

**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, subject to**
 12 **the requirements in this section and section 1249b. With the**
 13 **involvement of teachers and school administrators, and after**
 14 **collective bargaining with any collective bargaining representative**
 15 **of teachers and school administrators,** the board of a school
 16 district or intermediate school district or board of directors of a
 17 public school academy shall adopt and implement for all teachers
 18 and school administrators a rigorous, transparent, and fair
 19 performance evaluation system that does **at least** all of the
 20 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 (c) 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 **metrics agreed upon through collective bargaining.**~~
 8 **Before July 1, 2024, the** performance evaluation system implemented
 9 by a school district, intermediate school district, or public
 10 school academy under this section ~~does not already~~ **must** include the
 11 rating of teachers as highly effective, effective, minimally
 12 effective, and ineffective. ~~, then the school district,~~
 13 ~~intermediate school district, or public school academy shall revise~~
 14 ~~the performance evaluation system not later than September 19, 2011~~
 15 ~~to ensure that it rates teachers as highly effective, effective,~~
 16 ~~minimally effective, or ineffective.~~ **Beginning July 1, 2024, the**
 17 **performance evaluation system implemented by a school district,**
 18 **intermediate school district, or public school academy under this**
 19 **section must include the rating of teachers as effective,**
 20 **developing, and needing support.**

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

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

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

28 ~~(iii) Whether to grant tenure or full certification, or both, to~~
 29 ~~teachers and school administrators using rigorous standards and~~

1 ~~streamlined, transparent, and fair procedures.~~

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

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

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

14 (i) ~~For the 2018-2019 school year, 25% of the annual year-end~~
 15 ~~evaluation must be based on student growth and assessment data.~~
 16 ~~Beginning with the 2019-2020 school year,~~ **Before the 2024-2025**
 17 **school year,** 40% of the annual-year-end evaluation must be based on
 18 student growth and assessment data. **Beginning in the 2024-2025**
 19 **school year, the year-end evaluation may be based on student growth**
 20 **and assessment data metrics determined under subsection (1)(c). The**
 21 **percentage of the year-end evaluation based on student growth and**
 22 **assessment data must be determined through collective bargaining,**
 23 **but must not exceed 20% of the year-end evaluation.**

24 ~~(ii) For core content areas in grades and subjects in which~~
 25 ~~state assessments are administered, 50% of student growth must be~~
 26 ~~measured using the state assessments, and the portion of student~~
 27 ~~growth not measured using state assessments must be measured using~~
 28 ~~multiple research-based growth measures or alternative assessments~~
 29 ~~that are rigorous and comparable across schools within the school~~

1 ~~district, intermediate school district, or public school academy.~~
 2 ~~Student growth also may be measured by student learning objectives~~
 3 ~~or nationally normed or locally adopted assessments that are~~
 4 ~~aligned to state standards, or based on achievement of~~
 5 ~~individualized education program goals.~~

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

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

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

27 ~~(b) (e)~~—The annual year-end evaluation must include specific
 28 performance goals that will assist in improving effectiveness for
 29 the next school year and are developed by the school administrator

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

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

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

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

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

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

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

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

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

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

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

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

1 teacher leaders.

2 (v) A school district, intermediate school district, or public
3 school academy shall ensure that, within 30 **calendar** days after
4 each observation, the teacher is provided with **written** feedback
5 from the observation.

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

24 **(f)** ~~(g)~~ ~~The~~ **Before July 1, 2024, the** performance evaluation
25 system must assign ~~an effectiveness~~ **a** rating to each teacher of
26 highly effective, effective, minimally effective, or ineffective,
27 based on ~~his or her score on the annual~~ **the teacher's** year-end
28 evaluation described in this subsection. **Beginning July 1, 2024,**
29 **the performance evaluation system must assign a rating to each**

1 teacher of effective, developing, or needing support based on the
 2 teacher's year-end evaluation described in this subsection. An
 3 evaluation and feedback concerning the evaluation must be provided,
 4 in writing, to the teacher being evaluated. However, if a written
 5 evaluation is not provided, the teacher is deemed effective.

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

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

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

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

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

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

25 ~~(i) The performance evaluation system may allow for exemption~~
 26 ~~of student growth data for a particular pupil for a school year~~
 27 ~~upon the recommendation of the school administrator conducting the~~
 28 ~~annual year-end evaluation or his or her designee and approval of~~
 29 ~~the school district superintendent or his or her designee,~~

1 ~~intermediate superintendent or his or her designee, or chief~~
 2 ~~administrator of the public school academy, as applicable.~~

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

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

27 (l) The performance evaluation system must provide that, ~~if~~ **for**
 28 a teacher who is not in a probationary period ~~prescribed by~~ **under**
 29 section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, **and** is

1 rated as ~~ineffective~~ **needing support** on an ~~annual~~ a year-end
 2 evaluation, the ~~teacher~~ **following options must be made available to**
 3 **the teacher:**

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

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

1 district superintendent, intermediate superintendent, or chief
2 administrator. Within 15 days of receipt of the request, the school
3 district superintendent, intermediate superintendent, or chief
4 administrator must provide a written response to the teacher or
5 collective bargaining representative stating that the mediation
6 will be scheduled as appropriate.

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

22 (A) The arbitrator must be selected through procedures
23 administered by the Michigan employment relations commission in
24 accordance with its rules.

25 (B) The arbitrator must have the authority to issue any
26 appropriate remedy.

27 (C) The arbitrator must utilize a "reasonable and just cause"
28 standard of review when issuing any findings and remedies.

29 (m) The school district, intermediate school district, or

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

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

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

25 (a) The research base for the evaluation framework,
 26 instrument, and process or, if the school district, intermediate
 27 school district, or public school academy adapts or modifies an
 28 evaluation tool from the list under subsection ~~(5)~~, **(4)**, the
 29 research base for the listed evaluation tool and an assurance that

1 the adaptations or modifications do not compromise the validity of
2 that research base.

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

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

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

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

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

24 ~~(4) If a collective bargaining agreement was in effect for~~
25 ~~teachers or school administrators of a school district,~~
26 ~~intermediate school district, or public school academy as of July~~
27 ~~19, 2011, if that same collective bargaining agreement is still in~~
28 ~~effect as of November 5, 2015, and if that collective bargaining~~
29 ~~agreement prevents compliance with subsection (1), then subsection~~

1 ~~(1) does not apply to that school district, intermediate school~~
 2 ~~district, or public school academy until after the expiration of~~
 3 ~~that collective bargaining agreement.~~

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

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

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

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

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

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

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

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

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

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

1 teacher of record.

2 Sec. 1249a. (1) ~~Beginning with the 2018-2019 school year,~~
 3 ~~subject~~**Subject** to subsection (2), a school district, intermediate
 4 school district, or public school academy shall not assign a pupil
 5 to be taught in the same subject area for 2 consecutive years by a
 6 teacher who has been rated as ineffective **or needing support** on ~~his~~
 7 ~~or her~~**the teacher's** 2 most recent annual year-end evaluations
 8 under section 1249.

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

1 section 1249, the board of the school district or intermediate
 2 school district or the board of directors of the public school
 3 academy must not issue the notification described in this
 4 subsection until the review process under subsection 1249 is
 5 complete.

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

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

1 board of directors.

2 (b) ~~For the 2018-2019 school year, 25% of the annual~~
 3 ~~evaluation must be based on student growth and assessment data.~~
 4 ~~Beginning with the 2019-2020 school year, Before the 2024-2025~~
 5 **school year**, 40% of the annual evaluation must be based on student
 6 growth and assessment data. ~~The student growth and assessment data~~
 7 ~~to be used for the school administrator annual evaluation are the~~
 8 ~~aggregate student growth and assessment data that are used in~~
 9 ~~teacher annual year-end evaluations in each school in which the~~
 10 ~~school administrator works as an administrator or, for a central-~~
 11 ~~office-level school administrator, for the entire school district~~
 12 ~~or intermediate school district.~~**Beginning in the 2024-2025 school**
 13 **year, the annual evaluation may be based on student growth and**
 14 **assessment data metrics determined under section 1249(1)(c).**
 15 **Beginning in the 2024-2025 school year, the percentage of the**
 16 **annual evaluation based on student growth and assessment data must**
 17 **be the same percentage agreed upon for teacher evaluations through**
 18 **the collective bargaining process described in section**
 19 **1249(2)(a)(i).**

20 (c) For the purposes of conducting ~~annual~~ evaluations under
 21 the performance evaluation system, the school district,
 22 intermediate school district, or public school academy shall
 23 develop or adopt and implement an evaluation tool for school
 24 administrators. ~~The portion of a school administrator's annual~~
 25 ~~evaluation that is not based on student growth~~ must be based
 26 primarily on the school administrator's performance as measured by
 27 this evaluation tool.

28 (d) The portion of the ~~annual~~ evaluation that is not based on
 29 student growth and assessment data as provided under subdivision

1 (b) or on an evaluation tool as provided under subdivision (c) must
 2 be based on ~~at least the following for each school in which the~~
 3 ~~school administrator works as an administrator or, for a central-~~
 4 ~~office-level school administrator, for the entire school district~~
 5 ~~or intermediate school district:~~

6 ~~(i) If the school administrator conducts teacher performance~~
 7 ~~evaluations, the school administrator's proficiency in using the~~
 8 ~~evaluation tool for teachers used by the school district,~~
 9 ~~intermediate school district, or public school academy under~~
 10 ~~section 1249. If the school administrator designates another person~~
 11 ~~to conduct teacher performance evaluations, the evaluation of the~~
 12 ~~school administrator on this factor must be based on the designee's~~
 13 ~~proficiency in using the evaluation tool for teachers used by the~~
 14 ~~school district, intermediate school district, or public school~~
 15 ~~academy under section 1249, with the designee's performance to be~~
 16 ~~counted as if it were the school administrator personally~~
 17 ~~conducting the teacher performance evaluations.~~

18 ~~(ii) The progress made by the school or school district in~~
 19 ~~meeting the goals set forth in the school's school improvement plan~~
 20 ~~or the school district's school improvement plans.~~

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

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

26 (e) For the purposes of conducting ~~annual~~ evaluations under
 27 the performance evaluation system, ~~by the beginning of the 2016-~~
 28 ~~2017 school year,~~ the school district, intermediate school
 29 district, or public school academy shall adopt and implement 1 or

1 more of the evaluation tools for school administrators that are
 2 included on the list under subsection (3). However, if a school
 3 district, intermediate school district, or public school academy
 4 has 1 or more local evaluation tools for school administrators or
 5 modifications of an evaluation tool on the list under subsection
 6 (3), and the school district, intermediate school district, or
 7 public school academy complies with subsection (2), the school
 8 district, intermediate school district, or public school academy
 9 may conduct annual ~~year-end~~ evaluations for school administrators
 10 using 1 or more local evaluation tools or modifications.

11 (f) The evaluation tool and other measures used by the school
 12 district, intermediate school district, or public school academy in
 13 its performance evaluation system for school administrators must be
 14 used consistently across the schools operated by a school district,
 15 intermediate school district, or public school academy so that all
 16 similarly situated school administrators are evaluated using the
 17 same measures.

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

29 (h) For a building-level school administrator's evaluation,

1 the individual conducting the evaluation shall visit the school
2 building where the building-level school administrator works,
3 review the building-level school administrator's school improvement
4 plan, and observe classrooms with the building-level school
5 administrator to collect evidence of the school improvement plan
6 strategies being implemented and the impact the school improvement
7 plan has on learning.

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

11 (i) The school administrator worked less than 60 days in that
12 year.

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

16 (iii) There are extenuating circumstances and the school
17 administrator and the school district, intermediate school
18 district, or public school academy agree to designate the school
19 administrator as unevaluated because of the extenuating
20 circumstances.

21 (j) If a school administrator is designated as unevaluated
22 under subdivision (i) the school administrator's rating from the
23 year immediately before that designation must be used for
24 consecutive purposes under this section if both of the following
25 are met:

26 (i) The school administrator continues to be employed in the
27 same position that the school administrator was employed in the
28 year before the school administrator received the unevaluated
29 designation.

1 (ii) The school administrator continues to be employed by the
2 same school district, intermediate school district, or public
3 school academy that employed the school administrator in the year
4 before the school administrator received the unevaluated
5 designation.

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

15 (l) ~~(i)~~—The performance evaluation system must provide that, if
16 a school administrator described in this subsection is rated as
17 ineffective **or needing support** on 3 consecutive ~~annual~~ evaluations,
18 the school district, intermediate school district, or public school
19 academy shall dismiss the school administrator from ~~his or her~~ **the**
20 **school administrator's** employment. This subdivision does not affect
21 the ability of a school district, intermediate school district, or
22 public school academy to dismiss a school administrator from ~~his or~~
23 ~~her~~ **the school administrator's** employment regardless of whether the
24 school administrator is rated as ineffective **or needing support** on
25 3 consecutive ~~annual~~ evaluations.

26 (m) ~~(j)~~—The performance evaluation system must provide that,
27 if a school administrator is rated as highly effective **or effective**
28 on **the 3 most recent** consecutive ~~annual~~ evaluations, the school
29 district, intermediate school district, or public school academy

1 may choose to conduct an evaluation biennially instead of annually.
2 However, if ~~a~~ any of the following occur, a school administrator's
3 evaluation must be conducted annually:

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

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

9 (iii) For an individual employed as a school district
10 superintendent, an intermediate superintendent, or a chief
11 administrator, the individual obtains employment with a different
12 school district, intermediate school district, or public school
13 academy.

14 (n) The performance evaluation system must include a midyear
15 progress report for a school administrator each year that the
16 school administrator is evaluated. The midyear progress report must
17 be used as a supplemental tool to gauge a school administrator's
18 improvement from the preceding evaluation and to assist a school
19 administrator to improve. Both of the following apply to the
20 midyear progress report:

21 (i) The midyear progress report must include specific
22 performance goals for the remainder of the school year for
23 building-level school administrators, or for the remainder of the
24 calendar year for all other school administrators, that are
25 developed by the individual conducting the annual evaluation or the
26 individual's designee and any recommended training identified by
27 the individual or designee that would assist the school
28 administrator in meeting these goals. At the midyear progress
29 report, the individual conducting the annual evaluation or the

1 individual's designee shall develop, in consultation with the
2 school administrator, a written improvement plan that includes
3 these goals and training and is designed to assist the school
4 administrator to improve the school administrator's rating.

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

7 (o) As part of the performance evaluation system, a school
8 district, intermediate school district, or public school academy
9 shall assign a mentor or coach to each school administrator, not
10 including a school district superintendent, an intermediate
11 superintendent, or a chief administrator, for the first 3 years in
12 which the school administrator is in a new administrative position.

13 (p) The performance evaluation system must provide that, if a
14 school administrator who is not a school district superintendent,
15 an intermediate superintendent, or a chief administrator is rated
16 as needing support on an evaluation, the following options must be
17 made available to the school administrator, as applicable:

18 (i) The school administrator may request a review of the
19 evaluation and the rating by the school district superintendent,
20 intermediate superintendent, or chief administrator of the public
21 school academy, as applicable. The request for a review must be
22 submitted in writing within 30 calendar days after the school
23 administrator is informed of the rating. Upon receipt of the
24 request, the school district superintendent, intermediate
25 superintendent, or chief administrator of the public school
26 academy, as applicable, shall review the evaluation and rating and
27 may make any modifications as appropriate based on the school
28 district superintendent's, intermediate superintendent's, or chief
29 administrator's review. A written response regarding the school

1 district superintendent's, intermediate superintendent's, or chief
2 administrator's findings must be provided to the school
3 administrator who requested the review by not later than 30
4 calendar days after receipt of the request for a review and before
5 making any modifications under this section.

6 (ii) If the written response from the school district
7 superintendent's or intermediate superintendent's review does not
8 resolve the matter, the school administrator or collective
9 bargaining representative may request mediation. The request for
10 mediation must be submitted in writing within 30 calendar days
11 after the school administrator receives the written response from
12 the school district superintendent, intermediate superintendent, or
13 chief administrator. Within 15 days of receipt of the request, the
14 school district superintendent, intermediate superintendent, or
15 chief administrator must provide a written response to the school
16 administrator or collective bargaining representative stating that
17 the mediation will be scheduled as appropriate.

18 (iii) If the school administrator receives 2 consecutive ratings
19 of needing support, the school administrator may demand to use the
20 grievance procedure of an applicable collective bargaining
21 agreement or of a contract governing the school administrator's
22 employment that concerns the school administrator's second
23 evaluation rating and the evaluation process. If a collective
24 bargaining agreement or a contract governing the school
25 administrator's employment does not contain a grievance procedure
26 that ends in binding arbitration, the school administrator may
27 request binding arbitration by filing a demand for arbitration with
28 the Michigan employment relations commission within 30 calendar
29 days after the school administrator receives the written response

1 from the school district superintendent, intermediate
 2 superintendent, or chief administrator. The arbitration is subject
 3 to the uniform arbitration act, 2012 PA 371, MCL 691.1681 to
 4 691.1713. The arbitration described in this subparagraph must
 5 adhere to all of the following:

6 (A) The arbitrator must be selected through procedures
 7 administered by the Michigan employment relations commission in
 8 accordance with its rules.

9 (B) The arbitrator must have the authority to issue any
 10 appropriate remedy.

11 (C) The arbitrator must utilize a "reasonable and just cause"
 12 standard of review when issuing any findings and remedies.

13 (q) The contract governing the employment of a school district
 14 superintendent, intermediate superintendent, or chief administrator
 15 of a public school academy must include an appeal process
 16 concerning the evaluation process and rating received. This
 17 subdivision applies only to a contract that is entered into,
 18 extended, renewed, or modified on or after the effective date of
 19 the amendatory act that added this sentence.

20 (r) ~~(k)~~—The school district, intermediate school district, or
 21 public school academy shall provide training to school
 22 administrators on the measures used by the school district,
 23 intermediate school district, or public school academy in its
 24 performance evaluation system for school administrators and on how
 25 each of the measures is used. This training may be provided by a
 26 school district, intermediate school district, or public school
 27 academy, or by a consortium consisting of 2 or more of these.

28 (s) ~~(l)~~—A school district, intermediate school district, or
 29 public school academy shall ensure that training is provided to all

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

12 (2) A school district, intermediate school district, or public
13 school academy shall post on its public website all of the
14 following information about the measures it uses for its
15 performance evaluation system for school administrators:

16 (a) The research base for the evaluation framework,
17 instrument, and process or, if the school district, intermediate
18 school district, or public school academy adapts or modifies an
19 evaluation tool from the list under subsection (3), the research
20 base for the listed evaluation tool and an assurance that the
21 adaptations or modifications do not compromise the validity of that
22 research base.

23 (b) The identity and qualifications of the author or authors
24 or, if the school district, intermediate school district, or public
25 school academy adapts or modifies an evaluation tool from the list
26 under subsection (3), the identity and qualifications of a person
27 with expertise in teacher evaluations who has reviewed the adapted
28 or modified evaluation tool.

29 (c) Either evidence of reliability, validity, and efficacy or

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

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

9 (e) A description of the processes for collecting evidence,
10 conducting evaluation conferences, developing performance ratings,
11 and developing performance improvement plans.

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

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

1 the list. These rules must include a process for a school district,
 2 intermediate school district, or public school academy to submit
 3 its own evaluation tool for review for placement on the list.

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

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

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

16 (i) Each approved assessment system must provide a screening
 17 assessment, monitoring capabilities for monitoring progress toward
 18 a growth target, and a diagnostic assessment.

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

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

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

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

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

1 (i) An early literacy coach shall support and provide initial
2 and ongoing professional development to teachers in all of the
3 following:

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

7 (B) Administering and analyzing instructional assessments.

8 (C) Providing differentiated instruction and intensive
9 intervention.

10 (D) Using progress monitoring.

11 (E) Identifying and addressing reading deficiency.

12 (ii) An early literacy coach shall also do all of the
13 following:

14 (A) Model effective instructional strategies for teachers.

15 (B) Facilitate study groups.

16 (C) Train teachers in data analysis and using data to
17 differentiate instruction.

18 (D) Coach and mentor colleagues.

19 (E) Work with teachers to ensure that evidence-based reading
20 programs such as comprehensive core reading programs, supplemental
21 reading programs, and comprehensive intervention reading programs
22 are implemented with fidelity.

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

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

29 (H) Help to increase instructional density to meet the needs

1 of all pupils.

2 (I) Help lead and support reading leadership teams at the
3 school.

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

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

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

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

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

16 (B) Have sufficient knowledge of scientifically based reading
17 research, special expertise in quality reading instruction and
18 infusing reading strategies into content area instruction, and data
19 management skills.

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

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

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

29 (2) Subject to subsection (10), the board of a school district

1 or board of directors of a public school academy shall do all of
2 the following to ensure that more pupils will achieve a score of at
3 least proficient in English language arts on the grade 3 state
4 assessment:

5 (a) Select 1 valid and reliable screening, formative, and
6 diagnostic reading assessment system from the assessment systems
7 approved by the department under subsection (1)(a). A school
8 district or public school academy shall use this assessment system
9 for pupils in grades K to 3 to screen and diagnose difficulties,
10 inform instruction and intervention needs, and assess progress
11 toward a growth target. A school district or public school academy
12 periodically shall assess a pupil's progress in reading skills at
13 least 3 times per school year in grades K to 3. The first of these
14 assessments for a school year **in kindergarten** must be conducted
15 within the first ~~30-90~~ school days of the school year. **The first of**
16 **these assessments for a school year in grades 1 to 3 must be**
17 **conducted within the first 30 school days of the school year.**

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

1 deficiency.

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

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

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

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

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

18 (iv) Ensure that time is provided for teachers to meet for
19 professional development.

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

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

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

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

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

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

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

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

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

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

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

27 (v) Provides parents, legal guardians, or other providers of
28 care for the pupil with a read-at-home plan, including parent,
29 guardian, or care provider training workshops and regular home

1 reading.

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

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

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

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

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

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

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

27 (v) Provides supplemental evidence-based reading intervention
28 delivered by a teacher, tutor, or volunteer with specialized
29 reading training that is provided before school, after school,

1 during school hours but outside of regular English language arts
2 classroom time, or any combination of these.

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

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

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

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

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

21 (ii) Instruction in academic vocabulary.

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

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

26 (4) For all pupils exhibiting a reading deficiency as
27 determined by the pupil's teacher through the diagnostic reading
28 assessment system selected by the school district or public school
29 academy under subsection (2) (a), school districts and public school

1 academies are encouraged to offer summer reading camps staffed with
2 ~~highly~~ effective teachers of reading, as determined by the teacher
3 evaluation system under section 1249, providing reading
4 intervention services and supports to correct pupils' identified
5 areas of reading deficiency.

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

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

24 (7) Except as otherwise provided in this section, for a grade
25 3 pupil who has a reading deficiency based on the grade 3 state
26 English language arts assessment, the school district or public
27 school academy shall provide, only through grade 4, a reading
28 intervention program that is intended to correct the pupil's
29 specific reading deficiency, as identified by a valid and reliable

1 assessment. This program must include effective instructional
2 strategies necessary to assist the pupil in becoming a successful
3 reader, and all of the following features, as appropriate for the
4 needs of the individual pupil:

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

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

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

10 (iii) A reading specialist.

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

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

18 (d) Daily targeted small group or 1-to-1 reading intervention
19 that is based on pupil needs, determined by assessment data, and on
20 identified reading deficiencies and that includes explicit and
21 systematic instruction with more detailed and varied explanations,
22 more extensive opportunities for guided practice, and more
23 opportunities for error correction and feedback.

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

26 (f) Supplemental evidence-based reading intervention delivered
27 by a teacher or tutor with specialized reading training that is
28 provided before school, after school, during regular school hours
29 but outside of regular English language arts classroom time, or any

1 combination of these.

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

6 (8) For a pupil or child described in subsection (7) who has a
7 reading deficiency at the end of grade 4, the school district or
8 public school academy shall provide intensive reading intervention
9 beyond grade 4 to the pupil, in a manner determined by the school
10 district or public school academy, until the pupil no longer has a
11 reading deficiency.

12 (9) If a school district or public school academy cannot
13 furnish the number of teachers needed to satisfy 1 or more of the
14 criteria set forth in this section for a school year, then by the
15 August 15 before the beginning of that school year the school
16 district or public school academy shall develop a staffing plan for
17 providing services under this section. The school district or
18 public school academy shall post the staffing plan on its website
19 for the applicable school year. The staffing plan must include at
20 least all of the following:

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

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

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

28 (10) This section does not require or state an intention to
29 require a school district or public school academy to supplant

1 state funds with federal funds for implementing or supporting the
2 activities under this section and does not prohibit a school
3 district or public school academy from continuing to use federal
4 funds for any of the purposes or activities described in this
5 section.

6 (11) For pupils identified as English language learners by the
7 pupil's teacher or by the diagnostic reading assessment selected by
8 the school district or public school academy under subsection
9 (2) (a), if available staff resources allow, a school district or
10 public school academy is encouraged to provide the following
11 intervention services in addition to those required under
12 subsection (3) (c):

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

19 (b) Opportunities for speech production.

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

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

24 (12) As used in this section:

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

28 (b) ~~(a)~~ "Evidence-based" means based in research and with
29 proven efficacy.

1 **(c)** ~~(b)~~ "Reading deficiency" means scoring below grade level
2 or being determined to be at risk of reading failure based on a
3 screening assessment, diagnostic assessment, standardized summative
4 assessment, or progress monitoring.

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

9 Enacting section 1. Sections 1250, 1531j, and 1531k of the
10 revised school code, 1976 PA 451, MCL 380.1250, 380.1531j, and
11 380.1531k, are repealed.

12 Enacting section 2. This amendatory act takes effect July 1,
13 2024.

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