

**SUBSTITUTE FOR
HOUSE BILL NO. 5223**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1249 and 1249a (MCL 380.1249 and 380.1249a),
section 1249 as amended and section 1249a as added by 2011 PA 102,
and by adding section 1531j.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1249. (1) Not later than September 1, 2011, and subject
2 to subsection ~~(9)~~, ~~(7)~~, with the involvement of teachers and school
3 administrators, the board of a school district or intermediate
4 school district or board of directors of a public school academy
5 shall adopt and implement for all teachers and school
6 administrators a rigorous, transparent, and fair performance
7 evaluation system that does all of the following:

1 (a) Evaluates the teacher's or school administrator's job
2 performance at least annually while providing timely and
3 constructive feedback.

4 (b) Establishes clear approaches to measuring student growth
5 and provides teachers and school administrators with relevant data
6 on student growth.

7 (c) Evaluates a teacher's or school administrator's job
8 performance, using multiple rating categories that take into
9 account data on student growth as a significant factor. For these
10 purposes, student growth shall be measured by national, state, or
11 local assessments and other objective criteria. If the performance
12 evaluation system implemented by a school district, intermediate
13 school district, or public school academy under this section does
14 not already include the rating of teachers as highly effective,
15 effective, minimally effective, and ineffective, then the school
16 district, intermediate school district, or public school academy
17 shall revise the performance evaluation system ~~within 60 days after~~
18 ~~the effective date of the amendatory act that added this sentence~~
19 **NOT LATER THAN SEPTEMBER 19, 2011** to ensure that it rates teachers
20 as highly effective, effective, minimally effective, or
21 ineffective.

22 (d) Uses the evaluations, at a minimum, to inform decisions
23 regarding all 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 of teachers and
27 school administrators, including providing relevant coaching,

1 instruction support, or professional development.

2 (iii) Whether to grant tenure or full certification, or both, to
3 teachers and school administrators using rigorous standards and
4 streamlined, transparent, and fair procedures.

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

9 (2) Beginning with the ~~2013-2014~~**2014-2015** school year, the
10 board of a school district or intermediate school district or board
11 of directors of a public school academy shall ensure that the
12 performance evaluation system for teachers meets all of the
13 following:

14 (a) The performance evaluation system shall include at least
15 an annual year-end evaluation for all teachers. An annual year-end
16 evaluation shall meet all of the following:

17 (i) For the annual year-end evaluation for the ~~2013-2014~~**2014-**
18 **2015, 2015-2016, AND 2016-2017** school year, ~~YEARS~~, at least 25% of
19 the annual year-end evaluation shall be based on student growth and
20 assessment data. ~~For~~**BEGINNING WITH** the annual year-end evaluation
21 for the ~~2014-2015~~**2017-2018** school year, at least 40% of the annual
22 year-end evaluation shall be based on student growth and assessment
23 data. ~~Beginning with the annual year-end evaluation for the 2015-~~
24 ~~2016 school year, at least 50% of the annual year-end evaluation~~
25 ~~shall be based on student growth and assessment data. All~~

26 (ii) **BEGINNING IN 2015-2016, 1/2 OF THE** student growth and
27 assessment data **FOR TEACHERS IN CORE CONTENT AREAS IN GRADES AND**

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1 SUBJECTS FOR WHICH STUDENT GROWTH DATA ARE AVAILABLE shall be
 2 measured using the STATE student growth assessment tool, ~~that is~~
 3 ~~required under legislation enacted by the legislature under~~
 4 ~~subsection (6) after review of the recommendations contained in the~~
 5 ~~report of the governor's council on educator effectiveness~~
 6 ~~submitted under subsection (5).~~ WHICH SHALL MEET THE REQUIREMENTS
 7 UNDER SUBSECTION (6). SUBJECT TO SUBPARAGRAPH (iv), FOR TEACHERS IN
 8 OTHER SUBJECT AREAS [AND ALL SPECIAL EDUCATION TEACHERS

9
 10

11] , A SCHOOL DISTRICT, INTERMEDIATE
 12 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY USE STATE-PROVIDED
 13 GROWTH DATA FOR UP TO 1/2 OF THE TEACHER'S STUDENT GROWTH AND
 14 ASSESSMENT DATA OR MAY USE 1 OR MORE LOCALLY DETERMINED STUDENT
 15 MEASURES AND ASSESSMENTS WITH VALID GROWTH MEASUREMENTS AS
 16 DESCRIBED IN SUBPARAGRAPH (iii) FOR ALL OF THE TEACHER'S STUDENT
 17 GROWTH AND ASSESSMENT DATA.

18 (iii) SUBJECT TO SUBPARAGRAPH (iv), THE PORTION OF A TEACHER'S
 19 STUDENT GROWTH AND ASSESSMENT DATA THAT IS NOT BASED ON STATE-
 20 PROVIDED DATA AS DESCRIBED IN SUBPARAGRAPH (ii) SHALL BE BASED ON 1
 21 OR MORE LOCALLY DETERMINED STUDENT MEASURES AND ASSESSMENTS WITH
 22 VALID GROWTH MEASUREMENTS, WHICH MAY INCLUDE STUDENT LEARNING
 23 OBJECTIVES OR INDIVIDUALIZED EDUCATION PROGRAM GOALS. THESE LOCALLY
 24 DETERMINED STUDENT MEASURES AND ASSESSMENTS MAY EITHER BE LOCALLY
 25 DEVELOPED OR CREATED BY A VENDOR. THE LOCALLY DETERMINED STUDENT
 26 MEASURES AND ASSESSMENTS SHALL BE USED CONSISTENTLY AMONG THE
 27 SCHOOLS OPERATED BY A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SO

1 THAT ALL SIMILARLY SITUATED TEACHERS ARE EVALUATED USING THE SAME
2 MEASURES AND ASSESSMENTS.

3 (iv) IF THERE IS A REASONABLE CONNECTION OF THE CORE CONTENT TO
4 THE TEACHER'S ACTUAL TEACHING ASSIGNMENT, SCHOOL-LEVEL GROWTH GOALS
5 MAY BE USED FOR AN INDIVIDUAL TEACHER'S EVALUATION. HOWEVER,
6 SCHOOL-LEVEL GROWTH GOALS MAY NOT COMPRISE MORE THAN 5% OF THE
7 INDIVIDUAL TEACHER'S OVERALL EVALUATION.

8 (v) ~~(ii)~~—If there are student growth and assessment data
9 available for a teacher for at least 3 school years, the annual
10 year-end evaluation shall be based on the student growth and
11 assessment data for the most recent 3-consecutive-school-year
12 period. If there are not student growth and assessment data
13 available for a teacher for at least 3 school years, the annual
14 year-end evaluation shall be based on all student growth and
15 assessment data that are available for the teacher.

16 (vi) ~~(iii)~~—The annual year-end evaluation shall include specific
17 performance goals that will assist in improving effectiveness for
18 the next school year and are developed by the school administrator
19 or his or her designee conducting the evaluation, in consultation
20 with the teacher, and any recommended training identified by the
21 school administrator or designee, in consultation with the teacher,
22 that would assist the teacher in meeting these goals. For a teacher
23 described in subdivision (b), the school administrator or designee
24 shall develop, in consultation with the teacher, an individualized
25 development plan that includes these goals and training and is
26 designed to assist the teacher to improve his or her effectiveness.

27 (b) The performance evaluation system shall include a midyear

1 progress report for a teacher who is in the first year of the
2 probationary period prescribed by section 1 of article II of 1937
3 (Ex Sess) PA 4, MCL 38.81, or who received a rating of minimally
4 effective or ineffective in his or her most recent annual year-end
5 evaluation. The midyear progress report shall be used as a
6 supplemental tool to gauge a teacher's improvement from the
7 preceding school year and to assist a teacher to improve. All of
8 the following apply to the midyear progress report:

9 (i) The midyear progress report shall be based at least in part
10 on student achievement.

11 (ii) The midyear progress report shall be aligned with the
12 teacher's individualized development plan under subdivision
13 ~~(a) (iii)~~ (A) (vi) .

14 (iii) The midyear progress report shall include specific
15 performance goals for the remainder of the school year that are
16 developed by the school administrator conducting the annual year-
17 end evaluation or his or her designee and any recommended training
18 identified by the school administrator or designee that would
19 assist the teacher in meeting these goals. At the midyear progress
20 report, the school administrator or designee shall develop, in
21 consultation with the teacher, a written improvement plan that
22 includes these goals and training and is designed to assist the
23 teacher to improve his or her rating.

24 (iv) The midyear progress report shall not take the place of an
25 annual year-end evaluation.

26 (c) The performance evaluation system shall include classroom
27 observations to assist in the performance evaluations. All of the

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1 following apply to these classroom observations:

2 (i) Except as provided in this subdivision, the manner in which
3 a classroom observation is conducted shall be prescribed in the
4 evaluation tool for teachers described in subdivision (d).

5 (ii) A classroom observation shall include a review of the
6 teacher's lesson plan and the state curriculum standard being used
7 in the lesson and a review of pupil engagement in the lesson.

8 (iii) A classroom observation does not have to be for an entire
9 class period.

10 (iv) Unless a teacher has received a rating of effective or
11 highly effective on his or her 2 most recent annual year-end
12 evaluations, there shall be ~~multiple~~ **AT LEAST 2** classroom observations
of the

13 teacher each school year. **AT LEAST 1 OBSERVATION MUST BE**
14 **UNSCHEDULED.**

15 (v) **A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC**
16 **SCHOOL ACADEMY SHALL ENSURE THAT AN INDIVIDUAL ACTING AS AN**
17 **OBSERVER RECEIVES TRAINING FROM THE VENDOR OR A TRAINING PROVIDER**
18 **THAT HAS A CONTRACT WITH THE VENDOR TO PROVIDE TRAINING USING A**
19 **VENDOR-APPROVED TRAINING PROGRAM FOR THE EVALUATION TOOL THAT IS**
20 **USED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR**
21 **PUBLIC SCHOOL ACADEMY. A SCHOOL DISTRICT, INTERMEDIATE SCHOOL**
22 **DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT AN INDIVIDUAL**
23 **ACTING AS AN OBSERVER RECEIVES TRAINING IN COACHING, PROVIDING**
24 **FEEDBACK, AND RATER RELIABILITY. THE INDIVIDUAL SHOULD RECEIVE**
25 **TRAINING IN COACHING, PROVIDING FEEDBACK, AND RATER RELIABILITY AT**
26 **LEAST ONCE EVERY 3 YEARS. THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL**
27 **DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ALSO PROVIDE INFORMATION**

1 TO TEACHERS ON THE EVALUATION TOOL AND HOW IT IS USED.

2 (vi) THE SCHOOL ADMINISTRATOR RESPONSIBLE FOR THE TEACHER'S
3 PERFORMANCE EVALUATION SHALL CONDUCT AT LEAST 1 OF THE
4 OBSERVATIONS. OTHER OBSERVATIONS MAY BE CONDUCTED BY ANOTHER
5 OBSERVER WHO IS TRAINED IN THE USE OF THE EVALUATION TOOL. THIS
6 OTHER OBSERVER MAY BE A TEACHER LEADER.

7 (vii) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
8 PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT, WITHIN 30 DAYS AFTER EACH
9 OBSERVATION, THE TEACHER IS PROVIDED WITH FEEDBACK FROM THE
10 OBSERVATION.

11 (d) ~~For the purposes of conducting annual year-end evaluations~~
12 ~~under the performance evaluation system, the~~ THE PORTION OF A
13 TEACHER'S ANNUAL YEAR-END EVALUATION THAT IS NOT BASED ON STUDENT
14 GROWTH AND ASSESSMENT DATA AS PROVIDED IN SUBDIVISION (A) SHALL BE
15 BASED PRIMARILY ON A TEACHER'S PERFORMANCE AS MEASURED BY THE
16 EVALUATION TOOL ADOPTED BY THE DISTRICT. BY THE BEGINNING OF THE
17 2015-2016 SCHOOL YEAR, THE school district, intermediate school
18 district, or public school academy shall adopt and implement 1 OR
19 MORE OF the state APPROVED evaluation ~~tool~~ TOOLS for teachers that
20 ~~is required under legislation enacted by the legislature under~~
21 ~~subsection (6) after review of the recommendations contained in the~~
22 ~~report of the governor's council on educator effectiveness~~
23 ~~submitted under subsection (5).~~ AS PROVIDED UNDER SUBSECTIONS (3)
24 TO (5). However, if a school district, intermediate school
25 district, or public school academy has a 1 OR MORE local evaluation
26 ~~tool~~ TOOLS for teachers that ~~is consistent with the state~~
27 ~~evaluation tool,~~ AND THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL

1 DISTRICT, OR PUBLIC SCHOOL ACADEMY COMPLIES WITH SUBSECTION (6),
2 the school district, intermediate school district, or public school
3 academy may conduct annual year-end evaluations for teachers using
4 ~~that local evaluation tool.~~ 1 OR MORE TOOLS. THE EVALUATION TOOLS
5 SHALL BE USED CONSISTENTLY AMONG THE SCHOOLS OPERATED BY A SCHOOL
6 DISTRICT OR PUBLIC SCHOOL ACADEMY SO THAT ALL SIMILARLY SITUATED
7 TEACHERS ARE EVALUATED USING THE SAME EVALUATION TOOL.

8 (E) THE PORTION OF A TEACHER'S EVALUATION NOT MEASURED USING
9 GROWTH, AS PROVIDED IN SUBDIVISION (A), OR USING THE DISTRICT-
10 ADOPTED EVALUATION TOOL, AS PROVIDED IN SUBDIVISION (D), SHALL
11 INCORPORATE AT LEAST PUPIL AND PARENT FEEDBACK AND CRITERIA
12 ENUMERATED IN SECTION 1248(1)(B) (i) TO (iii) THAT ARE NOT OTHERWISE
13 EVALUATED UNDER SUBDIVISIONS (A) AND (B).

14 (F) ~~(e)~~—The performance evaluation system shall assign an
15 effectiveness rating to each teacher of highly effective,
16 effective, minimally effective, or ineffective, based on his or her
17 score on the annual year-end evaluation described in this
18 subsection.

19 (G) ~~(f)~~—As part of the performance evaluation system, and in
20 addition to the requirements of section 1526, a school district,
21 intermediate school district, or public school academy ~~is~~
22 ~~encouraged to~~ SHALL assign a mentor or coach to each teacher who is
23 described in subdivision (b).

24 (H) ~~(g)~~—The performance evaluation system may allow for
25 exemption of student growth data for a particular pupil for a
26 school year upon the recommendation of the school administrator
27 conducting the annual year-end evaluation or his or her designee

1 and approval of the school district superintendent or his or her
2 designee, intermediate superintendent or his or her designee, or
3 chief administrator of the public school academy, as applicable.

4 (I) ~~(h)~~—The performance evaluation system shall provide that,
5 if a teacher is rated as ineffective on 3 consecutive annual year-
6 end evaluations, the school district, public school academy, or
7 intermediate school district shall dismiss the teacher from his or
8 her employment. **HOWEVER, THIS SUBDIVISION APPLIES ONLY IF THE 3**
9 **CONSECUTIVE ANNUAL YEAR-END EVALUATIONS ARE CONDUCTED USING THE**
10 **SAME EVALUATION FRAMEWORK AND UNDER THE SAME PERFORMANCE EVALUATION**
11 **SYSTEM.** This subdivision does not affect the ability of a school
12 district, intermediate school district, or public school academy to
13 dismiss an ineffective teacher from his or her employment
14 regardless of whether the teacher is rated as ineffective on 3
15 consecutive annual year-end evaluations.

16 (J) ~~(i)~~—The performance evaluation system shall provide that,
17 if a teacher is rated as highly effective on 3 consecutive annual
18 year-end evaluations, the school district, intermediate school
19 district, or public school academy may choose to conduct a year-end
20 evaluation biennially instead of annually. However, if a teacher is
21 not rated as highly effective on 1 of these biennial year-end
22 evaluations, the teacher shall again be provided with annual year-
23 end evaluations.

24 (K) ~~(j)~~—The performance evaluation system shall provide that,
25 if a teacher who is not in a probationary period prescribed by
26 section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated
27 as ineffective on an annual year-end evaluation, the teacher may

1 request a review of the evaluation and the rating by the school
2 district superintendent, intermediate superintendent, or chief
3 administrator of the public school academy, as applicable. The
4 request for a review must be submitted in writing within 20 days
5 after the teacher is informed of the rating. Upon receipt of the
6 request, the school district superintendent, intermediate
7 superintendent, or chief administrator of the public school
8 academy, as applicable, shall review the evaluation and rating and
9 may make any modifications as appropriate based on his or her
10 review. However, the performance evaluation system shall not allow
11 for a review as described in this subdivision more than twice in a
12 3-school-year period.

13 ~~—— (3) Beginning with the 2013-2014 school year, the board of a~~
14 ~~school district or intermediate school district or board of~~
15 ~~directors of a public school academy shall ensure that the~~
16 ~~performance evaluation system for building level school~~
17 ~~administrators and for central office level school administrators~~
18 ~~who are regularly involved in instructional matters meets all of~~
19 ~~the following:~~

20 ~~—— (a) The performance evaluation system shall include at least~~
21 ~~an annual year-end evaluation for all school administrators~~
22 ~~described in this subsection by the school district superintendent~~
23 ~~or his or her designee, intermediate superintendent or his or her~~
24 ~~designee, or chief administrator of the public school academy, as~~
25 ~~applicable, except that a superintendent or chief administrator~~
26 ~~shall be evaluated by the board or board of directors.~~

27 ~~—— (b) For the annual year-end evaluation for the 2013-2014~~

~~1 school year, at least 25% of the annual year end evaluation shall
2 be based on student growth and assessment data. For the annual
3 year end evaluation for the 2014-2015 school year, at least 40% of
4 the annual year end evaluation shall be based on student growth and
5 assessment data. Beginning with the annual year end evaluation for
6 the 2015-2016 school year, at least 50% of the annual year end
7 evaluation shall be based on student growth and assessment data.
8 The student growth and assessment data to be used for the school
9 administrator annual year end evaluation are the aggregate student
10 growth and assessment data that are used in teacher annual year end
11 evaluations in each school in which the school administrator works
12 as an administrator or, for a central office level school
13 administrator, for the entire school district or intermediate
14 school district.~~

~~15 — (c) The portion of the annual year end evaluation that is not
16 based on student growth and assessment data shall be based on at
17 least the following for each school in which the school
18 administrator works as an administrator or, for a central office
19 level school administrator, for the entire school district or
20 intermediate school district.~~

~~21 — (i) If the school administrator conducts teacher performance
22 evaluations, the school administrator's training and proficiency in
23 using the evaluation tool for teachers described in subsection
24 (2)(d), including a random sampling of his or her teacher
25 performance evaluations to assess the quality of the school
26 administrator's input in the teacher performance evaluation system.
27 If the school administrator designates another person to conduct~~

1 ~~teacher performance evaluations, the evaluation of the school~~
2 ~~administrator on this factor shall be based on the designee's~~
3 ~~training and proficiency in using the evaluation tool for teachers~~
4 ~~described in subsection (2) (d), including a random sampling of the~~
5 ~~designee's teacher performance evaluations to assess the quality of~~
6 ~~the designee's input in the teacher performance evaluation system,~~
7 ~~with the designee's performance to be counted as if it were the~~
8 ~~school administrator personally conducting the teacher performance~~
9 ~~evaluations.~~

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

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

14 ~~—— (iv) Student, parent, and teacher feedback, and other~~
15 ~~information considered pertinent by the superintendent or other~~
16 ~~school administrator conducting the performance evaluation or the~~
17 ~~board or board of directors.~~

18 ~~—— (d) For the purposes of conducting performance evaluations~~
19 ~~under the performance evaluation system, the school district,~~
20 ~~intermediate school district, or public school academy shall adopt~~
21 ~~and implement the state evaluation tool for school administrators~~
22 ~~described in this subsection that is required under legislation~~
23 ~~enacted by the legislature under subsection (6) after review of the~~
24 ~~recommendations contained in the report of the governor's council~~
25 ~~on educator effectiveness submitted under subsection (5). However,~~
26 ~~if a school district, intermediate school district, or public~~
27 ~~school academy has a local evaluation tool for school~~

1 ~~administrators described in this subsection that is consistent with~~
2 ~~the state evaluation tool, the school district, intermediate school~~
3 ~~district, or public school academy may conduct performance~~
4 ~~evaluations for school administrators using that local evaluation~~
5 ~~tool.~~

6 ~~—— (e) The performance evaluation system shall assign an~~
7 ~~effectiveness rating to each school administrator described in this~~
8 ~~subsection of highly effective, effective, minimally effective, or~~
9 ~~ineffective, based on his or her score on the evaluation tool~~
10 ~~described in subdivision (d).~~

11 ~~—— (f) The performance evaluation system shall ensure that if a~~
12 ~~school administrator described in this subsection is rated as~~
13 ~~minimally effective or ineffective, the person or persons~~
14 ~~conducting the evaluation shall develop and require the school~~
15 ~~administrator to implement an improvement plan to correct the~~
16 ~~deficiencies. The improvement plan shall recommend professional~~
17 ~~development opportunities and other measures designed to improve~~
18 ~~the rating of the school administrator on his or her next annual~~
19 ~~year end evaluation.~~

20 ~~—— (g) The performance evaluation system shall provide that, if a~~
21 ~~school administrator described in this subsection is rated as~~
22 ~~ineffective on 3 consecutive annual year end evaluations, the~~
23 ~~school district, public school academy, or intermediate school~~
24 ~~district shall dismiss the school administrator from his or her~~
25 ~~employment. However, this subdivision applies only if the 3~~
26 ~~consecutive annual year end evaluations are conducted using the~~
27 ~~same evaluation tool and under the same performance evaluation~~

1 ~~system. This subdivision does not affect the ability of a school~~
2 ~~district, intermediate school district, or public school academy to~~
3 ~~dismiss an ineffective school administrator from his or her~~
4 ~~employment regardless of whether the school administrator is rated~~
5 ~~as ineffective on 3 consecutive annual year end evaluations.~~

6 ~~—— (h) The performance evaluation system shall provide that, if a~~
7 ~~school administrator is rated as highly effective on 3 consecutive~~
8 ~~annual year end evaluations, the school district, intermediate~~
9 ~~school district, or public school academy may choose to conduct a~~
10 ~~year end evaluation biennially instead of annually. However, if a~~
11 ~~school administrator is not rated as highly effective on 1 of these~~
12 ~~biennial year end evaluations, the school administrator shall again~~
13 ~~be provided with annual year end evaluations.~~

14 ~~—— (4) The governor's council on educator effectiveness is~~
15 ~~created as a temporary commission described in section 4 of article~~
16 ~~V of the state constitution of 1963. All of the following apply to~~
17 ~~the governor's council on educator effectiveness.~~

18 ~~—— (a) The governor's council on educator effectiveness shall~~
19 ~~consist of the following 5 voting members:~~

20 ~~—— (i) The governor shall appoint 3 members.~~

21 ~~—— (ii) The senate majority leader shall appoint 1 member.~~

22 ~~—— (iii) The speaker of the house of representatives shall appoint~~
23 ~~1 member.~~

24 ~~—— (b) In addition to the members appointed under subdivision~~
25 ~~(a), the superintendent of public instruction or his or her~~
26 ~~designee shall serve as a nonvoting member.~~

27 ~~—— (c) The members appointed under subdivision (a), and the~~

1 ~~designee of the superintendent of public instruction if he or she~~
2 ~~appoints a designee, shall have expertise in 1 or more of the~~
3 ~~following areas: psychometrics, measurement, performance based~~
4 ~~educator evaluation models, educator effectiveness, or development~~
5 ~~of educator evaluation frameworks in other states.~~

6 ~~—— (d) Not later than October 31, 2011, the governor's council on~~
7 ~~educator effectiveness shall contract with 1 or more additional~~
8 ~~experts in the areas described in subdivision (c) as the council~~
9 ~~considers necessary.~~

10 ~~—— (e) The governor shall appoint an advisory committee for the~~
11 ~~governor's council on educator effectiveness to provide input on~~
12 ~~the council's recommendations. The advisory committee shall consist~~
13 ~~of public school teachers, public school administrators, and~~
14 ~~parents of public school pupils.~~

15 ~~—— (f) The governor's office shall provide staffing and support~~
16 ~~for the governor's council on educator effectiveness.~~

17 ~~—— (5) Not later than April 30, 2012, the governor's council on~~
18 ~~educator effectiveness shall submit to the state board, the~~
19 ~~governor, and the legislature a report that identifies and~~
20 ~~recommends all of the following for the purposes of this section~~
21 ~~and that includes recommendations on evaluation processes and other~~
22 ~~matters related to the purposes of this section:~~

23 ~~—— (a) A student growth and assessment tool. The student growth~~
24 ~~and assessment tool shall meet all of the following:~~

25 ~~—— (i) Is a value added model that takes into account student~~
26 ~~achievement and assessment data, and is based on an assessment tool~~
27 ~~that has been determined to be reliable and valid for the purposes~~

1 ~~of measuring value added data.~~

2 ~~—— (ii) In addition to measuring student growth in the core~~
3 ~~subject areas of mathematics, science, English language arts, and~~
4 ~~social science, will measure student growth in other subject areas.~~

5 ~~—— (iii) Complies with all current state and federal law for~~
6 ~~students with a disability.~~

7 ~~—— (iv) Has at least a pre and post test.~~

8 ~~—— (v) Is able to be used for pupils of all achievement levels.~~

9 ~~—— (b) A state evaluation tool for teachers. All of the following~~
10 ~~apply to this recommendation:~~

11 ~~—— (i) In addition to the student growth and assessment tool, the~~
12 ~~recommended state evaluation tool for teachers may include, but is~~
13 ~~not limited to, instructional leadership abilities, teacher and~~
14 ~~pupil attendance, professional contributions, training, progress~~
15 ~~report achievement, school improvement plan progress, peer input,~~
16 ~~and pupil and parent feedback.~~

17 ~~—— (ii) The council shall ensure that the recommended state~~
18 ~~evaluation tool for teachers will allow all special education~~
19 ~~teachers to be rated.~~

20 ~~—— (iii) The council shall seek input from school districts,~~
21 ~~intermediate school districts, and public school academies that~~
22 ~~have already developed and implemented successful, effective~~
23 ~~performance evaluation systems.~~

24 ~~—— (c) A state evaluation tool for school administrators~~
25 ~~described in subsection (3). In addition to the student growth and~~
26 ~~assessment tool, the recommended state evaluation tool for these~~
27 ~~school administrators may include, but is not limited to, teacher~~

1 and pupil attendance, graduation rates, professional contributions,
2 training, progress report achievement, school improvement plan
3 progress, peer input, and pupil and parent feedback.

4 ~~—— (d) For the purposes of the recommended state evaluation tools~~
5 ~~for teachers and school administrators under subdivisions (b) and~~
6 ~~(c), recommended parameters for the effectiveness rating categories~~
7 ~~for teachers under subsection (2) (c) and for school administrators~~
8 ~~under subsection (3) (c).~~

9 ~~—— (e) Recommended changes to be made in the requirements for a~~
10 ~~professional education teaching certificate that will ensure that a~~
11 ~~teacher is not required to complete additional postsecondary credit~~
12 ~~hours beyond the credit hours required for a provisional teaching~~
13 ~~certificate.~~

14 ~~—— (f) A process for evaluating and approving local evaluation~~
15 ~~tools for teachers under subsection (2) (d) and school~~
16 ~~administrators under subsection (3) (d).~~

17 ~~—— (6) It is the intent of the legislature to review the report~~
18 ~~submitted by the governor's council on educator effectiveness under~~
19 ~~subsection (5) and to enact appropriate legislation to put into~~
20 ~~place a statewide performance evaluation system taking into~~
21 ~~consideration the recommendations contained in the report.~~

22 ~~—— (7) If all of the following apply for a public school operated~~
23 ~~by a school district, intermediate school district, or public~~
24 ~~school academy, then the school district, intermediate school~~
25 ~~district, or public school academy is not required to comply with~~
26 ~~subsection (2) or (3) for that public school.~~

27 ~~—— (a) As of the effective date of this subsection, the school~~

1 ~~district, intermediate school district, or public school academy~~
2 ~~has already implemented and is currently using a performance~~
3 ~~evaluation system for that public school that meets all of the~~
4 ~~following requirements:~~

5 ~~—— (i) Under the system, the most significant portion of a~~
6 ~~teacher's or school administrator's evaluation is based on student~~
7 ~~growth and assessment data, which may include value added measures.~~

8 ~~—— (ii) The system uses research based measures to determine~~
9 ~~student growth, which may be measured by standards based,~~
10 ~~nationally normed assessments.~~

11 ~~—— (iii) The system determines professional competence through~~
12 ~~multiple direct observations of classroom practices and~~
13 ~~professional practices throughout the school year.~~

14 ~~—— (iv) Under the system, teacher effectiveness and ratings, as~~
15 ~~measured by student achievement and growth data, are factored into~~
16 ~~teacher retention, promotion, and termination decisions.~~

17 ~~—— (v) Under the system, teacher and school administrator~~
18 ~~performance evaluation results are used to inform teacher~~
19 ~~professional development for the succeeding year.~~

20 ~~—— (vi) The system ensures that teachers and school administrators~~
21 ~~are evaluated at least annually.~~

22 ~~—— (b) The school district, intermediate school district, or~~
23 ~~public school academy notifies the governor's council on educator~~
24 ~~effectiveness by November 1, 2011 that it is exempt under this~~
25 ~~subsection from the requirements of subsections (2) and (3).~~

26 ~~—— (c) The school district, intermediate school district, or~~
27 ~~public school academy posts a description of its evaluation system~~

1 ~~on its website.~~

2 ~~—— (8) If, after the effective date of this subsection, a school~~
 3 ~~district, intermediate school district, or public school academy~~
 4 ~~begins operating a new public school, or implements a new~~
 5 ~~performance evaluation system for a public school it operates, and~~
 6 ~~all of the following apply, then the school district, intermediate~~
 7 ~~school district, or public school academy is not required to comply~~
 8 ~~with subsection (2) or (3) for that public school.~~

9 ~~—— (a) The performance evaluation system adopted and implemented~~
 10 ~~for that public school replicates and is identical to the~~
 11 ~~performance evaluation system of a public school that is exempt~~
 12 ~~under subsection (7).~~

13 ~~—— (b) The school district, intermediate school district, or~~
 14 ~~public school academy posts a description of the performance~~
 15 ~~evaluation system on its website.~~

16 (3) SUBJECT TO SUBSECTIONS (4) TO (6), FOR THE PURPOSES OF
 17 EVALUATING TEACHER PERFORMANCE AS PROVIDED IN SUBSECTION (2), A
 18 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
 19 ACADEMY SHALL USE 1 OR MORE OF THE FOLLOWING EVALUATION TOOLS:

20 (A) THE CHARLOTTE DANIELSON FRAMEWORK FOR TEACHING.

21 (B) THE R. MARZANO TEACHER EVALUATION MODEL.

22 (C) THE THOUGHTFUL CLASSROOM.

23 (D) 5 DIMENSIONS OF TEACHING AND LEARNING.

24 (4) THE DEPARTMENT MAY DESIGNATE 1 OR MORE OTHER EVALUATION
 25 TOOLS AS ACCEPTABLE FOR USE UNDER THIS SECTION IF THE EVALUATION
 26 TOOL MEETS THE REQUIREMENTS FOR LOCALLY DEVELOPED EVALUATION TOOLS
 27 AS PROVIDED IN SUBSECTION (6). IF THE DEPARTMENT DESIGNATES AN

1 EVALUATION TOOL AS ACCEPTABLE, A SCHOOL DISTRICT, INTERMEDIATE
2 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY USE THAT EVALUATION
3 TOOL FOR THE PURPOSES OF EVALUATING TEACHER PERFORMANCE AS PROVIDED
4 IN SUBSECTION (2). IF AT ANY POINT THE DEPARTMENT DETERMINES THAT 1
5 OF THE APPROVED EVALUATION TOOLS IDENTIFIED IN THIS SUBSECTION
6 FAILS TO MEET THE REQUIREMENTS FOR LOCALLY DEVELOPED EVALUATION
7 TOOLS AS PROVIDED IN SUBSECTION (6), THE DEPARTMENT MAY REVOKE THE
8 DESIGNATION OF THAT EVALUATION TOOL AS ACCEPTABLE FOR USE UNDER
9 THIS SECTION.

10 (5) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
11 SCHOOL ACADEMY MAY USE 1 OR MORE ADAPTATIONS OR MODIFICATIONS OF AN
12 EVALUATION TOOL THAT IS ACCEPTABLE FOR USE UNDER SUBSECTION (3) OR
13 (4) FOR THE PURPOSES OF EVALUATING TEACHER PERFORMANCE AS PROVIDED
14 IN SUBSECTION (2) IF THE ADAPTATIONS OR MODIFICATIONS MEET ALL OF
15 THE FOLLOWING AND THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
16 DISTRICT, OR PUBLIC SCHOOL ACADEMY PROVIDES ASSURANCE OF ALL OF THE
17 FOLLOWING ON ITS PUBLIC WEBSITE:

18 (A) THE ADAPTATIONS OR MODIFICATIONS DO NOT COMPROMISE THE
19 VALIDITY OF EITHER THE EVALUATION TOOL OR THE EVALUATION PROCESS.

20 (B) THE ADAPTATIONS OR MODIFICATIONS HAVE UNDERGONE REVIEW BY
21 A PERSON WITH EXPERTISE IN TEACHER EVALUATIONS AND THE POSTED
22 ASSURANCES INCLUDE THE IDENTITY AND QUALIFICATIONS OF THE PERSON
23 WHO CONDUCTED THE REVIEW.

24 (C) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
25 PUBLIC SCHOOL ACADEMY ENSURES THAT ALL EVALUATORS AND OBSERVERS
26 RECEIVE INITIAL AND FOLLOW-UP TRAINING FROM THE VENDOR OF THE
27 EVALUATION TOOL THAT IS BEING MODIFIED OR FROM A TRAINING PROVIDER

1 THAT HAS A CONTRACT WITH THE VENDOR TO PROVIDE TRAINING USING A
2 VENDOR-APPROVED TRAINING PROGRAM FOR THE EVALUATION TOOL THAT IS
3 BEING MODIFIED.

4 (6) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
5 SCHOOL ACADEMY MAY USE 1 OR MORE LOCALLY DEVELOPED EVALUATION TOOLS
6 FOR THE PURPOSES OF EVALUATING TEACHER PERFORMANCE AS PROVIDED IN
7 SUBSECTION (2) IF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
8 DISTRICT, OR PUBLIC SCHOOL ACADEMY PROVIDES ALL OF THE FOLLOWING
9 INFORMATION ABOUT THE LOCALLY DEVELOPED EVALUATION TOOL ON ITS
10 PUBLIC WEBSITE:

11 (A) THE RESEARCH BASE FOR THE EVALUATION FRAMEWORK,
12 INSTRUMENT, AND PROCESS.

13 (B) THE IDENTITY AND QUALIFICATIONS OF THE AUTHOR OR AUTHORS.

14 (C) EITHER EVIDENCE OF RELIABILITY, VALIDITY, AND EFFICACY OR
15 A PLAN FOR DEVELOPING THAT EVIDENCE.

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 ALL EVALUATORS AND
23 OBSERVERS WITH INITIAL AND FOLLOW-UP TRAINING AND THE IDENTITY AND
24 QUALIFICATIONS OF THE PROVIDERS OF THAT TRAINING.

25 (7) ~~(9)~~—If a collective bargaining agreement is in effect for
26 teachers or school administrators of a school district, public
27 school academy, or intermediate school district as of ~~the effective~~

House Bill No. 5223 (H-4) as amended May 14, 2014

1 ~~date of the 2011 amendatory act that amended this subsection, JULY~~
 2 ~~19, 2011,~~ and if that collective bargaining agreement prevents
 3 compliance with subsection (1), then subsection (1) does not apply
 4 to that school district, public school academy, or intermediate
 5 school district until after the expiration of that collective
 6 bargaining agreement.

7 ~~— (10) A school district, intermediate school district, or~~
 8 ~~public school academy shall continue to conduct the evaluations for~~
 9 ~~school principals that are currently required by the department~~
 10 ~~through the 2010-2011 school year. At the end of the 2010-2011~~
 11 ~~school year, a school district, intermediate school district, or~~
 12 ~~public school academy shall report the most recently completed or~~
 13 ~~determined "effectiveness label" from that evaluation for each~~
 14 ~~principal who is in place for 2010-2011, in a form and manner~~
 15 ~~prescribed by the department.~~

**[(8) NOT LATER THAN AUGUST 1, 2018, THE DEPARTMENT SHALL PREPARE
 AND SUBMIT TO THE LEGISLATURE A REPORT ON THE IMPACT OF THE PERFORMANCE
 EVALUATION SYSTEMS REQUIRED UNDER SUBSECTION (2) AND SECTION 1249B. THE
 REPORT SHALL CONTAIN AN ANALYSIS OF THE IMPACT OF THE IMPLEMENTATION OF
 THE SYSTEMS ON EACH OF THE FOLLOWING AND THE STATISTICAL INCREASE OR
 DECREASE, STATEWIDE AND BY SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,
 AND PUBLIC SCHOOL ACADEMY, FOR EACH OF THE FOLLOWING FOR EACH OF THE
 2015-2016, 2016-2017, AND 2017-2018 SCHOOL YEARS: THIRD GRADE READING
 PROFICIENCY, GRADUATION RATES, STUDENT GROWTH, COLLEGE ENTRANCE
 EXAMINATION SCORES, AND SCORES ON THE MICHIGAN MERIT EXAMINATION UNDER
 SECTION 1279G.**

[(9)] AS USED IN THIS SECTION:

**(A) "CORE ACADEMIC SUBJECT" MEANS 1 OF THE CORE ACADEMIC
 18 SUBJECTS AS DEFINED IN 20 USC 7801.**

**[(B) "TEACHER", FOR THE PURPOSES OF THIS SECTION ONLY, MEANS AN
 20 INDIVIDUAL HOLDING A VALID MICHIGAN TEACHING CERTIFICATE, ENDORSEMENT,
 21 OR AUTHORIZATION TO TEACH IN THE PUBLIC SCHOOLS OF THIS STATE, OR WHO IS
 22 OTHERWISE AUTHORIZED BY THE DEPARTMENT TO TEACH IN THE PUBLIC SCHOOLS OF
 23 THIS STATE, AND WHO IS ASSIGNED BY A PUBLIC SCHOOL TO DELIVER DIRECT
 24 INSTRUCTION TO PUPILS IN ANY OF GRADES K TO 12.**

**] Sec. 1249a. (1) BEGINNING WITH THE 2016-2017 SCHOOL YEAR,
 27 SUBJECT TO SUBSECTION (2), A SCHOOL DISTRICT, INTERMEDIATE SCHOOL**

1 DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL NOT ASSIGN A PUPIL TO BE
2 TAUGHT IN THE SAME SUBJECT AREA FOR 2 CONSECUTIVE YEARS BY A
3 TEACHER WHO HAS BEEN RATED AS INEFFECTIVE ON HIS OR HER 2 MOST
4 RECENT ANNUAL YEAR-END EVALUATIONS UNDER SECTION 1249.

5 (2) Beginning ~~in 2015-2016,~~ WITH THE 2016-2017 SCHOOL YEAR, if
6 a pupil is assigned to be taught by a teacher who has been rated as
7 ineffective on his or her 2 most recent annual year end evaluations
8 under section 1249, SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,
9 OR PUBLIC SCHOOL ACADEMY IS UNABLE TO COMPLY WITH SUBSECTION (1)
10 AND PLANS TO ASSIGN A PUPIL TO BE TAUGHT IN THE SAME SUBJECT AREA
11 FOR 2 CONSECUTIVE YEARS BY A TEACHER WHO HAS BEEN RATED AS
12 INEFFECTIVE ON HIS OR HER 2 MOST RECENT ANNUAL YEAR-END EVALUATIONS
13 UNDER SECTION 1249, the board of the school district or
14 intermediate school district or board of directors of the public
15 school academy in which the pupil is enrolled shall notify the
16 pupil's parent or legal guardian that the BOARD OR BOARD OF
17 DIRECTORS IS UNABLE TO COMPLY WITH SUBSECTION (1) AND THAT THE
18 pupil has been assigned to BE TAUGHT IN THE SAME SUBJECT AREA FOR A
19 SECOND CONSECUTIVE YEAR BY a teacher who has been rated as
20 ineffective on his or her 2 most recent annual year-end
21 evaluations. The notification shall be in writing, shall be
22 delivered to the parent or legal guardian not later than July 15
23 immediately preceding the beginning of the school year for which
24 the pupil is assigned to the teacher, and shall ~~identify the~~
25 ~~teacher who is the subject of the notification.~~ INCLUDE AN
26 EXPLANATION OF WHY THE BOARD OR BOARD OF DIRECTORS IS UNABLE TO
27 COMPLY WITH SUBSECTION (1).

1 SEC. 1531J. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR
2 A RULE TO THE CONTRARY, BEGINNING JULY 1, 2015, THE SUPERINTENDENT
3 OF PUBLIC INSTRUCTION SHALL NOT ISSUE AN INITIAL PROFESSIONAL
4 TEACHING CERTIFICATE TO AN INDIVIDUAL UNLESS THE INDIVIDUAL MEETS 1
5 OF THE FOLLOWING:

6 (A) THE INDIVIDUAL WAS RATED AS EITHER EFFECTIVE OR HIGHLY
7 EFFECTIVE ON HIS OR HER ANNUAL YEAR-END PERFORMANCE EVALUATION
8 UNDER SECTION 1249 FOR THE 3 CONSECUTIVE SCHOOL YEARS IMMEDIATELY
9 PRECEDING HIS OR HER APPLICATION FOR THE PROFESSIONAL TEACHING
10 CERTIFICATE.

11 (B) THE INDIVIDUAL WAS RATED AS EITHER EFFECTIVE OR HIGHLY
12 EFFECTIVE ON HIS OR HER ANNUAL YEAR-END PERFORMANCE EVALUATION
13 UNDER SECTION 1249 FOR AT LEAST 3 NONCONSECUTIVE SCHOOL YEARS
14 BEFORE HIS OR HER APPLICATION FOR THE PROFESSIONAL TEACHING
15 CERTIFICATE AND SUBMITS A RECOMMENDATION FROM THE CHIEF SCHOOL
16 ADMINISTRATOR OF THE SCHOOL AT WHICH HE OR SHE IS CURRENTLY
17 EMPLOYED THAT HE OR SHE BE ISSUED A PROFESSIONAL TEACHING
18 CERTIFICATE.

19 Enacting section 1. This amendatory act does not take effect
20 unless House Bill No. 5224 of the 97th Legislature is enacted into
21 law.