

# HOUSE BILL No. 5473

January 30, 2018, Introduced by Reps. Liberati, Ellison, Greig, Sowerby, Pagan, Sneller, Gay-Dagnogo, Geiss, Lasinski, Brinks, LaGrand, Neeley, Love, Garrett, Cambensy, Hertel, Hoadley, Moss, Chang, Yancey, Camilleri, Green, Wittenberg, Durhal, Chirkun, Faris, Cochran, Rabhi, Jones, Dianda, Clemente and Hammoud and referred to the Committee on Education Reform.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1248, 1249, 1249b, 1280f, 1531j, and 1531k (MCL 380.1248, 380.1249, 380.1249b, 380.1280f, 380.1531j, and 380.1531k), section 1248 as added by 2011 PA 102, section 1249 as amended by 2016 PA 170, sections 1249b, 1531j, and 1531k as added by 2015 PA 173, and section 1280f as added by 2016 PA 306.

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

1       Sec. 1248. (1) For teachers, as defined in section 1 of  
2 article I of 1937 (Ex Sess) PA 4, MCL 38.71, all of the following  
3 apply to policies regarding personnel decisions when conducting a  
4 staffing or program reduction or any other personnel determination  
5 resulting in the elimination of a position, when conducting a

1 recall from a staffing or program reduction or any other personnel  
2 determination resulting in the elimination of a position, or in  
3 hiring after a staffing or program reduction or any other personnel  
4 determination resulting in the elimination of a position by a  
5 school district or intermediate school district:

6 (a) Subject to subdivision (c), the board of a school district  
7 or intermediate school district shall not adopt, implement,  
8 maintain, or comply with a policy that provides that length of  
9 service or tenure status is the primary or determining factor in  
10 personnel decisions when conducting a staffing or program reduction  
11 or any other personnel determination resulting in the elimination  
12 of a position, when conducting a recall from a staffing or program  
13 reduction or any other personnel determination resulting in the  
14 elimination of a position, or in hiring after a staffing or program  
15 reduction or any other personnel determination resulting in the  
16 elimination of a position.

17 (b) Subject to subdivision (c), the board of a school district  
18 or intermediate school district shall ensure that the school  
19 district or intermediate school district adopts, implements,  
20 maintains, and complies with a policy that provides that all  
21 personnel decisions when conducting a staffing or program reduction  
22 or any other personnel determination resulting in the elimination  
23 of a position, when conducting a recall from a staffing or program  
24 reduction or any other personnel determination resulting in the  
25 elimination of a position, or in hiring after a staffing or program  
26 reduction or any other personnel determination resulting in the  
27 elimination of a position, are based on retaining effective

1 teachers. The policy shall ensure that a teacher who has been rated  
2 as ineffective under the performance evaluation system under  
3 section 1249 is not given any preference that would result in that  
4 teacher being retained over a teacher who is evaluated as minimally  
5 effective ~~, OR effective, or highly effective~~ under the performance  
6 evaluation system under section 1249. Effectiveness shall be  
7 measured by the performance evaluation system under section 1249,  
8 and the personnel decisions shall be made based on the following  
9 factors:

10 (i) Individual performance shall be the majority factor in  
11 making the decision, and shall consist of but is not limited to all  
12 of the following:

13 (A) Evidence of student growth, which shall be the predominant  
14 factor in assessing an employee's individual performance.

15 (B) The teacher's demonstrated pedagogical skills, including  
16 at least a special determination concerning the teacher's knowledge  
17 of his or her subject area and the ability to impart that knowledge  
18 through planning, delivering rigorous content, checking for and  
19 building higher-level understanding, differentiating, and managing  
20 a classroom; and consistent preparation to maximize instructional  
21 time.

22 (C) The teacher's management of the classroom, manner and  
23 efficacy of disciplining pupils, rapport with parents and other  
24 teachers, and ability to withstand the strain of teaching.

25 (D) The teacher's attendance and disciplinary record, if any.

26 (ii) Significant, relevant accomplishments and contributions.

27 This factor shall be based on whether the individual contributes to

1 the overall performance of the school by making clear, significant,  
2 relevant contributions above the normal expectations for an  
3 individual in his or her peer group and having demonstrated a  
4 record of exceptional performance.

5 (iii) Relevant special training. This factor shall be based on  
6 completion of relevant training other than the professional  
7 development or continuing education that is required by the  
8 employer or by state law, and integration of that training into  
9 instruction in a meaningful way.

10 (c) Except as otherwise provided in this subdivision, length  
11 of service or tenure status shall not be a factor in a personnel  
12 decision described in subdivision (a) or (b). However, if that  
13 personnel decision involves 2 or more employees and all other  
14 factors distinguishing those employees from each other are equal,  
15 then length of service or tenure status may be considered as a  
16 tiebreaker.

17 (2) If a collective bargaining agreement is in effect for  
18 employees of a school district or intermediate school district as  
19 of the effective date of this section and if that collective  
20 bargaining agreement prevents compliance with subsection (1), then  
21 subsection (1) does not apply to that school district or  
22 intermediate school district until after the expiration of that  
23 collective bargaining agreement.

24 (3) If a teacher brings an action against a school district or  
25 intermediate school district based on this section, the teacher's  
26 sole and exclusive remedy shall be an order of reinstatement  
27 commencing 30 days after a decision by a court of competent

1 jurisdiction. The remedy in an action brought by a teacher based on  
2 this section shall not include lost wages, lost benefits, or any  
3 other economic damages.

4 Sec. 1249. (1) Subject to subsection (4), with the involvement  
5 of teachers and school administrators, the board of a school  
6 district or intermediate school district or board of directors of a  
7 public school academy shall adopt and implement for all teachers  
8 and school administrators a rigorous, transparent, and fair  
9 performance evaluation system that does all of the following:

10 (a) Evaluates the teacher's or school administrator's job  
11 performance at least annually while providing timely and  
12 constructive feedback.

13 (b) Establishes clear approaches to measuring student growth  
14 and provides teachers and school administrators with relevant data  
15 on student growth.

16 (c) Evaluates a teacher's or school administrator's job  
17 performance, using multiple rating categories that take into  
18 account student growth and assessment data. Student growth must be  
19 measured using multiple measures that may include student learning  
20 objectives, achievement of individualized education program goals,  
21 nationally normed or locally developed assessments that are aligned  
22 to state standards, research-based growth measures, or alternative  
23 assessments that are rigorous and comparable across schools within  
24 the school district, intermediate school district, or public school  
25 academy. If the performance evaluation system implemented by a  
26 school district, intermediate school district, or public school  
27 academy under this section does not already include the rating of

1 teachers as ~~highly effective~~, effective, minimally effective, and  
2 ineffective, then the school district, intermediate school  
3 district, or public school academy shall revise the performance  
4 evaluation system not later than ~~September 19, 2011~~ **JANUARY 1, 2019**  
5 to ensure that it rates teachers as ~~highly effective~~, effective,  
6 minimally effective, or ineffective.

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

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

11 (ii) Promotion, retention, and development of teachers and  
12 school administrators, including providing relevant coaching,  
13 instruction support, or professional development.

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

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

21 (2) The board of a school district or intermediate school  
22 district or board of directors of a public school academy shall  
23 ensure that the performance evaluation system for teachers meets  
24 all of the following:

25 (a) The performance evaluation system shall include at least  
26 an annual year-end evaluation for all teachers. Beginning with the  
27 2015-2016 school year, an annual year-end evaluation shall meet all

1 of the following:

2 (i) For the 2015-2016, 2016-2017, and 2017-2018 school years,  
3 25% of the annual year-end evaluation shall be based on student  
4 growth and assessment data. Beginning with the 2018-2019 school  
5 year, 40% of the annual year-end evaluation shall be based on  
6 student growth and assessment data.

7 (ii) Beginning with the 2018-2019 school year, for core  
8 content areas in grades and subjects in which state assessments are  
9 administered, 50% of student growth must be measured using the  
10 state assessments, and the portion of student growth not measured  
11 using state assessments must be measured using multiple research-  
12 based growth measures or alternative assessments that are rigorous  
13 and comparable across schools within the school district,  
14 intermediate school district, or public school academy. Student  
15 growth also may be measured by student learning objectives or  
16 nationally normed or locally adopted assessments that are aligned  
17 to state standards, or based on achievement of individualized  
18 education program goals.

19 (iii) Beginning with the 2016-2017 school year, the portion of  
20 a teacher's annual year-end evaluation that is not based on student  
21 growth and assessment data, as described under subparagraph (i),  
22 shall be based primarily on a teacher's performance as measured by  
23 the evaluation tool developed or adopted by the school district,  
24 intermediate school district, or public school academy under  
25 subdivision (f).

26 (iv) The portion of a teacher's evaluation that is not  
27 measured using **THE FACTOR DESCRIBED IN SUBPARAGRAPH (v)**, student

1 growth and assessment data, as described under subparagraph (i), or  
2 using the evaluation tool developed or adopted by the school  
3 district, intermediate school district, or public school academy,  
4 as described under subparagraph (iii), shall incorporate criteria  
5 enumerated in section 1248(1)(b)(i) to (iii) that are not otherwise  
6 evaluated under subparagraph (i) or (iii).

7 **(v) BEGINNING WITH THE 2018-2019 SCHOOL YEAR, THE PORTION OF A**  
8 **TEACHER'S ANNUAL YEAR-END EVALUATION THAT IS NOT MEASURED USING**  
9 **CRITERIA DESCRIBED IN SUBPARAGRAPHS (i) TO (iv) SHALL INCORPORATE**  
10 **THE FACTOR OF WHETHER THE TEACHER WAS ASSIGNED A STUDENT TEACHER**  
11 **DURING THE EVALUATION PERIOD OF THE APPLICABLE YEAR.**

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

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



1 shall develop, in consultation with the teacher, an individualized  
2 development plan that includes these goals and training and is  
3 designed to assist the teacher to improve his or her effectiveness.

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

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

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

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

27 (iv) The midyear progress report shall not take the place of

1 an annual year-end evaluation.

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

5 (i) 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) A classroom observation does not have to be for an entire  
9 class period.

10 (iii) Unless a teacher has received a rating of effective or  
11 ~~highly effective~~ on his or her 2 most recent annual year-end  
12 evaluations, there shall be at least 2 classroom observations of  
13 the teacher each school year. Beginning with the 2016-2017 school  
14 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) For the purposes of conducting annual year-end evaluations  
26 under the performance evaluation system, by the beginning of the  
27 2016-2017 school year, the school district, intermediate school

1 district, or public school academy shall adopt and implement 1 or  
2 more of the evaluation tools for teachers that are included on the  
3 list under subsection (5). However, if a school district,  
4 intermediate school district, or public school academy has 1 or  
5 more local evaluation tools for teachers or modifications of an  
6 evaluation tool on the list under subsection (5), and the school  
7 district, intermediate school district, or public school academy  
8 complies with subsection (3), the school district, intermediate  
9 school district, or public school academy may conduct annual year-  
10 end evaluations for teachers using 1 or more local evaluation tools  
11 or modifications. The evaluation tools shall be used consistently  
12 among the schools operated by a school district, intermediate  
13 school district, or public school academy so that all similarly  
14 situated teachers are evaluated using the same evaluation tool.

15 (g) The performance evaluation system shall assign an  
16 effectiveness rating to each teacher of ~~highly effective,~~  
17 effective, minimally effective, or ineffective, based on his or her  
18 score on the annual year-end evaluation described in this  
19 subsection.

20 (h) As part of the performance evaluation system, and in  
21 addition to the requirements of section 1526, a school district,  
22 intermediate school district, or public school academy is  
23 encouraged to assign a mentor or coach to each teacher who is  
24 described in subdivision (d).

25 (i) The performance evaluation system may allow for exemption  
26 of student growth data for a particular pupil for a school year  
27 upon the recommendation of the school administrator conducting the

1 annual year-end evaluation or his or her designee and approval of  
2 the school district superintendent or his or her designee,  
3 intermediate superintendent or his or her designee, or chief  
4 administrator of the public school academy, as applicable.

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

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

22 (l) The performance evaluation system shall provide that, if a  
23 teacher who is not in a probationary period prescribed by section 1  
24 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated as  
25 ineffective on an annual year-end evaluation, the teacher may  
26 request a review of the evaluation and the rating by the school  
27 district superintendent, intermediate superintendent, or chief

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

11 (m) Beginning with the 2016-2017 school year, the school  
12 district, intermediate school district, or public school academy  
13 shall provide training to teachers on the evaluation tool or tools  
14 used by the school district, intermediate school district, or  
15 public school academy in its performance evaluation system and on  
16 how each evaluation tool is used. This training may be provided by  
17 a school district, intermediate school district, or public school  
18 academy, or by a consortium consisting of 2 or more of these.

19 (n) Beginning with the 2016-2017 school year, a school  
20 district, intermediate school district, or public school academy  
21 shall ensure that training is provided to all evaluators and  
22 observers. The training shall be provided by an individual who has  
23 expertise in the evaluation tool or tools used by the school  
24 district, intermediate school district, or public school academy,  
25 which may include either a consultant on that evaluation tool or  
26 framework or an individual who has been trained to train others in  
27 the use of the evaluation tool or tools. This subdivision does not

1 prohibit a school district, intermediate school district, public  
2 school academy, or consortium consisting of 2 or more of these,  
3 from providing the training in the use of the evaluation tool or  
4 tools if the trainer has expertise in the evaluation tool or tools.

5 (3) Beginning with the 2016-2017 school year, a school  
6 district, intermediate school district, or public school academy  
7 shall post on its public website all of the following information  
8 about the evaluation tool or tools it uses for its performance  
9 evaluation system for teachers:

10 (a) The research base for the evaluation framework,  
11 instrument, and process or, if the school district, intermediate  
12 school district, or public school academy adapts or modifies an  
13 evaluation tool from the list under subsection (5), the research  
14 base for the listed evaluation tool and an assurance that the  
15 adaptations or modifications do not compromise the validity of that  
16 research base.

17 (b) The identity and qualifications of the author or authors  
18 or, if the school district, intermediate school district, or public  
19 school academy adapts or modifies an evaluation tool from the list  
20 under subsection (5), the identity and qualifications of a person  
21 with expertise in teacher evaluations who has reviewed the adapted  
22 or modified evaluation tool.

23 (c) Either evidence of reliability, validity, and efficacy or  
24 a plan for developing that evidence or, if the school district,  
25 intermediate school district, or public school academy adapts or  
26 modifies an evaluation tool from the list under subsection (5), an  
27 assurance that the adaptations or modifications do not compromise

1 the reliability, validity, or efficacy of the evaluation tool or  
2 the evaluation process.

3 (d) The evaluation frameworks and rubrics with detailed  
4 descriptors for each performance level on key summative indicators.

5 (e) A description of the processes for conducting classroom  
6 observations, collecting evidence, conducting evaluation  
7 conferences, developing performance ratings, and developing  
8 performance improvement plans.

9 (f) A description of the plan for providing evaluators and  
10 observers with training.

11 (4) If a collective bargaining agreement was in effect for  
12 teachers or school administrators of a school district, public  
13 school academy, or intermediate school district as of July 19,  
14 2011, if that same collective bargaining agreement is still in  
15 effect as of November 5, 2015, and if that collective bargaining  
16 agreement prevents compliance with subsection (1), then subsection  
17 (1) does not apply to that school district, public school academy,  
18 or intermediate school district until after the expiration of that  
19 collective bargaining agreement.

20 (5) The department shall establish and maintain a list of  
21 teacher evaluation tools that have demonstrated evidence of  
22 efficacy and that may be used for the purposes of this section.  
23 That list initially shall include at least the evaluation models  
24 recommended in the final recommendations released by the Michigan  
25 council on educator effectiveness in July 2013. The list shall  
26 include a statement indicating that school districts, intermediate  
27 school districts, and public school academies are not limited to

1 only using the evaluation tools that are included on the list. A  
2 school district, intermediate school district, or public school  
3 academy is not required to use an evaluation tool for teacher  
4 evaluations that is the same as it uses for school administrator  
5 evaluations or that has the same author or authors as the  
6 evaluation tool it uses for school administrator evaluations. The  
7 department shall promulgate rules establishing standards and  
8 procedures for adding an evaluation tool to or removing an  
9 evaluation tool from the list. These rules shall include a process  
10 for a school district, intermediate school district, or public  
11 school academy to submit its own evaluation tool for review for  
12 placement on the list.

13 (6) The training required under subsection (2) shall be paid  
14 for from the funds available in the educator evaluation reserve  
15 fund created under section 95a of the state school aid act, MCL  
16 388.1695a.

17 (7) This section does not affect the operation or  
18 applicability of section 1248.

19 (8) As used in this section, "teacher" means an individual who  
20 has a valid Michigan teaching certificate or authorization; who is  
21 employed, or contracted for, by a school district, intermediate  
22 school district, or public school academy; and who is assigned by  
23 the school district, intermediate school district, or public school  
24 academy to deliver direct instruction to pupils in any of grades K  
25 to 12 as a teacher of record.

26 Sec. 1249b. (1) The board of a school district or intermediate  
27 school district or board of directors of a public school academy



1 shall ensure that the performance evaluation system for building-  
2 level school administrators and for central-office-level school  
3 administrators who are regularly involved in instructional matters  
4 meets all of the following:

5 (a) The performance evaluation system shall include at least  
6 an annual evaluation for all school administrators described in  
7 this subsection by the school district superintendent or his or her  
8 designee, intermediate superintendent or his or her designee, or  
9 chief administrator of the public school academy, as applicable.  
10 However, a superintendent or chief administrator shall be evaluated  
11 by the board or board of directors or, if the superintendent or  
12 chief administrator is not employed directly by the board or board  
13 of directors, by the designee of the board or board of directors.

14 (b) For the 2015-2016, 2016-2017, and 2017-2018 school years,  
15 25% of the annual evaluation shall be based on student growth and  
16 assessment data. Beginning with the 2018-2019 school year, 40% of  
17 the annual evaluation shall be based on student growth and  
18 assessment data. The student growth and assessment data to be used  
19 for the school administrator annual evaluation are the aggregate  
20 student growth and assessment data that are used in teacher annual  
21 year-end evaluations in each school in which the school  
22 administrator works as an administrator or, for a central-office-  
23 level school administrator, for the entire school district or  
24 intermediate school district.

25 (c) For the purposes of conducting annual evaluations under  
26 the performance evaluation system, the school district,  
27 intermediate school district, or public school academy shall

1 develop or adopt and implement an evaluation tool for school  
2 administrators. The portion of a school administrator's annual  
3 evaluation that is not based on student growth shall be based  
4 primarily on the school administrator's performance as measured by  
5 this evaluation tool.

6 (d) The portion of the annual evaluation that is not based on  
7 student growth and assessment data as provided under subdivision  
8 (b) or on an evaluation tool as provided under subdivision (c)  
9 shall be based on at least the following for each school in which  
10 the school administrator works as an administrator or, for a  
11 central-office-level school administrator, for the entire school  
12 district or intermediate school district:

13 (i) If the school administrator conducts teacher performance  
14 evaluations, the school administrator's proficiency in using the  
15 evaluation tool for teachers used by the school district,  
16 intermediate school district, or public school academy under  
17 section 1249. If the school administrator designates another person  
18 to conduct teacher performance evaluations, the evaluation of the  
19 school administrator on this factor shall be based on the  
20 designee's proficiency in using the evaluation tool for teachers  
21 used by the school district, intermediate school district, or  
22 public school academy under section 1249, with the designee's  
23 performance to be counted as if it were the school administrator  
24 personally conducting the teacher performance evaluations.

25 (ii) The progress made by the school or school district in  
26 meeting the goals set forth in the school's school improvement plan  
27 or the school district's school improvement plans.

1 (iii) Pupil attendance in the school or school district.

2 (iv) Student, parent, and teacher feedback, as available, and  
3 other information considered pertinent by the superintendent or  
4 other school administrator conducting the performance evaluation or  
5 the board or board of directors.

6 (e) For the purposes of conducting annual evaluations under  
7 the performance evaluation system, by the beginning of the 2016-  
8 2017 school year, the school district, intermediate school  
9 district, or public school academy shall adopt and implement 1 or  
10 more of the evaluation tools for school administrators that are  
11 included on the list under subsection (3). However, if a school  
12 district, intermediate school district, or public school academy  
13 has 1 or more local evaluation tools for school administrators or  
14 modifications of an evaluation tool on the list under subsection  
15 (3), and the school district, intermediate school district, or  
16 public school academy complies with subsection (2), the school  
17 district, intermediate school district, or public school academy  
18 may conduct annual year-end evaluations for school administrators  
19 using 1 or more local evaluation tools or modifications.

20 (f) The evaluation tool and other measures used by the school  
21 district, intermediate school district, or public school academy in  
22 its performance evaluation system for school administrators shall  
23 be used consistently across the schools operated by a school  
24 district, intermediate school district, or public school academy so  
25 that all similarly situated school administrators are evaluated  
26 using the same measures.

27 (g) The performance evaluation system shall assign an

1 effectiveness rating to each school administrator described in this  
2 subsection of ~~highly effective~~, effective, minimally effective, or  
3 ineffective.

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

13 (i) The performance evaluation system shall provide that, if a  
14 school administrator described in this subsection is rated as  
15 ineffective on 3 consecutive annual evaluations, the school  
16 district, public school academy, or intermediate school district  
17 shall dismiss the school administrator from his or her employment.  
18 This subdivision does not affect the ability of a school district,  
19 intermediate school district, or public school academy to dismiss a  
20 school administrator from his or her employment regardless of  
21 whether the school administrator is rated as ineffective on 3  
22 consecutive annual evaluations.

23 (j) The performance evaluation system shall provide that, if a  
24 school administrator is rated as ~~highly effective~~ on 3 consecutive  
25 annual evaluations, the school district, intermediate school  
26 district, or public school academy may choose to conduct an  
27 evaluation biennially instead of annually. However, if a school

1 administrator is not rated as ~~highly~~-effective on 1 of these  
2 biennial evaluations, the school administrator shall again be  
3 provided with annual evaluations.

4 (k) The school district, intermediate school district, or  
5 public school academy shall provide training to school  
6 administrators on the measures used by the school district,  
7 intermediate school district, or public school academy in its  
8 performance evaluation system for school administrators and on how  
9 each of the measures is used. This training may be provided by a  
10 school district, intermediate school district, or public school  
11 academy, or by a consortium consisting of 2 or more of these.

12 (l) Beginning with the 2016-2017 school year, a school  
13 district, intermediate school district, or public school academy  
14 shall ensure that training is provided to all evaluators and  
15 observers. The training shall be provided by an individual who has  
16 expertise in the evaluation tool or tools used by the school  
17 district, intermediate school district, or public school academy,  
18 which may include either a consultant on that evaluation tool or  
19 framework or an individual who has been trained to train others in  
20 the use of the evaluation tool or tools. This subdivision does not  
21 prohibit a school district, intermediate school district, public  
22 school academy, or consortium consisting of 2 or more of these,  
23 from providing the training in the use of the evaluation tool or  
24 tools if the trainer has expertise in the evaluation tool or tools.

25 (2) Beginning with the 2016-2017 school year, a school  
26 district, intermediate school district, or public school academy  
27 shall post on its public website all of the following information

1 about the measures it uses for its performance evaluation system  
2 for school administrators:

3 (a) The research base for the evaluation framework,  
4 instrument, and process or, if the school district, intermediate  
5 school district, or public school academy adapts or modifies an  
6 evaluation tool from the list under subsection (3), the research  
7 base for the listed evaluation tool and an assurance that the  
8 adaptations or modifications do not compromise the validity of that  
9 research base.

10 (b) The identity and qualifications of the author or authors  
11 or, if the school district, intermediate school district, or public  
12 school academy adapts or modifies an evaluation tool from the list  
13 under subsection (3), the identity and qualifications of a person  
14 with expertise in teacher evaluations who has reviewed the adapted  
15 or modified evaluation tool.

16 (c) Either evidence of reliability, validity, and efficacy or  
17 a plan for developing that evidence or, if the school district,  
18 intermediate school district, or public school academy adapts or  
19 modifies an evaluation tool from the list under subsection (3), an  
20 assurance that the adaptations or modifications do not compromise  
21 the reliability, validity, or efficacy of the evaluation tool or  
22 the evaluation process.

23 (d) The evaluation frameworks and rubrics, with detailed  
24 descriptors for each performance level on key summative indicators.

25 (e) A description of the processes for collecting evidence,  
26 conducting evaluation conferences, developing performance ratings,  
27 and developing performance improvement plans.

1 (f) A description of the plan for providing evaluators and  
2 observers with training.

3 (3) The department shall establish and maintain a list of  
4 school administrator evaluation tools that have demonstrated  
5 evidence of efficacy and that may be used for the purposes of this  
6 section. That list initially shall include at least the 2  
7 evaluation models recommended in the final recommendations released  
8 by the Michigan council on educator effectiveness in July 2013. The  
9 list shall include a statement indicating that school districts,  
10 intermediate school districts, and public school academies are not  
11 limited to only using the evaluation tools that are included on the  
12 list. A school district, intermediate school district, or public  
13 school academy is not required to use an evaluation tool for school  
14 administrator evaluations that is the same as it uses for teacher  
15 evaluations or that has the same author or authors as the  
16 evaluation tool it uses for teacher evaluations. The department  
17 shall promulgate rules establishing standards and procedures for  
18 adding an evaluation tool to or removing an evaluation tool from  
19 the list. These rules shall include a process for a school  
20 district, intermediate school district, or public school academy to  
21 submit its own evaluation tool for review for placement on the  
22 list.

23 (4) The training required under subsection (1) shall be paid  
24 for from the funds available in the educator evaluation reserve  
25 fund created under section 95a of the state school aid act, MCL  
26 388.1695a.

27 Sec. 1280f. (1) The department shall do all of the following

1 to help ensure that more pupils will achieve a score of at least  
2 proficient in English language arts on the grade 3 state  
3 assessment:

4 (a) Approve 3 or more valid and reliable screening, formative,  
5 and diagnostic reading assessment systems for selection and use by  
6 school districts and public school academies in accordance with the  
7 following:

8 (i) Each approved assessment system shall provide a screening  
9 assessment, monitoring capabilities for monitoring progress toward  
10 a growth target, and a diagnostic assessment.

11 (ii) In determining which assessment systems to approve for  
12 use by school districts and public school academies, the department  
13 shall also consider at least the following factors:

14 (A) The time required to conduct the assessments, with the  
15 intention of minimizing the impact on instructional time.

16 (B) The level of integration of assessment results with  
17 instructional support for teachers and pupils.

18 (C) The timeliness in reporting assessment results to  
19 teachers, administrators, and parents.

20 (b) Recommend or develop an early literacy coach model with  
21 the following features:

22 (i) An early literacy coach shall support and provide initial  
23 and ongoing professional development to teachers in all of the  
24 following:

25 (A) Each of the 5 major reading components listed in  
26 subsection (3) (a) (iv) (B) as needed, based on an analysis of pupil  
27 performance data.



1 (B) Administering and analyzing instructional assessments.

2 (C) Providing differentiated instruction and intensive  
3 intervention.

4 (D) Using progress monitoring.

5 (E) Identifying and addressing reading deficiency.

6 (ii) An early literacy coach shall also do all of the  
7 following:

8 (A) Model effective instructional strategies for teachers.

9 (B) Facilitate study groups.

10 (C) Train teachers in data analysis and using data to  
11 differentiate instruction.

12 (D) Coach and mentor colleagues.

13 (E) Work with teachers to ensure that evidence-based reading  
14 programs such as comprehensive core reading programs, supplemental  
15 reading programs, and comprehensive intervention reading programs  
16 are implemented with fidelity.

17 (F) Train teachers to diagnose and address reading deficiency.

18 (G) Work with teachers in applying evidence-based reading  
19 strategies in other content areas, including, but not limited to,  
20 prioritizing time spent on those teachers, activities, and roles  
21 that will have the greatest impact on pupil achievement and  
22 prioritizing coaching and mentoring in classrooms.

23 (H) Help to increase instructional density to meet the needs  
24 of all pupils.

25 (I) Help lead and support reading leadership teams at the  
26 school.

27 (J) Continue to increase his or her knowledge base in best

1 practices in reading instruction and intervention.

2 (K) For each teacher who teaches in a classroom for grades K  
3 to 3, model for the teacher, and coach the teacher in, instruction  
4 with pupils in whole and small groups.

5 (iii) In the context of performing the functions described in  
6 subparagraph (ii), an early literacy coach shall not be asked to  
7 perform administrative functions that will confuse his or her role  
8 for teachers.

9 (iv) An early literacy coach must meet all of the following:

10 (A) Have experience as a successful classroom teacher.

11 (B) Have sufficient knowledge of scientifically based reading  
12 research, special expertise in quality reading instruction and  
13 infusing reading strategies into content area instruction, and data  
14 management skills.

15 (C) Have a strong knowledge base in working with adults.

16 (D) Have a minimum of a bachelor's degree and advanced  
17 coursework in reading or have completed professional development in  
18 evidence-based literacy instructional strategies.

19 (v) An early literacy coach shall not be assigned a regular  
20 classroom teaching assignment, but shall be expected to work  
21 frequently with pupils in whole and small group instruction or  
22 tutoring in the context of modeling and coaching in or outside of  
23 teachers' classrooms.

24 (2) Subject to subsection (14), beginning in the 2017-2018  
25 school year, the board of a school district or board of directors  
26 of a public school academy shall do all of the following to ensure  
27 that more pupils will achieve a score of at least proficient in

1 English language arts on the grade 3 state assessment:

2 (a) Select 1 valid and reliable screening, formative, and  
3 diagnostic reading assessment system from the assessment systems  
4 approved by the department under subsection (1)(a). A school  
5 district or public school academy shall use this assessment system  
6 for pupils in grades K to 3 to screen and diagnose difficulties,  
7 inform instruction and intervention needs, and assess progress  
8 toward a growth target. A school district or public school academy  
9 periodically shall assess a pupil's progress in reading skills at  
10 least 3 times per school year in grades K to 3. The first of these  
11 assessments for a school year shall be conducted within the first  
12 30 school days of the school year.

13 (b) For any pupil in grades K to 3 who exhibits a reading  
14 deficiency at any time, based upon the reading assessment system  
15 selected and used under subdivision (a), provide an individual  
16 reading improvement plan for the pupil within 30 days after the  
17 identification of the reading deficiency. The individual reading  
18 improvement plan shall be created by the pupil's teacher, school  
19 principal, and parent or legal guardian and other pertinent school  
20 personnel, and shall describe the reading intervention services the  
21 pupil will receive to remedy the reading deficiency. A school  
22 district or public school academy shall provide intensive reading  
23 intervention for the pupil in accordance with the individual  
24 reading improvement plan until the pupil no longer has a reading  
25 deficiency.

26 (c) If a pupil in grades K to 3 is identified as having an  
27 early literacy delay or reading deficiency, provide written notice

1 to the pupil's parent or legal guardian of the delay or reading  
2 deficiency in writing and provide tools to assist the parent or  
3 legal guardian to engage in intervention and to address or correct  
4 any reading deficiency at home.

5 (d) Require a school principal or chief administrator to do  
6 all of the following:

7 (i) For a teacher in grades K to 3, target specific areas of  
8 professional development based on the reading development needs  
9 data for incoming pupils.

10 (ii) Differentiate and intensify professional development for  
11 teachers based on data gathered by monitoring teacher progress in  
12 improving pupil proficiency rates among their pupils.

13 (iii) Establish a collaborative system within the school to  
14 improve reading proficiency rates in grades K to 3.

15 (iv) Ensure that time is provided for teachers to meet for  
16 professional development.

17 (e) Utilize, at least, early literacy coaches provided through  
18 the intermediate school district in which the school district or  
19 public school academy is located, as provided for under section  
20 35a(4) of the state school aid act of 1979, MCL 388.1635a. However,  
21 a public school academy may use an early literacy coach provided by  
22 the public school academy, at the expense of the public school  
23 academy, rather than using an early literacy coach provided through  
24 an intermediate school district if the early literacy coach and the  
25 usage of the early literacy coach otherwise meet the requirements  
26 of this section.

27 (3) Subject to subsection (14), a school district or public

1 school academy shall provide reading intervention programs for  
2 pupils in grades K to 3, including at least all of the following:

3 (a) For pupils who exhibit a reading deficiency, a reading  
4 intervention program intended to ensure that pupils are proficient  
5 readers by the end of grade 3 and that includes some or all of the  
6 following features:

7 (i) Is provided to each pupil in grades K to 3 who is  
8 identified with a reading deficiency based on screening and  
9 diagnostic tools, and identifies and addresses the pupil's reading  
10 deficiency.

11 (ii) Periodically screens and monitors the progress of each  
12 pupil's reading skills, at least 3 times per year.

13 (iii) Provides evidence-based core reading instruction that is  
14 comprehensive and meets the majority of the general education  
15 classroom needs.

16 (iv) Provides reading intervention that meets, at a minimum,  
17 the following specifications:

18 (A) Assists pupils exhibiting a reading deficiency in  
19 developing the ability to read at grade level.

20 (B) Provides intensive development in the 5 major reading  
21 components: phonemic awareness, phonics, fluency, vocabulary, and  
22 comprehension.

23 (C) Is systematic, explicit, multisensory, and sequential.

24 (D) Is implemented during regular school hours in addition to  
25 regular classroom reading instruction.

26 (v) Provides parents, legal guardians, or other providers of  
27 care for the pupil with a "Read at Home" plan, including parent,

1 guardian, or care provider training workshops and regular home  
2 reading.

3 (vi) Documents efforts by the pupil's school to engage the  
4 pupil's parent or legal guardian and whether or not those efforts  
5 were successful.

6 (vii) Documents any dissenting opinions expressed by school  
7 personnel or a parent or legal guardian concerning the individual  
8 reading improvement plan provided for the pupil under subsection  
9 (2) (b) .

10 (b) For grade 3 pupils exhibiting a reading deficiency as  
11 determined by the pupil's teacher through the diagnostic reading  
12 assessment system selected by the school district or public school  
13 academy under subsection (2) (a) , a reading intervention program  
14 intended to correct the identified area or areas of reading  
15 deficiency and that includes all of the following features as  
16 needed by the individual pupil:

17 (i) Is evidence-based and has proven results in accelerating  
18 pupil reading achievement within the same school year.

19 (ii) Provides more dedicated time than the pupil's previous  
20 school year in evidence-based reading instruction and intervention.

21 (iii) Provides daily targeted small group or 1-to-1 reading  
22 intervention based on pupil needs as determined by assessment data,  
23 including explicit and systematic instruction with more detailed  
24 and varied explanations, more extensive opportunities for guided  
25 practice, and more opportunities for error correction and feedback.

26 (iv) Provides administration of ongoing progress monitoring  
27 assessments to frequently monitor pupil progress.

1           (v) Provides supplemental evidence-based reading intervention  
2 delivered by a teacher, tutor, or volunteer with specialized  
3 reading training that is provided before school, after school,  
4 during school hours but outside of regular English language arts  
5 classroom time, or any combination of these.

6           (vi) Provides parents, legal guardians, or other providers of  
7 care for a pupil with a "Read at Home" plan, including parent,  
8 guardian, or care provider training workshops and regular home  
9 reading.

10           (vii) Documents efforts by the pupil's school to engage the  
11 pupil's parent or legal guardian and whether or not those efforts  
12 were successful.

13           (viii) Documents any dissenting opinions expressed by school  
14 personnel or a parent or legal guardian concerning the individual  
15 reading improvement plan provided for the pupil under subsection  
16 (2) (b) .

17           (c) Subject to subsection (15), for pupils identified as  
18 English language learners by the pupil's teacher or by the  
19 diagnostic reading assessment selected by the school district or  
20 public school academy under subsection (2) (a), intervention  
21 services that include at least all of the following:

22           (i) Ongoing assessments that provide actionable data for  
23 teachers to use in interventions.

24           (ii) Instruction in academic vocabulary.

25           (iii) Instruction in the 5 major reading components listed in  
26 subdivision (a) (iv) (B) .

27           (iv) Common English language development strategies such as

1 modeling, guided practice, and comprehensive input.

2 (4) For all pupils exhibiting a reading deficiency as  
3 determined by the pupil's teacher through the diagnostic reading  
4 assessment system selected by the school district or public school  
5 academy under subsection (2)(a), school districts and public school  
6 academies are encouraged to offer summer reading camps staffed with  
7 ~~highly~~-effective teachers of reading, as determined by the teacher  
8 evaluation system under section 1249, providing reading  
9 intervention services and supports to correct pupils' identified  
10 areas of reading deficiency.

11 (5) Beginning with pupils enrolled in grade 3 during the 2019-  
12 2020 school year, all of the following apply:

13 (a) Subject to subsection (6), the superintendent of the  
14 school district or chief administrator of the public school academy  
15 in which the pupil is enrolled shall ensure that a pupil whose  
16 parent or legal guardian has been provided with the notification  
17 under subdivision (d) is not enrolled in grade 4 until 1 of the  
18 following occurs:

19 (i) The pupil achieves a reading score that is less than 1  
20 grade level behind as determined by the department based on the  
21 grade 3 state English language arts assessment.

22 (ii) The pupil demonstrates a grade 3 reading level through  
23 performance on an alternative standardized reading assessment  
24 approved by the superintendent of public instruction.

25 (iii) The pupil demonstrates a grade 3 reading level through a  
26 pupil portfolio, as evidenced by demonstrating competency in all  
27 grade 3 state English language arts standards through multiple work



1 samples.

2 (b) Subject to subsection (6), if a child younger than 10  
3 years of age seeks to enroll for the first time in a school  
4 district or public school academy in grade 4, the superintendent of  
5 the school district or chief administrator of the public school  
6 academy shall not allow the child to enroll in grade 4 unless 1 of  
7 the following occurs:

8 (i) The child achieves a grade 3 reading score as determined  
9 by the department based on the reading portion of the grade 3 state  
10 English language arts assessment.

11 (ii) The child demonstrates a grade 3 reading level through  
12 performance on an alternative standardized reading assessment  
13 approved by the superintendent of public instruction.

14 (iii) The child demonstrates a grade 3 reading level through a  
15 pupil portfolio, as evidenced by demonstrating competency in all  
16 grade 3 state English language arts standards through multiple work  
17 samples.

18 (c) Not later than May 23 of each year or not later than 14  
19 days after the department finalizes the scoring for the grade 3  
20 state assessments, whichever is earlier, the department shall  
21 provide CEPI with the grade 3 state assessment scores for every  
22 grade 3 pupil enrolled in a public school in this state who was  
23 administered 1 or more of those assessments.

24 (d) Not later than June 1 of each year or not later than 14  
25 days after CEPI receives the grade 3 state assessment results from  
26 the department under subdivision (c), whichever is earlier, using  
27 those state assessment results, CEPI shall identify each pupil

1 completing grade 3 that year who is subject to not being advanced  
2 to grade 4 due to the operation of subdivision (a) (i) and who is  
3 not eligible to enroll in grade 4 under subsection (6) (a), and  
4 shall notify the parent or legal guardian and the school district  
5 or public school academy of each of these pupils that the pupil is  
6 subject to being retained in grade 3. A school district or public  
7 school academy may also make its own notification to a parent or  
8 guardian in addition to the notification by CEPI. The notification  
9 by CEPI to a parent or legal guardian shall be by certified mail.  
10 The notification by CEPI shall clearly state at least all of the  
11 following:

12 (i) That, based on standardized testing, this state has  
13 determined that the pupil may be required to be retained in grade 3  
14 as provided under state law, with a reference to this section along  
15 with an explanation that even if the pupil is not eligible to  
16 enroll in grade 4 based on state assessments, the pupil may still  
17 be allowed to enroll in grade 4 if he or she demonstrates a grade 3  
18 reading level through performance on an alternative standardized  
19 reading assessment or through a pupil portfolio.

20 (ii) That the parent or legal guardian has the right to  
21 request a good cause exemption under this section that, if granted,  
22 will allow the pupil to enroll in grade 4 in the next school year.

23 (iii) That the parent or legal guardian must request the good  
24 cause exemption within 30 days after the date of the notification  
25 by CEPI and must direct the request to the school district or  
26 public school academy in which the parent or legal guardian intends  
27 to enroll the pupil for grade 4.

1           (iv) That the parent or legal guardian has the right to  
2 request a meeting with school officials to discuss the retention  
3 requirement under state law and the standards and processes for a  
4 good cause exemption from that requirement.

5           (e) If a parent or legal guardian receives a notification from  
6 CEPI under subdivision (d), the parent or legal guardian may  
7 request a meeting with school officials to discuss the retention  
8 requirement under state law and the standards and processes for a  
9 good cause exemption from that requirement. If a parent or legal  
10 guardian requests a meeting described in this subdivision, the  
11 school official to whom the request is made shall ensure that an  
12 appropriate school official is made available to the parent or  
13 legal guardian for such a meeting.

14           (f) If a pupil is not enrolled in grade 4 at the beginning of  
15 a school year due to the operation of this subsection, then before  
16 placing the child in grade 4 during the school year, an appropriate  
17 school official of the pupil's school district or public school  
18 academy shall provide written notification to the pupil's parent or  
19 legal guardian of the proposed placement.

20           (6) Subject to subsection (11), if a pupil or child  
21 demonstrates both of the following, then subsection (5) (a) and (b)  
22 do not apply and he or she may be enrolled in grade 4:

23           (a) That he or she is proficient in all subject areas assessed  
24 on the grade 3 state assessment other than English language arts,  
25 as evidenced by his or her scores on those assessments.

26           (b) That he or she is proficient in science and social studies  
27 as shown through a pupil portfolio and as determined by the teacher

1 who provided the grade 3 instruction to the pupil in science or  
2 social studies, as applicable.

3 (7) For a pupil who is not promoted to grade 4 or a child who  
4 is not enrolled in grade 4 due to the operation of subsection (5),  
5 and for a pupil or child described in subsection (6) or (11), the  
6 school district or public school academy shall provide a reading  
7 intervention program that is intended to correct the pupil's  
8 specific reading deficiency, as identified by a valid and reliable  
9 assessment. This program shall include effective instructional  
10 strategies necessary to assist the pupil in becoming a successful  
11 reader, and all of the following features, as appropriate for the  
12 needs of the individual pupil:

13 (a) Assigning to a pupil 1 or more of the following:

14 (i) ~~A highly~~ **AN** effective teacher of reading as determined by  
15 the teacher evaluation system under section 1249.

16 (ii) The highest evaluated grade 3 teacher in the school as  
17 determined by the teacher evaluation system under section 1249.

18 (iii) A reading specialist.

19 (b) Reading programs that are evidence-based and have proven  
20 results in accelerating pupil reading achievement within the same  
21 school year.

22 (c) Reading instruction and intervention for the majority of  
23 pupil contact time each day that incorporates opportunities to  
24 master the grade 4 state standards in other core academic areas, if  
25 applicable.

26 (d) Daily targeted small group or 1-to-1 reading intervention  
27 that is based on pupil needs, determined by assessment data, and on

1 identified reading deficiencies and that includes explicit and  
2 systematic instruction with more detailed and varied explanations,  
3 more extensive opportunities for guided practice, and more  
4 opportunities for error correction and feedback.

5 (e) Administration of ongoing progress monitoring assessments  
6 to frequently monitor pupil progress toward a growth target.

7 (f) Supplemental evidence-based reading intervention delivered  
8 by a teacher or tutor with specialized reading training that is  
9 provided before school, after school, during regular school hours  
10 but outside of regular English language arts classroom time, or any  
11 combination of these.

12 (g) Providing parents, legal guardians, or other providers of  
13 care for the pupil with a "Read at Home" plan, including parent,  
14 guardian, or care provider training workshops and regular home  
15 reading.

16 (8) If the superintendent of the pupil's school district or  
17 chief administrator of the pupil's public school academy, or his or  
18 her designee, grants a good cause exemption from the requirements  
19 of subsection (5) (a) for a pupil, then a pupil may be promoted to  
20 grade 4 without meeting the requirements of subsection (5) (a). A  
21 good cause exemption may be granted only according to the  
22 procedures under subsection (10) and only for 1 of the following:

23 (a) The pupil is a student with an individualized education  
24 program or with a section 504 plan and the pupil's individualized  
25 education program team or section 504 coordinator, as applicable,  
26 makes the decision to exempt the pupil from the requirements of  
27 subsection (5) (a) based upon the team's or coordinator's knowledge

1 of the pupil.

2 (b) The pupil is a limited English proficient student who has  
3 had less than 3 years of instruction in an English language learner  
4 program.

5 (c) The pupil has received intensive reading intervention for  
6 2 or more years but still demonstrates a reading deficiency and was  
7 previously retained in kindergarten, grade 1, grade 2, or grade 3.

8 (d) The pupil has been continuously enrolled in his or her  
9 current school district or public school academy for less than 2  
10 years and there is evidence that the pupil was not provided with an  
11 appropriate individual reading improvement plan under subsection  
12 (2)(b) by the school district or public school academy in which the  
13 pupil was previously enrolled.

14 (e) The pupil's parent or legal guardian has requested a good  
15 cause exemption within the time period provided under subsection  
16 (10)(d) and the superintendent or chief administrator, or his or  
17 her designee, determines that the good cause exemption is in the  
18 best interests of the pupil.

19 (9) Subject to subsection (14), if a pupil is promoted to  
20 grade 4 due to a good cause exemption granted under subsection (8),  
21 the pupil remains eligible for reading intervention services  
22 designed to enable the pupil to achieve proficiency in reading. The  
23 services for a pupil described in this subsection shall be similar  
24 to those provided to pupils in grade 3 under this section.

25 (10) The superintendent of a school district or chief  
26 administrator of a public school academy, or his or her designee,  
27 shall grant a good cause exemption under subsection (8) only

1 through the following procedure:

2 (a) For a good cause exemption under subsection (8) (a) to (d),  
3 at the request of the pupil's parent or legal guardian or upon the  
4 teacher's own initiative, the pupil's grade 3 teacher submits to  
5 the superintendent or chief administrator, or his or her designee,  
6 a recommendation for a good cause exemption along with  
7 documentation that indicates that a good cause exemption under  
8 subsection (8) (a) to (d) applies to the pupil.

9 (b) For a pupil enrolled in a school operated by a school  
10 district, the superintendent or his or her designee shall review  
11 and discuss the recommendation with the pupil's grade 3 teacher  
12 and, if the pupil has an individualized education program, with the  
13 pupil's individualized education program team. After this  
14 discussion, the superintendent or his or her designee shall make a  
15 determination in writing of whether or not to grant the good cause  
16 exemption for the pupil. The decision by the superintendent or his  
17 or her designee is final.

18 (c) For a pupil enrolled in a public school academy, the chief  
19 administrator of the public school academy, or his or her designee,  
20 shall review and discuss the recommendation with the pupil's grade  
21 3 teacher and, if the pupil has an individualized education  
22 program, with the pupil's individualized education program team.  
23 After this discussion, the chief administrator or his or her  
24 designee shall make a determination in writing of whether or not to  
25 grant the good cause exemption for the pupil. The decision by the  
26 chief administrator or his or her designee is final.

27 (d) For a pupil for whom a request has been received from the

1 pupil's parent or legal guardian, as described in subsection  
2 (8) (e), if the request is received within 30 days after the  
3 notification by CEPI under subsection (5) (d), the superintendent of  
4 the school district or chief administrator of the public school  
5 academy, as applicable, or his or her designee, shall review the  
6 request and any supporting information and shall consider whether  
7 or not the good cause exemption is in the best interests of the  
8 pupil. After this consideration, he or she shall make a  
9 determination in writing of whether or not to grant the good cause  
10 exemption. This determination shall be made and communicated to the  
11 parent or legal guardian at least 30 days before the first day of  
12 school for the school year. The decision of the superintendent or  
13 chief administrator, or his or her designee, is final.

14 (e) The superintendent of the pupil's school district or chief  
15 administrator of the pupil's public school academy, or his or her  
16 designee, shall notify the pupil's parent or legal guardian of the  
17 determination and decision under subdivision (b), (c), or (d), as  
18 applicable.

19 (11) For a pupil or child described in subsection (6) or a  
20 pupil who has been granted a good cause exemption under subsection  
21 (8), the school district or public school academy shall provide  
22 intensive reading intervention, as described under subsection (7),  
23 for the pupil until he or she no longer has a reading deficiency.

24 (12) A school district or public school academy shall not  
25 require a pupil to repeat grade 3 more than once due to the  
26 operation of this section.

27 (13) Beginning June 4, 2019, if a school district or public



1 school academy cannot furnish the number of teachers needed to  
2 satisfy 1 or more of the criteria set forth in this section for a  
3 school year, then by the August 15 before the beginning of that  
4 school year the school district or public school academy shall  
5 develop a staffing plan for providing services under this section.  
6 The school district or public school academy shall post the  
7 staffing plan on its website for the applicable school year. The  
8 staffing plan shall include at least all of the following:

9 (a) A description of the criteria that will be used to assign  
10 a pupil who has been identified as not proficient in English  
11 language arts to a teacher.

12 (b) The credentials or training held by teachers currently  
13 teaching at the school.

14 (c) How the school district or public school academy will meet  
15 the requirements under this section.

16 (14) This section does not require or state an intention to  
17 require a school district or public school academy to supplant  
18 state funds with federal funds for implementing or supporting the  
19 activities under this section and does not prohibit a school  
20 district or public school academy from continuing to use federal  
21 funds for any of the purposes or activities described in this  
22 section.

23 (15) For pupils identified as English language learners by the  
24 pupil's teacher or by the diagnostic reading assessment selected by  
25 the school district or public school academy under subsection  
26 (2) (a), if available staff resources allow, a school district or  
27 public school academy is encouraged to provide the following

1 intervention services in addition to those required under  
2 subsection (3)(c):

3 (a) Instruction in the pupil's native language, with  
4 withdrawal of that instruction as appropriate as the pupil improves  
5 his or her English language skills. A school district or public  
6 school academy is encouraged to provide this support for at least  
7 pupils whose native language is Spanish, Chinese, Hindi, Korean, or  
8 Arabic.

9 (b) Opportunities for speech production.

10 (c) Common English language development strategies such as  
11 modeling, guided practice, and comprehensive input.

12 (d) Feedback for the pupil, including explanations in his or  
13 her native language.

14 (16) Beginning in 2020, not later than September 1 of each  
15 year, a school district or public school academy shall submit a  
16 retention report to the center for educational performance and  
17 information in the form and manner prescribed by the center. The  
18 retention report shall contain at least all of the following  
19 information for the most recent school year:

20 (a) The number of pupils retained in grade 3 due to the  
21 operation of this section.

22 (b) The number of pupils promoted to grade 4 due to a good  
23 cause exemption under subsection (8), disaggregated by each of the  
24 specific exemptions listed in that subsection.

25 (17) As used in this section:

26 (a) "Evidence-based" means based in research and with proven  
27 efficacy.

1 (b) "Individualized education program" means that term as  
2 described in R 340.1721e of the Michigan ~~administrative~~

3 ~~code~~. **ADMINISTRATIVE CODE.**

4 (c) "Kindergarten" includes a classroom for young 5-year-olds,  
5 commonly referred to as "young 5s" or "developmental kindergarten".

6 (d) "Reading deficiency" means scoring below grade level or  
7 being determined to be at risk of reading failure based on a  
8 screening assessment, diagnostic assessment, standardized summative  
9 assessment, or progress monitoring.

10 (e) "Reading leadership team" means a collaborative system led  
11 by a school building's principal or program director and consisting  
12 of a cross-section of faculty who are interested in working to  
13 improve literacy instruction across the curriculum.

14 (f) "Section 504 plan" means a plan under section 504 of title  
15 V of the rehabilitation act of 1973, 29 USC 794.

16 Sec. 1531j. Notwithstanding any other provision of this act or  
17 a rule to the contrary, beginning July 1, 2018, the superintendent  
18 of public instruction shall not issue an initial professional  
19 teaching certificate to an individual unless the individual  
20 presents evidence satisfactory to the superintendent of public  
21 instruction demonstrating that he or she meets all of the  
22 following:

23 (a) The individual has successfully completed at least 3 full  
24 years of classroom teaching.

25 (b) The individual meets either of the following:

26 (i) Was rated as ~~either effective or highly~~ effective on his  
27 or her annual year-end performance evaluation under section 1249

1 for the 3 consecutive school years immediately preceding his or her  
2 application for the professional teaching certificate.

3 (ii) Was rated as ~~either effective or highly effective~~ effective on his  
4 or her annual year-end performance evaluation under section 1249  
5 for at least 3 nonconsecutive school years before his or her  
6 application for the professional teaching certificate and submits a  
7 recommendation from the chief school administrator of the school at  
8 which he or she is currently employed that he or she be issued a  
9 professional teaching certificate.

10 Sec. 1531k. ~~Beginning on the effective date of this section,~~  
11 ~~the~~ **THE** superintendent of public instruction shall not issue an  
12 initial advanced professional education certificate to an  
13 individual, or renew an individual's advanced professional  
14 education certificate, unless the individual presents evidence  
15 satisfactory to the superintendent of public instruction  
16 demonstrating that he or she meets all of the following:

17 (a) Has been rated as ~~highly~~ effective on his or her annual  
18 year-end evaluation under section 1249 for 3 out of the 5 most  
19 recent school years.

20 (b) Has not been rated ineffective on his or her annual year-  
21 end evaluation under section 1249 within the 5 most recent school  
22 years.

23 (c) Meets additional criteria established by the department.

24 Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.

26 Enacting section 2. This amendatory act does not take effect  
27 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5474 (request no.

**1** 04476'17 a) of the 99th Legislature is enacted into law.