

**SUBSTITUTE FOR
HOUSE BILL NO. 4625**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1250 (MCL 380.1250), as amended by 2009 PA 205.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1250. (1) ~~A-EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,~~
2 **A** school district, public school academy, or intermediate school
3 district shall implement and maintain a method of compensation for
4 its teachers and school administrators that includes job
5 performance and job accomplishments as a significant factor in
6 determining compensation and additional compensation. The
7 assessment of job performance shall incorporate a rigorous,
8 transparent, and fair evaluation system that evaluates a teacher's
9 or school administrator's performance at least in part based upon
10 data on student growth as measured by assessments and other
11 objective criteria.

12 (2) If a collective bargaining agreement is in effect for
13 teachers or school administrators of a school district, public

1 school academy, or intermediate school district as of ~~the effective~~
2 ~~date of the amendatory act that added this subsection,~~ JANUARY 4,
3 2010, and if that collective bargaining agreement prevents
4 compliance with subsection (1), then subsection (1) does not apply
5 to that school district, public school academy, or intermediate
6 school district until after the expiration of that collective
7 bargaining agreement.

8 (3) FOR TEACHERS AND SCHOOL ADMINISTRATORS WHO ARE HIRED AFTER
9 IMPLEMENTATION OF THE STATEWIDE PERFORMANCE EVALUATION SYSTEM
10 DESCRIBED IN SECTION 1249(5) AND (6), INCLUDING THE STUDENT GROWTH
11 AND ASSESSMENT TOOL DESCRIBED IN SECTION 1249(5) (A) FOR APPLICABLE
12 SUBJECT AREAS, A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR
13 INTERMEDIATE SCHOOL DISTRICT SHALL IMPLEMENT AND MAINTAIN A METHOD
14 OF COMPENSATION THAT INCLUDES JOB PERFORMANCE AND JOB
15 ACCOMPLISHMENTS AS THE PRIMARY FACTOR IN DETERMINING COMPENSATION
16 AND ADDITIONAL COMPENSATION. THE ASSESSMENT OF JOB PERFORMANCE
17 SHALL INCORPORATE A RIGOROUS, TRANSPARENT, AND FAIR EVALUATION
18 SYSTEM THAT EVALUATES A TEACHER'S OR SCHOOL ADMINISTRATOR'S
19 PERFORMANCE PRIMARILY BASED UPON DATA ON STUDENT GROWTH AS MEASURED
20 BY ASSESSMENTS AND OTHER OBJECTIVE CRITERIA. A TEACHER OR SCHOOL
21 ADMINISTRATOR WHO WOULD OTHERWISE NOT BE SUBJECT TO THE METHOD OF
22 COMPENSATION UNDER THIS SUBSECTION DUE TO HIS OR HER DATE OF HIRE
23 MAY CHOOSE TO BE SUBJECT TO THIS METHOD OF COMPENSATION BY
24 SUBMITTING A WRITTEN NOTICE OF THAT ELECTION TO HIS OR HER
25 EMPLOYING SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE
26 SCHOOL DISTRICT.

27 (4) FOR TEACHERS AND SCHOOL ADMINISTRATORS WHO ARE HIRED AFTER

1 IMPLEMENTATION OF THE STATEWIDE PERFORMANCE EVALUATION SYSTEM
2 DESCRIBED IN SECTION 1249(5) AND (6), INCLUDING THE STUDENT GROWTH
3 AND ASSESSMENT TOOL DESCRIBED IN SECTION 1249(5)(A) FOR APPLICABLE
4 SUBJECT AREAS, A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR
5 INTERMEDIATE SCHOOL DISTRICT SHALL NOT USE LENGTH OF SERVICE OR
6 ACHIEVEMENT OF AN ADVANCED DEGREE AS A FACTOR IN COMPENSATION
7 LEVELS OR ADJUSTMENTS IN COMPENSATION EXCEPT AS FOLLOWS:

8 (A) FOR A TEACHER WITH A SECONDARY LEVEL TEACHING CERTIFICATE
9 WHO HAS A SUBJECT AREA ENDORSEMENT AND WHO TEACHES IN THAT SUBJECT
10 AREA, AN ADVANCED DEGREE ACHIEVED IN THAT SUBJECT AREA MAY BE
11 CONSIDERED AS A FACTOR IN THE TEACHER'S BASE COMPENSATION.

12 (B) FOR A TEACHER WITH AN ELEMENTARY LEVEL TEACHING
13 CERTIFICATE WHO TEACHES IN AN ELEMENTARY GRADE, AN ADVANCED DEGREE
14 IN ELEMENTARY EDUCATION MAY BE CONSIDERED AS A FACTOR IN THE
15 TEACHER'S BASE COMPENSATION.

16 (5) IF A COLLECTIVE BARGAINING AGREEMENT IS IN EFFECT FOR
17 TEACHERS OR SCHOOL ADMINISTRATORS OF A SCHOOL DISTRICT, PUBLIC
18 SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT AS OF THE EFFECTIVE
19 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, AND IF THAT
20 COLLECTIVE BARGAINING AGREEMENT PREVENTS COMPLIANCE WITH SUBSECTION
21 (3) OR (4), THEN SUBSECTION (3) OR (4) OR BOTH, AS APPLICABLE, DO
22 NOT APPLY TO THAT SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR
23 INTERMEDIATE SCHOOL DISTRICT UNTIL AFTER THE EXPIRATION OF THAT
24 COLLECTIVE BARGAINING AGREEMENT.