

# SENATE BILL NO. 395

June 15, 2023, Introduced by Senator POLEHANKI and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230b, 1249, 1249b, and 1280f (MCL 380.1230b, 380.1249, 380.1249b, and 380.1280f), section 1230b as added by 1996 PA 189, section 1249 as amended by 2019 PA 6, 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

1 school district, local act school district, public school academy,  
 2 intermediate school district, or nonpublic school shall request the  
 3 applicant for employment to sign a statement that does both of the  
 4 following:

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

14 (b) Releases the current or former employer, and employees  
 15 acting on behalf of the current or former employer, from any  
 16 liability for providing information described in subdivision (a),  
 17 as provided in subsection (3), and waives any written notice  
 18 required under section 6 of the Bullard-Plawecki employee right to  
 19 know act, ~~Act No. 397 of the Public Acts of 1978, being section~~  
 20 ~~423.506 of the Michigan Compiled Laws.~~ **1978 PA 397, MCL 423.506.**

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

29 (3) ~~Not~~**By not** later than 20 business days after receiving a

1 request under subsection (2), an employer shall provide the  
 2 information requested and make available to the requesting school  
 3 district, local act school district, public school academy,  
 4 intermediate school district, or nonpublic school copies of all  
 5 documents in the employee's personnel record relating to the  
 6 unprofessional conduct. An employer, or an employee acting on  
 7 behalf of the employer, that discloses information under this  
 8 section in good faith is immune from civil liability for the  
 9 disclosure. An employer, or an employee acting on behalf of the  
 10 employer, is presumed to be acting in good faith at the time of a  
 11 disclosure under this section unless a preponderance of the  
 12 evidence establishes 1 or more of the following:

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

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

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

19 (4) The board, **board of directors**, or governing body of a  
 20 school district, local act school district, public school academy,  
 21 intermediate school district, or nonpublic school shall not hire an  
 22 applicant who does not sign the statement described in subsection  
 23 (1).

24 (5) Information received under this section ~~shall~~**must** be used  
 25 by a school district, local act school district, public school  
 26 academy, intermediate school district, or nonpublic school only for  
 27 the purpose of evaluating an applicant's qualifications for  
 28 employment in the position for which he or she has applied. Except  
 29 as otherwise provided by law, a board member or employee of a

1 school district, local act school district, public school academy,  
 2 intermediate school district, or nonpublic school shall not  
 3 disclose the information to any ~~person, individual~~, other than the  
 4 applicant, who is not directly involved in the process of  
 5 evaluating the applicant's qualifications for employment. ~~A person~~  
 6 **An individual** who violates this subsection is guilty of a  
 7 misdemeanor punishable by a fine of not more than \$10,000.00, but  
 8 is not subject to the penalties under section 1804.

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

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

27 (8) As used in this section:

28 (a) "Personnel record" means that term as defined in section 1  
 29 of ~~Act No. 397 of the Public Acts of 1978, being section 423.501 of~~

1 ~~the Michigan Compiled Laws.~~ **the Bullard-Plawecki employee right to**  
 2 **know act, 1978 PA 397, MCL 423.501.**

3 (b) "Unprofessional conduct" means ~~1 or more acts of~~  
 4 ~~misconduct;~~ 1 or more acts of immorality, moral turpitude, or  
 5 inappropriate behavior involving a minor; or commission of a crime  
 6 involving a minor. A criminal conviction is not an essential  
 7 element of determining whether or not a particular act constitutes  
 8 unprofessional conduct.

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

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

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

29 **(b)** ~~(e)~~ Evaluates a teacher's or school administrator's job

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

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

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

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

29 ~~(iii) Whether to grant tenure or full certification, or both, to~~

1 ~~teachers and school administrators using rigorous standards and~~  
 2 ~~streamlined, transparent, and fair procedures.~~

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

1 from the observation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) **The teacher** may request a review of the evaluation and the

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

19       (ii) If the written response from the school district  
 20 superintendent's, intermediate superintendent's, or chief  
 21 administrator's review does not resolve the matter, the teacher or  
 22 collective bargaining unit may demand state mediation concerning  
 23 the evaluation process.

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

28       (m) The school district, intermediate school district, or  
 29 public school academy shall provide training to teachers on the

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

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

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

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

1 that research base.

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

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

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

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

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

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



1 ~~district, or public school academy until after the expiration of~~  
 2 ~~that collective bargaining agreement.~~

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

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

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

29       **(5) By not later than September 1, 2024, and every 3 years**

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

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

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

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

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

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

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

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

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

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

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

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

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

24       ~~(i)~~ If the school administrator conducts teacher performance  
 25 evaluations, the school administrator's proficiency in using the  
 26 evaluation tool for teachers used by the school district,  
 27 intermediate school district, or public school academy under  
 28 section 1249. If the school administrator designates another person  
 29 to conduct teacher performance evaluations, the evaluation of the

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

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

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

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

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

29 ~~(e) (f)~~ The evaluation tool and other measures used by the

1 school district, intermediate school district, or public school  
 2 academy in its performance evaluation system for school  
 3 administrators must be used consistently across the schools  
 4 operated by a school district, intermediate school district, or  
 5 public school academy so that all similarly situated school  
 6 administrators are evaluated using the same measures.

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

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

26 **(h) A school administrator shall not be assigned an evaluation**  
 27 **rating and will be designated as nonevaluated for a school year if**  
 28 **any of the following apply to the school administrator:**

29 **(i) The school administrator worked less than 60 days in that**

1 school year.

2 (ii) The school administrator's evaluation results were vacated  
3 through the grievance procedure described in subdivision (o).

4 (iii) There are extenuating circumstances and the school  
5 administrator and the school district, intermediate school  
6 district, or public school academy agree to designate the school  
7 administrator as nonevaluated because of the extenuating  
8 circumstances.

9 (i) If a school administrator is designated as nonevaluated  
10 under subdivision (h), the school administrator's rating from the  
11 school year immediately before that designation will be used for  
12 consecutive purposes under this section.

13 (j) ~~(h)~~ The performance evaluation system must ensure that if  
14 a school administrator described in this subsection is rated as  
15 ~~minimally effective or ineffective,~~ **satisfactory or needing**  
16 **support**, the ~~person or persons~~ **individual** conducting the evaluation  
17 shall develop and require the school administrator to implement an  
18 improvement plan to correct the deficiencies. The improvement plan  
19 must recommend professional development opportunities and other  
20 actions designed to improve the rating of the school administrator  
21 on ~~his or her~~ **the school administrator's** next ~~annual~~ evaluation.

22 (k) ~~(i)~~ The performance evaluation system must provide that,  
23 if a school administrator described in this subsection is rated as  
24 ineffective **or needing support** on 3 consecutive ~~annual~~ evaluations,  
25 the school district, intermediate school district, or public school  
26 academy shall dismiss the school administrator from ~~his or her~~ **the**  
27 **school administrator's** employment. This subdivision does not affect  
28 the ability of a school district, intermediate school district, or  
29 public school academy to dismiss a school administrator from ~~his or~~

1 ~~her~~ **the school administrator's** employment regardless of whether the  
2 school administrator is rated as ineffective **or needing support** on  
3 3 consecutive ~~annual~~ evaluations.

4 (l) ~~(j)~~ The performance evaluation system must provide that, if  
5 a school administrator is rated as highly effective **or effective** on  
6 **the 3 most recent** consecutive ~~annual~~ evaluations, the school  
7 district, intermediate school district, or public school academy  
8 may choose to conduct an evaluation biennially instead of annually.  
9 However, if ~~a~~ **either of the following occurs, a school**  
10 **administrator's evaluation will be conducted annually:**

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

14 (ii) **The school administrator's supervisor or evaluator**  
15 **changes.**

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

23 (i) **The midyear progress report must include specific**  
24 **performance goals for the remainder of the school year that are**  
25 **developed by the individual conducting the year-end evaluation or**  
26 **the individual's designee and any recommended training identified**  
27 **by 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 year-end 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 a  
6 year-end evaluation.

7 (n) 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 for the  
10 first 3 years in which the administrator is in a new administrative  
11 position.

12 (o) The performance evaluation system must provide that, if a  
13 school administrator is rated as needing support on an evaluation,  
14 the following options must be made available to the school  
15 administrator:

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

1 administrator who requested the review by not later than 30  
 2 calendar days after receipt of the request for a review and before  
 3 making any modifications under this section.

4 (ii) If the written response from the school district  
 5 superintendent's, intermediate superintendent's, or chief  
 6 administrator's review does not resolve the matter, the school  
 7 administrator or collective bargaining unit may demand state  
 8 mediation concerning the evaluation process.

9 (iii) If a school administrator receives 2 consecutive ratings  
 10 of needing support, the school administrator may demand to use the  
 11 grievance procedure of an applicable collective bargaining  
 12 agreement that concerns the school administrator's second  
 13 evaluation rating and the evaluation process.

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

22 (q) ~~(l)~~—A school district, intermediate school district, or  
 23 public school academy shall ensure that training is provided to all  
 24 evaluators and observers. The training must be provided by an  
 25 individual who has expertise in the evaluation tool or tools used  
 26 by the school district, intermediate school district, or public  
 27 school academy, which may include either a consultant on that  
 28 evaluation tool or framework or an individual who has been trained  
 29 to train others in the use of the evaluation tool or tools. This

1 subdivision does not prohibit a school district, intermediate  
2 school district, public school academy, or consortium consisting of  
3 2 or more of these, from providing the training in the use of the  
4 evaluation tool or tools if the trainer has expertise in the  
5 evaluation tool or tools.

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

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

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

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

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

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

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

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

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

1 ~~MCL 388.1695a.~~

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

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

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

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

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

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

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

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

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

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

1 (B) Administering and analyzing instructional assessments.

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

4 (D) Using progress monitoring.

5 (E) Identifying and addressing reading deficiency.

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

8 (A) Model effective instructional strategies for teachers.

9 (B) Facilitate study groups.

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

12 (D) Coach and mentor colleagues.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28          (a) Select 1 valid and reliable screening, formative, and  
29 diagnostic reading assessment system from the assessment systems

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

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

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

29 (d) Require a school principal or chief administrator to do



1 all of the following:

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

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

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

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

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

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

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

29 (i) Is provided to each pupil in grades K to 3 who is

1 identified with a reading deficiency based on screening and  
2 diagnostic tools, and identifies and addresses the pupil's reading  
3 deficiency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 were successful.

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

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

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

13 (ii) Instruction in academic vocabulary.

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

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

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

27 (5) After the department finalizes the scoring for the grade 3  
28 state assessments, ~~whichever is earlier,~~ the department shall  
29 provide CEPI with the grade 3 state assessment scores for every

1 grade 3 pupil enrolled in a public school in this state who was  
2 administered 1 or more of those assessments.

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

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

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

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

29 (ii) The highest evaluated grade 3 teacher in the school as

1 determined by the teacher evaluation system under section 1249.

2 (iii) A reading specialist.

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

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

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

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

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

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

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

1 beyond grade 4 to the pupil, in a manner determined by the school  
2 district or public school academy, until the pupil no longer has a  
3 reading deficiency.

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

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

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

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

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

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

1 (2) (a), if available staff resources allow, a school district or  
 2 public school academy is encouraged to provide the following  
 3 intervention services in addition to those required under  
 4 subsection (3) (c):

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

11 (b) Opportunities for speech production.

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

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

16 (12) As used in this section:

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

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

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

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



1 Enacting section 1. Sections 1249a, 1250, 1531j, and 1531k of  
2 the revised school code, 1976 PA 451, MCL 380.1249a, 380.1250,  
3 380.1531j, and 380.1531k, are repealed.

4 Enacting section 2. This amendatory act takes effect July 1,  
5 2024.

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

9 (a) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request no.  
10 00299'23 a).

11 (b) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request no.  
12 00299'23 b).

13 (c) Senate Bill No. 396.

14

15 (d) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request no.  
16 03282'23).