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 by 2014 PA 257 and section 1249a as added
by 2011 PA 102, and by adding sections 1249b and 1531j; and to
repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1249. (1) Subject to subsection (7), with the
involvement of teachers and school administrators, the board of a
school district or intermediate school district or board of
directors of a public school academy shall adopt and implement for
all teachers and school administrators a rigorous, transparent, and
fair performance evaluation system that does all of the following:
(a) Evaluates the teacher's or school administrator's job
performance at least annually while providing timely and constructive feedback.

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

(c) Evaluates a teacher's or school administrator's job performance, using multiple rating categories that take into account data on student growth as a significant factor. For BEGINNING IN 2014-2015, for grades and subjects in which state assessments are administered in compliance with 20 USC 6311, student growth must be measured, at least in part, using the state assessments, and for CORE CONTENT AREAS IN grades and subjects in which state assessments are not required and administered, for purposes of 20 USC 6311, student growth must be measured, at least in part, using RESEARCH-BASED GROWTH MEASURES OR alternative assessments that are rigorous and comparable across schools within the school district, intermediate school district, or public school academy. If the performance evaluation system implemented by a school district, intermediate school district, or public school academy under this section does not already include the rating of teachers as highly effective, effective, minimally effective, and ineffective, then the school district, intermediate school district, or public school academy shall revise the performance evaluation system not later than September 19, 2011 to ensure that it rates teachers as highly effective, effective, minimally effective, or ineffective.

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

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

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

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

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

(2) Beginning with the 2015-2016 school year, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the performance evaluation system for teachers meets all of the following:

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

(i) At least 50% FOR THE 2017-2018 SCHOOL YEAR, 25% of the annual year-end evaluation shall be based on student growth and assessment data. All student growth and assessment data shall be measured using the student growth assessment tool that is required under legislation enacted by the legislature after review of the
Senate Bill No. 103 as amended May 19 and 20, 2015

recommendations contained in the report of the former Michigan
council for educator effectiveness—BEGINNING WITH THE 2018-2019
SCHOOL YEAR, 40% OF THE ANNUAL YEAR-END EVALUATION SHALL BE BASED
ON STUDENT GROWTH AND ASSESSMENT DATA.

(ii) FOR CORE CONTENT AREAS IN GRADES AND SUBJECTS IN WHICH
STATE ASSESSMENTS ARE ADMINISTERED, <<AND FOR WHICH STUDENT GROWTH
AND ASSESSMENT DATA FROM THE STATE ASSESSMENT ARE AVAILABLE FOR THE
MOST RECENT 3-CONSECUTIVE-SCHOOL-YEAR PERIOD,>> AT LEAST <<40%>> OF
STUDENT GROWTH
MUST BE MEASURED USING THE STATE ASSESSMENTS.

(iii) FOR CORE CONTENT AREAS IN GRADES AND SUBJECTS IN WHICH
STATE ASSESSMENTS ARE NOT REQUIRED AND ADMINISTERED, AT LEAST 50%
OF STUDENT GROWTH MUST BE MEASURED USING RESEARCH-BASED GROWTH
MEASURES OR ALTERNATIVE ASSESSMENTS THAT ARE RIGOROUS AND
COMPARABLE ACROSS SCHOOLS WITHIN THE SCHOOL DISTRICT, INTERMEDIATE
SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY. STUDENT GROWTH ALSO MAY
BE MEASURED BY STANDARDS-BASED, NATIONALLY NORMED ASSESSMENTS, OR
OTHER NATIONAL OR LOCAL ASSESSMENTS, OR BASED ON ACHIEVEMENT OF
INDIVIDUALIZED EDUCATION PROGRAM GOALS.

(iv) THE PORTION OF A TEACHER'S ANNUAL YEAR-END EVALUATION
THAT IS NOT BASED ON STUDENT GROWTH AND ASSESSMENT DATA, AS
DESCRIBED UNDER SUBPARAGRAPH (i), SHALL BE BASED PRIMARILY ON A
TEACHER'S PERFORMANCE AS MEASURED BY THE EVALUATION TOOL DEVELOPED
OR ADOPTED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
PUBLIC SCHOOL ACADEMY UNDER SUBDIVISION (f).

(v) THE PORTION OF A TEACHER'S EVALUATION THAT IS NOT MEASURED
USING STUDENT GROWTH AND ASSESSMENT DATA, AS DESCRIBED UNDER
SUBPARAGRAPH (i), OR USING THE EVALUATION TOOL DEVELOPED OR ADOPTED
BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
SCHOOL ACADEMY, AS DESCRIBED UNDER SUBPARAGRAPH (iv), SHALL
INCORPORATE CRITERIA ENUMERATED IN SECTION 1248(1) (B) (i) TO (iii) THAT ARE NOT OTHERWISE EVALUATED UNDER SUBPARAGRAPH (i) OR (iv).

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

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

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

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

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

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

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

(E) (c) The performance evaluation system shall include classroom observations to assist in the performance evaluations. All of the following apply to these classroom observations:

(i) Except as provided in this subdivision, the manner in which a classroom observation is conducted shall be prescribed in the evaluation tool for teachers described in subdivision (d).
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(i) (ii)—A classroom observation shall include a review of the teacher's lesson plan and the state curriculum standard being used in the lesson and a review of pupil engagement in the lesson.

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

(iii) (iv)—Unless a teacher has received a rating of effective or highly effective on his or her 2 most recent annual year-end evaluations, there shall be multiple—AT LEAST 2 classroom observations of the teacher each school year. BEGINNING WITH THE 2015-2016 SCHOOL YEAR, AT LEAST 1 OBSERVATION MUST BE UNSCHEDULED.

(iv) BEGINNING WITH THE 2015-2016 SCHOOL YEAR, THE SCHOOL ADMINISTRATOR RESPONSIBLE FOR THE TEACHER'S PERFORMANCE EVALUATION SHALL CONDUCT AT LEAST 1 OF THE OBSERVATIONS. OTHER OBSERVATIONS MAY BE CONDUCTED BY OTHER OBSERVERS WHO ARE TRAINED IN THE USE OF THE EVALUATION TOOL THAT IS USED UNDER SUBDIVISION (F). THESE OTHER OBSERVERS MAY BE TEACHER LEADERS. THIS SUBPARAGRAPH DOES NOT PROHIBIT A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY FROM CONSIDERING INDICATORS OF TEACHER PERFORMANCE OBSERVED BY OTHER INDIVIDUALS WHO ARE NOT TRAINED IN THE USE OF THE EVALUATION TOOL.

(v) BEGINNING WITH THE 2015-2016 SCHOOL YEAR, A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT, WITHIN 30 DAYS AFTER EACH OBSERVATION, THE TEACHER IS PROVIDED WITH FEEDBACK FROM THE OBSERVATION. FAILURE TO PROVIDE FEEDBACK FROM AN OBSERVATION WITHIN 30 DAYS DOES NOT PROHIBIT A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY FROM CONSIDERING INFORMATION OBTAINED FROM
THAT OBSERVATION IN THE TEACHER’S EVALUATION.

(F) (d) For the purposes of conducting annual year-end evaluations under the performance evaluation system, the school district, intermediate school district, or public school academy shall DEVELOP OR adopt and implement the state evaluation tool for teachers that is required under legislation enacted by the legislature after review of the recommendations contained in the report of the former Michigan council for educator effectiveness. However, if a school district, intermediate school district, or public school academy has a local evaluation tool for teachers that is consistent with the state evaluation tool, the school district, intermediate school district, or public school academy may conduct annual year-end evaluations for teachers using that local evaluation tool. BEGINNING WITH THE 2015-2016 SCHOOL YEAR, THE EVALUATION TOOL OR TOOLS USED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IN ITS PERFORMANCE EVALUATION SYSTEM SHALL BE USED CONSISTENTLY ACROSS THE SCHOOLS OPERATED BY A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SO THAT ALL SIMILARLY SITUATED TEACHERS ARE EVALUATED USING THE SAME EVALUATION TOOL. THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL POST INFORMATION ABOUT THE EVALUATION TOOL ON ITS PUBLIC WEBSITE AS REQUIRED UNDER SUBSECTION (4).

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

(H) (f) As part of the performance evaluation system, and in addition to the requirements of section 1526, a school district, intermediate school district, or public school academy is encouraged to assign a mentor or coach to each teacher who is described in subdivision (b) (D).

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

(J) (h) The performance evaluation system shall provide that, if a teacher is rated as ineffective on 3 consecutive annual year-end evaluations, the school district, public school academy, or intermediate school district shall dismiss the teacher from his or her employment. This subdivision does not affect the ability of a school district, intermediate school district, or public school academy to dismiss an ineffective teacher from his or her employment regardless of whether the teacher is rated as ineffective on 3 consecutive annual year-end evaluations.

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

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

(M) BEGINNING WITH THE 2015-2016 SCHOOL YEAR, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL PROVIDE INFORMATION TO TEACHERS ON THE EVALUATION TOOL OR TOOLS USED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IN ITS PERFORMANCE EVALUATION SYSTEM AND ON HOW EACH EVALUATION TOOL IS USED.

(3) Beginning with the 2015-2016 school year, the board of a school district or intermediate school district or board of
directors of a public school academy shall ensure that the performance evaluation system for building-level school administrators and for central office-level school administrators who are regularly involved in instructional matters meets all of the following:

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

(b) At least 50% of the annual year-end evaluation shall be based on student growth and assessment data. The student growth and assessment data to be used for the school administrator annual year-end evaluation are the aggregate student growth and assessment data that are used in teacher annual year-end evaluations in each school in which the school administrator works as an administrator or, for a central-office level school administrator, for the entire school district or intermediate school district.

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

(i) If the school administrator conducts teacher performance
evaluations, the school administrator's training and proficiency in using the evaluation tool for teachers described in subsection (2)(d), including a random sampling of his or her teacher performance evaluations to assess the quality of the school administrator's input in the teacher performance evaluation system. If the school administrator designates another person to conduct teacher performance evaluations, the evaluation of the school administrator on this factor shall be based on the designee's training and proficiency in using the evaluation tool for teachers described in subsection (2)(d), including a random sampling of the designee's teacher performance evaluations to assess the quality of the designee's input in the teacher performance evaluation system, with the designee's performance to be counted as if it were the school administrator personally conducting the teacher performance evaluations.

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

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

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

(d) For the purposes of conducting performance evaluations under the performance evaluation system, the school district, intermediate school district, or public school academy shall adopt and implement the state evaluation tool for school administrators
described in this subsection that is required under legislation enacted by the legislature after review of the recommendations contained in the report of the former Michigan council for educator effectiveness. However, if a school district, intermediate school district, or public school academy has a local evaluation tool for school administrators described in this subsection that is consistent with the state evaluation tool, the school district, intermediate school district, or public school academy may conduct performance evaluations for school administrators using that local evaluation tool.

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

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

(g) The performance evaluation system shall provide that, if a school administrator described in this subsection is rated as ineffective on 3 consecutive annual year-end evaluations, the
school district, public school academy, or intermediate school
district shall dismiss the school administrator from his or her
employment. However, this subdivision applies only if the 3
consecutive annual year-end evaluations are conducted using the
same evaluation tool and under the same performance evaluation
system. This subdivision does not affect the ability of a school
district, intermediate school district, or public school academy to
dismiss an ineffective school administrator from his or her
employment regardless of whether the school administrator is rated
as ineffective on 3 consecutive annual year-end evaluations.

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

(4) It is the intent of the legislature to review the report
submitted by the former Michigan council for educator effectiveness
and to enact appropriate legislation to put into place a statewide
performance evaluation system taking into consideration the
recommendations contained in the report.

(5) If all of the following apply for a public school operated
by a school district, intermediate school district, or public
school academy, then the school district, intermediate school
district, or public school academy is not required to comply with
subsection (2) or (3) for that public school:

(3) (a) As of July 19, 2011, the school district, intermediate school district, or public school academy had already implemented and is currently using a performance evaluation system for that public school. FOR THE PURPOSES OF THIS SECTION, A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IS ENCOURAGED TO ADOPT AND IMPLEMENT A PERFORMANCE EVALUATION SYSTEM FOR TEACHERS that meets all of the following requirements:

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

(B) (ii) The system uses research-based measures to determine student growth. For 2014-2015, for grades and subjects in which state assessments are administered in compliance with 20 USC 6311, student growth must be measured, at least in part, using the state assessments, and for grades and subjects in which state assessments are not required and administered for purposes of 20 USC 6311, student growth must be measured, at least in part, using alternative assessments that are rigorous and comparable across schools within the school district, intermediate school district, or public school academy. Student growth also may be measured by standards-based, nationally normed assessments and other objective criteria which may include other national or local assessments.

(C) (iii) The system determines professional competence through multiple AT LEAST 2 direct observations of classroom
practices and professional practices throughout the school year.

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

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

(F) (vi) The system ensures that teachers and school administrators are evaluated at least annually.

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

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

(d) If, after July 19, 2011, a school district, intermediate school district, or public school academy begins operating a new public school, or implements a new performance evaluation system for a public school it operates, and all of the following apply, then the school district, intermediate school district, or public school academy is not required to comply with subsection (2) or (3) for that public school.

(a) The performance evaluation system adopted and implemented for that public school replicates and is identical to the performance evaluation system of a public school that is exempt under subsection (5).
(b) The school district, intermediate school district, or public school academy posts a description of the performance evaluation system on its website.

(4) BEGINNING WITH THE 2017-2018 SCHOOL YEAR, A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL POST ON ITS PUBLIC WEBSITE ALL OF THE FOLLOWING INFORMATION ABOUT THE EVALUATION TOOL OR TOOLS IT USES FOR ITS PERFORMANCE EVALUATION SYSTEM FOR TEACHERS:

(A) THE RESEARCH BASE FOR THE EVALUATION FRAMEWORK, INSTRUMENT, AND PROCESS OR, IF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY ADAPTS OR MODIFIES AN EVALUATION TOOL FROM THE LIST UNDER SUBSECTION (6), THE RESEARCH BASE FOR THE LISTED EVALUATION TOOL AND AN ASSURANCE THAT THE ADAPTATIONS OR MODIFICATIONS DO NOT COMPROMISE THE VALIDITY OF THAT RESEARCH BASE.

(B) THE IDENTITY AND QUALIFICATIONS OF THE AUTHOR OR AUTHORS OR, IF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY ADAPTS OR MODIFIES AN EVALUATION TOOL FROM THE LIST UNDER SUBSECTION (6), THE IDENTITY AND QUALIFICATIONS OF A PERSON WITH EXPERTISE IN TEACHER EVALUATIONS WHO HAS reviewed THE ADAPTED OR MODIFIED EVALUATION TOOL.

(C) EITHER EVIDENCE OF RELIABILITY, VALIDITY, AND EFFICACY OR A PLAN FOR DEVELOPING THAT EVIDENCE OR, IF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY ADAPTS OR MODIFIES AN EVALUATION TOOL FROM THE LIST UNDER SUBSECTION (6), AN ASSURANCE THAT THE ADAPTATIONS OR MODIFICATIONS DO NOT COMPROMISE THE RELIABILITY, VALIDITY, OR EFFICACY OF THE EVALUATION TOOL OR
THE EVALUATION PROCESS.

(D) THE EVALUATION FRAMEWORKS AND RUBRICS WITH DETAILED DESCRIPTORS FOR EACH PERFORMANCE LEVEL ON KEY SUMMATIVE INDICATORS.

(E) A DESCRIPTION OF THE PROCESSES FOR CONDUCTING CLASSROOM OBSERVATIONS, COLLECTING EVIDENCE, CONDUCTING EVALUATION CONFERENCES, DEVELOPING PERFORMANCE RATINGS, AND DEVELOPING PERFORMANCE IMPROVEMENT PLANS.

(F) A DESCRIPTION OF THE PLAN FOR PROVIDING EVALUATORS AND OBSERVERS WITH TRAINING.

(5) If a collective bargaining agreement is in effect for teachers or school administrators of a school district, public school academy, or intermediate school district as of July 19, 2011, IF THAT SAME COLLECTIVE BARGAINING AGREEMENT IS STILL IN EFFECT AS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 1531J, and if that collective bargaining agreement prevents compliance with subsection (1), then subsection (1) does not apply to that school district, public school academy, or intermediate school district until after the expiration of that collective bargaining agreement.

(6) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL ESTABLISH AND MAINTAIN A LIST OF TEACHER EVALUATION TOOLS THAT HAVE DEMONSTRATED EVIDENCE OF EFFICACY AND THAT MAY BE USED FOR THE PURPOSES OF THIS SECTION. THAT LIST MAY INCLUDE EVALUATION MODELS RECOMMENDED IN THE FINAL RECOMMENDATIONS RELEASED BY THE MICHIGAN COUNCIL ON EDUCATOR EFFECTIVENESS IN JULY 2013. THE LIST SHALL INCLUDE A STATEMENT INDICATING THAT SCHOOL DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS, AND PUBLIC SCHOOL ACADEMIES ARE NOT LIMITED TO
 ONLY USING THE EVALUATION TOOLS THAT ARE INCLUDED ON THE LIST. A
SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
ACADEMY IS NOT REQUIRED TO USE AN EVALUATION TOOL FOR TEACHER
EVALUATIONS THAT IS THE SAME AS IT USES FOR SCHOOL ADMINISTRATOR
EVALUATIONS OR THAT HAS THE SAME AUTHOR OR AUTHORS AS THE
EVALUATION TOOL IT USES FOR SCHOOL ADMINISTRATOR EVALUATIONS.

(7) THIS SECTION DOES NOT AFFECT THE OPERATION OR
APPLICABILITY OF SECTION 1248.

Sec. 1249a. (1) BEGINNING WITH THE 2018-2019 SCHOOL YEAR,
SUBJECT TO SUBSECTION (2), A SCHOOL DISTRICT, INTERMEDIATE SCHOOL
DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL NOT ASSIGN A PUPIL TO BE
TAUGHT IN THE SAME SUBJECT AREA FOR 2 CONSECUTIVE YEARS BY A
TEACHER WHO HAS BEEN RATED AS INEFFECTIVE ON HIS OR HER 2 MOST
RECENT ANNUAL YEAR-END EVALUATIONS UNDER SECTION 1249.

(2) Beginning in 2015-2016, WITH THE 2018-2019 SCHOOL YEAR, if
a pupil is assigned to be taught by a teacher who has been rated as
ineffective on his or her 2 most recent annual year-end evaluations
under section 1249, SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,
OR PUBLIC SCHOOL ACADEMY IS UNABLE TO COMPLY WITH SUBSECTION (1)
AND PLANS TO ASSIGN A PUPIL TO BE TAUGHT IN THE SAME SUBJECT AREA
FOR 2 CONSECUTIVE YEARS BY A TEACHER WHO HAS BEEN RATED AS
INEFFECTIVE ON HIS OR HER 2 MOST RECENT ANNUAL YEAR-END EVALUATIONS
UNDER SECTION 1249, the board of the school district or
intermediate school district or board of directors of the public
school academy in which the pupil is enrolled shall notify the
pupil's parent or legal guardian that the BOARD OR BOARD OF
DIRECTORS IS UNABLE TO COMPLY WITH SUBSECTION (1) AND THAT THE
pupil has been assigned to **BE TAUGHT IN THE SAME SUBJECT AREA FOR A SECOND CONSECUTIVE YEAR BY** a teacher who has been rated as ineffective on his or her 2 most recent annual year-end evaluations. The notification shall be in writing, shall be delivered to the parent or legal guardian not later than July 15 immediately preceding the beginning of the school year for which the pupil is assigned to the teacher, and shall identify the teacher who is the subject of the notification. **INCLUDE AN EXPLANATION OF WHY THE BOARD OR BOARD OF DIRECTORS IS UNABLE TO COMPLY WITH SUBSECTION (1).**

SEC. 1249B. (1) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE PERFORMANCE EVALUATION SYSTEM FOR BUILDING-LEVEL SCHOOL ADMINISTRATORS AND FOR CENTRAL-OFFICE-LEVEL SCHOOL ADMINISTRATORS WHO ARE REGULARLY INVOLVED IN INSTRUCTIONAL MATTERS MEETS ALL OF THE FOLLOWING:

(A) THE PERFORMANCE EVALUATION SYSTEM SHALL INCLUDE AT LEAST AN ANNUAL EVALUATION FOR ALL SCHOOL ADMINISTRATORS DESCRIBED IN THIS SUBSECTION BY THE SCHOOL DISTRICT SUPERINTENDENT OR HIS OR HER DESIGNEE, INTERMEDIATE SUPERINTENDENT OR HIS OR HER DESIGNEE, OR CHIEF ADMINISTRATOR OF THE PUBLIC SCHOOL ACADEMY, AS APPLICABLE. HOWEVER, A SUPERINTENDENT OR CHIEF ADMINISTRATOR SHALL BE EVALUATED BY THE BOARD OR BOARD OF DIRECTORS OR, IF THE SUPERINTENDENT OR CHIEF ADMINISTRATOR IS NOT EMPLOYED DIRECTLY BY THE BOARD OR BOARD OF DIRECTORS, BY THE DESIGNEE OF THE BOARD OR BOARD OF DIRECTORS.

(B) FOR THE 2017-2018 SCHOOL YEAR, 25% OF THE ANNUAL **<< >>** EVALUATION SHALL BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA.
Senate Bill No. 103 as amended May 20, 2015

BEGINNING WITH THE 2018-2019 SCHOOL YEAR, 40% OF THE ANNUAL EVALUATION SHALL BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA. THE STUDENT GROWTH AND ASSESSMENT DATA TO BE USED FOR THE SCHOOL ADMINISTRATOR ANNUAL EVALUATION ARE THE AGGREGATE STUDENT GROWTH AND ASSESSMENT DATA THAT ARE USED IN TEACHER ANNUAL YEAR-END EVALUATIONS IN EACH SCHOOL IN WHICH THE SCHOOL ADMINISTRATOR WORKS AS AN ADMINISTRATOR OR, FOR A CENTRAL-OFFICE-LEVEL SCHOOL ADMINISTRATOR, FOR THE ENTIRE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT.

(C) THE PORTION OF THE ANNUAL EVALUATION THAT IS NOT BASED ON STUDENT GROWTH AND ASSESSMENT DATA SHALL BE BASED ON AT LEAST THE FOLLOWING FOR EACH SCHOOL IN WHICH THE SCHOOL ADMINISTRATOR WORKS AS AN ADMINISTRATOR OR, FOR A CENTRAL-OFFICE-LEVEL SCHOOL ADMINISTRATOR, FOR THE ENTIRE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT:

(i) IF THE SCHOOL ADMINISTRATOR CONDUCTS TEACHER PERFORMANCE EVALUATIONS, THE SCHOOL ADMINISTRATOR'S PROFICIENCY IN USING THE EVALUATION TOOL FOR TEACHERS USED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY UNDER SECTION 1249. IF THE SCHOOL ADMINISTRATOR DESIGNATES ANOTHER PERSON TO CONDUCT TEACHER PERFORMANCE EVALUATIONS, THE EVALUATION OF THE SCHOOL ADMINISTRATOR ON THIS FACTOR SHALL BE BASED ON THE DESIGNEE'S PROFICIENCY IN USING THE EVALUATION TOOL FOR TEACHERS USED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY UNDER SECTION 1249, WITH THE DESIGNEE'S PERFORMANCE TO BE COUNTED AS IF IT WERE THE SCHOOL ADMINISTRATOR PERSONALLY CONDUCTING THE TEACHER PERFORMANCE EVALUATIONS.
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(ii) The progress made by the school or school district in meeting the goals set forth in the school's school improvement plan or the school district's school improvement plans.

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

(iv) Student, parent, and teacher feedback, as available, and other information considered pertinent by the superintendent or other school administrator conducting the performance evaluation or the board or board of directors.

(D) The measures used by the school district, intermediate school district, or public school academy in its performance evaluation system for school administrators shall be used consistently across the schools operated by a school district, intermediate school district, or public school academy so that all similarly situated school administrators are evaluated using the same measures.

(E) The performance evaluation system shall assign an effectiveness rating to each school administrator described in this subsection of highly effective, effective, minimally effective, or ineffective.

(F) The performance evaluation system shall ensure that if a school administrator described in this subsection is rated as minimally effective or ineffective, the person or persons conducting the evaluation shall develop and require the school administrator to implement an improvement plan to correct the deficiencies. The improvement plan shall recommend professional development opportunities and other actions designed to improve the rating of the school administrator on his or her next annual <<
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>> EVALUATION.

(G) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A SCHOOL ADMINISTRATOR DESCRIBED IN THIS SUBSECTION IS RATED AS INEFFECTIVE ON 3 CONSECUTIVE ANNUAL EVALUATIONS, THE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT SHALL DISMISS THE SCHOOL ADMINISTRATOR FROM HIS OR HER EMPLOYMENT. THIS SUBDIVISION DOES NOT AFFECT THE ABILITY OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY TO DISMISS AN INEFFECTIVE SCHOOL ADMINISTRATOR FROM HIS OR HER EMPLOYMENT REGARDLESS OF WHETHER THE SCHOOL ADMINISTRATOR IS RATED AS INEFFECTIVE ON 3 CONSECUTIVE ANNUAL EVALUATIONS.

(H) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A SCHOOL ADMINISTRATOR IS RATED AS HIGHLY EFFECTIVE ON 3 CONSECUTIVE ANNUAL EVALUATIONS, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY CHOOSE TO CONDUCT A EVALUATION BIENNIALY INSTEAD OF ANNUALLY. HOWEVER, IF A SCHOOL ADMINISTRATOR IS NOT RATED AS HIGHLY EFFECTIVE ON 1 OF THESE BIENNIAL EVALUATIONS, THE SCHOOL ADMINISTRATOR SHALL AGAIN BE PROVIDED WITH ANNUAL EVALUATIONS.

(I) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL PROVIDE INFORMATION TO SCHOOL ADMINISTRATORS ON THE MEASURES USED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IN ITS PERFORMANCE EVALUATION SYSTEM FOR SCHOOL ADMINISTRATORS AND ON HOW EACH OF THE MEASURES IS USED.

(2) FOR THE PURPOSES OF THIS SECTION, A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IS
ENCOURAGED TO ADOPT AND IMPLEMENT A PERFORMANCE EVALUATION SYSTEM FOR SCHOOL ADMINISTRATORS THAT MEETS ALL OF THE FOLLOWING:

(A) UNDER THE SYSTEM, A SIGNIFICANT PORTION OF A SCHOOL ADMINISTRATOR'S EVALUATION IS BASED ON STUDENT GROWTH AND ASSESSMENT DATA, WHICH MAY INCLUDE VALUE-ADDED MEASURES.

(B) THE SYSTEM USES RESEARCH-BASED MEASURES TO DETERMINE STUDENT GROWTH.

(C) THE SYSTEM DETERMINES PROFESSIONAL COMPETENCE THROUGH EVALUATION OF PROFESSIONAL PRACTICES USING A RESEARCH-BASED FRAMEWORK.

(D) UNDER THE SYSTEM, SCHOOL ADMINISTRATOR EFFECTIVENESS AND RATINGS, AS MEASURED BY STUDENT ACHIEVEMENT AND GROWTH DATA, ARE FACTORED INTO SCHOOL ADMINISTRATOR RETENTION, PROMOTION, AND TERMINATION DECISIONS.

(E) UNDER THE SYSTEM, SCHOOL ADMINISTRATOR PERFORMANCE EVALUATION RESULTS ARE USED TO INFORM SCHOOL ADMINISTRATOR PROFESSIONAL DEVELOPMENT FOR THE SUCCEEDING YEAR.

(F) THE SYSTEM ENSURES THAT SCHOOL ADMINISTRATORS ARE EVALUATED AT LEAST ANNUALLY.

(3) BEGINNING WITH THE 2017-2018 SCHOOL YEAR, A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL POST ON ITS PUBLIC WEBSITE ALL OF THE FOLLOWING INFORMATION ABOUT THE MEASURES IT USES FOR ITS PERFORMANCE EVALUATION SYSTEM FOR SCHOOL ADMINISTRATORS:

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

(B) THE IDENTITY AND QUALIFICATIONS OF THE AUTHOR OR AUTHORS.
(C) EITHER EVIDENCE OF RELIABILITY, VALIDITY, AND EFFICACY OR
A PLAN FOR DEVELOPING THAT EVIDENCE.

(D) THE EVALUATION FRAMEWORKS AND RUBRICS, WITH DETAILED
DESCRIPTORS FOR EACH PERFORMANCE LEVEL ON KEY SUMMATIVE INDICATORS.

(E) A DESCRIPTION OF THE PROCESSES FOR COLLECTING EVIDENCE,
CONDUCTING EVALUATION ConFERENCES, DEVELOPING PERFORMANCE RATINGS,
AND DEVELOPING PERFORMANCE IMPROVEMENT PLANS.

(F) A DESCRIPTION OF THE PLAN FOR PROVIDING EVALUATORS AND
OBSERVERS WITH TRAINING.

(4) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL
ESTABLISH AND MAINTAIN A LIST OF SCHOOL ADMINISTRATOR EVALUATION
TOOLS THAT HAVE DEMONSTRATED EVIDENCE OF EFFICACY AND THAT MAY BE
USED FOR THE PURPOSES OF THIS SECTION. THAT LIST MAY INCLUDE THE 2
EVALUATION MODELS RECOMMENDED IN THE FINAL RECOMMENDATIONS RELEASED
BY THE MICHIGAN COUNCIL ON EDUCATOR EFFECTIVENESS IN JULY 2013. THE
LIST SHALL INCLUDE A STATEMENT INDICATING THAT SCHOOL DISTRICTS,
INTERMEDIATE SCHOOL DISTRICTS, AND PUBLIC SCHOOL ACADEMIES ARE NOT
LIMITED TO ONLY USING THE EVALUATION TOOLS THAT ARE INCLUDED ON THE
LIST. A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
SCHOOL ACADEMY IS NOT REQUIRED TO USE AN EVALUATION TOOL FOR SCHOOL
ADMINISTRATOR EVALUATIONS THAT IS THE SAME AS IT USES FOR TEACHER
EVALUATIONS OR THAT HAS THE SAME AUTHOR OR AUTHORS AS THE
EVALUATION TOOL IT USES FOR TEACHER EVALUATIONS.

SEC. 1531J. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR
A RULE TO THE CONTRARY, BEGINNING JULY 1, 2018, THE SUPERINTENDENT
OF PUBLIC INSTRUCTION SHALL NOT ISSUE AN INITIAL PROFESSIONAL
TEACHING CERTIFICATE TO AN INDIVIDUAL UNLESS THE INDIVIDUAL
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PRESENTS EVIDENCE SATISFACTORY TO THE SUPERINTENDENT OF PUBLIC
INSTRUCTION DEMONSTRATING THAT HE OR SHE MEETS ALL OF THE
FOLLOWING:

(A) THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED AT LEAST 3 FULL
YEARS OF CLASSROOM TEACHING.

(B) THE INDIVIDUAL MEETS EITHER OF THE FOLLOWING:

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

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

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Enacting section 1. Section 95a of the state school aid act of
1979, 1979 PA 94, MCL 388.1695a, is repealed.
Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.