

**SUBSTITUTE FOR
SENATE BILL NO. 395**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1230b, 1249, 1249a, 1249b, and 1280f (MCL
380.1230b, 380.1249, 380.1249a, 380.1249b, and 380.1280f), section
1230b as added by 1996 PA 189, 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. 1230b. (1) Before hiring an applicant for employment, a
2 school district, local act school district, public school academy,
3 intermediate school district, or nonpublic school shall request the
4 applicant for employment to sign a statement that does both of the



1 following:

2 (a) Authorizes the applicant's current or former employer or
 3 employers to disclose to the school district, local act school
 4 district, public school academy, intermediate school district, or
 5 nonpublic school any unprofessional conduct by the applicant and to
 6 make available to the school district, local act school district,
 7 public school academy, intermediate school district, or nonpublic
 8 school copies of all documents in the employee's personnel record
 9 maintained by the current or former employer relating to that
 10 unprofessional conduct.

11 (b) Releases the current or former employer, and employees
 12 acting on behalf of the current or former employer, from any
 13 liability for providing information described in subdivision (a),
 14 as provided in subsection (3), and waives any written notice
 15 required under section 6 of the Bullard-Plawecki employee right to
 16 know act, ~~Act No. 397 of the Public Acts of 1978, being section~~
 17 ~~423.506 of the Michigan Compiled Laws.~~ **1978 PA 397, MCL 423.506.**

18 (2) Before hiring an applicant for employment, a school
 19 district, local act school district, public school academy,
 20 intermediate school district, or nonpublic school shall request at
 21 least the applicant's current employer or, if the applicant is not
 22 currently employed, the applicant's immediately previous employer
 23 to provide the information described in subsection (1)(a), if any.
 24 The request ~~shall~~**must** include a copy of the statement signed by
 25 the applicant under subsection (1).

26 (3) ~~Not~~**By not** later than 20 business days after receiving a
 27 request under subsection (2), an employer shall provide the
 28 information requested and make available to the requesting school
 29 district, local act school district, public school academy,



1 intermediate school district, or nonpublic school copies of all
 2 documents in the employee's personnel record relating to the
 3 unprofessional conduct. An employer, or an employee acting on
 4 behalf of the employer, that discloses information under this
 5 section in good faith is immune from civil liability for the
 6 disclosure. An employer, or an employee acting on behalf of the
 7 employer, is presumed to be acting in good faith at the time of a
 8 disclosure under this section unless a preponderance of the
 9 evidence establishes 1 or more of the following:

10 (a) That the employer, or employee, knew the information
 11 disclosed was false or misleading.

12 (b) That the employer, or employee, disclosed the information
 13 with a reckless disregard for the truth.

14 (c) That the disclosure was specifically prohibited by a state
 15 or federal statute.

16 (4) The board, **board of directors**, or governing body of a
 17 school district, local act school district, public school academy,
 18 intermediate school district, or nonpublic school shall not hire an
 19 applicant who does not sign the statement described in subsection
 20 (1).

21 (5) Information received under this section ~~shall~~**must** be used
 22 by a school district, local act school district, public school
 23 academy, intermediate school district, or nonpublic school only for
 24 the purpose of evaluating an applicant's qualifications for
 25 employment in the position for which ~~he or she has~~**the applicant**
 26 applied. Except as otherwise provided by law, a board member or
 27 employee of a school district, local act school district, public
 28 school academy, intermediate school district, or nonpublic school
 29 shall not disclose the information to any ~~person,~~**individual**, other



1 than the applicant, who is not directly involved in the process of
 2 evaluating the applicant's qualifications for employment. ~~A person~~
 3 **An individual** who violates this subsection is guilty of a
 4 misdemeanor punishable by a fine of not more than \$10,000.00, but
 5 is not subject to the penalties under section 1804.

6 (6) The board, **the board of directors, the governing body**, or
 7 an official of a school district, local act school district, public
 8 school academy, intermediate school district, or nonpublic school
 9 shall not enter into a collective bargaining agreement, individual
 10 employment contract, resignation agreement, severance agreement, or
 11 any other contract or agreement that has the effect of suppressing
 12 information about unprofessional conduct of an employee or former
 13 employee or of expunging information about that unprofessional
 14 conduct from personnel records. Any provision of a contract or
 15 agreement that is contrary to this subsection is void and
 16 unenforceable. This subsection does not restrict the expungement
 17 from a personnel file of information about alleged unprofessional
 18 conduct that has not been substantiated.

19 (7) This section does not prevent a school district, local act
 20 school district, public school academy, intermediate school
 21 district, or nonpublic school from requesting or requiring an
 22 applicant for employment to provide information other than that
 23 described in this section.

24 (8) As used in this section:

25 (a) "Personnel record" means that term as defined in section 1
 26 of ~~Act No. 397 of the Public Acts of 1978, being section 423.501 of~~
 27 ~~the Michigan Compiled Laws.~~ **the Bullard-Plawecki employee right to**
 28 **know act, 1978 PA 397, MCL 423.501.**

29 (b) "Unprofessional conduct" means 1 or more acts ~~of~~



1 ~~misconduct, that endanger the safety of any student and directly~~
 2 ~~lead to the separation of employment or~~ 1 or more acts of
 3 immorality, moral turpitude, or inappropriate behavior involving a
 4 minor; or commission of a crime involving a minor. A criminal
 5 conviction is not an essential element of determining whether ~~or~~
 6 ~~not~~ a particular act constitutes unprofessional conduct.

7 Sec. 1249. (1) ~~Subject to subsection (4), with~~ **This section**
 8 **does not prohibit, impair, or limit the right or duty of a public**
 9 **school employer and a collective bargaining representative to**
 10 **engage in collective bargaining over the topic of performance**
 11 **evaluations under 1947 PA 336, MCL 423.201 to 423.217. However, a**
 12 **collective bargaining agreement must include, at a minimum, the**
 13 **standards in this section. With** the involvement of teachers and
 14 school administrators, **and after collective bargaining with any**
 15 **collective bargaining representative of teachers and school**
 16 **administrators,** the board of a school district or intermediate
 17 school district or board of directors of a public school academy
 18 shall adopt and implement for all teachers and school
 19 administrators a rigorous, transparent, and fair performance
 20 evaluation system that does **at least** all of the following:

21 (a) Evaluates the teacher's or school administrator's job
 22 performance ~~at least annually~~ while providing timely and
 23 constructive feedback.

24 ~~(b) Establishes clear approaches to measuring student growth~~
 25 ~~and provides teachers and school administrators with relevant data~~
 26 ~~on student growth.~~

27 **(b) (e)** ~~Evaluates a teacher's or school administrator's job~~
 28 ~~performance , using multiple rating categories. that take into~~
 29 ~~account student growth and assessment data. Student growth must be~~



1 ~~measured using multiple measures that may include student learning~~
 2 ~~objectives, achievement of individualized education program goals,~~
 3 ~~nationally normed or locally developed assessments that are aligned~~
 4 ~~to state standards, research-based growth measures, or alternative~~
 5 ~~assessments that are rigorous and comparable across schools within~~
 6 ~~the school district, intermediate school district, or public school~~
 7 ~~academy. If the **Before July 1, 2024, the** performance evaluation~~
 8 ~~system implemented by a school district, intermediate school~~
 9 ~~district, or public school academy under this section ~~does not~~~~
 10 ~~already **must** include the rating of teachers as highly effective,~~
 11 ~~effective, minimally effective, and ineffective. , then the school~~
 12 ~~district, intermediate school district, or public school academy~~
 13 ~~shall revise the performance evaluation system not later than~~
 14 ~~September 19, 2011 to ensure that it rates teachers as highly~~
 15 ~~effective, effective, minimally effective, or ineffective. **Beginning**~~
 16 ~~**July 1, 2024, the performance evaluation system implemented by a**~~
 17 ~~**school district, intermediate school district, or public school**~~
 18 ~~**academy under this section must include the rating of teachers as**~~
 19 ~~**effective, developing, and needing support.**~~

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

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

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

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



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

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

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

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

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

~~(i) (iii) The portion of a teacher's annual year-end evaluation that is not based on student growth and assessment data, as~~



1 ~~described under subparagraph (i),~~ **The evaluation** must be based
 2 primarily on a teacher's performance as measured by the evaluation
 3 tool developed or adopted by the school district, intermediate
 4 school district, or public school academy under subdivision
 5 ~~(f).~~ **(e)**.

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

29 ~~(e) (f)~~ For the purposes of conducting ~~annual~~ year-end



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

18 **(f)** ~~(g)~~ ~~The~~ **Before July 1, 2024, the** performance evaluation
 19 system must assign ~~an effectiveness~~ **a** rating to each teacher of
 20 highly effective, effective, minimally effective, or ineffective,
 21 based on ~~his or her score on the annual~~ **the teacher's** year-end
 22 evaluation described in this subsection. **Beginning July 1, 2024,**
 23 **the performance evaluation system must assign a rating to each**
 24 **teacher of effective, developing, or needing support based on the**
 25 **teacher's year-end evaluation described in this subsection. An**
 26 **evaluation and feedback concerning the evaluation must be provided,**
 27 **in writing, to the teacher being evaluated. However, if a written**
 28 **evaluation is not provided, the teacher is deemed effective.**

29 **(g)** A teacher must not be assigned an evaluation rating and



1 must be designated as unevaluated for a school year if any of the
2 following apply to the teacher:

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

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

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

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

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

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

26 (j) The performance evaluation system must provide that, if a
27 teacher is rated as ineffective **or needing support** on 3 consecutive
28 ~~annual year-end evaluations~~, the school district, intermediate
29 school district, or public school academy shall, **subject to 1937**



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

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

21 (l) The performance evaluation system must provide that, ~~if for~~
 22 a teacher who is not in a probationary period ~~prescribed by~~ **under**
 23 section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, **and** is
 24 rated as ~~ineffective~~ **needing support** on ~~an annual~~ a year-end
 25 evaluation, the ~~teacher~~ **following options must be made available to**
 26 **the teacher:**

27 (i) **The teacher** may request a review of the evaluation and the
 28 rating by the school district superintendent, intermediate
 29 superintendent, or chief administrator of the public school



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

17 (ii) If the written response from the school district
 18 superintendent's, intermediate superintendent's, or chief
 19 administrator's review does not resolve the matter, the teacher or
 20 collective bargaining representative may demand mediation as
 21 provided for in 1947 PA 336, 423.201 to 423.217, concerning the
 22 evaluation process.

23 (iii) If a teacher receives 2 consecutive ratings of needing
 24 support, the teacher may demand to use the grievance procedure of
 25 an applicable collective bargaining agreement that concerns the
 26 teacher's second evaluation rating and the evaluation process.

27 (m) The school district, intermediate school district, or
 28 public school academy shall provide training to teachers on the
 29 evaluation tool or tools used by the school district, intermediate



1 school district, or public school academy in its performance
 2 evaluation system and on how each evaluation tool is used. This
 3 training may be provided by a school district, intermediate school
 4 district, or public school academy, or by a consortium consisting
 5 of 2 or more of these.

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

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

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



1 (b) The identity and qualifications of the author or authors
 2 or, if the school district, intermediate school district, or public
 3 school academy adapts or modifies an evaluation tool from the list
 4 under subsection ~~(5)~~, **(4)**, the identity and qualifications of a
 5 person with expertise in teacher evaluations who has reviewed the
 6 adapted or modified evaluation tool.

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

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

16 (e) A description of the processes for conducting classroom
 17 observations, collecting evidence, conducting evaluation
 18 conferences, developing performance ratings, and developing
 19 performance improvement plans.

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

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



1 ~~that collective bargaining agreement.~~

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

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

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

28 **(5) By not later than September 1, 2024, and every 3 years**
 29 **thereafter, each individual who conducts an evaluation under this**



1 section or section 1249b shall complete a rater reliability
 2 training provided by the school district, intermediate school
 3 district, public school academy, or the entity that employs the
 4 individual. The training must include at least all of the
 5 following:

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

8 (b) Clear expectations for what evaluators should look for
 9 when assessing teacher performance, including identifying key
 10 behaviors and practices that are associated with effective
 11 teaching.

12 (c) Training on the evaluation process itself, including how
 13 to conduct classroom observations, collect data, and analyze
 14 results.

15 (d) Calibration exercises that help evaluators practice using
 16 the evaluation criteria and establish consistency in the
 17 evaluator's evaluations.

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

21 (6) ~~(8)~~—As used in this section, "teacher" means an individual
 22 who has a valid Michigan teaching certificate or authorization or
 23 who is engaged to teach under section 1233b; who is employed, or
 24 contracted for, by a school district, intermediate school district,
 25 or public school academy; and who is assigned by the school
 26 district, intermediate school district, or public school academy to
 27 deliver direct instruction to pupils in any of grades K to 12 as a
 28 teacher of record.

29 Sec. 1249a. (1) ~~Beginning with the 2018-2019 school year,~~



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

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



1 academy must not issue the notification described in this
 2 subsection until the review process under subsection 1249 is
 3 complete.

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

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

29 ~~(b) For the 2018-2019 school year, 25% of the annual~~



1 ~~evaluation must be based on student growth and assessment data.~~
 2 ~~Beginning with the 2019-2020 school year, 40% of the annual~~
 3 ~~evaluation must be based on student growth and assessment data. The~~
 4 ~~student growth and assessment data to be used for the school~~
 5 ~~administrator annual evaluation are the aggregate student growth~~
 6 ~~and assessment data that are used in teacher annual year-end~~
 7 ~~evaluations in each school in which the school administrator works~~
 8 ~~as an administrator or, for a central office level school~~
 9 ~~administrator, for the entire school district or intermediate~~
 10 ~~school district.~~

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

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

26 ~~(i) If the school administrator conducts teacher performance~~
 27 ~~evaluations, the school administrator's proficiency in using the~~
 28 ~~evaluation tool for teachers used by the school district,~~
 29 ~~intermediate school district, or public school academy under~~



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

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

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

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

17 ~~(d) (e) For the purposes of conducting annual evaluations~~
 18 ~~under the performance evaluation system, by the beginning of the~~
 19 ~~2016-2017 school year, the school district, intermediate school~~
 20 ~~district, or public school academy shall adopt and implement 1 or~~
 21 ~~more of the evaluation tools for school administrators that are~~
 22 ~~included on the list under subsection (3). However, if a school~~
 23 ~~district, intermediate school district, or public school academy~~
 24 ~~has 1 or more local evaluation tools for school administrators or~~
 25 ~~modifications of an evaluation tool on the list under subsection~~
 26 ~~(3), and the school district, intermediate school district, or~~
 27 ~~public school academy complies with subsection (2), the school~~
 28 ~~district, intermediate school district, or public school academy~~
 29 ~~may conduct annual year-end evaluations for school administrators~~



1 using 1 or more local evaluation tools or modifications.

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

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

20 (g) For a building-level school administrator's evaluation,
21 the individual conducting the evaluation shall visit the school
22 building where the building-level school administrator works,
23 review the building-level school administrator's school improvement
24 plan, and observe classrooms with the building-level school
25 administrator to collect evidence of the school improvement plan
26 strategies being implemented and the impact the school improvement
27 plan has on learning.

28 (h) A school administrator must not be assigned an evaluation
29 rating and must be designated as unevaluated for a year if any of



1 the following apply to the school administrator:

2 (i) The school administrator worked less than 60 days in that
3 year.

4 (ii) The school administrator's evaluation results were vacated
5 through the grievance procedure or arbitration described in
6 subdivision (o).

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

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

17 (i) The school administrator continues to be employed in the
18 same position that the school administrator was employed in the
19 year before the school administrator received the unevaluated
20 designation.

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

26 (j) ~~(h)~~—The performance evaluation system must ensure that if
27 a school administrator described in this subsection is rated as
28 ~~minimally effective or ineffective,~~ **developing or needing support,**
29 the ~~person or persons~~ **individual** conducting the evaluation shall



1 develop and require the school administrator to implement an
 2 improvement plan to correct the deficiencies. The improvement plan
 3 must recommend professional development opportunities and other
 4 actions designed to improve the rating of the school administrator
 5 on ~~his or her~~ **the school administrator's** next ~~annual~~ evaluation.

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

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

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

27 **(ii)** **For a building-level school administrator, the school**
 28 **administrator's supervisor or evaluator changes.**

29 **(iii)** **For an individual employed as a school district**



1 superintendent, an intermediate superintendent, or a chief
 2 administrator, the individual obtains employment with a different
 3 school district, intermediate school district, or public school
 4 academy.

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

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

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

27 (n) As part of the performance evaluation system, a school
 28 district, intermediate school district, or public school academy
 29 shall assign a mentor or coach to each school administrator, not



1 including a school district superintendent, an intermediate
2 superintendent, or a chief administrator, for the first 3 years in
3 which the school administrator is in a new administrative position.

4 (o) The performance evaluation system must provide that, if a
5 school administrator who is not a school district superintendent,
6 an intermediate superintendent, or a chief administrator is rated
7 as needing support on an evaluation, the following options must be
8 made available to the school administrator, as applicable:

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

26 (ii) If the written response from the school district
27 superintendent's or intermediate superintendent's review does not
28 resolve the matter, the school administrator or collective
29 bargaining representative may demand mediation as provided for in



1 1947 PA 336, 423.201 to 423.217, concerning the evaluation process.

2 (iii) If the school administrator receives 2 consecutive ratings
 3 of needing support, the school administrator may demand to use the
 4 grievance procedure of an applicable collective bargaining
 5 agreement or of a contract governing the school administrator's
 6 employment that concerns the school administrator's second
 7 evaluation rating and the evaluation process. If a collective
 8 bargaining agreement or a contract governing the school
 9 administrator's employment does not contain a grievance procedure,
 10 the school administrator may request binding arbitration that
 11 concerns the school administrator's second evaluation rating and
 12 the evaluation process.

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

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



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

5 (2) A school district, intermediate school district, or public
6 school academy shall post on its public website all of the
7 following information about the measures it uses for its
8 performance evaluation system for school administrators:

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

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

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

29 (d) The evaluation frameworks and rubrics, with detailed



1 descriptors for each performance level on key summative indicators.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

29 (B) Administering and analyzing instructional assessments.



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

3 (D) Using progress monitoring.

4 (E) Identifying and addressing reading deficiency.

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

7 (A) Model effective instructional strategies for teachers.

8 (B) Facilitate study groups.

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

11 (D) Coach and mentor colleagues.

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

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

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

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

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

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

29 (K) For each teacher who teaches in a classroom for grades K



1 to 3, model for the teacher, and coach the teacher in, instruction
2 with pupils in whole and small groups.

3 (iii) In the context of performing the functions described in
4 subparagraph (ii), an early literacy coach must not be asked to
5 perform administrative functions that will confuse ~~his or her~~ **the**
6 **early literacy coach's** role for teachers.

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

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

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

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

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

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

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

27 (a) Select 1 valid and reliable screening, formative, and
28 diagnostic reading assessment system from the assessment systems
29 approved by the department under subsection (1) (a). A school



1 district or public school academy shall use this assessment system
 2 for pupils in grades K to 3 to screen and diagnose difficulties,
 3 inform instruction and intervention needs, and assess progress
 4 toward a growth target. A school district or public school academy
 5 periodically shall assess a pupil's progress in reading skills at
 6 least 3 times per school year in grades K to 3. The first of these
 7 assessments for a school year **in grades 1 to 3** must be conducted
 8 within the first ~~30~~90 school days of the school year.

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

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

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



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

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

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

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

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

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

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

28 (i) Is provided to each pupil in grades K to 3 who is
 29 identified with a reading deficiency based on screening and



1 diagnostic tools, and identifies and addresses the pupil's reading
2 deficiency.

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

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

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

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

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

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

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

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

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

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

29 (b) For grade 3 pupils exhibiting a reading deficiency as



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

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

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

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

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

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

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

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



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

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

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

12 (ii) Instruction in academic vocabulary.

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

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

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

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



1 administered 1 or more of those assessments.

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

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

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

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

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



1 (iii) A reading specialist.

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

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

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

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

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

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

26 (8) For a pupil or child described in subsection (7) who has a
27 reading deficiency at the end of grade 4, the school district or
28 public school academy shall provide intensive reading intervention
29 beyond grade 4 to the pupil, in a manner determined by the school



1 district or public school academy, until the pupil no longer has a
2 reading deficiency.

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

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

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

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

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

26 (11) For pupils identified as English language learners by the
27 pupil's teacher or by the diagnostic reading assessment selected by
28 the school district or public school academy under subsection
29 (2)(a), if available staff resources allow, a school district or



1 public school academy is encouraged to provide the following
 2 intervention services in addition to those required under
 3 subsection (3) (c):

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

10 (b) Opportunities for speech production.

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

13 (d) Feedback for the pupil, including explanations in ~~his or~~
 14 ~~her~~ **the pupil's** native language.

15 (12) As used in this section:

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

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

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

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

29 Enacting section 1. Sections 1250, 1531j, and 1531k of the



1 revised school code, 1976 PA 451, MCL 380.1250, 380.1531j, and
2 380.1531k, are repealed.

3 Enacting section 2. This amendatory act takes effect July 1,
4 2024.

5 Enacting section 3. This amendatory act does not take effect
6 unless all of the following bills of the 102nd Legislature are
7 enacted into law:

8 (a) Senate Bill No. 396.

9 (b) House Bill No. 4821.

10 (c) House Bill No. 4822.

