

SENATE BILL NO. 941

March 02, 2022, Introduced by Senators BAYER, THEIS, POLEHANKI, BRINKS, IRWIN, MCMORROW, WOJNO, HERTEL, MOSS, ALEXANDER, MCCANN, HOLLIER and GEISS and referred to the Committee on Education and Career Readiness.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1249, 1249b, 1279g, and 1280g (MCL 380.1249, 380.1249b, 380.1279g, and 380.1280g), section 1249 as amended by 2019 PA 6, section 1249b as amended by 2019 PA 5, section 1279g as amended by 2016 PA 170, and section 1280g as added by 2018 PA 601, and by adding section 1280h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1249. (1) Subject to ~~subsection~~**subsections** (4) **and (8)**,

1 with the involvement of teachers and school administrators, the
2 board of a school district or intermediate school district or board
3 of directors of a public school academy shall adopt and implement
4 for all teachers and school administrators a rigorous, transparent,
5 and fair performance evaluation system that does all of the
6 following:

7 (a) Evaluates the teacher's or school administrator's job
8 performance at least annually while providing timely and
9 constructive feedback.

10 (b) Establishes clear approaches to measuring student growth
11 and provides teachers and school administrators with relevant data
12 on student growth.

13 (c) Evaluates a teacher's or school administrator's job
14 performance, using multiple rating categories that take into
15 account student growth and assessment data. Student growth must be
16 measured using multiple measures that may include student learning
17 objectives, achievement of individualized education program goals,
18 nationally normed or locally developed assessments that are aligned
19 to state standards, research-based growth measures, or alternative
20 assessments that are rigorous and comparable across schools within
21 the school district, intermediate school district, or public school
22 academy. If the performance evaluation system implemented by a
23 school district, intermediate school district, or public school
24 academy under this section does not already include the rating of
25 teachers as highly effective, effective, minimally effective, and
26 ineffective, then the school district, intermediate school
27 district, or public school academy shall revise the performance
28 evaluation system not later than September 19, 2011 to ensure that
29 it rates teachers as highly effective, effective, minimally

1 effective, or ineffective.

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

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

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

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

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

16 (2) ~~The~~ **Subject to subsection (8), the** board of a school
17 district or intermediate school district or board of directors of a
18 public school academy shall ensure that the performance evaluation
19 system for teachers meets all of the following:

20 (a) The performance evaluation system must include at least an
21 annual year-end evaluation for all teachers. An annual year-end
22 evaluation must meet all of the following:

23 (i) ~~For the 2018-2019 school year, 25% of the annual year-end~~
24 ~~evaluation must be based on student growth and assessment data.~~
25 ~~Beginning with the 2019-2020 school year, 40%~~ **Forty percent** of the
26 annual year-end evaluation must be based on student growth and
27 assessment data.

28 (ii) For core content areas in grades and subjects in which
29 state assessments are administered, 50% of student growth must be

1 measured using the state assessments, and the portion of student
2 growth not measured using state assessments must be measured using
3 multiple research-based growth measures or alternative assessments
4 that are rigorous and comparable across schools within the school
5 district, intermediate school district, or public school academy.
6 Student growth also may be measured by student learning objectives
7 or nationally normed or locally adopted assessments that are
8 aligned to state standards, or based on achievement of
9 individualized education program goals.

10 (iii) The portion of a teacher's annual year-end evaluation that
11 is not based on student growth and assessment data, as described
12 under subparagraph (i), must be based primarily on a teacher's
13 performance as measured by the evaluation tool developed or adopted
14 by the school district, intermediate school district, or public
15 school academy under subdivision (f).

16 (iv) The portion of a teacher's evaluation that is not measured
17 using student growth and assessment data, as described under
18 subparagraph (i), or using the evaluation tool developed or adopted
19 by the school district, intermediate school district, or public
20 school academy, as described under subparagraph (iii), must
21 incorporate criteria enumerated in section 1248(1)(b)(i) to (iii)
22 that are not otherwise evaluated under subparagraph (i) or (iii).

23 (b) If there are student growth and assessment data available
24 for a teacher for at least 3 school years, the annual year-end
25 evaluation must be based on the student growth and assessment data
26 for the most recent 3-consecutive-school-year period. If there are
27 not student growth and assessment data available for a teacher for
28 at least 3 school years, the annual year-end evaluation must be
29 based on all student growth and assessment data that are available

1 for the teacher.

2 (c) The annual year-end evaluation must include specific
3 performance goals that will assist in improving effectiveness for
4 the next school year and are developed by the school administrator
5 or his or her designee conducting the evaluation, in consultation
6 with the teacher, and any recommended training identified by the
7 school administrator or designee, in consultation with the teacher,
8 that would assist the teacher in meeting these goals. For a teacher
9 described in subdivision (d), the school administrator or designee
10 shall develop, in consultation with the teacher, an individualized
11 development plan that includes these goals and training and is
12 designed to assist the teacher to improve his or her effectiveness.

13 (d) The performance evaluation system must include a midyear
14 progress report for a teacher who is in the first year of the
15 probationary period ~~prescribed by~~**under** section 1 of article II of
16 1937 (Ex Sess) PA 4, MCL 38.81, or who received a rating of
17 minimally effective or ineffective in his or her most recent annual
18 year-end evaluation. The midyear progress report must be used as a
19 supplemental tool to gauge a teacher's improvement from the
20 preceding school year and to assist a teacher to improve. All of
21 the following apply to the midyear progress report:

22 (i) The midyear progress report must be based at least in part
23 on student achievement.

24 (ii) The midyear progress report must be aligned with the
25 teacher's individualized development plan under subdivision (c).

26 (iii) The midyear progress report must include specific
27 performance goals for the remainder of the school year that are
28 developed by the school administrator conducting the annual year-
29 end evaluation or his or her designee and any recommended training

1 identified by the school administrator or designee that would
2 assist the teacher in meeting these goals. At the midyear progress
3 report, the school administrator or designee shall develop, in
4 consultation with the teacher, a written improvement plan that
5 includes these goals and training and is designed to assist the
6 teacher to improve his or her rating.

7 (iv) The midyear progress report must not take the place of an
8 annual year-end evaluation.

9 (e) The performance evaluation system must include classroom
10 observations to assist in the performance evaluations. All of the
11 following apply to these classroom observations:

12 (i) A classroom observation must include a review of the
13 teacher's lesson plan and the state curriculum standard being used
14 in the lesson and a review of pupil engagement in the lesson.

15 (ii) A classroom observation does not have to be for an entire
16 class period.

17 (iii) Unless a teacher has received a rating of effective or
18 highly effective on his or her 2 most recent annual year-end
19 evaluations, there must be at least 2 classroom observations of the
20 teacher each school year. At least 1 observation must be
21 unscheduled.

22 (iv) The school administrator responsible for the teacher's
23 performance evaluation shall conduct at least 1 of the
24 observations. Other observations may be conducted by other
25 observers who are trained in the use of the evaluation tool that is
26 used under subdivision (f). These other observers may be teacher
27 leaders.

28 (v) A school district, intermediate school district, or public
29 school academy shall ensure that, within 30 days after each

1 observation, the teacher is provided with feedback from the
2 observation.

3 (f) For the purposes of conducting annual year-end evaluations
4 under the performance evaluation system, by the beginning of the
5 2016-2017 school year, the school district, intermediate school
6 district, or public school academy shall adopt and implement 1 or
7 more of the evaluation tools for teachers that are included on the
8 list under subsection (5). However, if a school district,
9 intermediate school district, or public school academy has 1 or
10 more local evaluation tools for teachers or modifications of an
11 evaluation tool on the list under subsection (5), and the school
12 district, intermediate school district, or public school academy
13 complies with subsection (3), the school district, intermediate
14 school district, or public school academy may conduct annual year-
15 end evaluations for teachers using 1 or more local evaluation tools
16 or modifications. The evaluation tools must be used consistently
17 among the schools operated by a school district, intermediate
18 school district, or public school academy so that all similarly
19 situated teachers are evaluated using the same evaluation tool.

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

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

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

17 (k) The performance evaluation system must 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~~**must** again be provided with annual
24 year-end evaluations.

25 (l) The performance evaluation system must provide that, if a
26 teacher who is not in a probationary period ~~prescribed by~~**under**
27 section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated
28 as ineffective on an annual year-end evaluation, the teacher may
29 request a review of the evaluation and the rating by the school

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

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

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

1 2 or more of these, from providing the training in the use of the
2 evaluation tool or tools if the trainer has expertise in the
3 evaluation tool or tools.

4 (3) A school district, intermediate school district, or public
5 school academy shall post on its public website all of the
6 following information about the evaluation tool or tools it uses
7 for its performance evaluation system for teachers:

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

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

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

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

1 (e) A description of the processes for conducting classroom
2 observations, collecting evidence, conducting evaluation
3 conferences, developing performance ratings, and developing
4 performance improvement plans.

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

7 (4) If a collective bargaining agreement was in effect for
8 teachers or school administrators of a school district,
9 intermediate school district, or public school academy as of July
10 19, 2011, if that same collective bargaining agreement is still in
11 effect as of November 5, 2015, and if that collective bargaining
12 agreement prevents compliance with subsection (1), then subsection
13 (1) does not apply to that school district, intermediate school
14 district, or public school academy until after the expiration of
15 that collective bargaining agreement.

16 (5) The department shall establish and maintain a list of
17 teacher evaluation tools that have demonstrated evidence of
18 efficacy and that may be used for the purposes of this section.
19 That list initially must include at least the evaluation models
20 recommended in the final recommendations released by the Michigan
21 council on educator effectiveness in July 2013. The list must
22 include a statement indicating that school districts, intermediate
23 school districts, and public school academies are not limited to
24 only using the evaluation tools that are included on the list. A
25 school district, intermediate school district, or public school
26 academy is not required to use an evaluation tool for teacher
27 evaluations that is the same as it uses for school administrator
28 evaluations or that has the same author or authors as the
29 evaluation tool it uses for school administrator evaluations. The

1 department shall promulgate rules establishing standards and
 2 procedures for adding an evaluation tool to or removing an
 3 evaluation tool from the list. These rules must include a process
 4 for a school district, intermediate school district, or public
 5 school academy to submit its own evaluation tool for review for
 6 placement on the list.

7 ~~(6) The training required under subsection (2) must be paid~~
 8 ~~for from the funds available in the educator evaluation reserve~~
 9 ~~fund created under section 95a of the state school aid act of 1979,~~
 10 ~~MCL 388.1695a.~~

11 ~~(7)~~ This section does not affect the operation or
 12 applicability of section 1248.

13 (7) ~~(8)~~ As used in this section: ~~,"teacher"~~

14 (a) **"Eligible school district" means a school district to**
 15 **which both of the following apply:**

16 (i) **It has not less than 7,000 but not greater than 7,100**
 17 **pupils in membership.**

18 (ii) **It is located in an intermediate school district that has**
 19 **not less than 170,000 and not greater than 190,000 pupils in**
 20 **membership.**

21 (b) **"Teacher"** means an individual who has a valid Michigan
 22 teaching certificate or authorization or who is engaged to teach
 23 under section 1233b; who is employed, or contracted for, by a
 24 school district, intermediate school district, or public school
 25 academy; and who is assigned by the school district, intermediate
 26 school district, or public school academy to deliver direct
 27 instruction to pupils in any of grades K to 12 as a teacher of
 28 record.

29 (8) **An eligible school district is not required to evaluate**

1 **the performance of any teacher under this section for the 2021-2022**
 2 **school year.**

3 Sec. 1249b. (1) ~~The~~ **Subject to subsection (4), the** board of a
 4 school district or intermediate school district or board of
 5 directors of a public school academy shall ensure that the
 6 performance evaluation system for building-level school
 7 administrators and for central-office-level school administrators
 8 who are regularly involved in instructional matters meets all of
 9 the following:

10 (a) The performance evaluation system must include at least an
 11 annual evaluation for all school administrators described in this
 12 subsection by the school district superintendent or his or her
 13 designee, intermediate superintendent or his or her designee, or
 14 chief administrator of the public school academy, as applicable.
 15 However, a superintendent or chief administrator ~~shall~~ **must** be
 16 evaluated by the board or board of directors or, if the
 17 superintendent or chief administrator is not employed directly by
 18 the board or board of directors, by the designee of the board or
 19 board of directors.

20 (b) ~~For the 2018-2019 school year, 25% of the annual~~
 21 ~~evaluation must be based on student growth and assessment data.~~
 22 ~~Beginning with the 2019-2020 school year, 40%~~ **Forty percent** of the
 23 annual evaluation must be based on student growth and assessment
 24 data. The student growth and assessment data to be used for the
 25 school administrator annual evaluation are the aggregate student
 26 growth and assessment data that are used in teacher annual year-end
 27 evaluations in each school in which the school administrator works
 28 as an administrator or, for a central-office-level school
 29 administrator, for the entire school district or intermediate

1 school district.

2 (c) For the purposes of conducting annual evaluations under
3 the performance evaluation system, the school district,
4 intermediate school district, or public school academy shall
5 develop or adopt and implement an evaluation tool for school
6 administrators. The portion of a school administrator's annual
7 evaluation that is not based on student growth must be based
8 primarily on the school administrator's performance as measured by
9 this evaluation tool.

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

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

29 (ii) The progress made by the school or school district in

1 meeting the goals set forth in the school's school improvement plan
2 or the school district's school improvement plans.

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

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

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

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

29 (g) The performance evaluation system must 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 must 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 must 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 must 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, intermediate school district, or public school academy
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 must 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
28 administrator is not rated as highly effective on 1 of these
29 biennial evaluations, the school administrator ~~shall~~**must** again be

1 provided with annual evaluations.

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

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

23 (2) A school district, intermediate school district, or public
24 school academy shall post on its public website all of the
25 following information about the measures it uses for its
26 performance evaluation system for school administrators:

27 (a) The research base for the evaluation framework,
28 instrument, and process or, if the school district, intermediate
29 school district, or public school academy adapts or modifies an

1 evaluation tool from the list under subsection (3), the research
2 base for the listed evaluation tool and an assurance that the
3 adaptations or modifications do not compromise the validity of that
4 research base.

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

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

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

20 (e) A description of the processes for collecting evidence,
21 conducting evaluation conferences, developing performance ratings,
22 and developing performance improvement plans.

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

25 (3) The department shall establish and maintain a list of
26 school administrator evaluation tools that have demonstrated
27 evidence of efficacy and that may be used for the purposes of this
28 section. That list initially must include at least the 2 evaluation
29 models recommended in the final recommendations released by the

1 Michigan council on educator effectiveness in July 2013. The list
 2 must include a statement indicating that school districts,
 3 intermediate school districts, and public school academies are not
 4 limited to only using the evaluation tools that are included on the
 5 list. A school district, intermediate school district, or public
 6 school academy is not required to use an evaluation tool for school
 7 administrator evaluations that is the same as it uses for teacher
 8 evaluations or that has the same author or authors as the
 9 evaluation tool it uses for teacher evaluations. The department
 10 shall promulgate rules establishing standards and procedures for
 11 adding an evaluation tool to or removing an evaluation tool from
 12 the list. These rules must include a process for a school district,
 13 intermediate school district, or public school academy to submit
 14 its own evaluation tool for review for placement on the list.

15 ~~(4) The training required under subsection (1) must be paid~~
 16 ~~for from the funds available in the educator evaluation reserve~~
 17 ~~fund created under section 95a of the state school aid act of 1979,~~
 18 ~~MCL 388.1695a.~~ **For an eligible school district, performance**
 19 **evaluations of building-level school administrators and of central-**
 20 **office-level school administrators who are regularly involved in**
 21 **instructional matters are not required under this section for the**
 22 **2021-2022 school year.**

23 **(5) As used in this section, "eligible school district" means**
 24 **that term as defined in section 1249.**

25 ~~Sec. 1279g. (1) The~~ **Except as otherwise provided in this**
 26 **subsection, the** board of a school district or board of directors of
 27 a public school academy shall comply with this section and shall
 28 administer the Michigan merit examination to pupils in grade 11,
 29 and to pupils in grade 12 who did not take the complete Michigan

1 merit examination in grade 11, as provided in this section.
2 **However, if the department receives a waiver from assessment**
3 **requirements under federal law from the United States Department of**
4 **Education, the board of an eligible school district is not required**
5 **to administer the Michigan merit examination as described in this**
6 **subsection for the 2021-2022 school year.**

7 (2) For the purposes of this section, the department of
8 technology, management, and budget shall contract with 1 or more
9 providers to develop, supply, and score the Michigan merit
10 examination. The Michigan merit examination ~~shall~~**must** consist of
11 all of the following:

12 (a) Assessment instruments that measure English language arts,
13 mathematics, reading, and science and are used by colleges and
14 universities in this state for entrance or placement purposes. This
15 ~~shall~~**must** include a writing component in which the pupil produces
16 an extended writing sample. The Michigan merit examination ~~shall~~
17 **must** not require any other extended writing sample.

18 (b) One or more tests from 1 or more test developers that
19 assess a pupil's ability to apply at least reading and mathematics
20 skills in a manner that is intended to allow employers to use the
21 results in making employment decisions. The department of
22 technology, management, and budget and the superintendent of public
23 instruction shall ensure that any test or tests selected under this
24 subdivision have all the components necessary to allow a pupil to
25 be eligible to receive the results of a nationally recognized
26 evaluation of workforce readiness if the pupil's test performance
27 is adequate.

28 (c) A social studies component.

29 (d) Any other component that is necessary to obtain the

1 approval of the United States Department of Education to use the
2 Michigan merit examination for the purposes of the no child left
3 behind act of 2001, Public Law 107-110, or the every student
4 succeeds act, Public Law 114-95.

5 (3) In addition to all other requirements of this section, all
6 of the following apply to the Michigan merit examination:

7 (a) The department of technology, management, and budget and
8 the superintendent of public instruction shall ensure that any
9 contractor used for scoring the Michigan merit examination supplies
10 an individual report for each pupil that will identify for the
11 pupil's parents and teachers whether the pupil met expectations or
12 failed to meet expectations for each standard, to allow the pupil's
13 parents and teachers to assess and remedy problems before the pupil
14 moves to the next grade.

15 (b) The department of technology, management, and budget and
16 the superintendent of public instruction shall ensure that any
17 contractor used for scoring, developing, or processing the Michigan
18 merit examination meets quality management standards commonly used
19 in the assessment industry, including at least meeting level 2 of
20 the capability maturity model developed by the Software Engineering
21 Institute of Carnegie Mellon University for the first year the
22 Michigan merit examination is offered to all grade 11 pupils and at
23 least meeting level 3 of the capability maturity model for
24 subsequent years.

25 (c) The department of technology, management, and budget and
26 the superintendent of public instruction shall ensure that any
27 contract for scoring, administering, or developing the Michigan
28 merit examination includes specific deadlines for all steps of the
29 assessment process, including, but not limited to, deadlines for

1 the correct testing materials to be supplied to schools and for the
 2 correct results to be returned to schools, and includes penalties
 3 for noncompliance with these deadlines.

4 (d) The superintendent of public instruction shall ensure that
 5 the Michigan merit examination meets all of the following:

6 (i) Is designed to test pupils on grade level content
 7 expectations or course content expectations, as appropriate, in all
 8 subjects tested.

9 (ii) Complies with requirements of the no child left behind act
 10 of 2001, Public Law 107-110, or the every student succeeds act,
 11 Public Law 114-95, as applicable.

12 (iii) Is consistent with the code of fair testing practices in
 13 education prepared by the joint committee on testing practices of
 14 the American Psychological Association.

15 (iv) Is factually accurate. If the superintendent of public
 16 instruction determines that a question is not factually accurate
 17 and should be excluded from scoring, the state board and the
 18 superintendent of public instruction shall ensure that the question
 19 is excluded from scoring.

20 (4) A school district or public school academy that operates a
 21 high school shall include on each pupil's high school transcript
 22 all of the following:

23 (a) For each high school graduate who has completed the
 24 Michigan merit examination under this section, the pupil's scaled
 25 score on each subject area component of the Michigan merit
 26 examination.

27 (b) The number of school days the pupil was in attendance at
 28 school each school year during high school and the total number of
 29 school days in session for each of those school years.

1 (5) The superintendent of public instruction shall work with
 2 the provider or providers of the Michigan merit examination to
 3 produce Michigan merit examination subject area scores for each
 4 pupil participating in the Michigan merit examination, including
 5 scaling and merging of test items for the different subject area
 6 components. The superintendent of public instruction shall design
 7 and distribute to school districts, public school academies,
 8 intermediate school districts, and nonpublic schools a simple and
 9 concise document that describes the scoring for each subject area
 10 and indicates the scaled score ranges for each subject area.

11 (6) ~~The~~ **Except as otherwise provided in this section, the**
 12 Michigan merit examination ~~shall~~ **must** be administered each year
 13 after March 1 and before June 1 to pupils in grade 11. The
 14 superintendent of public instruction shall ensure that the Michigan
 15 merit examination is scored and the scores are returned to pupils,
 16 their parents or legal guardians, and schools not later than the
 17 beginning of the pupil's first semester of grade 12. The returned
 18 scores ~~shall~~ **must** indicate at least the pupil's scaled score for
 19 each subject area component and the range of scaled scores for each
 20 subject area. In reporting the scores to pupils, parents, and
 21 schools, the superintendent of public instruction shall provide
 22 standards-specific, meaningful, and timely feedback on the pupil's
 23 performance on the Michigan merit examination.

24 (7) A school district or public school academy shall
 25 administer the complete Michigan merit examination to a pupil only
 26 once and shall not administer the complete Michigan merit
 27 examination to the same pupil more than once. ~~If~~ **Except as**
 28 **otherwise provided in this section, if** a pupil does not take the
 29 complete Michigan merit examination in grade 11, the school

1 district or public school academy shall administer the complete
2 Michigan merit examination to the pupil in grade 12. If a pupil
3 chooses to retake the college entrance examination component of the
4 Michigan merit examination, as described in subsection (2)(a), the
5 pupil may do so through the provider of the college entrance
6 examination component and the cost of the retake is the
7 responsibility of the pupil unless all of the following are met:

8 (a) The pupil has taken the complete Michigan merit
9 examination.

10 (b) The pupil meets the income eligibility criteria for free
11 breakfast, lunch, or milk, as determined under the Richard B.
12 Russell national school lunch act, 42 USC 1751 to 1769j.

13 (c) The pupil has applied to the provider of the college
14 entrance examination component for a scholarship or fee waiver to
15 cover the cost of the retake and that application has been denied.

16 (d) After taking the complete Michigan merit examination, the
17 pupil has not already received a free retake of the college
18 entrance examination component paid for either by this state or
19 through a scholarship or fee waiver by the provider.

20 (8) The superintendent of public instruction shall ensure that
21 the length of the Michigan merit examination and the combined total
22 time necessary to administer all of the components of the Michigan
23 merit examination are the shortest possible that will still
24 maintain the degree of reliability and validity of the Michigan
25 merit examination results determined necessary by the
26 superintendent of public instruction. The superintendent of public
27 instruction shall ensure that the maximum total combined length of
28 time that schools are required to set aside for pupils to answer
29 all test questions on the Michigan merit examination does not

1 exceed 8 hours if the superintendent of public instruction
 2 determines that sufficient alignment to applicable Michigan merit
 3 curriculum content standards can be achieved within that time
 4 limit.

5 (9) A school district or public school academy shall provide
 6 accommodations to a pupil with disabilities for the Michigan merit
 7 examination, as provided under section 504 of title V of the
 8 rehabilitation act of 1973, 29 USC 794; ~~subtitle-part~~ **part** A of title
 9 **subchapter** II of the Americans with disabilities act of 1990, 42
 10 USC 12131 to 12134; the individuals with disabilities education act
 11 amendments of 1997, Public Law 105-17; and the implementing
 12 regulations for those statutes. The provider or providers of the
 13 Michigan merit examination and the superintendent of public
 14 instruction shall mutually agree upon the accommodations to be
 15 provided under this subsection.

16 (10) To the greatest extent possible, the Michigan merit
 17 examination ~~shall~~ **must** be based on grade level content expectations
 18 or course content expectations, as appropriate. Not later than July
 19 1, 2008, the department shall identify specific grade level content
 20 expectations to be taught before and after the middle of grade 11,
 21 so that teachers will know what content will be covered within the
 22 Michigan merit examination.

23 (11) A child who is a student in a nonpublic school or home
 24 school may take the Michigan merit examination under this section.
 25 ~~To~~ **Except as otherwise provided in this subsection, to** take the
 26 Michigan merit examination, a child who is a student in a home
 27 school shall contact the school district in which the child
 28 resides, and that school district shall administer the Michigan
 29 merit examination, or the child may take the Michigan merit

1 examination at a nonpublic school if allowed by the nonpublic
2 school. **If an eligible school district is contacted by a child who**
3 **is a student in a home school as described in the immediately**
4 **preceding sentence, the eligible school district is not required to**
5 **administer the Michigan merit examination to the child if the**
6 **eligible school district is not administering the Michigan merit**
7 **examination to pupils enrolled in the eligible school district for**
8 **the 2021-2022 school year.** Upon request from a nonpublic school,
9 the superintendent of public instruction shall direct the provider
10 or providers to supply the Michigan merit examination to the
11 nonpublic school and the nonpublic school may administer the
12 Michigan merit examination. If a school district administers the
13 Michigan merit examination under this subsection to a child who is
14 not enrolled in the school district, the scores for that child are
15 not considered for any purpose to be scores of a pupil of the
16 school district.

17 (12) In contracting under subsection (2), the department of
18 technology, management, and budget shall consider a contractor that
19 provides ~~electronically-scored~~ **electronically scored** essays with
20 the ability to score constructed response feedback in multiple
21 languages and provide ongoing instruction and feedback.

22 (13) The purpose of the Michigan merit examination is to
23 assess pupil performance in mathematics, science, social studies,
24 and English language arts for the purpose of improving academic
25 achievement and establishing a statewide standard of competency.
26 The assessment under this section provides a common measure of data
27 that will contribute to the improvement of Michigan schools'
28 curriculum and instruction by encouraging alignment with Michigan's
29 curriculum framework standards and promotes pupil participation in

1 higher level mathematics, science, social studies, and English
 2 language arts courses. These standards are based upon the
 3 expectations of what pupils should learn through high school and
 4 are aligned with national standards.

5 (14) In addition to the other requirements of this section and
 6 the requirements of 1970 PA 38, MCL 388.1081 to 388.1086, ~~beginning~~
 7 ~~with assessments conducted during the 2016-2017 school year,~~ the
 8 superintendent of public instruction shall ensure that the Michigan
 9 merit examination social studies component and the M-STEP and any
 10 successor state assessment for social studies, as appropriate,
 11 include questions related to the learning objectives in the state
 12 board recommended model core academic curriculum standards
 13 concerning genocide, including, but not limited to, the Holocaust
 14 and the Armenian Genocide.

15 (15) As used in this section:

16 (a) "Armenian Genocide", "genocide", and "Holocaust" mean
 17 those terms as defined in section 1168.

18 (b) **"Eligible school district" means that term as defined in**
 19 **section 1249.**

20 (c) ~~(b)~~ "English language arts" means reading and writing.

21 (d) ~~(c)~~ "Social studies" means United States history, world
 22 history, world geography, economics, and American government.

23 Sec. 1280g. (1) Not later than August 1, 2019, the department
 24 shall develop a statewide system of accountability measurements to
 25 improve the national educational ranking of this state. All of the
 26 following apply to the statewide system of accountability
 27 measurements:

28 (a) ~~Not~~ **Subject to section 1280h, not** later than September 1,
 29 2019, and not later than September 1 of each subsequent year, the

1 department shall assign a letter grade of A, B, C, D, or F for each
2 of the following indicators for each public school:

3 (i) Pupil proficiency in mathematics and English language arts,
4 as measured by the percentage of all pupils who achieve proficiency
5 on the applicable state assessment, as determined by the
6 department.

7 (ii) Pupils who achieve adequate growth in mathematics and
8 English language arts on the applicable state assessment. The
9 measure of adequate growth under this subdivision may incorporate
10 reporting of pupil growth measures, as reported by the model value-
11 added growth and projection analytics system implemented by the
12 department, and ~~shall~~**must** be based on any of the following, as
13 determined by the department:

14 (A) Pupil growth measured from fall to spring of the same
15 school year or from the spring of ~~one~~**1** school year to the spring
16 of the next school year, as appropriate based on the timing of
17 applicable state assessments.

18 (B) Pupils who scored proficient on the immediately preceding
19 applicable state assessment and who at least maintained a score of
20 proficient on the most recent applicable state assessment.

21 (C) Pupils who scored less than proficient on the immediately
22 preceding applicable state assessment and who demonstrate growth
23 sufficient to reach proficiency in 3 school years.

24 (iii) Pupils who are English language learners and who achieve
25 adequate growth toward proficiency in the English language, as
26 determined by the department and as required under the every
27 student succeeds act, Public Law 114-95.

28 (iv) The graduation rate of pupils enrolled in high school, as
29 applicable and as defined by and reported to CEPI.

1 (v) The academic performance of the public school's pupils on
 2 the applicable state assessment compared to pupil performance on
 3 the applicable state assessment for all public schools serving a
 4 similar pupil population. The department shall determine similar
 5 pupil population using demographic factors that the ~~commission~~
 6 **department** considers to have a strong correlation to academic
 7 achievement.

8 (b) ~~Not~~ **Subject to section 1280h, not** later than September 1,
 9 2019, and not later than September 1 of each subsequent year, the
 10 department shall assign a ranking of significantly above average,
 11 above average, average, below average, or significantly below
 12 average to each public school for each of the following indicators:

13 (i) The rate of pupils who are chronically absent as defined by
 14 and reported to CEPI.

15 (ii) The participation rate for each applicable state
 16 assessment, based on pupils who are assigned to take each
 17 applicable state assessment. For purposes of this subparagraph, the
 18 department shall not consider a pupil who meets both of the
 19 following:

20 (A) Is eligible for special education programs and services
 21 according to statute or rule or is a child with disabilities, as
 22 defined under the individuals with disabilities education act,
 23 Public Law 108-446.

24 (B) Is not required to participate in a state assessment.

25 (iii) Pupil subgroup performance compared to pupils in the same
 26 subgroup statewide, as required under the every student succeeds
 27 act, Public Law 114-95.

28 (c) Letter grades and rankings under subdivisions (a) and (b)
 29 ~~shall~~ **must** be reported in a form and manner prescribed by the

1 department.

2 (d) The department shall develop standards for identifying
3 public schools as falling into categories of performance and
4 adequate achievement. The standards developed under this
5 subdivision must meet all of the following:

6 (i) The department shall develop standards for identifying the
7 lowest achieving public schools as comprehensive support and
8 improvement schools, as required under the every student succeeds
9 act, Public Law 114-95. Subject to subdivision (ii), a public school
10 that meets any of the following ~~shall~~**must** be identified as a
11 comprehensive support and improvement school:

12 (A) Is a high school that graduates less than 2/3 of its
13 pupils.

14 (B) Receives the lowest grade on all of the indicators under
15 subdivision (a) (i), (ii), and (v).

16 (C) Meets any other criteria for a comprehensive support and
17 improvement school under the every student succeeds act, Public Law
18 114-95, as determined by the department.

19 (ii) The number of public schools in this state identified as
20 comprehensive support and improvement schools ~~shall~~**must** not exceed
21 a number equal to 5% of all public schools in this state.

22 (iii) The department shall develop standards for identifying
23 high achieving public schools as reward schools. A public school
24 that meets any of the following ~~shall~~**must** be identified as a
25 reward school:

26 (A) Is a high school that graduates at least 99% of its
27 pupils.

28 (B) Receives the highest grade on any of the indicators under
29 subdivision (a) (i), (ii), or (v).

1 (C) Meets any other criteria for identification as a reward
2 school, as determined by the department.

3 (iv) The department shall also develop standards for all of the
4 following:

5 (A) Identifying public schools in which 1 or more groups of
6 pupils are consistently underperforming as targeted support and
7 improvement schools, as described in the every student succeeds
8 act, Public Law 114-95.

9 (B) Identifying public schools in which the performance of 1
10 or more groups of pupils would place those ~~pupils~~**schools** in the
11 bottom 5% of Title I schools, as described in the every student
12 succeeds act, Public Law 114-95.

13 (C) Identifying public schools in any other categorization
14 required under the every student succeeds act, Public Law 114-95,
15 as determined by the department.

16 (e) The department shall monitor the effectiveness of the
17 statewide system of accountability measurements developed under
18 this subsection and shall make changes to the system as the
19 department determines necessary to make the system more effective
20 and to ensure compliance with the requirements under this section.
21 As part of this monitoring process, the department shall develop
22 and implement processes for receiving and considering input from
23 the public and the educational community.

24 (f) Not later than December 1, 2019, the department shall
25 develop accountability measures to impose on public schools that
26 have been identified as comprehensive support and improvement
27 schools under this section. For the purposes of the accountability
28 measures developed under this section, a public school that was
29 included on the list of the lowest achieving 5% of public schools

1 in this state under **former** section 1280c(1) is considered to have
2 been identified as a comprehensive support and improvement school
3 for that school year.

4 (g) Not later than July 1, 2020, the department shall
5 implement the accountability measures developed under subdivision
6 (f).

7 (2) ~~Beginning in the 2019-2020 school year, the~~ **The** department
8 shall implement and administer the statewide system of
9 accountability measurements under subsection (1).

10 (3) Not later than September 1, 2019, and not later than
11 September 1 every 3 years thereafter, the superintendent of public
12 instruction shall publish a list of the public schools in this
13 state that the department has identified as comprehensive support
14 and improvement schools under this section for that school year,
15 and a list of the public schools that the department has identified
16 as reward schools under this section for that school year. A public
17 school identified as a comprehensive support and improvement school
18 under this section is considered to be among the lowest achieving
19 public schools in this state.

20 (4) The department shall designate a public school as an
21 alternative education campus and shall not assign grades or
22 rankings under subsection (1) for the public school if the public
23 school meets at least 1 of the following:

24 (a) Is a center program.

25 (b) Is a strict discipline academy established under sections
26 1311b to 1311m.

27 (c) Is a program for adjudicated youth.

28 (d) Serves any other specialized pupil population with special
29 needs, as determined by the department.

1 (5) ~~Beginning September 1, 2019, and not~~ **Not** later than
2 September 1 of each ~~subsequent~~ year, the department shall issue a
3 summary status for each public school designated as an alternative
4 education campus under subsection (4). The summary status ~~shall~~
5 **must** indicate whether the public school is in compliance with
6 applicable law and whether pupils enrolled in the public school are
7 making meaningful, measurable academic progress toward educational
8 goals established by the governing body of the public school and
9 approved by the superintendent of public instruction.

10 (6) The accountability system developed under this section
11 replaces the accountability system under **former** section 390.

12 (7) Not later than August 1, 2019, the department shall submit
13 its proposed standards for determining letter grades and rankings
14 under this section to a peer review panel consisting of 5
15 individuals with expertise in school accountability systems. Not
16 later than August 15, 2019, the peer review panel shall submit its
17 findings to the department and to the standing committees of the
18 senate and house of representatives having jurisdiction over
19 education legislation. The peer review panel must consist of the
20 following 5 members:

21 (a) Three members appointed by the governor.

22 (b) One member appointed by the senate majority leader.

23 (c) One member appointed by the speaker of the house of
24 representatives.

25 (8) At least annually, the department shall present to the
26 standing committees of the senate and house of representatives
27 having jurisdiction over education legislation, in the form and
28 manner prescribed by those committees, a status update on the
29 statewide system of accountability measurements under this section.

1 (9) As used in this section:

2 (a) "Center program" means that term as defined in section 6
3 of the state school aid act of 1979, MCL 388.1606.

4 (b) "CEPI" means the center for educational performance and
5 information created in section 94a of the state school aid act of
6 1979, MCL 388.1694a.

7 **Sec. 1280h. (1) The department shall not assign a letter grade**
8 **for each of the indicators under section 1280g(1) (a) for the 2021-**
9 **2022 school year and the department shall not assign a ranking for**
10 **each of the indicators under section 1280g(1) (b) for the 2021-2022**
11 **school year for an eligible school district.**

12 (2) As used in this section, "eligible school district" means
13 that term as defined in section 1249.

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. 940 of the 101st Legislature is enacted into
16 law.