performance evaluation system not later than September 19, 2011 to  
23 ensure that it rates teachers as highly effective, effective,  
24 minimally effective, or ineffective.

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

27 (i) The effectiveness of teachers and school administrators,

1 ensuring that they are given ample opportunities for improvement.

2 (ii) Promotion, retention, and development of teachers and  
3 school administrators, including providing relevant coaching,  
4 instruction support, or professional development.

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

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

12 (2) Beginning with the ~~2015-2016-2017-2018~~ school year, the  
13 board of a school district or intermediate school district or board  
14 of directors of a public school academy shall ensure that the  
15 performance evaluation system for teachers meets all of the  
16 following:

17 (a) The performance evaluation system shall include at least  
18 an annual year-end evaluation for all teachers. An annual year-end  
19 evaluation shall meet all of the following:

20 (i) ~~At least 50%~~ **TWENTY-FIVE PERCENT** of the annual year-end  
21 evaluation shall be based on student growth and assessment data.  
22 ~~All student growth and assessment data shall be measured using the~~  
23 ~~student growth assessment tool that is required under legislation~~  
24 ~~enacted by the legislature after review of the recommendations~~  
25 ~~contained in the report of the former Michigan council for educator~~  
26 ~~effectiveness.~~ **BEGINNING WITH THE 2018-2019 SCHOOL YEAR, 45% OF THE**  
27 **ANNUAL YEAR-END EVALUATION SHALL BE BASED ON STUDENT GROWTH AND**

1 ASSESSMENT DATA.

2 (ii) FOR GRADES AND SUBJECTS IN WHICH STATE ASSESSMENTS ARE  
3 ADMINISTERED IN COMPLIANCE WITH 20 USC 6311, AT LEAST 50% OF  
4 STUDENT GROWTH MUST BE MEASURED USING THE STATE ASSESSMENTS.

5 (iii) FOR GRADES AND SUBJECTS IN WHICH STATE ASSESSMENTS ARE NOT  
6 REQUIRED AND ADMINISTERED FOR PURPOSES OF 20 USC 6311, AT LEAST 50%  
7 OF STUDENT GROWTH MUST BE MEASURED USING ALTERNATIVE ASSESSMENTS  
8 THAT ARE RIGOROUS AND COMPARABLE ACROSS SCHOOLS WITHIN THE SCHOOL  
9 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.  
10 STUDENT GROWTH ALSO MAY BE MEASURED BY STANDARDS-BASED, NATIONALLY  
11 NORMED ASSESSMENTS, OR OTHER NATIONAL OR LOCAL ASSESSMENTS, OR  
12 BASED ON ACHIEVEMENT OF INDIVIDUALIZED EDUCATION PROGRAM GOALS.

13 (iv) ~~(ii)~~—If there are student growth and assessment data  
14 available for a teacher for at least 3 school years, the annual  
15 year-end evaluation shall be based on the student growth and  
16 assessment data for the most recent 3-consecutive-school-year  
17 period. If there are not student growth and assessment data  
18 available for a teacher for at least 3 school years, the annual  
19 year-end evaluation shall be based on all student growth and  
20 assessment data that are available for the teacher.

21 (v) ~~(iii)~~—The annual year-end evaluation shall include specific  
22 performance goals that will assist in improving effectiveness for  
23 the next school year and are developed by the school administrator  
24 or his or her designee conducting the evaluation, in consultation  
25 with the teacher, and any recommended training identified by the  
26 school administrator or designee, in consultation with the teacher,  
27 that would assist the teacher in meeting these goals. For a teacher

1 described in subdivision (b), the school administrator or designee  
2 shall develop, in consultation with the teacher, an individualized  
3 development plan that includes these goals and training and is  
4 designed to assist the teacher to improve his or her effectiveness.

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

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

16 (ii) The midyear progress report shall be aligned with the  
17 teacher's individualized development plan under subdivision (a) (iii).

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

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

3           (c) The performance evaluation system shall include classroom  
4 observations to assist in the performance evaluations. All of the  
5 following apply to these classroom observations:

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

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

12           (ii) ~~(iii)~~ A classroom observation does not have to be for an  
13 entire class period.

14           (iii) ~~(iv)~~ Unless a teacher has received a rating of effective or  
15 highly effective on his or her 2 most recent annual year-end  
16 evaluations, there shall be multiple classroom observations of the  
17 teacher each school year.

18           (iv) **THE SCHOOL ADMINISTRATOR RESPONSIBLE FOR THE TEACHER'S**  
19 **PERFORMANCE EVALUATION SHALL CONDUCT AT LEAST 1 OF THE**  
20 **OBSERVATIONS. OTHER OBSERVATIONS MAY BE CONDUCTED BY OTHER**  
21 **OBSERVERS WHO ARE TRAINED IN THE USE OF THE EVALUATION TOOL THAT IS**  
22 **USED UNDER SUBDIVISION (D). THESE OTHER OBSERVERS MAY BE TEACHER**  
23 **LEADERS.**

24           (d) For the purposes of conducting annual year-end evaluations  
25 under the performance evaluation system, the school district,  
26 intermediate school district, or public school academy shall  
27 **DEVELOP OR** adopt and implement ~~the state~~ **AN** evaluation tool for

1 teachers. that is required under legislation enacted by the  
2 legislature after review of the recommendations contained in the  
3 report of the former Michigan council for educator effectiveness.  
4 However, if a school district, intermediate school district, or  
5 public school academy has a local evaluation tool for teachers that  
6 is consistent with the state evaluation tool, the school district,  
7 intermediate school district, or public school academy may conduct  
8 annual year end evaluations for teachers using that local

9 evaluation tool.  
10 **THE EVALUATION TOOL OR TOOLS USED BY THE SCHOOL**  
11 **DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IN**  
12 **ITS PERFORMANCE EVALUATION SYSTEM SHALL BE USED CONSISTENTLY AMONG**  
13 **THE SCHOOLS OPERATED BY A SCHOOL DISTRICT, INTERMEDIATE SCHOOL**  
14 **DISTRICT, OR PUBLIC SCHOOL ACADEMY SO THAT ALL SIMILARLY SITUATED**  
15 **TEACHERS ARE EVALUATED USING THE SAME EVALUATION TOOL. THE SCHOOL**  
16 **DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY**  
17 **SHALL POST INFORMATION ABOUT THE EVALUATION TOOL ON ITS PUBLIC**  
18 **WEBSITE AS REQUIRED UNDER SUBSECTION (4).**

19 (e) The performance evaluation system shall assign an  
20 effectiveness rating to each teacher of highly effective,  
21 effective, minimally effective, or ineffective, based on his or her  
22 score on the annual year-end evaluation described in this  
23 subsection.

24 (f) As part of the performance evaluation system, and in  
25 addition to the requirements of section 1526, a school district,  
26 intermediate school district, or public school academy is  
27 encouraged to assign a mentor or coach to each teacher who is  
described in subdivision (b).

1 (g) The performance evaluation system may allow for exemption  
2 of student growth data for a particular pupil for a school year  
3 upon the recommendation of the school administrator conducting the  
4 annual year-end evaluation or his or her designee and approval of  
5 the school district superintendent or his or her designee,  
6 intermediate superintendent or his or her designee, or chief  
7 administrator of the public school academy, as applicable.

8 (h) The performance evaluation system shall provide that, if a  
9 teacher is rated as ineffective on 3 consecutive annual year-end  
10 evaluations, the school district, public school academy, or  
11 intermediate school district shall dismiss the teacher from his or  
12 her employment. This subdivision does not affect the ability of a  
13 school district, intermediate school district, or public school  
14 academy to dismiss an ineffective teacher from his or her  
15 employment regardless of whether the teacher is rated as  
16 ineffective on 3 consecutive annual year-end evaluations.

17 (i) The performance evaluation system shall provide that, if a  
18 teacher is rated as highly effective on 3 consecutive annual year-  
19 end evaluations, the school district, intermediate school district,  
20 or public school academy may choose to conduct a year-end  
21 evaluation biennially instead of annually. However, if a teacher is  
22 not rated as highly effective on 1 of these biennial year-end  
23 evaluations, the teacher shall again be provided with annual year-  
24 end evaluations.

25 (j) The performance evaluation system shall provide that, if a  
26 teacher who is not in a probationary period prescribed by section 1  
27 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated as



1 ineffective on an annual year-end evaluation, the teacher may  
 2 request a review of the evaluation and the rating by the school  
 3 district superintendent, intermediate superintendent, or chief  
 4 administrator of the public school academy, as applicable. The  
 5 request for a review must be submitted in writing within 20 days  
 6 after the teacher is informed of the rating. Upon receipt of the  
 7 request, the school district superintendent, intermediate  
 8 superintendent, or chief administrator of the public school  
 9 academy, as applicable, shall review the evaluation and rating and  
 10 may make any modifications as appropriate based on his or her  
 11 review. However, the performance evaluation system shall not allow  
 12 for a review as described in this subdivision more than twice in a  
 13 3-school-year period.

14 **(K) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR**  
 15 **PUBLIC SCHOOL ACADEMY SHALL PROVIDE INFORMATION TO TEACHERS ON THE**  
 16 **EVALUATION TOOL OR TOOLS USED BY THE SCHOOL DISTRICT, INTERMEDIATE**  
 17 **SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IN ITS PERFORMANCE**  
 18 **EVALUATION SYSTEM AND ON HOW EACH EVALUATION TOOL IS USED.**

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

26 ~~—— (a) The performance evaluation system shall include at least~~  
 27 ~~an annual year-end evaluation for all school administrators~~

~~1 described in this subsection by the school district superintendent  
2 or his or her designee, intermediate superintendent or his or her  
3 designee, or chief administrator of the public school academy, as  
4 applicable, except that a superintendent or chief administrator  
5 shall be evaluated by the board or board of directors.~~

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

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

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

1 ~~administrator on this factor shall be based on the designee's~~  
2 ~~training and proficiency in using the evaluation tool for teachers~~  
3 ~~described in subsection (2) (d), including a random sampling of the~~  
4 ~~designee's teacher performance evaluations to assess the quality of~~  
5 ~~the designee's input in the teacher performance evaluation system,~~  
6 ~~with the designee's performance to be counted as if it were the~~  
7 ~~school administrator personally conducting the teacher performance~~  
8 ~~evaluations.~~

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

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

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

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

~~1 intermediate school district, or public school academy may conduct  
2 performance evaluations for school administrators using that local  
3 evaluation tool.~~

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

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

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

1 ~~dismiss an ineffective school administrator from his or her~~  
 2 ~~employment regardless of whether the school administrator is rated~~  
 3 ~~as ineffective on 3 consecutive annual year end evaluations.~~

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

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

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

22 ~~—— (a) As of July 19, 2011, the school district, intermediate~~  
 23 ~~school district, or public school academy had already implemented~~  
 24 ~~and is currently using a performance evaluation system for that~~  
 25 ~~public school FOR THE PURPOSES OF THIS SECTION, A SCHOOL DISTRICT,~~  
 26 ~~INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IS~~  
 27 ~~ENCOURAGED TO ADOPT AND IMPLEMENT A PERFORMANCE EVALUATION SYSTEM~~

1 **FOR TEACHERS** that meets all of the following: ~~requirements.~~

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

5 (B) ~~(ii)~~ **FOR STUDENT GROWTH THAT CANNOT BE MEASURED AS**  
6 **REQUIRED UNDER SUBSECTION (2) (A) (i) TO (iii),** THE system uses  
7 research-based measures to determine student growth. ~~For 2014-2015,~~  
8 ~~for grades and subjects in which state assessments are administered~~  
9 ~~in compliance with 20 USC 6311, student growth must be measured, at~~  
10 ~~least in part, using the state assessments, and for grades and~~  
11 ~~subjects in which state assessments are not required and~~  
12 ~~administered for purposes of 20 USC 6311, student growth must be~~  
13 ~~measured, at least in part, using alternative assessments that are~~  
14 ~~rigorous and comparable across schools within the school district,~~  
15 ~~intermediate school district, or public school academy. Student~~  
16 ~~growth also may be measured by standards-based, nationally normed~~  
17 ~~assessments and other objective criteria which may include other~~  
18 ~~national or local assessments.~~

19 (C) ~~(iii)~~ The system determines professional competence through  
20 multiple direct observations of classroom practices and  
21 professional practices throughout the school year.

22 (D) ~~(iv)~~ Under the system, teacher effectiveness and ratings,  
23 as measured by student achievement and growth data, are factored  
24 into teacher retention, promotion, and termination decisions.

25 (E) ~~(v)~~ Under the system, teacher ~~and school administrator~~  
26 performance evaluation results are used to inform teacher  
27 professional development for the succeeding year.

1           (F) ~~(vi)~~ The system ensures that teachers and school  
2 administrators are evaluated at least annually.

3           ~~(b) The school district, intermediate school district, or  
4 public school academy notified the former governor's council on  
5 educator effectiveness by November 1, 2011 that it is exempt under  
6 this subsection from the requirements of subsections (2) and (3).~~

7           ~~(c) The school district, intermediate school district, or  
8 public school academy posts a description of its evaluation system  
9 on its website.~~

10           ~~(6) If, after July 19, 2011, a school district, intermediate  
11 school district, or public school academy begins operating a new  
12 public school, or implements a new performance evaluation system  
13 for a public school it operates, and all of the following apply,  
14 then the school district, intermediate school district, or public  
15 school academy is not required to comply with subsection (2) or (3)  
16 for that public school.~~

17           ~~(a) The performance evaluation system adopted and implemented  
18 for that public school replicates and is identical to the  
19 performance evaluation system of a public school that is exempt  
20 under subsection (5).~~

21           ~~(b) The school district, intermediate school district, or  
22 public school academy posts a description of the performance  
23 evaluation system on its website.~~

24           (4) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC  
25 SCHOOL ACADEMY SHALL POST ON ITS PUBLIC WEBSITE ALL OF THE  
26 FOLLOWING INFORMATION ABOUT THE EVALUATION TOOL OR TOOLS IT USES  
27 FOR ITS PERFORMANCE EVALUATION SYSTEM FOR TEACHERS:

1 (A) THE RESEARCH BASE FOR THE EVALUATION FRAMEWORK,  
2 INSTRUMENT, AND PROCESS.

3 (B) THE IDENTITY AND QUALIFICATIONS OF THE AUTHOR OR AUTHORS.

4 (C) EITHER EVIDENCE OF RELIABILITY, VALIDITY, AND EFFICACY OR  
5 A PLAN FOR DEVELOPING THAT EVIDENCE.

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

8 (E) A DESCRIPTION OF THE PROCESSES FOR CONDUCTING CLASSROOM  
9 OBSERVATIONS, COLLECTING EVIDENCE, CONDUCTING EVALUATION  
10 CONFERENCES, DEVELOPING PERFORMANCE RATINGS, AND DEVELOPING  
11 PERFORMANCE IMPROVEMENT PLANS.

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

14 (5) ~~(7)~~—If a collective bargaining agreement ~~is~~ **WAS** in effect  
15 for teachers or school administrators of a school district, public  
16 school academy, or intermediate school district as of July 19,  
17 2011, **IF THAT SAME COLLECTIVE BARGAINING AGREEMENT IS STILL IN**  
18 **EFFECT AS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**  
19 **SECTION 1531J**, and if that collective bargaining agreement prevents  
20 compliance with subsection (1), then subsection (1) does not apply  
21 to that school district, public school academy, or intermediate  
22 school district until after the expiration of that collective  
23 bargaining agreement.

24 (6) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET MAY  
25 ESTABLISH AND MAINTAIN A LIST OF EVALUATION TOOLS FOR EVALUATING  
26 TEACHERS THAT MAY BE USED FOR THE PURPOSES OF THIS SECTION. THAT  
27 LIST MAY INCLUDE EVALUATION MODELS RECOMMENDED IN THE FINAL



1 RECOMMENDATIONS RELEASED BY THE MICHIGAN COUNCIL ON EDUCATOR  
2 EFFECTIVENESS IN JULY 2013. THE LIST SHALL INCLUDE A STATEMENT  
3 INDICATING THAT SCHOOL DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS,  
4 AND PUBLIC SCHOOL ACADEMIES ARE NOT LIMITED TO ONLY USING THE  
5 EVALUATION TOOLS THAT ARE INCLUDED ON THE LIST.

6 Sec. 1249a. (1) BEGINNING WITH THE 2018-2019 SCHOOL YEAR,  
7 SUBJECT TO SUBSECTION (2), A SCHOOL DISTRICT, INTERMEDIATE SCHOOL  
8 DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL NOT ASSIGN A PUPIL TO BE  
9 TAUGHT IN THE SAME SUBJECT AREA FOR 2 CONSECUTIVE YEARS BY A  
10 TEACHER WHO HAS BEEN RATED AS INEFFECTIVE ON HIS OR HER 2 MOST  
11 RECENT ANNUAL YEAR-END EVALUATIONS UNDER SECTION 1249.

12 (2) Beginning ~~in 2015-2016,~~ WITH THE 2018-2019 SCHOOL YEAR, if  
13 a pupil is assigned to be taught by a teacher who has been rated as  
14 ineffective on his or her 2 most recent annual year-end evaluations  
15 under section 1249, SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,  
16 OR PUBLIC SCHOOL ACADEMY IS UNABLE TO COMPLY WITH SUBSECTION (1)  
17 AND PLANS TO ASSIGN A PUPIL TO BE TAUGHT IN THE SAME SUBJECT AREA  
18 FOR 2 CONSECUTIVE YEARS BY A TEACHER WHO HAS BEEN RATED AS  
19 INEFFECTIVE ON HIS OR HER 2 MOST RECENT ANNUAL YEAR-END EVALUATIONS  
20 UNDER SECTION 1249, the board of the school district or  
21 intermediate school district or board of directors of the public  
22 school academy in which the pupil is enrolled shall notify the  
23 pupil's parent or legal guardian that the **BOARD OR BOARD OF**  
24 **DIRECTORS IS UNABLE TO COMPLY WITH SUBSECTION (1) AND THAT THE**  
25 pupil has been assigned to **BE TAUGHT IN THE SAME SUBJECT AREA FOR A**  
26 **SECOND CONSECUTIVE YEAR BY** a teacher who has been rated as  
27 ineffective on his or her 2 most recent annual year-end

1 evaluations. The notification shall be in writing, shall be  
2 delivered to the parent or legal guardian not later than July 15  
3 immediately preceding the beginning of the school year for which  
4 the pupil is assigned to the teacher, and shall ~~identify the~~  
5 ~~teacher who is the subject of the notification.~~ INCLUDE AN  
6 EXPLANATION OF WHY THE BOARD OR BOARD OF DIRECTORS IS UNABLE TO  
7 COMPLY WITH SUBSECTION (1).

8 SEC. 1249B. (1) BEGINNING WITH THE 2017-2018 SCHOOL YEAR, THE  
9 BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD  
10 OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE  
11 PERFORMANCE EVALUATION SYSTEM FOR BUILDING-LEVEL SCHOOL  
12 ADMINISTRATORS AND FOR CENTRAL-OFFICE-LEVEL SCHOOL ADMINISTRATORS  
13 WHO ARE REGULARLY INVOLVED IN INSTRUCTIONAL MATTERS MEETS ALL OF  
14 THE FOLLOWING:

15 (A) THE PERFORMANCE EVALUATION SYSTEM SHALL INCLUDE AT LEAST  
16 AN ANNUAL EVALUATION FOR ALL SCHOOL ADMINISTRATORS DESCRIBED IN  
17 THIS SUBSECTION BY THE SCHOOL DISTRICT SUPERINTENDENT OR HIS OR HER  
18 DESIGNEE, INTERMEDIATE SUPERINTENDENT OR HIS OR HER DESIGNEE, OR  
19 CHIEF ADMINISTRATOR OF THE PUBLIC SCHOOL ACADEMY, AS APPLICABLE.  
20 HOWEVER, A SUPERINTENDENT OR CHIEF ADMINISTRATOR SHALL BE EVALUATED  
21 BY THE BOARD OR BOARD OF DIRECTORS OR, IF THE SUPERINTENDENT OR  
22 CHIEF ADMINISTRATOR IS NOT EMPLOYED DIRECTLY BY THE BOARD OR BOARD  
23 OF DIRECTORS, BY THE DESIGNEE OF THE BOARD OR BOARD OF DIRECTORS.

24 (B) TWENTY-FIVE PERCENT OF THE ANNUAL YEAR-END EVALUATION  
25 SHALL BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA. BEGINNING  
26 WITH THE 2018-2019 SCHOOL YEAR, 45% OF THE ANNUAL YEAR-END  
27 EVALUATION SHALL BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA.

1 THE STUDENT GROWTH AND ASSESSMENT DATA TO BE USED FOR THE SCHOOL  
2 ADMINISTRATOR ANNUAL YEAR-END EVALUATION ARE THE AGGREGATE STUDENT  
3 GROWTH AND ASSESSMENT DATA THAT ARE USED IN TEACHER ANNUAL YEAR-END  
4 EVALUATIONS IN EACH SCHOOL IN WHICH THE SCHOOL ADMINISTRATOR WORKS  
5 AS AN ADMINISTRATOR OR, FOR A CENTRAL-OFFICE-LEVEL SCHOOL  
6 ADMINISTRATOR, FOR THE ENTIRE SCHOOL DISTRICT OR INTERMEDIATE  
7 SCHOOL DISTRICT.

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

14 (i) IF THE SCHOOL ADMINISTRATOR CONDUCTS TEACHER PERFORMANCE  
15 EVALUATIONS, THE SCHOOL ADMINISTRATOR'S TRAINING AND PROFICIENCY IN  
16 USING THE EVALUATION TOOL FOR TEACHERS USED BY THE SCHOOL DISTRICT,  
17 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY UNDER  
18 SECTION 1249, INCLUDING A RANDOM SAMPLING OF HIS OR HER TEACHER  
19 PERFORMANCE EVALUATIONS TO ASSESS THE QUALITY OF THE SCHOOL  
20 ADMINISTRATOR'S INPUT IN THE TEACHER PERFORMANCE EVALUATION SYSTEM.  
21 IF THE SCHOOL ADMINISTRATOR DESIGNATES ANOTHER PERSON TO CONDUCT  
22 TEACHER PERFORMANCE EVALUATIONS, THE EVALUATION OF THE SCHOOL  
23 ADMINISTRATOR ON THIS FACTOR SHALL BE BASED ON THE DESIGNEE'S  
24 TRAINING AND PROFICIENCY IN USING THE EVALUATION TOOL FOR TEACHERS  
25 USED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR  
26 PUBLIC SCHOOL ACADEMY UNDER SECTION 1249, INCLUDING A RANDOM  
27 SAMPLING OF THE DESIGNEE'S TEACHER PERFORMANCE EVALUATIONS TO

1 ASSESS THE QUALITY OF THE DESIGNEE'S INPUT IN THE TEACHER  
2 PERFORMANCE EVALUATION SYSTEM, WITH THE DESIGNEE'S PERFORMANCE TO  
3 BE COUNTED AS IF IT WERE THE SCHOOL ADMINISTRATOR PERSONALLY  
4 CONDUCTING THE TEACHER PERFORMANCE EVALUATIONS.

5 (ii) THE PROGRESS MADE BY THE SCHOOL OR SCHOOL DISTRICT IN  
6 MEETING THE GOALS SET FORTH IN THE SCHOOL'S SCHOOL IMPROVEMENT PLAN  
7 OR THE SCHOOL DISTRICT'S SCHOOL IMPROVEMENT PLANS.

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

9 (iv) STUDENT, PARENT, AND TEACHER FEEDBACK, AND OTHER  
10 INFORMATION CONSIDERED PERTINENT BY THE SUPERINTENDENT OR OTHER  
11 SCHOOL ADMINISTRATOR CONDUCTING THE PERFORMANCE EVALUATION OR THE  
12 BOARD OR BOARD OF DIRECTORS.

13 (D) THE MEASURES USED BY THE SCHOOL DISTRICT, INTERMEDIATE  
14 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IN ITS PERFORMANCE  
15 EVALUATION SYSTEM FOR SCHOOL ADMINISTRATORS SHALL BE USED  
16 CONSISTENTLY AMONG THE SCHOOLS OPERATED BY A SCHOOL DISTRICT,  
17 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SO THAT ALL  
18 SIMILARLY SITUATED SCHOOL ADMINISTRATORS ARE EVALUATED USING THE  
19 SAME MEASURES.

20 (E) THE PERFORMANCE EVALUATION SYSTEM SHALL ASSIGN AN  
21 EFFECTIVENESS RATING TO EACH SCHOOL ADMINISTRATOR DESCRIBED IN THIS  
22 SUBSECTION OF HIGHLY EFFECTIVE, EFFECTIVE, MINIMALLY EFFECTIVE, OR  
23 INEFFECTIVE.

24 (F) THE PERFORMANCE EVALUATION SYSTEM SHALL ENSURE THAT IF A  
25 SCHOOL ADMINISTRATOR DESCRIBED IN THIS SUBSECTION IS RATED AS  
26 MINIMALLY EFFECTIVE OR INEFFECTIVE, THE PERSON OR PERSONS  
27 CONDUCTING THE EVALUATION SHALL DEVELOP AND REQUIRE THE SCHOOL

1 ADMINISTRATOR TO IMPLEMENT AN IMPROVEMENT PLAN TO CORRECT THE  
2 DEFICIENCIES. THE IMPROVEMENT PLAN SHALL RECOMMEND PROFESSIONAL  
3 DEVELOPMENT OPPORTUNITIES AND OTHER ACTIONS DESIGNED TO IMPROVE THE  
4 RATING OF THE SCHOOL ADMINISTRATOR ON HIS OR HER NEXT ANNUAL YEAR-  
5 END EVALUATION.

6 (G) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A  
7 SCHOOL ADMINISTRATOR DESCRIBED IN THIS SUBSECTION IS RATED AS  
8 INEFFECTIVE ON 3 CONSECUTIVE ANNUAL YEAR-END EVALUATIONS, THE  
9 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL  
10 DISTRICT SHALL DISMISS THE SCHOOL ADMINISTRATOR FROM HIS OR HER  
11 EMPLOYMENT. THIS SUBDIVISION DOES NOT AFFECT THE ABILITY OF A  
12 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL  
13 ACADEMY TO DISMISS AN INEFFECTIVE SCHOOL ADMINISTRATOR FROM HIS OR  
14 HER EMPLOYMENT REGARDLESS OF WHETHER THE SCHOOL ADMINISTRATOR IS  
15 RATED AS INEFFECTIVE ON 3 CONSECUTIVE ANNUAL YEAR-END EVALUATIONS.

16 (H) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A  
17 SCHOOL ADMINISTRATOR IS RATED AS HIGHLY EFFECTIVE ON 3 CONSECUTIVE  
18 ANNUAL YEAR-END EVALUATIONS, THE SCHOOL DISTRICT, INTERMEDIATE  
19 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY CHOOSE TO CONDUCT A  
20 YEAR-END EVALUATION BIENNIALY INSTEAD OF ANNUALLY. HOWEVER, IF A  
21 SCHOOL ADMINISTRATOR IS NOT RATED AS HIGHLY EFFECTIVE ON 1 OF THESE  
22 BIENNIAL YEAR-END EVALUATIONS, THE SCHOOL ADMINISTRATOR SHALL AGAIN  
23 BE PROVIDED WITH ANNUAL YEAR-END EVALUATIONS.

24 (I) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR  
25 PUBLIC SCHOOL ACADEMY SHALL PROVIDE INFORMATION TO SCHOOL  
26 ADMINISTRATORS ON THE MEASURES USED BY THE SCHOOL DISTRICT,  
27 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IN ITS

1 PERFORMANCE EVALUATION SYSTEM FOR SCHOOL ADMINISTRATORS AND ON HOW  
2 EACH OF THE MEASURES IS USED.

3 (2) FOR THE PURPOSES OF THIS SECTION, A SCHOOL DISTRICT,  
4 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IS  
5 ENCOURAGED TO ADOPT AND IMPLEMENT A PERFORMANCE EVALUATION SYSTEM  
6 FOR SCHOOL ADMINISTRATORS THAT MEETS ALL OF THE FOLLOWING:

7 (A) UNDER THE SYSTEM, THE MOST SIGNIFICANT PORTION OF A SCHOOL  
8 ADMINISTRATOR'S EVALUATION IS BASED ON STUDENT GROWTH AND  
9 ASSESSMENT DATA, WHICH MAY INCLUDE VALUE-ADDED MEASURES.

10 (B) THE SYSTEM USES RESEARCH-BASED MEASURES TO DETERMINE  
11 STUDENT GROWTH.

12 (C) THE SYSTEM DETERMINES PROFESSIONAL COMPETENCE THROUGH  
13 MULTIPLE DIRECT OBSERVATIONS OF PROFESSIONAL PRACTICES THROUGHOUT  
14 THE SCHOOL YEAR.

15 (D) UNDER THE SYSTEM, SCHOOL ADMINISTRATOR EFFECTIVENESS AND  
16 RATINGS, AS MEASURED BY STUDENT ACHIEVEMENT AND GROWTH DATA, ARE  
17 FACTORED INTO SCHOOL ADMINISTRATOR RETENTION, PROMOTION, AND  
18 TERMINATION DECISIONS.

19 (E) UNDER THE SYSTEM, SCHOOL ADMINISTRATOR PERFORMANCE  
20 EVALUATION RESULTS ARE USED TO INFORM SCHOOL ADMINISTRATOR  
21 PROFESSIONAL DEVELOPMENT FOR THE SUCCEEDING YEAR.

22 (F) THE SYSTEM ENSURES THAT SCHOOL ADMINISTRATORS ARE  
23 EVALUATED AT LEAST ANNUALLY.

24 (3) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC  
25 SCHOOL ACADEMY SHALL POST ON ITS PUBLIC WEBSITE ALL OF THE  
26 FOLLOWING INFORMATION ABOUT THE MEASURES IT USES FOR ITS  
27 PERFORMANCE EVALUATION SYSTEM FOR SCHOOL ADMINISTRATORS:

1 (A) THE RESEARCH BASE FOR THE EVALUATION FRAMEWORK,  
2 INSTRUMENT, AND PROCESS.

3 (B) THE IDENTITY AND QUALIFICATIONS OF THE AUTHOR OR AUTHORS.

4 (C) EITHER EVIDENCE OF RELIABILITY, VALIDITY, AND EFFICACY OR  
5 A PLAN FOR DEVELOPING THAT EVIDENCE.

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

8 (E) A DESCRIPTION OF THE PROCESSES FOR COLLECTING EVIDENCE,  
9 CONDUCTING EVALUATION CONFERENCES, DEVELOPING PERFORMANCE RATINGS,  
10 AND DEVELOPING PERFORMANCE IMPROVEMENT PLANS.

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

13 (4) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET MAY  
14 ESTABLISH AND MAINTAIN A LIST OF EVALUATION TOOLS FOR EVALUATING  
15 SCHOOL ADMINISTRATORS THAT MAY BE USED FOR THE PURPOSES OF THIS  
16 SECTION. THAT LIST MAY INCLUDE THE 2 EVALUATION MODELS RECOMMENDED  
17 IN THE FINAL RECOMMENDATIONS RELEASED BY THE MICHIGAN COUNCIL ON  
18 EDUCATOR EFFECTIVENESS IN JULY 2013. THE LIST SHALL INCLUDE A  
19 STATEMENT INDICATING THAT SCHOOL DISTRICTS, INTERMEDIATE SCHOOL  
20 DISTRICTS, AND PUBLIC SCHOOL ACADEMIES ARE NOT LIMITED TO ONLY  
21 USING THE EVALUATION TOOLS THAT ARE INCLUDED ON THE LIST.

22 SEC. 1531J. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR  
23 A RULE TO THE CONTRARY, BEGINNING JULY 1, 2018, THE SUPERINTENDENT  
24 OF PUBLIC INSTRUCTION SHALL NOT ISSUE AN INITIAL PROFESSIONAL  
25 TEACHING CERTIFICATE TO AN INDIVIDUAL UNLESS THE INDIVIDUAL  
26 PRESENTS EVIDENCE SATISFACTORY TO THE SUPERINTENDENT OF PUBLIC  
27 INSTRUCTION DEMONSTRATING THAT HE OR SHE MEETS ALL OF THE

1 FOLLOWING:

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

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

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

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

16 (C) THE INDIVIDUAL HAS COMPLETED AT LEAST 6 SEMESTER CREDIT  
17 HOURS, OR THE EQUIVALENT IN TERMS OR TRIMESTERS, IN A PLANNED  
18 PROGRAM AT AN APPROVED TEACHER PREPARATION INSTITUTION OR 6  
19 SEMESTER CREDIT HOURS, OR THE EQUIVALENT IN TERMS OR TRIMESTERS, OF  
20 ACADEMIC CREDIT APPROVED BY THE SUPERINTENDENT OF PUBLIC  
21 INSTRUCTION, AS BEING APPROPRIATE TO THE GRADE LEVEL AND SUBJECT  
22 AREA ENDORSEMENT OF THE TEACHING CERTIFICATE AT ANY COLLEGE OR  
23 UNIVERSITY.

24 Enacting section 1. Section 95a of the state school aid act of  
25 1979, 1979 PA 94, MCL 388.1695a, is repealed.