

HOUSE BILL No. 5223

January 15, 2014, Introduced by Reps. O'Brien, Zemke, Lyons and Rogers and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1249 (MCL 380.1249), as amended 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), 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:

8 (a) Evaluates the teacher's or school administrator's job
9 performance at least annually while providing timely and

1 constructive feedback.

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

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

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

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

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

27 (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 **(E) FOR THE EVALUATION SYSTEM FOR SCHOOL ADMINISTRATORS, MEETS**
8 **THE REQUIREMENTS OF SECTION 1249B.**

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 **A** student growth
20 and assessment data. ~~For the annual year-end evaluation for the~~
21 ~~2014-2015 school year, at least 40% of the annual year-end~~
22 ~~evaluation shall be based on student growth and assessment data.~~
23 **COMPONENT.** Beginning with the annual year-end evaluation for the
24 ~~2015-2016~~**2017-2018** school year, at least 50% of the annual year-
25 end evaluation shall be based on **A** student growth and assessment
26 data. ~~All~~**COMPONENT. THE** student growth and assessment data
27 **COMPONENT** shall be measured using the student growth assessment

1 ~~tool that is required under legislation enacted by the legislature~~
2 ~~under subsection (6) after review of the recommendations contained~~
3 ~~in the report of the governor's council on educator effectiveness~~
4 ~~submitted under subsection (5).~~ **BASED ON THE FACTORS PROVIDED UNDER**
5 **SUBSECTION (4). THE PORTION OF A TEACHER'S ANNUAL YEAR-END**
6 **EVALUATION THAT IS NOT BASED ON A STUDENT GROWTH AND ASSESSMENT**
7 **COMPONENT SHALL BE BASED ON A PRACTICE COMPONENT AS PROVIDED UNDER**
8 **SUBSECTION (5).**

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

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

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

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

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

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~~

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 (C) ~~(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
13 observations of the teacher each school year.

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

27 (D) ~~(e)~~ The performance evaluation system shall assign an

1 effectiveness rating to each teacher of highly effective,
2 effective, minimally effective, or ineffective, based on his or her
3 score on the annual year-end evaluation described in this
4 subsection.

5 (E) ~~(f)~~—As part of the performance evaluation system, and in
6 addition to the requirements of section 1526, a school district,
7 intermediate school district, or public school academy ~~is~~
8 ~~encouraged to~~ **SHALL** assign a mentor or coach to each teacher who is
9 described in subdivision (b).

10 (F) ~~(g)~~—The performance evaluation system may allow for
11 exemption of student growth data for a particular pupil for a
12 school year upon the recommendation of the school administrator
13 conducting the annual year-end evaluation or his or her designee
14 and approval of the school district superintendent or his or her
15 designee, intermediate superintendent or his or her designee, or
16 chief administrator of the public school academy, as applicable.

17 (G) ~~(h)~~—The performance evaluation system shall provide that,
18 if a teacher is rated as ineffective on 3 consecutive annual year-
19 end evaluations, the school district, public school academy, or
20 intermediate school district shall dismiss the teacher from his or
21 her employment. **HOWEVER, THIS SUBDIVISION APPLIES ONLY IF THE 3**
22 **CONSECUTIVE ANNUAL YEAR-END EVALUATIONS ARE CONDUCTED USING THE**
23 **SAME EVALUATION FRAMEWORK AND UNDER THE SAME PERFORMANCE EVALUATION**
24 **SYSTEM.** This subdivision does not affect the ability of a school
25 district, intermediate school district, or public school academy to
26 dismiss an ineffective teacher from his or her employment
27 regardless of whether the teacher is rated as ineffective on 3

1 consecutive annual year-end evaluations.

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

10 (I) ~~(j)~~—The performance evaluation system shall provide that,
11 if a teacher who is not in a probationary period prescribed by
12 section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated
13 as ineffective on an annual year-end evaluation, the teacher may
14 request a review of the evaluation and the rating by the school
15 district superintendent, intermediate superintendent, or chief
16 administrator of the public school academy, as applicable. The
17 request for a review must be submitted in writing within 20 days
18 after the teacher is informed of the rating. Upon receipt of the
19 request, the school district superintendent, intermediate
20 superintendent, or chief administrator of the public school
21 academy, as applicable, shall review the evaluation and rating and
22 may make any modifications as appropriate based on his or her
23 review. However, the performance evaluation system shall not allow
24 for a review as described in this subdivision more than twice in a
25 3-school-year period.

26 ~~——(3) Beginning with the 2013-2014 school year, the board of a~~
27 ~~school district or intermediate school district or board of~~

~~1 directors of a public school academy shall ensure that the
2 performance evaluation system for building level school
3 administrators and for central office level school administrators
4 who are regularly involved in instructional matters meets all of
5 the following:~~

~~6 — (a) The performance evaluation system shall include at least
7 an annual year end evaluation for all school administrators
8 described in this subsection by the school district superintendent
9 or his or her designee, intermediate superintendent or his or her
10 designee, or chief administrator of the public school academy, as
11 applicable, except that a superintendent or chief administrator
12 shall be evaluated by the board or board of directors.~~

~~13 — (b) For the annual year end evaluation for the 2013-2014
14 school year, at least 25% of the annual year end evaluation shall
15 be based on student growth and assessment data. For the annual
16 year end evaluation for the 2014-2015 school year, at least 40% of
17 the annual year end evaluation shall be based on student growth and
18 assessment data. Beginning with the annual year end evaluation for
19 the 2015-2016 school year, at least 50% of the annual year end
20 evaluation shall be based on student growth and assessment data.
21 The student growth and assessment data to be used for the school
22 administrator annual year end evaluation are the aggregate student
23 growth and assessment data that are used in teacher annual year end
24 evaluations in each school in which the school administrator works
25 as an administrator or, for a central office level school
26 administrator, for the entire school district or intermediate
27 school district.~~

1 ~~—— (c) The portion of the annual year-end evaluation that is not~~
2 ~~based on student growth and assessment data shall be based on at~~
3 ~~least the following for each school in which the school~~
4 ~~administrator works as an administrator or, for a central office~~
5 ~~level school administrator, for the entire school district or~~
6 ~~intermediate school district.~~

7 ~~—— (i) If the school administrator conducts teacher performance~~
8 ~~evaluations, the school administrator's training and proficiency in~~
9 ~~using the evaluation tool for teachers described in subsection~~
10 ~~(2) (d), including a random sampling of his or her teacher~~
11 ~~performance evaluations to assess the quality of the school~~
12 ~~administrator's input in the teacher performance evaluation system.~~
13 ~~If the school administrator designates another person to conduct~~
14 ~~teacher performance evaluations, the evaluation of the school~~
15 ~~administrator on this factor shall be based on the designee's~~
16 ~~training and proficiency in using the evaluation tool for teachers~~
17 ~~described in subsection (2) (d), including a random sampling of the~~
18 ~~designee's teacher performance evaluations to assess the quality of~~
19 ~~the designee's input in the teacher performance evaluation system,~~
20 ~~with the designee's performance to be counted as if it were the~~
21 ~~school administrator personally conducting the teacher performance~~
22 ~~evaluations.~~

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

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

27 ~~—— (iv) Student, parent, and teacher feedback, and other~~

1 ~~information considered pertinent by the superintendent or other~~
2 ~~school administrator conducting the performance evaluation or the~~
3 ~~board or board of directors.~~

4 ~~—— (d) For the purposes of conducting performance evaluations~~
5 ~~under the performance evaluation system, the school district,~~
6 ~~intermediate school district, or public school academy shall adopt~~
7 ~~and implement the state evaluation tool for school administrators~~
8 ~~described in this subsection that is required under legislation~~
9 ~~enacted by the legislature under subsection (6) after review of the~~
10 ~~recommendations contained in the report of the governor's council~~
11 ~~on educator effectiveness submitted under subsection (5). However,~~
12 ~~if a school district, intermediate school district, or public~~
13 ~~school academy has a local evaluation tool for school~~
14 ~~administrators described in this subsection that is consistent with~~
15 ~~the state evaluation tool, the school district, intermediate school~~
16 ~~district, or public school academy may conduct performance~~
17 ~~evaluations for school administrators using that local evaluation~~
18 ~~tool.~~

19 ~~—— (e) The performance evaluation system shall assign an~~
20 ~~effectiveness rating to each school administrator described in this~~
21 ~~subsection of highly effective, effective, minimally effective, or~~
22 ~~ineffective, based on his or her score on the evaluation tool~~
23 ~~described in subdivision (d).~~

24 ~~—— (f) The performance evaluation system shall ensure that if a~~
25 ~~school administrator described in this subsection is rated as~~
26 ~~minimally effective or ineffective, the person or persons~~
27 ~~conducting the evaluation shall develop and require the school~~

1 ~~administrator to implement an improvement plan to correct the~~
2 ~~deficiencies. The improvement plan shall recommend professional~~
3 ~~development opportunities and other measures designed to improve~~
4 ~~the rating of the school administrator on his or her next annual~~
5 ~~year end evaluation.~~

6 ~~—— (g) The performance evaluation system shall provide that, if a~~
7 ~~school administrator described in this subsection is rated as~~
8 ~~ineffective on 3 consecutive annual year end evaluations, the~~
9 ~~school district, public school academy, or intermediate school~~
10 ~~district shall dismiss the school administrator from his or her~~
11 ~~employment. However, this subdivision applies only if the 3~~
12 ~~consecutive annual year end evaluations are conducted using the~~
13 ~~same evaluation tool and under the same performance evaluation~~
14 ~~system. This subdivision does not affect the ability of a school~~
15 ~~district, intermediate school district, or public school academy to~~
16 ~~dismiss an ineffective school administrator from his or her~~
17 ~~employment regardless of whether the school administrator is rated~~
18 ~~as ineffective on 3 consecutive annual year end evaluations.~~

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

27 (3) ~~(4)~~—The governor's council on **MICHIGAN COUNCIL FOR**

1 educator effectiveness is created as a ~~temporary commission~~
 2 ~~described in section 4 of article V of the state constitution of~~
 3 ~~1963.~~ **IN THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET.** All
 4 of the following apply to the ~~governor's council on MICHIGAN~~
 5 **COUNCIL FOR** educator effectiveness:

6 (a) The ~~governor's council on MICHIGAN COUNCIL FOR~~ educator
 7 effectiveness shall consist of the following 5 voting members:

8 (i) The governor shall appoint 3 members.

9 (ii) The senate majority leader shall appoint 1 member.

10 (iii) The speaker of the house of representatives shall appoint
 11 1 member.

12 (b) In addition to the members appointed under subdivision
 13 (a), the superintendent of public instruction or his or her
 14 designee shall serve as a nonvoting member.

15 (c) The members appointed under subdivision (a), and the
 16 designee of the superintendent of public instruction if he or she
 17 appoints a designee, shall have expertise in 1 or more of the
 18 following areas: psychometrics, measurement, performance-based
 19 educator evaluation models, educator effectiveness, or development
 20 of educator evaluation frameworks in other states.

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

25 (D) ~~(e)~~ The governor shall appoint an advisory committee for
 26 the ~~governor's council on MICHIGAN COUNCIL FOR~~ educator
 27 effectiveness to provide input on the council's recommendations.

1 The advisory committee shall consist of public school teachers,
2 public school administrators, and parents of public school pupils.

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

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

11 (E) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL
12 DISSOLVE THE MICHIGAN COUNCIL FOR TEACHER EFFECTIVENESS AND THE
13 ADVISORY COMMITTEE AFTER THE PERFORMANCE EVALUATION SYSTEM UNDER
14 THIS SECTION HAS BEEN FULLY IMPLEMENTED.

15 (4) THE STUDENT GROWTH AND ASSESSMENT COMPONENT OF A TEACHER'S
16 EVALUATION SHALL CONSIST OF THE STATE STUDENT GROWTH AND ASSESSMENT
17 MEASUREMENT STANDARDS AND A LOCAL STUDENT GROWTH ASSESSMENT AND MAY
18 ALSO INCLUDE SCHOOL-LEVEL MODELING. ALL OF THE FOLLOWING APPLY TO
19 THE STUDENT GROWTH AND ASSESSMENT COMPONENT:

20 (a) ~~A~~ FOR TEACHERS IN CORE CONTENT AREAS IN GRADES AND
21 SUBJECTS FOR WHICH THERE ARE GROWTH DATA AVAILABLE FROM STATE-
22 MANDATED ASSESSMENTS, AT LEAST 40% OF THE TEACHER'S STUDENT GROWTH
23 AND ASSESSMENT COMPONENT SHALL BE BASED ON STATE-PROVIDED GROWTH
24 DATA. FOR TEACHERS IN OTHER SUBJECT AREAS AND FOR A SPECIAL
25 EDUCATION TEACHER WITH A CASELOAD THAT CONSISTS OF AT LEAST 50% OF
26 STUDENTS WITH A DISABILITY WHO ARE TAKING AN ALTERNATE ASSESSMENT
27 OR ARE LIKELY TO TAKE AN ALTERNATE ASSESSMENT, A SCHOOL DISTRICT,

1 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY USE
2 STATE-PROVIDED GROWTH DATA FOR THIS 40% OF THE TEACHER'S STUDENT
3 GROWTH AND ASSESSMENT COMPONENT OR MAY USE A LOCAL STUDENT GROWTH
4 ASSESSMENT AS DESCRIBED IN SUBDIVISION (B) FOR ALL OF THE TEACHER'S
5 STUDENT GROWTH AND ASSESSMENT COMPONENT, SUBJECT TO SUBDIVISION
6 (C). FOR THE PURPOSES OF THIS SUBDIVISION, NOT LATER THAN MARCH 1,
7 2014, THE DEPARTMENT SHALL DEVELOP STATE student growth and
8 assessment ~~tool~~-MEASUREMENT STANDARDS. The STATE student growth
9 and assessment ~~tool~~-MEASUREMENT STANDARDS shall meet all of the
10 following:

11 (i) ~~Is a value added model that takes~~ TAKE into account student
12 achievement and assessment data, and ~~is~~ BE based on an ~~assessment~~
13 ~~tool that has~~ STATE-MANDATED ASSESSMENTS THAT ARE ALIGNED TO STATE-
14 ADOPTED CONTENT STANDARDS AND HAVE been determined to be reliable
15 and valid for the purposes of measuring value-added data. THE
16 STATE-MANDATED ASSESSMENT SHALL MEET ALL OF THE FOLLOWING:

17 (A) BE PEDAGOGICALLY APPROPRIATE.

18 (B) BE DEVELOPED OR SELECTED IN CONSULTATION WITH TEACHERS AND
19 SCHOOL ADMINISTRATORS.

20 (C) AS APPROPRIATE FOR THE GRADE LEVEL, ASSESS CAREER AND
21 COLLEGE READINESS.

22 (D) PROVIDE A PAPER AND PENCIL OPTION AND A COMPUTER OPTION.

23 (E) MEASURE PROFICIENCY.

24 (F) PROVIDE GROWTH DATA ON A COMMON SCALE THAT REMAINS THE
25 SAME FROM YEAR TO YEAR IN ORDER TO ALLOW ACCURATE YEAR-TO-YEAR
26 COMPARISON.

27 (G) PROVIDE AN ITEM-LEVEL RESPONSE SUMMARY.

1 (H) AS APPROPRIATE FOR THE GRADE LEVEL, BE ALIGNED TO COLLEGE
2 ENTRANCE EXAMINATIONS OR BE A COLLEGE ENTRANCE EXAMINATION.

3 (I) PROVIDE A TIMELY REPORT TO PUPILS, PARENTS AND GUARDIANS,
4 SCHOOL OFFICIALS, AND TEACHERS THAT INCLUDES USEFUL INFORMATION FOR
5 IDENTIFYING INTERVENTION POINTS TO PROMOTE STUDENT SUCCESS. THIS
6 REPORT SHALL BE PROVIDED NOT MORE THAN 30 DAYS AFTER THE ASSESSMENT
7 IS ADMINISTERED.

8 (ii) PROVIDE STUDENT GROWTH DATA FOR EDUCATORS ON THE STATE-
9 MANDATED ASSESSMENTS.

10 (iii) ~~(ii)~~—In addition to measuring student growth in the core
11 subject areas of mathematics, science, English language arts, and
12 social science, will measure student growth in other subject areas
13 FOR WHICH STATE-ADOPTED CONTENT STANDARDS EXIST.

14 (iv) ~~(iii) Complies~~ **COMPLY** with all current state and federal law
15 for students with a disability.

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

17 (v) **BE ABLE TO PROVIDE INTERIM ASSESSMENTS.**

18 (vi) ~~(v) Is~~ **BE** able to be used for pupils of all achievement
19 levels.

20 ~~(b) A state evaluation tool for teachers. All of the following
21 apply to this recommendation.~~

22 ~~(i) In addition to the student growth and assessment tool, the
23 recommended state evaluation tool for teachers may include, but is
24 not limited to, instructional leadership abilities, teacher and
25 pupil attendance, professional contributions, training, progress
26 report achievement, school improvement plan progress, peer input,
27 and pupil and parent feedback.~~

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

4 ~~—— (iii) The council shall seek input from school districts,~~
5 ~~intermediate school districts, and public school academies that~~
6 ~~have already developed and implemented successful, effective~~
7 ~~performance evaluation systems.~~

8 ~~—— (c) A state evaluation tool for school administrators~~
9 ~~described in subsection (3). In addition to the student growth and~~
10 ~~assessment tool, the recommended state evaluation tool for these~~
11 ~~school administrators may include, but is not limited to, teacher~~
12 ~~and pupil attendance, graduation rates, professional contributions,~~
13 ~~training, progress report achievement, school improvement plan~~
14 ~~progress, peer input, and pupil and parent feedback.~~

15 ~~—— (d) For the purposes of the recommended state evaluation tools~~
16 ~~for teachers and school administrators under subdivisions (b) and~~
17 ~~(c), recommended parameters for the effectiveness rating categories~~
18 ~~for teachers under subsection (2) (c) and for school administrators~~
19 ~~under subsection (3) (c).~~

20 ~~—— (e) Recommended changes to be made in the requirements for a~~
21 ~~professional education teaching certificate that will ensure that a~~
22 ~~teacher is not required to complete additional postsecondary credit~~
23 ~~hours beyond the credit hours required for a provisional teaching~~
24 ~~certificate.~~

25 ~~—— (f) A process for evaluating and approving local evaluation~~
26 ~~tools for teachers under subsection (2) (d) and school~~
27 ~~administrators under subsection (3) (d).~~

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

6 ~~—— (7) If all of the following apply for a public school operated~~
7 ~~by a school district, intermediate school district, or public~~
8 ~~school academy, then the school district, intermediate school~~
9 ~~district, or public school academy is not required to comply with~~
10 ~~subsection (2) or (3) for that public school:~~

11 ~~—— (a) As of the effective date of this subsection, the school~~
12 ~~district, intermediate school district, or public school academy~~
13 ~~has already implemented and is currently using a performance~~
14 ~~evaluation system for that public school that meets all of the~~
15 ~~following requirements:~~

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

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

22 ~~—— (iii) The system determines professional competence through~~
23 ~~multiple direct observations of classroom practices and~~
24 ~~professional practices throughout the school year.~~

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

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

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

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

10 ~~—— (c) The school district, intermediate school district, or~~
11 ~~public school academy posts a description of its evaluation system~~
12 ~~on its website.~~

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

20 ~~—— (a) The performance evaluation system adopted and implemented~~
21 ~~for that public school replicates and is identical to the~~
22 ~~performance evaluation system of a public school that is exempt~~
23 ~~under subsection (7).~~

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

27 **(B) SUBJECT TO SUBDIVISION (C), THE PORTION OF A TEACHER'S**

1 STUDENT GROWTH AND ASSESSMENT COMPONENT THAT IS NOT BASED ON STATE-
2 PROVIDED DATA AS DESCRIBED IN SUBDIVISION (A) SHALL BE BASED ON 1
3 OR MORE LOCAL STUDENT GROWTH ASSESSMENTS WHICH MAY INCLUDE STUDENT
4 LEARNING OBJECTIVES. THESE LOCAL STUDENT GROWTH ASSESSMENTS MAY BE
5 EITHER LOCALLY DEVELOPED OR CREATED BY A VENDOR. THE ASSESSMENTS
6 SHALL BE USED CONSISTENTLY AMONG THE SCHOOLS OPERATED BY A SCHOOL
7 DISTRICT OR PUBLIC SCHOOL ACADEMY SO THAT ALL SIMILARLY SITUATED
8 TEACHERS ARE EVALUATED USING THE SAME ASSESSMENT OR ASSESSMENTS.

9 (C) SCHOOL-LEVEL GROWTH GOALS MAY BE USED FOR AN INDIVIDUAL
10 TEACHER'S EVALUATION IF THERE IS A REASONABLE CONNECTION OF THE
11 CORE CONTENT TO THE TEACHER'S ACTUAL TEACHING ASSIGNMENT. HOWEVER,
12 SCHOOL-LEVEL GROWTH GOALS MAY NOT COMPOSE MORE THAN 10% OF THE
13 INDIVIDUAL TEACHER'S STUDENT GROWTH AND ASSESSMENT COMPONENT.

14 (D) THE FACTORS DESCRIBED IN SUBDIVISIONS (A), (B), AND (C)
15 SHALL MAKE UP 100% OF THE STUDENT GROWTH AND ASSESSMENT COMPONENT.
16 BEFORE THE BEGINNING OF THE 2014-2015 SCHOOL YEAR, THE BOARD OF A
17 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF
18 DIRECTORS OF A PUBLIC SCHOOL ACADEMY, BY RESOLUTION, SHALL
19 ESTABLISH THE PERCENTAGES OF THAT 100% THAT ARE ASSIGNED TO EACH OF
20 THE FACTORS UNDER SUBDIVISIONS (A), (B), AND (C) FOR THE ANNUAL
21 YEAR-END EVALUATIONS FOR TEACHERS FOR 2014-2015. AFTER 2014-2015,
22 THE BOARD OR BOARD OF DIRECTORS SHALL NOT CHANGE THOSE PERCENTAGES
23 OF THAT 100% THAT WILL BE ASSIGNED TO EACH OF THE FACTORS UNDER
24 SUBDIVISIONS (A), (B), AND (C) FOR EVALUATIONS FOR A SCHOOL YEAR
25 UNLESS THE BOARD OR BOARD OF DIRECTORS, BY RESOLUTION, MAKES THAT
26 CHANGE BEFORE THE BEGINNING OF THAT SCHOOL YEAR. IF A BOARD OR
27 BOARD OF DIRECTORS DOES NOT ADOPT SUCH A RESOLUTION BEFORE THE

1 BEGINNING OF A SCHOOL YEAR, THOSE PERCENTAGES SHALL REMAIN THE SAME
2 AS FOR THE PREVIOUS SCHOOL YEAR.

3 (5) THE PRACTICE COMPONENT OF A TEACHER'S ANNUAL YEAR-END
4 EVALUATION SHALL CONSIST OF CLASSROOM OBSERVATIONS AND OTHER
5 FACTORS ALLOWED UNDER THIS SUBSECTION. ALL OF THE FOLLOWING APPLY
6 TO THE PRACTICE COMPONENT OF A TEACHER'S EVALUATION:

7 (A) AT LEAST 80% OF THE PRACTICE COMPONENT SHALL BE BASED ON
8 CLASSROOM OBSERVATIONS. ALL OF THE FOLLOWING APPLY TO THESE
9 CLASSROOM OBSERVATIONS:

10 (i) THE DEPARTMENT SHALL MAINTAIN A LIST OF OBSERVATION TOOLS
11 THAT MEET THE REQUIREMENTS OF SUBSECTION (6), AND A SCHOOL
12 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
13 MAY USE AN OBSERVATION TOOL THAT IS ON THAT LIST, OR MAY USE AN
14 ADAPTATION OF 1 OF THOSE OBSERVATION TOOLS IF THE ADAPTATION IS
15 IMPLEMENTED WITH FIDELITY TO INTENT AND INSTRUMENT AND MEETS THE
16 REQUIREMENTS OF SUBSECTION (6). A VENDOR MAY APPLY TO THE
17 DEPARTMENT TO HAVE AN OBSERVATION TOOL INCLUDED ON THE LIST AND, IF
18 THE DEPARTMENT DETERMINES THAT THE OBSERVATION TOOL MEETS THE
19 REQUIREMENTS OF SUBSECTION (6), THE DEPARTMENT MAY INCLUDE THE
20 OBSERVATION TOOL ON THE LIST. THE DEPARTMENT SHALL PERIODICALLY
21 REVIEW EACH OBSERVATION TOOL ON THE LIST TO EVALUATE WHETHER THE
22 OBSERVATION TOOL CONTINUES TO MEET THE REQUIREMENTS OF SUBSECTION
23 (6) AND, IF THE DEPARTMENT DETERMINES THAT THE OBSERVATION TOOL
24 DOES NOT MEET THOSE REQUIREMENTS, SHALL REMOVE THAT OBSERVATION
25 TOOL FROM THE LIST. THE DEPARTMENT SHALL INCLUDE ON THE INITIAL
26 LIST ALL OF THE FOLLOWING PILOTED OBSERVATION TOOLS RECOMMENDED IN
27 THE JULY 2013 FINAL RECOMMENDATIONS OF THE MICHIGAN COUNCIL FOR

1 EDUCATOR EFFECTIVENESS:

2 (A) CHARLOTTE DANIELSON'S FRAMEWORK FOR TEACHING.

3 (B) MARZANO TEACHER EVALUATION MODEL.

4 (C) THE THOUGHTFUL CLASSROOM.

5 (D) 5 DIMENSIONS OF TEACHING AND LEARNING.

6 (ii) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
7 SCHOOL ACADEMY MAY IMPLEMENT AND USE A LOCALLY DEVELOPED OR ADOPTED
8 OBSERVATION TOOL FOR PROFESSIONAL PRACTICE THAT MEETS ALL OF THE
9 REQUIREMENTS UNDER SUBSECTION (6).

10 (iii) A CLASSROOM OBSERVATION SHALL INCLUDE A REVIEW OF THE
11 TEACHER'S LESSON PLAN AND THE STATE CURRICULUM STANDARD BEING USED
12 IN THE LESSON AND A REVIEW OF PUPIL ENGAGEMENT IN THE LESSON.

13 (iv) A CLASSROOM OBSERVATION DOES NOT HAVE TO BE FOR AN ENTIRE
14 CLASS PERIOD.

15 (v) THERE SHALL BE AT LEAST 2 CLASSROOM OBSERVATIONS OF THE
16 TEACHER EACH SCHOOL YEAR. AT LEAST 1 OBSERVATION MUST BE
17 UNSCHEDULED.

18 (vi) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
19 PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE INDIVIDUAL ACTING AS AN
20 OBSERVER HAS BEEN TRAINED BY THE VENDOR IN THE OBSERVATION PROTOCOL
21 FOR THE OBSERVATION TOOL THAT IS USED BY THE SCHOOL DISTRICT,
22 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY AND HAS ALSO
23 BEEN TRAINED IN COACHING, PROVIDING FEEDBACK, AND RATER
24 RELIABILITY. THE INDIVIDUAL SHOULD RECEIVE RETRAINING IN COACHING,
25 PROVIDING FEEDBACK, AND RATER RELIABILITY AT LEAST EVERY 3 YEARS.
26 THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
27 ACADEMY SHALL ALSO PROVIDE INFORMATION TO TEACHERS ON THE

1 OBSERVATION TOOL AND HOW IT IS USED.

2 (vii) 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 OBSERVATION PROTOCOL. THIS OTHER
6 OBSERVER MAY BE A TEACHER LEADER. IF INDIVIDUALS OTHER THAN THE
7 SCHOOL ADMINISTRATOR RESPONSIBLE FOR THE TEACHER'S PERFORMANCE
8 EVALUATION CONDUCT 1 OR MORE OBSERVATIONS, THE SCHOOL ADMINISTRATOR
9 RESPONSIBLE FOR THE TEACHER'S PERFORMANCE EVALUATION SHALL USE THE
10 RESULTS OF THOSE OBSERVATIONS IN MAKING AN OVERALL APPRAISAL OF THE
11 TEACHER'S PRACTICE.

12 (viii) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
13 PUBLIC SCHOOL ACADEMY SHALL PROVIDE COPIES OF ALL TEACHER
14 OBSERVATION DATA COLLECTED WITH THE OBSERVATION TOOL TO THE
15 DEPARTMENT FOR RESEARCH PURPOSES TO SUPPORT CONTINUOUS IMPROVEMENT
16 OF THE EDUCATOR EVALUATION SYSTEM.

17 (ix) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
18 PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT, WITHIN 30 DAYS AFTER EACH
19 OBSERVATION, THE TEACHER IS PROVIDED WITH FEEDBACK FROM THE
20 OBSERVATION.

21 (B) NOT MORE THAN 20% OF THE PRACTICE COMPONENT SHALL BE BASED
22 ON LOCALLY ADOPTED FACTORS THAT ARE INDICATIVE OF A TEACHER'S
23 PRACTICE. THESE MAY INCLUDE, BUT ARE NOT LIMITED TO, 1 OR MORE OF
24 THE FOLLOWING: INSTRUCTIONAL LEADERSHIP ABILITIES, TEACHER AND
25 PUPIL ATTENDANCE, PROFESSIONAL CONTRIBUTIONS, TRAINING, PROGRESS
26 REPORT ACHIEVEMENT, SCHOOL IMPROVEMENT PLAN PROGRESS, PEER INPUT,
27 AND PUPIL AND PARENT FEEDBACK.

1 (6) FOR AN OBSERVATION TOOL TO BE INCLUDED AND MAINTAINED ON
2 THE LIST OF ACCEPTABLE OBSERVATION TOOLS MAINTAINED BY THE
3 DEPARTMENT UNDER SUBSECTION (5) (A) (i), OR FOR A SCHOOL DISTRICT,
4 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY TO USE A
5 LOCALLY DEVELOPED OR ADOPTED OBSERVATION TOOL FOR PROFESSIONAL
6 PRACTICE, THE OBSERVATION TOOL MUST MEET ALL OF THE FOLLOWING:

7 (A) INCLUDE A WELL-ARTICULATED EVALUATION PROCESS FOR
8 TEACHERS, INCLUDING SPECIFICATIONS FOR THE FREQUENCY AND LENGTH OF
9 OBSERVATIONS THAT ENSURE MULTIPLE OBSERVATIONS AND A DESCRIPTION OF
10 ALL OTHER PERFORMANCE INDICATORS THAT EDUCATORS WILL SUBMIT.

11 (B) CONTAIN RUBRICS THAT ALLOW FOR DETAILED DESCRIPTIONS AT
12 EACH LEVEL OF PERFORMANCE FOR EACH INDICATOR, INCLUDING BUT NOT
13 LIMITED TO, DEMONSTRATING KNOWLEDGE OF CONTENT AND PEDAGOGY,
14 DESIGNING ASSESSMENTS OF STUDENT LEARNING, MANAGING STUDENT
15 BEHAVIOR, ENGAGING STUDENTS IN LEARNING, AND COMMUNICATING WITH
16 CAREGIVERS. THESE RUBRICS SHALL PROVIDE MEANINGFUL DESCRIPTIONS
17 ENSURING THAT TEACHERS RECEIVE DETAILED, ACTIONABLE FEEDBACK FROM
18 THEIR EVALUATORS, INCLUDING CLEAR EXPECTATIONS FOR CLASSROOM
19 PRACTICE. THE RUBRICS MUST ALSO MEET ALL OF THE FOLLOWING:

20 (i) RATE ONLY 1 TEACHING BEHAVIOR PER INDICATOR.

21 (ii) AVOID RATING THE SAME TEACHING BEHAVIORS MORE THAN ONCE
22 WITHIN THE RUBRIC.

23 (iii) ASSURE CLEAR DISTINCTIONS BETWEEN THE LEVELS OF
24 PERFORMANCE.

25 (iv) PROVIDE EXAMPLES OF TEACHER AND STUDENT OBSERVABLES TO
26 ILLUSTRATE SOME TYPES OF EVIDENCE AN OBSERVER WOULD SEE AND HEAR.

27 (C) INCLUDE A PLAN AND PROCESS FOR GIVING FEEDBACK, INCLUDING

1 REMEDIATION PLANS.

2 (D) INCLUDE A PROCESS FOR TRAINING EVALUATORS ON ALL ASPECTS
3 OF THE EVALUATION SYSTEM, INCLUDING EACH PIECE OF THE OBSERVATION
4 TOOL, OTHER PERFORMANCE INDICATORS, AND THE EVALUATION SYSTEMS. IN
5 ORDER TO ENSURE FIDELITY, THE TRAINING PLAN MUST INCLUDE ALL OF THE
6 FOLLOWING:

7 (i) FRAMEWORK TRAINING.

8 (ii) COACHING AND FEEDBACK TRAINING.

9 (iii) RATER RELIABILITY TRAINING.

10 (iv) FOLLOW-UP TRAINING EVERY 3 YEARS IN BOTH RATER RELIABILITY
11 AND COACHING AND FEEDBACK.

12 (E) INCLUDE A PROCESS FOR TRACKING, MANAGING, AND IMPORTING
13 ALL DATA AND DOCUMENTATION COLLECTED FOR THE EVALUATIONS, INCLUDING
14 OBSERVATION DATA FOR TEACHERS, OTHER INFORMATION OR DATA, AND
15 STUDENT GROWTH DATA.

16 (F) INCLUDE A PROCESS FOR DETERMINING SUMMATIVE RATINGS FOR
17 ALL RELEVANT MEASURES INCLUDING OBSERVATION DATA.

18 (G) CONTAIN A PLAN TO OFFER ADDITIONAL DIRECT SUPPORT TO NEW
19 AND STRUGGLING TEACHERS, INCLUDING, BUT NOT LIMITED TO, ADDITIONAL
20 OBSERVATIONS, COACHING, AND MENTORING.

21 (H) HAVE A SYSTEM FOR MONITORING THE FAIRNESS, CONSISTENCY,
22 AND OBJECTIVITY OF THE SYSTEM WITHIN AND ACROSS LOCAL SCHOOLS,
23 INCLUDING SPECIFIC METRICS TO BE USED. AT A MINIMUM, THE SCHOOL
24 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
25 SHALL CONSIDER HOW THE DISTRIBUTION OF RATINGS COMPARES WITH
26 TEACHER OBSERVATION RATINGS AND STUDENT GROWTH DATA.

27 (I) BE BASED ON A PUBLISHED RESEARCH BASE FOR THE

1 INSTRUCTIONAL FRAMEWORK AND RUBRIC THAT INCLUDES ALL OF THE
2 FOLLOWING:

3 (i) EMPIRICALLY BASED STUDIES OF TEACHING AND COACHING
4 PRACTICE.

5 (ii) PRACTITIONER-ORIENTED PRESCRIPTIONS AND FRAMEWORKS FOR
6 INSTRUCTIONAL AND COACHING PRACTICE.

7 (iii) DESCRIPTIONS OF PRACTICE FROM AN IDENTIFIED PANEL OF
8 EXPERT OBSERVERS THAT INCLUDE INSTRUCTIONAL COACHES AND SCHOOL
9 ADMINISTRATORS WORKING DAILY WITH TEACHERS ON IMPROVING PRACTICE.

10 (iv) A DETAILED SUMMARY OF MULTISTAGE PROCESS OF WATCHING
11 VIDEOS AND VISITING CLASSROOMS, COMPILING OBSERVATIONS AND
12 WONDERINGS ABOUT INSTRUCTIONAL PRACTICE, AND EVIDENCE FOR EACH
13 INDICATOR.

14 (v) FOR AN OBSERVATION TOOL ADAPTED FROM A COMMERCIAL
15 OBSERVATION TOOL, DETAILED DOCUMENTATION THAT SHOWS ANY CHANGES IN
16 PERFORMANCE LANGUAGE FOR EACH INDICATOR, JUSTIFICATION FOR THE
17 CHANGE, AND EVIDENCE THAT THE ADAPTATIONS PROVIDE EQUAL OR GREATER
18 RIGOR THAN AT LEAST 1 OF THE 4 OBSERVATION TOOLS INCLUDED ON THE
19 INITIAL LIST UNDER SUBSECTION (5) (A) (i) .

20 (J) CONTAIN A DETAILED REVIEW AND REVISION PLAN THAT INCLUDES
21 AN EMPIRICALLY SOUND STUDY OF RATER RELIABILITY, QUALITATIVE REVIEW
22 OF FEEDBACK FROM TEACHERS AND ADMINISTRATORS WITHIN THE SYSTEM,
23 IMPACT ON TEACHERS' PROFESSIONAL PRACTICE, AND PUPIL PERFORMANCE TO
24 ASSURE VALIDITY AND RELIABILITY OF THE FRAMEWORK.

25 (K) HAVE AT LEAST THE SAME QUALITY AND RIGOR AS AT LEAST 1 OF
26 THE 4 OBSERVATION TOOLS INCLUDED ON THE INITIAL LIST UNDER
27 SUBSECTION (5) (A) (i) .

1 (l) IF IT IS AN ADAPTED FORM OF A COMMERCIAL OBSERVATION TOOL,
2 THE ADAPTATIONS DO NOT THREATEN THE VALIDITY OF THE INFERENCES THAT
3 ARE BASED ON THE COMMERCIAL PERFORMANCE EVALUATION SYSTEM.

4 (m) IF THE OBSERVATION TOOL DOES NOT HAVE AVAILABLE
5 DOCUMENTATION ABOUT ITS RELIABILITY AND VALIDITY, THERE IS IN PLACE
6 A PLAN FOR GATHERING RELEVANT DATA ON THE OBSERVATION TOOL'S
7 RELIABILITY AND VALIDITY THAT WILL RESULT IN SUBMISSION OF EVIDENCE
8 OF THE OBSERVATION TOOL'S RELIABILITY AND VALIDITY WITHIN 3 YEARS.
9 FOR A LOCAL OBSERVATION TOOL, IF THE SCHOOL DISTRICT, INTERMEDIATE
10 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY FAILS TO SUBMIT EVIDENCE
11 SUFFICIENT TO DEMONSTRATE THE RELIABILITY AND VALIDITY OF ITS LOCAL
12 OBSERVATION TOOL WITHIN 3 YEARS, THE SCHOOL DISTRICT, INTERMEDIATE
13 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY NOT CONTINUE TO USE
14 THE OBSERVATION TOOL.

15 (n) FOR A LOCAL OBSERVATION TOOL, THE SCHOOL DISTRICT,
16 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY POSTS ALL OF
17 THE FOLLOWING ON ITS PUBLICLY ACCESSIBLE WEBSITE:

18 (i) A DESCRIPTION OF ITS EVALUATION SYSTEM AND OBSERVATION
19 TOOL.

20 (ii) DOCUMENTATION OF EACH OF THE REQUIRED ELEMENTS ENUMERATED
21 IN SUBDIVISIONS (A) TO (M).

22 (7) IF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
23 PUBLIC SCHOOL ACADEMY USES A LOCALLY DEVELOPED OR ADOPTED
24 OBSERVATION TOOL FOR PROFESSIONAL PRACTICE, OR AN ADAPTATION OF A
25 STATE-APPROVED OBSERVATION TOOL, THE SCHOOL DISTRICT, INTERMEDIATE
26 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL NOTIFY THE
27 DEPARTMENT AND PROVIDE A DETAILED DESCRIPTION OF THE OBSERVATION

1 TOOL OR ADAPTATION.

2 (8) IF A VENDOR APPLIES TO THE DEPARTMENT TO HAVE AN
 3 OBSERVATION TOOL INCLUDED ON THE LIST UNDER SUBSECTION (5) (A) (i) ,
 4 THE DEPARTMENT SHALL REQUEST THE VENDOR TO PROPOSE 1 OR MORE
 5 ADAPTED OBSERVATION TOOLS APPROPRIATE FOR SPECIAL EDUCATION
 6 TEACHERS WHO INSTRUCT STUDENTS WITH LOW-INCIDENCE DISABILITIES WHO
 7 ARE TAKING AN ALTERNATE ASSESSMENT OR ARE LIKELY TO TAKE AN
 8 ALTERNATE ASSESSMENT.

9 (9) If a collective bargaining agreement is in effect for
 10 teachers or school administrators of a school district, public
 11 school academy, or intermediate school district as of the effective
 12 date of the 2011 amendatory act that amended this subsection, and
 13 if that collective bargaining agreement prevents compliance with
 14 subsection (1), then subsection (1) does not apply to that school
 15 district, public school academy, or intermediate school district
 16 until after the expiration of that collective bargaining agreement.

17 ~~——(10) A school district, intermediate school district, or~~
 18 ~~public school academy shall continue to conduct the evaluations for~~
 19 ~~school principals that are currently required by the department~~
 20 ~~through the 2010-2011 school year. At the end of the 2010-2011~~
 21 ~~school year, a school district, intermediate school district, or~~
 22 ~~public school academy shall report the most recently completed or~~
 23 ~~determined "effectiveness label" from that evaluation for each~~
 24 ~~principal who is in place for 2010-2011, in a form and manner~~
 25 ~~prescribed by the department.~~

26 SEC. 1531J. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR
 27 A RULE TO THE CONTRARY, BEGINNING JULY 1, 2015, THE SUPERINTENDENT

1 OF PUBLIC INSTRUCTION SHALL NOT ISSUE AN INITIAL PROFESSIONAL
2 TEACHING CERTIFICATE TO AN INDIVIDUAL UNLESS THE INDIVIDUAL MEETS 1
3 OF THE FOLLOWING:

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

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

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. ____ or House Bill No. 5224 (request no.
19 03802'13) of the 97th Legislature is enacted into law.