

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 395

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1249, 1249a, 1249b, and 1280f (MCL 380.1249,  
380.1249a, 380.1249b, and 380.1280f), section 1249 as amended by  
2019 PA 6, section 1249a as amended by 2015 PA 173, section 1249b  
as amended by 2019 PA 5, and section 1280f as amended by 2023 PA 7;  
and to repeal acts and parts of acts.

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

1           Sec. 1249. (1) ~~Subject to subsection (4), with~~ **This section**  
2 **does not prohibit, impair, or limit the right or duty of a public**  
3 **school employer and a collective bargaining representative to**  
4 **engage in collective bargaining over the topic of performance**  
5 **evaluations under 1947 PA 336, MCL 423.201 to 423.217, subject to**

1 **the requirements in this section and section 1249b. With the**  
 2 **involvement of teachers and school administrators, and after**  
 3 **collective bargaining, if applicable, with any collective**  
 4 **bargaining representative of teachers and school administrators,**  
 5 the board of a school district or intermediate school district or  
 6 board of directors of a public school academy shall adopt and  
 7 implement for all teachers and school administrators a rigorous,  
 8 transparent, and fair performance evaluation system that does **at**  
 9 **least** 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 **or student learning**  
 19 **objectives metrics**. Student growth, **assessment data, and student**  
 20 **learning objectives** must be measured using ~~multiple measures that~~  
 21 ~~may include student learning objectives, achievement of~~  
 22 ~~individualized education program goals, nationally normed or~~  
 23 ~~locally developed assessments that are aligned to state standards,~~  
 24 ~~research based growth measures, or alternative assessments that are~~  
 25 ~~rigorous and comparable across schools within the school district,~~  
 26 ~~intermediate school district, or public school academy. If the~~  
 27 **metrics agreed upon through collective bargaining, if applicable.**  
 28 **Before July 1, 2024, the** performance evaluation system implemented  
 29 by a school district, intermediate school district, or public

1 school academy under this section ~~does not already~~ **must** include the  
 2 rating of teachers as highly effective, effective, minimally  
 3 effective, and ineffective. ~~, then the school district,~~  
 4 ~~intermediate school district, or public school academy shall revise~~  
 5 ~~the performance evaluation system not later than September 19, 2011~~  
 6 ~~to ensure that it rates teachers as highly effective, effective,~~  
 7 ~~minimally effective, or ineffective.~~ **Beginning July 1, 2024, the**  
 8 **performance evaluation system implemented by a school district,**  
 9 **intermediate school district, or public school academy under this**  
 10 **section must include the rating of teachers as effective,**  
 11 **developing, and needing support.**

12 (d) Uses the evaluations, at a minimum, to inform decisions  
 13 regarding ~~all~~ **both** of the following:

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

16 (ii) ~~Promotion, retention, and development~~ **Development** of  
 17 teachers and school administrators, including providing relevant  
 18 coaching, instruction support, or professional development.

19 ~~(iii) Whether to grant tenure or full certification, or both, to~~  
 20 ~~teachers and school administrators using rigorous standards and~~  
 21 ~~streamlined, transparent, and fair procedures.~~

22 ~~(iv) Removing ineffective tenured and untenured teachers and~~  
 23 ~~school administrators after they have had ample opportunities to~~  
 24 ~~improve, and ensuring that these decisions are made using rigorous~~  
 25 ~~standards and streamlined, transparent, and fair procedures.~~

26 (2) The board of a school district or intermediate school  
 27 district or board of directors of a public school academy shall  
 28 ensure that the performance evaluation system for teachers meets **at**  
 29 **least** all of the following:

1           (a) ~~The~~ **Except as otherwise provided under this subsection,**  
 2 **the** performance evaluation system must include at least ~~an annual a~~  
 3 year-end evaluation for all teachers. ~~An annual~~ **The** year-end  
 4 evaluation must meet all of the following:

5           (i) ~~For the 2018-2019 school year, 25% of the annual year-end~~  
 6 ~~evaluation must be based on student growth and assessment data.~~  
 7 ~~Beginning with the 2019-2020 school year,~~ **Before the 2024-2025**  
 8 **school year,** 40% of the ~~annual~~-year-end evaluation must be based on  
 9 student growth and assessment data. **Beginning in the 2024-2025**  
 10 **school year, the year-end evaluation must include locally agreed-on**  
 11 **student growth and assessment data or student learning objectives**  
 12 **metrics. The student growth and assessment data or student learning**  
 13 **objectives metrics must be collectively bargained, if applicable,**  
 14 **as determined under subsection (1)(c). Beginning in the 2024-2025**  
 15 **school year, 20% of the year-end evaluation must be based on**  
 16 **student growth and assessment data or student learning objectives**  
 17 **metrics.**

18           ~~(ii) For core content areas in grades and subjects in which~~  
 19 ~~state assessments are administered, 50% of student growth must be~~  
 20 ~~measured using the state assessments, and the portion of student~~  
 21 ~~growth not measured using state assessments must be measured using~~  
 22 ~~multiple research-based growth measures or alternative assessments~~  
 23 ~~that are rigorous and comparable across schools within the school~~  
 24 ~~district, intermediate school district, or public school academy.~~  
 25 ~~Student growth also may be measured by student learning objectives~~  
 26 ~~or nationally normed or locally adopted assessments that are~~  
 27 ~~aligned to state standards, or based on achievement of~~  
 28 ~~individualized education program goals.~~

29           (ii) ~~(iii)~~ The portion of a teacher's ~~annual~~-year-end evaluation

1 that is not based on student growth and assessment data **or student**  
 2 **learning objectives metrics**, as described under subparagraph (i),  
 3 must be based primarily on a teacher's performance as measured by  
 4 the evaluation tool developed or adopted by the school district,  
 5 intermediate school district, or public school academy under  
 6 subdivision ~~(f)~~. **(e)**.

7 **(iii)** ~~(iv)~~ The portion of a teacher's evaluation that is not  
 8 measured using student growth and assessment data **or student**  
 9 **learning objectives metrics**, as described under subparagraph (i), or  
 10 using the evaluation tool developed or adopted by the school  
 11 district, intermediate school district, or public school academy ~~τ~~  
 12 ~~as described under subparagraph (iii), must incorporate criteria~~  
 13 ~~enumerated in section 1248(1)(b)(i) to (iii) that are not otherwise~~  
 14 ~~evaluated under subparagraph (i) or (iii).~~

15 ~~(b) If there are student growth and assessment data available~~  
 16 ~~for a teacher for at least 3 school years, the annual year-end~~  
 17 ~~evaluation must be based on the student growth and assessment data~~  
 18 ~~for the most recent 3 consecutive school year period. If there are~~  
 19 ~~not student growth and assessment data available for a teacher for~~  
 20 ~~at least 3 school years, the annual year-end evaluation must be~~  
 21 ~~based on all student growth and assessment data that are available~~  
 22 ~~for the teacher.~~ **must be based on objective criteria.**

23 **(b)** ~~(c)~~ The ~~annual~~ year-end evaluation must include specific  
 24 performance goals that will assist in improving effectiveness for  
 25 the next school year and are developed by the school administrator  
 26 or ~~his or her~~ **the school administrator's** designee conducting the  
 27 evaluation, in consultation with the teacher, and any recommended  
 28 training identified by the school administrator or designee, in  
 29 consultation with the teacher, that would assist the teacher in

1 meeting these goals. For a teacher described in subdivision ~~(d)~~,  
 2 **(c)**, the school administrator or designee shall develop, in  
 3 consultation with the teacher, an individualized development plan  
 4 that includes these goals and training and is designed to assist  
 5 the teacher to improve ~~his or her~~ **the teacher's** effectiveness.

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

16 ~~(i) The midyear progress report must be based at least in part~~  
 17 ~~on student achievement.~~

18 **(i)** ~~(ii)~~—The midyear progress report must be aligned with the  
 19 teacher's individualized development plan under subdivision  
 20 ~~(e)~~ **(b)** .

21 **(ii)** ~~(iii)~~—The midyear progress report must include specific  
 22 performance goals for the remainder of the school year that are  
 23 developed by the school administrator conducting the ~~annual-year-~~  
 24 end evaluation or ~~his or her~~ **the school administrator's** designee  
 25 and any recommended training identified by the school administrator  
 26 or designee that would assist the teacher in meeting these goals.  
 27 At the midyear progress report, the school administrator or  
 28 designee shall develop, in consultation with the teacher, a written  
 29 improvement plan that includes these goals and training and is

1 designed to assist the teacher to improve ~~his or her~~ **the teacher's**  
2 rating.

3 **(iii)** ~~(iv)~~—The midyear progress report must not take the place of  
4 ~~an annual~~ **a** year-end evaluation.

5 **(d)** ~~(e)~~—The performance evaluation system must include  
6 classroom observations to assist in the performance evaluations.  
7 All of the following apply to these classroom observations:

8 (i) A classroom observation must include a review of the  
9 teacher's lesson plan and the state curriculum standard being used  
10 in the lesson and a review of pupil engagement in the lesson. **The**  
11 **items described in this subparagraph must be discussed during a**  
12 **post-observation meeting between the school administrator**  
13 **conducting the observation and the teacher.**

14 (ii) A classroom observation **must be not less than 15 minutes**  
15 **but** does not have to be for an entire class period.

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

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

27 (v) A school district, intermediate school district, or public  
28 school academy shall ensure that, within 30 **calendar** days after  
29 each observation, the teacher is provided with **written** feedback

1 from the observation.

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

20       **(f)** ~~(g)~~ ~~The~~ **Before July 1, 2024, the** performance evaluation  
21 system must assign ~~an effectiveness~~ **a** rating to each teacher of  
22 highly effective, effective, minimally effective, or ineffective,  
23 based on ~~his or her score on the annual~~ **the teacher's** year-end  
24 evaluation described in this subsection. **Beginning July 1, 2024,**  
25 **the performance evaluation system must assign a rating to each**  
26 **teacher of effective, developing, or needing support based on the**  
27 **teacher's year-end evaluation described in this subsection. An**  
28 **evaluation and feedback concerning the evaluation must be provided,**  
29 **in writing, to the teacher being evaluated. However, if a written**



1 evaluation is not provided, the teacher is deemed effective.

2 (g) A teacher must not be assigned an evaluation rating and  
3 must be designated as unevaluated for a school year if any of the  
4 following apply to the teacher:

5 (i) The teacher worked less than 60 days in that school year.

6 (ii) The teacher's evaluation results were vacated through the  
7 grievance procedure described in subdivision (l).

8 (iii) There are extenuating circumstances and the teacher and  
9 the school district, intermediate school district, or public school  
10 academy agree to designate the teacher as unevaluated because of  
11 the extenuating circumstances.

12 (h) If a teacher receives a unevaluated designation under  
13 subdivision (g), the teacher's rating from the school year  
14 immediately before that designation must be used for consecutive  
15 purposes under this section.

16 (i) ~~(h)~~As part of the performance evaluation system, and in  
17 addition to the requirements of section 1526, a school district,  
18 intermediate school district, or public school academy ~~is~~  
19 encouraged to ~~shall~~ assign a mentor or coach to each teacher who is  
20 described in subdivision ~~(d)~~. **(c)**.

21 ~~(i) The performance evaluation system may allow for exemption~~  
22 ~~of student growth data for a particular pupil for a school year~~  
23 ~~upon the recommendation of the school administrator conducting the~~  
24 ~~annual year-end evaluation or his or her designee and approval of~~  
25 ~~the school district superintendent or his or her designee,~~  
26 ~~intermediate superintendent or his or her designee, or chief~~  
27 ~~administrator of the public school academy, as applicable.~~

28 (j) The performance evaluation system must provide that, if a  
29 teacher is rated as ineffective **or needing support** on 3 consecutive

1 ~~annual~~-year-end evaluations, the school district, intermediate  
 2 school district, or public school academy shall, **subject to 1937**  
 3 **(Ex Sess) PA 4, MCL 38.71 to 38.191**, dismiss the teacher from ~~his~~  
 4 ~~or her~~ **the teacher's** employment. ~~This~~ **Subject to 1937 (Ex Sess) PA**  
 5 **4, MCL 38.71 to 38.191, this** subdivision does not affect the  
 6 ability of a school district, intermediate school district, or  
 7 public school academy to dismiss a teacher from ~~his or her~~ **the**  
 8 **teacher's** employment regardless of whether the teacher is rated as  
 9 ineffective **or needing support** on 3 consecutive ~~annual~~-year-end  
 10 evaluations.

11 (k) The performance evaluation system must provide that, if a  
 12 teacher **who is not in a probationary period under section 1 of**  
 13 **article II of 1937 (Ex Sess) PA 4, MCL 38.81**, is rated as highly  
 14 effective **or effective** on **the 3 most recent** consecutive ~~annual~~  
 15 year-end evaluations, the school district, intermediate school  
 16 district, or public school academy may ~~choose to~~ conduct a year-end  
 17 evaluation biennially **or triennially** instead of annually. However,  
 18 if a teacher **who is not in a probationary period under section 1 of**  
 19 **article II of 1937 (Ex Sess) PA 4, MCL 38.81**, is not rated as  
 20 ~~highly~~ effective on 1 of these biennial **or triennial** year-end  
 21 evaluations, the teacher ~~shall~~ **must** again be provided with ~~annual~~  
 22 year-end evaluations.

23 (l) **As used in this subdivision, "teacher" means that term as**  
 24 **defined in section 1 of article I of 1937 (Ex Sess) PA 4, MCL**  
 25 **38.71.** The performance evaluation system must provide that, ~~if~~ **for**  
 26 a 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, **and** is  
 28 rated as ~~ineffective~~ **needing support** on ~~an annual~~ **a** year-end  
 29 evaluation, the ~~teacher~~ **following options must be made available to**

1 **the teacher:**

2 (i) **The teacher** may request a review of the evaluation and the  
 3 rating by the school district superintendent ~~, or~~ intermediate  
 4 superintendent, ~~or chief administrator of the public school~~  
 5 ~~academy,~~ as applicable. The request for a review must be submitted  
 6 in writing within ~~20~~ **30 calendar** days after the teacher is informed  
 7 of the rating. Upon receipt of the request, the school district  
 8 superintendent ~~, or~~ intermediate superintendent, ~~or chief~~  
 9 ~~administrator of the public school academy,~~ as applicable, shall  
 10 review the evaluation and rating and may make any modifications as  
 11 appropriate based on ~~his or her~~ **the school district**  
 12 **superintendent's or intermediate superintendent's** review. ~~However,~~  
 13 ~~the performance evaluation system must not allow for a review as~~  
 14 ~~described in this subdivision more than twice in a 3 school year~~  
 15 ~~period.~~ **A written response regarding the school district**  
 16 **superintendent's or intermediate superintendent's findings must be**  
 17 **provided to the teacher who requested the review by not later than**  
 18 **30 calendar days after receipt of the request for a review and**  
 19 **before making any modifications under this section.**

20 (ii) If the written response from the school district  
 21 superintendent's or intermediate superintendent's review does not  
 22 resolve the matter, the teacher or collective bargaining  
 23 representative may request mediation as provided for in 1947 PA  
 24 336, 423.201 to 423.217. The request for mediation must be  
 25 submitted in writing within 30 calendar days after the teacher  
 26 receives the written response from the school district  
 27 superintendent or intermediate superintendent. Within 15 days of  
 28 receipt of the request, the school district superintendent or  
 29 intermediate superintendent must provide a written response to the

1 teacher or collective bargaining representative stating that the  
2 mediation will be scheduled as appropriate.

3 (iii) If a teacher receives 2 consecutive ratings of needing  
4 support, the teacher may demand to use the grievance procedure of  
5 an applicable collective bargaining agreement or employment  
6 contract that concerns the teacher's second evaluation rating and  
7 the evaluation process. If a collective bargaining agreement or  
8 employment contract does not contain a grievance procedure that  
9 ends in binding arbitration, the teacher may request binding  
10 arbitration by filing a demand for arbitration with the American  
11 Arbitration Association within 30 calendar days after the teacher  
12 receives the written response from the school district  
13 superintendent or intermediate superintendent. The arbitration is  
14 subject to the uniform arbitration act, 2012 PA 371, MCL 691.1681  
15 to 691.1713. The arbitration described in this subparagraph must  
16 adhere to both of the following:

17 (A) The arbitrator must be selected through procedures  
18 administered by the American Arbitration Association in accordance  
19 with its rules.

20 (B) The arbitrator must have the authority to issue any  
21 appropriate remedy.

22 (m) The school district, intermediate school district, or  
23 public school academy shall provide training to teachers on the  
24 evaluation tool or tools used by the school district, intermediate  
25 school district, or public school academy in its performance  
26 evaluation system and on how each evaluation tool is used. This  
27 training may be provided by a school district, intermediate school  
28 district, or public school academy, or by a consortium consisting  
29 of 2 or more of these.

1           (n) A school district, intermediate school district, or public  
 2 school academy shall ensure that training is provided to all  
 3 evaluators and observers. The training must be provided by an  
 4 individual who has expertise in the evaluation tool or tools used  
 5 by the school district, intermediate school district, or public  
 6 school academy ~~which~~**that** may include either a consultant on that  
 7 evaluation tool or framework or an individual who has been trained  
 8 to train others in the use of the evaluation tool or tools. This  
 9 subdivision does not prohibit a school district, intermediate  
 10 school district, public school academy, or consortium consisting of  
 11 2 or more of these, from providing the training in the use of the  
 12 evaluation tool or tools if the trainer has expertise in the  
 13 evaluation tool or tools.

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

18           (a) The research base for the evaluation framework,  
 19 instrument, and process or, if the school district, intermediate  
 20 school district, or public school academy adapts or modifies an  
 21 evaluation tool from the list under subsection ~~(5)~~**(4)**, the  
 22 research base for the listed evaluation tool and an assurance that  
 23 the adaptations or modifications do not compromise the validity of  
 24 that research base.

25           (b) The identity and qualifications of the author or authors  
 26 or, if the school district, intermediate school district, or public  
 27 school academy adapts or modifies an evaluation tool from the list  
 28 under subsection ~~(5)~~**(4)**, the identity and qualifications of a  
 29 person with expertise in teacher evaluations who has reviewed the

1 adapted or modified evaluation tool.

2 (c) Either evidence of reliability, validity, and efficacy or  
 3 a plan for developing that evidence or, if the school district,  
 4 intermediate school district, or public school academy adapts or  
 5 modifies an evaluation tool from the list under subsection ~~(5)~~,  
 6 **(4)**, an assurance that the adaptations or modifications do not  
 7 compromise the reliability, validity, or efficacy of the evaluation  
 8 tool or the evaluation process.

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

11 (e) A description of the processes for conducting classroom  
 12 observations, collecting evidence, conducting evaluation  
 13 conferences, developing performance ratings, and developing  
 14 performance improvement plans.

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

17 ~~(4) If a collective bargaining agreement was in effect for~~  
 18 ~~teachers or school administrators of a school district,~~  
 19 ~~intermediate school district, or public school academy as of July~~  
 20 ~~19, 2011, if that same collective bargaining agreement is still in~~  
 21 ~~effect as of November 5, 2015, and if that collective bargaining~~  
 22 ~~agreement prevents compliance with subsection (1), then subsection~~  
 23 ~~(1) does not apply to that school district, intermediate school~~  
 24 ~~district, or public school academy until after the expiration of~~  
 25 ~~that collective bargaining agreement.~~

26 **(4)** ~~(5)~~—The department shall establish and maintain a list of  
 27 teacher evaluation tools that have demonstrated evidence of  
 28 efficacy and that may be used for the purposes of this section.  
 29 ~~That list initially must include at least the evaluation models~~

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

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

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

23 **(5) By not later than September 1, 2024, and every 3 years**  
 24 **thereafter, each individual who conducts an evaluation under this**  
 25 **section or section 1249b shall complete a rater reliability**  
 26 **training provided by the school district, intermediate school**  
 27 **district, public school academy, or the entity that employs the**  
 28 **individual. The training must include at least all of the**  
 29 **following:**

1 (a) A clear and consistent set of evaluation criteria that all  
2 evaluators can use when assessing teacher performance.

3 (b) Clear expectations for what evaluators should look for  
4 when assessing teacher performance, including identifying key  
5 behaviors and practices that are associated with effective  
6 teaching.

7 (c) Training on the evaluation process itself, including how  
8 to conduct classroom observations, collect data, and analyze  
9 results.

10 (d) Calibration exercises that help evaluators practice using  
11 the evaluation criteria and establish consistency in the  
12 evaluator's evaluations.

13 (e) Ongoing support for evaluators, including feedback and  
14 coaching to help the evaluators improve their skills and ensure  
15 they are consistently applying the evaluation criteria.

16 (6) ~~(8)~~—As used in this section: ~~,"teacher"~~

17 (a) "Student learning objectives" means measurable, long-term,  
18 academic goals, informed by available data, that a teacher or  
19 teacher team sets at the beginning of the year for all students.

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

28 Sec. 1249a. (1) ~~Beginning with the 2018-2019 school year,~~  
29 ~~subject~~ **Subject** to subsection (2), a school district, intermediate



1 school district, or public school academy shall not assign a pupil  
 2 to be taught in the same subject area for 2 consecutive years by a  
 3 teacher who has been rated as ineffective **or needing support** on ~~his~~  
 4 ~~or her~~ **the teacher's** 2 most recent annual year-end evaluations  
 5 under section 1249.

6 (2) ~~Beginning with the 2018-2019 school year, if~~ **If** a school  
 7 district, intermediate school district, or public school academy is  
 8 unable to comply with subsection (1) and plans to assign a pupil to  
 9 be taught in the same subject area for 2 consecutive years by a  
 10 teacher who has been rated as ineffective **or needing support** on ~~his~~  
 11 ~~or her~~ **the teacher's** 2 most recent annual year-end evaluations  
 12 under section 1249, the board of the school district or  
 13 intermediate school district or board of directors of the public  
 14 school academy in which the pupil is enrolled ~~shall~~ **must** notify the  
 15 pupil's parent or legal guardian that the board or board of  
 16 directors is unable to comply with subsection (1) and that the  
 17 pupil has been assigned to be taught in the same subject area for a  
 18 second consecutive year by a teacher who has been rated as  
 19 ineffective **or needing support** on ~~his or her~~ **the teacher's** 2 most  
 20 recent annual year-end evaluations. The notification ~~shall~~ **must** be  
 21 in writing, ~~shall~~ **must** be delivered to the parent or legal guardian  
 22 not later than July 15 immediately preceding the beginning of the  
 23 school year for which the pupil is assigned to the teacher, and  
 24 ~~shall~~ **must** include an explanation of why the board or board of  
 25 directors is unable to comply with subsection (1). **However, if the**  
 26 **teacher requested a review of the teacher's evaluation rating under**  
 27 **section 1249, the board of the school district or intermediate**  
 28 **school district must not issue the notification described in this**  
 29 **subsection until the review process under section 1249 is complete.**

1           Sec. 1249b. (1) ~~The~~**This section does not prohibit, impair, or**  
 2 **limit the right or duty of a public school employer and a**  
 3 **collective bargaining representative to engage in collective**  
 4 **bargaining over the topic of performance evaluations under 1947 PA**  
 5 **336, MCL 423.201 to 423.217, subject to the requirements in this**  
 6 **section and section 1249. After collective bargaining, if**  
 7 **applicable, with any collective bargaining representative to school**  
 8 **administrators, the** board of a school district or intermediate  
 9 school district or board of directors of a public school academy  
 10 shall ensure that the performance evaluation system for building-  
 11 level school administrators and for central-office-level school  
 12 administrators who are regularly involved in instructional matters  
 13 meets **at least** all of the following:

14           (a) ~~The~~**Except as otherwise provided in this subsection, the**  
 15 performance evaluation system must include ~~at least~~ an annual  
 16 evaluation for all school administrators described in this  
 17 subsection by the school district superintendent or ~~his or her~~**the**  
 18 **school district superintendent's** designee, intermediate  
 19 superintendent or ~~his or her~~**the intermediate superintendent's**  
 20 designee, or chief administrator of the public school academy, as  
 21 applicable. However, a superintendent or chief administrator ~~shall~~  
 22 **must** be evaluated by the board or board of directors or, if the  
 23 superintendent or chief administrator is not employed directly by  
 24 the board or board of directors, by the designee of the board or  
 25 board of directors.

26           (b) ~~For the 2018-2019 school year, 25% of the annual~~  
 27 ~~evaluation must be based on student growth and assessment data.~~  
 28 ~~Beginning with the 2019-2020 school year,~~**Before the 2024-2025**  
 29 **school year,** 40% of the annual evaluation must be based on student

1 growth and assessment data. ~~The student growth and assessment data~~  
 2 ~~to be used for the school administrator annual evaluation are the~~  
 3 ~~aggregate student growth and assessment data that are used in~~  
 4 ~~teacher annual year-end evaluations in each school in which the~~  
 5 ~~school administrator works as an administrator or, for a central-~~  
 6 ~~office-level school administrator, for the entire school district~~  
 7 ~~or intermediate school district.~~ **Beginning in the 2024-2025 school**  
 8 **year, the annual evaluation must include the student growth and**  
 9 **assessment data or student learning objectives metrics determined**  
 10 **under section 1249(1)(c). Beginning in the 2024-2025 school year,**  
 11 **20% of the annual evaluation must be based on student growth and**  
 12 **assessment data or student learning objectives.**

13 (c) For the purposes of conducting ~~annual~~ evaluations under  
 14 the performance evaluation system, the school district,  
 15 intermediate school district, or public school academy shall  
 16 develop or adopt and implement an evaluation tool for school  
 17 administrators. The ~~portion of a school administrator's annual~~  
 18 ~~evaluation that is not based on student growth~~ must be based  
 19 primarily on the school administrator's performance as measured by  
 20 this evaluation tool.

21 (d) The portion of the ~~annual~~ evaluation that is not based on  
 22 student growth and assessment data **or student learning objectives**  
 23 as provided under subdivision (b) or on an evaluation tool as  
 24 provided under subdivision (c) must be based on ~~at least the~~  
 25 ~~following for each school in which the school administrator works~~  
 26 ~~as an administrator or, for a central-office-level school~~  
 27 ~~administrator, for the entire school district or intermediate~~  
 28 ~~school district:~~

29 ~~(i) If the school administrator conducts teacher performance~~

1 ~~evaluations, the school administrator's proficiency in using the~~  
 2 ~~evaluation tool for teachers used by the school district,~~  
 3 ~~intermediate school district, or public school academy under~~  
 4 ~~section 1249. If the school administrator designates another person~~  
 5 ~~to conduct teacher performance evaluations, the evaluation of the~~  
 6 ~~school administrator on this factor must be based on the designee's~~  
 7 ~~proficiency in using the evaluation tool for teachers used by the~~  
 8 ~~school district, intermediate school district, or public school~~  
 9 ~~academy under section 1249, with the designee's performance to be~~  
 10 ~~counted as if it were the school administrator personally~~  
 11 ~~conducting the teacher performance evaluations.~~

12 ~~(ii) The progress made by the school or school district in~~  
 13 ~~meeting the goals set forth in the school's school improvement plan~~  
 14 ~~or the school district's school improvement plans.~~

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

16 ~~(iv) Student, parent, and teacher feedback, as available, and~~  
 17 ~~other information considered pertinent by the superintendent or~~  
 18 ~~other school administrator conducting the performance evaluation or~~  
 19 ~~the board or board of directors.~~ **objective criteria.**

20 (e) For the purposes of conducting ~~annual~~ evaluations under  
 21 the performance evaluation system, ~~by the beginning of the 2016-~~  
 22 ~~2017 school year,~~ the school district, intermediate school  
 23 district, or public school academy shall adopt and implement 1 or  
 24 more of the evaluation tools for school administrators that are  
 25 included on the list under subsection (3). However, if a school  
 26 district, intermediate school district, or public school academy  
 27 has 1 or more local evaluation tools for school administrators or  
 28 modifications of an evaluation tool on the list under subsection  
 29 (3), and the school district, intermediate school district, or

1 public school academy complies with subsection (2), the school  
2 district, intermediate school district, or public school academy  
3 may conduct annual ~~year-end~~ evaluations for school administrators  
4 using 1 or more local evaluation tools or modifications.

5 (f) The evaluation tool and other measures used by the school  
6 district, intermediate school district, or public school academy in  
7 its performance evaluation system for school administrators must be  
8 used consistently across the schools operated by a school district,  
9 intermediate school district, or public school academy so that all  
10 similarly situated school administrators are evaluated using the  
11 same measures.

12 (g) ~~The~~ **Before July 1, 2024, the** performance evaluation system  
13 must assign ~~an effectiveness~~ a rating to each school administrator  
14 described in this subsection of highly effective, effective,  
15 minimally effective, or ineffective. **Beginning July 1, 2024, the**  
16 **performance evaluation system must assign a rating to each school**  
17 **administrator described in this subsection of effective,**  
18 **developing, or needing support. An evaluation and feedback**  
19 **concerning the evaluation must be provided, in writing, to the**  
20 **school administrator being evaluated. However, if a written**  
21 **evaluation is not provided, the school administrator is deemed**  
22 **effective.**

23 (h) For a building-level school administrator's evaluation,  
24 the individual conducting the evaluation shall visit the school  
25 building where the building-level school administrator works,  
26 review the building-level school administrator's school improvement  
27 plan, and observe classrooms with the building-level school  
28 administrator to collect evidence of the school improvement plan  
29 strategies being implemented and the impact the school improvement

1 plan has on learning.

2 (i) A school administrator must not be assigned an evaluation  
3 rating and must be designated as unevaluated for a year if any of  
4 the following apply to the school administrator:

5 (i) The school administrator worked less than 60 days in that  
6 year.

7 (ii) The school administrator's evaluation results were vacated  
8 through the grievance procedure or arbitration described in  
9 subdivision (p) or (q).

10 (iii) There are extenuating circumstances and the school  
11 administrator and the school district, intermediate school  
12 district, or public school academy agree to designate the school  
13 administrator as unevaluated because of the extenuating  
14 circumstances.

15 (j) If a school administrator is designated as unevaluated  
16 under subdivision (i) the school administrator's rating from the  
17 year immediately before that designation must be used for  
18 consecutive purposes under this section if both of the following  
19 are met:

20 (i) The school administrator continues to be employed in the  
21 same position that the school administrator was employed in the  
22 year before the school administrator received the unevaluated  
23 designation.

24 (ii) The school administrator continues to be employed by the  
25 same school district, intermediate school district, or public  
26 school academy that employed the school administrator in the year  
27 before the school administrator received the unevaluated  
28 designation.

29 (k) ~~(h)~~—The performance evaluation system must ensure that if

1 a school administrator described in this subsection is rated as  
 2 ~~minimally effective or ineffective,~~ **developing or needing support,**  
 3 the ~~person or persons~~ **individual** conducting the evaluation shall  
 4 develop and require the school administrator to implement an  
 5 improvement plan to correct the deficiencies. The improvement plan  
 6 must recommend professional development opportunities and other  
 7 actions designed to improve the rating of the school administrator  
 8 on ~~his or her~~ **the school administrator's** next ~~annual~~ evaluation.

9 (l) ~~(i)~~ The performance evaluation system must provide that, if  
 10 a school administrator described in this subsection is rated as  
 11 ineffective **or needing support** on 3 consecutive ~~annual~~ evaluations,  
 12 the school district, intermediate school district, or public school  
 13 academy shall dismiss the school administrator from ~~his or her~~ **the**  
 14 **school administrator's** employment. This subdivision does not affect  
 15 the ability of a school district, intermediate school district, or  
 16 public school academy to dismiss a school administrator from ~~his or~~  
 17 ~~her~~ **the school administrator's** employment regardless of whether the  
 18 school administrator is rated as ineffective **or needing support** on  
 19 3 consecutive ~~annual~~ evaluations.

20 (m) ~~(j)~~ The performance evaluation system must provide that,  
 21 if a school administrator is rated as highly effective **or effective**  
 22 on **the 3 most recent** consecutive ~~annual~~ evaluations, the school  
 23 district, intermediate school district, or public school academy  
 24 may choose to conduct an evaluation biennially instead of annually.  
 25 However, if ~~a~~ **any of the following occur, a school administrator's**  
 26 **evaluation must be conducted annually:**

27 (i) **The** school administrator is not rated as ~~highly~~ effective  
 28 on 1 of these biennial evaluations. ~~, the school administrator~~  
 29 ~~shall again be provided with annual evaluations.~~

1           (ii) For a building-level school administrator, the school  
2 administrator's supervisor or evaluator changes.

3           (iii) For an individual employed as a school district  
4 superintendent, an intermediate superintendent, or a chief  
5 administrator, the individual obtains employment with a different  
6 school district, intermediate school district, or public school  
7 academy.

8           (n) The performance evaluation system must include a midyear  
9 progress report for a school administrator each year that the  
10 school administrator is evaluated. The midyear progress report must  
11 be used as a supplemental tool to gauge a school administrator's  
12 improvement from the preceding evaluation and to assist a school  
13 administrator to improve. Both of the following apply to the  
14 midyear progress report:

15           (i) The midyear progress report must include specific  
16 performance goals for the remainder of the school year for  
17 building-level school administrators, or for the remainder of the  
18 calendar year for all other school administrators, that are  
19 developed by the individual conducting the annual evaluation or the  
20 individual's designee and any recommended training identified by  
21 the individual or designee that would assist the school  
22 administrator in meeting these goals. At the midyear progress  
23 report, the individual conducting the annual evaluation or the  
24 individual's designee shall develop, in consultation with the  
25 school administrator, a written improvement plan that includes  
26 these goals and training and is designed to assist the school  
27 administrator to improve the school administrator's rating.

28           (ii) The midyear progress report must not take the place of an  
29 annual evaluation.



1 (o) As part of the performance evaluation system, a school  
2 district, intermediate school district, or public school academy  
3 shall assign a mentor or coach to each school administrator, not  
4 including a school district superintendent, an intermediate  
5 superintendent, or a chief administrator, for the first 3 years in  
6 which the school administrator is in a new administrative position.

7 (p) The performance evaluation system must provide that, if a  
8 school administrator who is not a school district superintendent or  
9 an intermediate superintendent or who is not employed by or  
10 assigned to work at a public school academy is rated as needing  
11 support on an evaluation, the following options must be made  
12 available to the school administrator, as applicable:

13 (i) The school administrator may request a review of the  
14 evaluation and the rating by the school district superintendent or  
15 intermediate superintendent, as applicable. The request for a  
16 review must be submitted in writing within 30 calendar days after  
17 the school administrator is informed of the rating. Upon receipt of  
18 the request, the school district superintendent or intermediate  
19 superintendent, as applicable, shall review the evaluation and  
20 rating and may make any modifications as appropriate based on the  
21 school district superintendent's or intermediate superintendent's  
22 review. A written response regarding the school district  
23 superintendent's or intermediate superintendent's findings must be  
24 provided to the school administrator who requested the review by  
25 not later than 30 calendar days after receipt of the request for a  
26 review and before making any modifications under this section.

27 (ii) If the written response from the school district  
28 superintendent's or intermediate superintendent's review does not  
29 resolve the matter, the school administrator or collective

1 bargaining representative may request mediation. The request for  
2 mediation must be submitted in writing within 30 calendar days  
3 after the school administrator receives the written response from  
4 the school district superintendent or intermediate superintendent.  
5 Within 15 days of receipt of the request, the school district  
6 superintendent or intermediate superintendent must provide a  
7 written response to the school administrator or collective  
8 bargaining representative stating that the mediation will be  
9 scheduled as appropriate.

10 (iii) If the school administrator receives 2 consecutive ratings  
11 of needing support, the school administrator may demand to use the  
12 grievance procedure of an applicable collective bargaining  
13 agreement or of a contract governing the school administrator's  
14 employment that concerns the school administrator's second  
15 evaluation rating and the evaluation process. If a collective  
16 bargaining agreement or a contract governing the school  
17 administrator's employment does not contain a grievance procedure  
18 that ends in binding arbitration, the school administrator may  
19 request binding arbitration by filing a demand for arbitration with  
20 the American Arbitration Association within 30 calendar days after  
21 the school administrator receives the written response from the  
22 school district superintendent or intermediate superintendent. The  
23 arbitration is subject to the uniform arbitration act, 2012 PA 371,  
24 MCL 691.1681 to 691.1713. The arbitration described in this  
25 subparagraph must adhere to both of the following:

26 (A) The arbitrator must be selected through procedures  
27 administered by the American Arbitration Association in accordance  
28 with its rules.

29 (B) The arbitrator must have the authority to issue any

1 appropriate remedy.

2 (q) The contract governing the employment of a school district  
3 superintendent or intermediate superintendent must include an  
4 appeal process concerning the evaluation process and rating  
5 received. This subdivision applies only to a contract that is  
6 entered into, extended, renewed, or modified on or after the  
7 effective date of the amendatory act that added this sentence.

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

16 (s) ~~(l)~~—A school district, intermediate school district, or  
17 public school academy shall ensure that training is provided to all  
18 evaluators and observers. The training must be provided by an  
19 individual who has expertise in the evaluation tool or tools used  
20 by the school district, intermediate school district, or public  
21 school academy, which may include either a consultant on that  
22 evaluation tool or framework or an individual who has been trained  
23 to train others in the use of the evaluation tool or tools. This  
24 subdivision does not prohibit a school district, intermediate  
25 school district, public school academy, or consortium consisting of  
26 2 or more of these, from providing the training in the use of the  
27 evaluation tool or tools if the trainer has expertise in the  
28 evaluation tool or tools.

29 (2) A school district, intermediate school district, or public

1 school academy shall post on its public website all of the  
2 following information about the measures it uses for its  
3 performance evaluation system for school administrators:

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

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

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

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

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

29 (f) A description of the plan for providing evaluators and

1 observers with training.

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

21 ~~(4) The training required under subsection (1) must be paid~~  
 22 ~~for from the funds available in the educator evaluation reserve~~  
 23 ~~fund created under section 95a of the state school aid act of 1979,~~  
 24 ~~MCL 388.1695a.~~

25 **(4) As used in this section, "student learning objectives"**  
 26 **means that term as defined in section 1249.**

27 Sec. 1280f. (1) The department shall do all of the following  
 28 to help ensure that more pupils will achieve a score of at least  
 29 proficient in English language arts on the grade 3 state

1 assessment:

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

6 (i) Each approved assessment system must provide a screening  
7 assessment, monitoring capabilities for monitoring progress toward  
8 a growth target, and a diagnostic assessment.

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

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

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

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

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

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

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

26 (B) Administering and analyzing instructional assessments.

27 (C) Providing differentiated instruction and intensive  
28 intervention.

29 (D) Using progress monitoring.

1 (E) Identifying and addressing reading deficiency.

2 (ii) An early literacy coach shall also do all of the  
3 following:

4 (A) Model effective instructional strategies for teachers.

5 (B) Facilitate study groups.

6 (C) Train teachers in data analysis and using data to  
7 differentiate instruction.

8 (D) Coach and mentor colleagues.

9 (E) Work with teachers to ensure that evidence-based reading  
10 programs such as comprehensive core reading programs, supplemental  
11 reading programs, and comprehensive intervention reading programs  
12 are implemented with fidelity.

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

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

19 (H) Help to increase instructional density to meet the needs  
20 of all pupils.

21 (I) Help lead and support reading leadership teams at the  
22 school.

23 (J) Continue to increase ~~his or her~~ **the early literacy coach's**  
24 knowledge base in best practices in reading instruction and  
25 intervention.

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

29 (iii) In the context of performing the functions described in

1 subparagraph (ii), an early literacy coach must not be asked to  
 2 perform administrative functions that will confuse ~~his or her~~ **the**  
 3 **early literacy coach's** role for teachers.

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

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

6 (B) Have sufficient knowledge of scientifically based reading  
 7 research, special expertise in quality reading instruction and  
 8 infusing reading strategies into content area instruction, and data  
 9 management skills.

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

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

14 (v) An early literacy coach must not be assigned a regular  
 15 classroom teaching assignment, but must be expected to work  
 16 frequently with pupils in whole and small group instruction or  
 17 tutoring in the context of modeling and coaching in or outside of  
 18 teachers' classrooms.

19 (2) Subject to subsection (10), the board of a school district  
 20 or board of directors of a public school academy shall do all of  
 21 the following to ensure that more pupils will achieve a score of at  
 22 least proficient in English language arts on the grade 3 state  
 23 assessment:

24 (a) Select 1 valid and reliable screening, formative, and  
 25 diagnostic reading assessment system from the assessment systems  
 26 approved by the department under subsection (1)(a). A school  
 27 district or public school academy shall use this assessment system  
 28 for pupils in grades K to 3 to screen and diagnose difficulties,  
 29 inform instruction and intervention needs, and assess progress



1 toward a growth target. A school district or public school academy  
 2 periodically shall assess a pupil's progress in reading skills at  
 3 least 3 times per school year in grades K to 3. The first of these  
 4 assessments for a school year **in kindergarten** must be conducted  
 5 within the first ~~30~~90 school days of the school year. **The first of**  
 6 **these assessments for a school year in grades 1 to 3 must be**  
 7 **conducted within the first 30 school days of the school year.**

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

21 (c) If a pupil in grades K to 3 is identified as having an  
 22 early literacy delay or reading deficiency, provide written notice  
 23 to the pupil's parent or legal guardian of the delay or reading  
 24 deficiency in writing and provide tools to assist the parent or  
 25 legal guardian to engage in intervention and to address or correct  
 26 any reading deficiency at home.

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

29 (i) For a teacher in grades K to 3, target specific areas of

1 professional development based on the reading development needs  
2 data for incoming pupils.

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

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

8 (iv) Ensure that time is provided for teachers to meet for  
9 professional development.

10 (e) Utilize, at least, early literacy coaches provided through  
11 the intermediate school district in which the school district or  
12 public school academy is located, as provided for under section  
13 35a(4) of the state school aid act of 1979, MCL 388.1635a. However,  
14 a public school academy may use an early literacy coach provided by  
15 the public school academy, at the expense of the public school  
16 academy, rather than using an early literacy coach provided through  
17 an intermediate school district if the early literacy coach and the  
18 usage of the early literacy coach otherwise meet the requirements  
19 of this section.

20 (3) Subject to subsection (10), a school district or public  
21 school academy shall provide reading intervention programs for  
22 pupils in grades K to 3, including at least all of the following:

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

27 (i) Is provided to each pupil in grades K to 3 who is  
28 identified with a reading deficiency based on screening and  
29 diagnostic tools, and identifies and addresses the pupil's reading

1 deficiency.

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

4 (iii) Provides evidence-based core reading instruction that is  
5 comprehensive and meets the majority of the general education  
6 classroom needs.

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

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

11 (B) Provides intensive development in the 5 major reading  
12 components: phonemic awareness, phonics, fluency, vocabulary, and  
13 comprehension.

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

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

17 (v) Provides parents, legal guardians, or other providers of  
18 care for the pupil with a read-at-home plan, including parent,  
19 guardian, or care provider training workshops and regular home  
20 reading.

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

24 (vii) Documents any dissenting opinions expressed by school  
25 personnel or a parent or legal guardian concerning the individual  
26 reading improvement plan provided for the pupil under subsection  
27 (2) (b) .

28 (b) For grade 3 pupils exhibiting a reading deficiency as  
29 determined by the pupil's teacher through the diagnostic reading

1 assessment system selected by the school district or public school  
2 academy under subsection (2) (a), a reading intervention program  
3 intended to correct the identified area or areas of reading  
4 deficiency and that includes all of the following features as  
5 needed by the individual pupil:

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

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

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

15 (iv) Provides administration of ongoing progress monitoring  
16 assessments to frequently monitor pupil progress.

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

22 (vi) Provides parents, legal guardians, or other providers of  
23 care for a pupil with a read-at-home plan, including parent,  
24 guardian, or care provider training workshops and regular home  
25 reading.

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

29 (viii) Documents any dissenting opinions expressed by school

1 personnel or a parent or legal guardian concerning the individual  
 2 reading improvement plan provided for the pupil under subsection  
 3 (2) (b) .

4 (c) Subject to subsection (11), for pupils identified as  
 5 English language learners by the pupil's teacher or by the  
 6 diagnostic reading assessment selected by the school district or  
 7 public school academy under subsection (2) (a), intervention  
 8 services that include at least all of the following:

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

11 (ii) Instruction in academic vocabulary.

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

14 (iv) Common English language development strategies such as  
 15 modeling, guided practice, and comprehensive input.

16 (4) For all pupils exhibiting a reading deficiency as  
 17 determined by the pupil's teacher through the diagnostic reading  
 18 assessment system selected by the school district or public school  
 19 academy under subsection (2) (a), school districts and public school  
 20 academies are encouraged to offer summer reading camps staffed with  
 21 ~~highly~~ effective teachers of reading, as determined by the teacher  
 22 evaluation system under section 1249, providing reading  
 23 intervention services and supports to correct pupils' identified  
 24 areas of reading deficiency.

25 (5) After the department finalizes the scoring for the grade 3  
 26 state assessments, ~~whichever is earlier,~~ the department shall  
 27 provide CEPI with the grade 3 state assessment scores for every  
 28 grade 3 pupil enrolled in a public school in this state who was  
 29 administered 1 or more of those assessments.

1           (6) After CEPI receives the grade 3 state assessment results  
 2 from the department under subsection (5), using those state  
 3 assessment results, CEPI shall identify each pupil completing grade  
 4 3 that year who has a reading deficiency and shall notify the  
 5 parent or legal guardian and the school district or public school  
 6 academy of each of these pupils that the pupil has a reading  
 7 deficiency; shall include an explanation in the notification  
 8 concerning what constitutes a reading deficiency; and shall  
 9 include, in the notification, information concerning interventions  
 10 that are available to the pupil to address the pupil's reading  
 11 deficiency. A school district or public school academy may also  
 12 make its own notification to a parent or guardian in addition to  
 13 the notification by CEPI.

14           (7) Except as otherwise provided in this section, for a grade  
 15 3 pupil who has a reading deficiency based on the grade 3 state  
 16 English language arts assessment, the school district or public  
 17 school academy shall provide, only through grade 4, a reading  
 18 intervention program that is intended to correct the pupil's  
 19 specific reading deficiency, as identified by a valid and reliable  
 20 assessment. This program must include effective instructional  
 21 strategies necessary to assist the pupil in becoming a successful  
 22 reader, and all of the following features, as appropriate for the  
 23 needs of the individual pupil:

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

25           (i) ~~A highly~~ **An** effective teacher of reading as determined by  
 26 the teacher evaluation system under section 1249.

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

29           (iii) A reading specialist.

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

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

8 (d) Daily targeted small group or 1-to-1 reading intervention  
9 that is based on pupil needs, determined by assessment data, and on  
10 identified reading deficiencies and that includes explicit and  
11 systematic instruction with more detailed and varied explanations,  
12 more extensive opportunities for guided practice, and more  
13 opportunities for error correction and feedback.

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

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

21 (g) Providing parents, legal guardians, or other providers of  
22 care for the pupil with a read-at-home plan, including parent,  
23 guardian, or care provider training workshops and regular home  
24 reading.

25 (8) For a pupil or child described in subsection (7) who has a  
26 reading deficiency at the end of grade 4, the school district or  
27 public school academy shall provide intensive reading intervention  
28 beyond grade 4 to the pupil, in a manner determined by the school  
29 district or public school academy, until the pupil no longer has a

1 reading deficiency.

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

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

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

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

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

25 (11) For pupils identified as English language learners by the  
26 pupil's teacher or by the diagnostic reading assessment selected by  
27 the school district or public school academy under subsection

28 (2) (a), if available staff resources allow, a school district or  
29 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~~ **the pupil's** English language skills. A school district  
6 or public school academy is encouraged to provide this support for  
7 at least pupils whose native language is Spanish, Chinese, Hindi,  
8 Korean, or 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~~ **the pupil's** native language.

14 (12) As used in this section:

15 (a) **"CEPI" means the center for educational performance and**  
16 **information created under section 94a of the state school aid act**  
17 **of 1979, MCL 388.1694a.**

18 (b) ~~(a)~~—"Evidence-based" means based in research and with  
19 proven efficacy.

20 (c) ~~(b)~~—"Reading deficiency" means scoring below grade level  
21 or being determined to be at risk of reading failure based on a  
22 screening assessment, diagnostic assessment, standardized summative  
23 assessment, or progress monitoring.

24 (d) ~~(e)~~—"Reading leadership team" means a collaborative system  
25 led by a school building's principal or program director and  
26 consisting of a cross-section of faculty who are interested in  
27 working to improve literacy instruction across the curriculum.

28 Enacting section 1. Sections 1250, 1531j, and 1531k of the  
29 revised school code, 1976 PA 451, MCL 380.1250, 380.1531j, and

1 380.1531k, are repealed.

2 Enacting section 2. This amendatory act takes effect July 1,  
3 2024.

4 Enacting section 3. This amendatory act does not take effect  
5 unless Senate Bill No. 396 of the 102nd Legislature is enacted into  
6 law.