

# HOUSE BILL No. 6401

September 26, 2018, Introduced by Rep. Noble and referred to the Committee on Education Reform.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1249b (MCL 380.1249b), as added by 2015 PA 173.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1249b. (1) The board of a school district or intermediate  
2 school district or board of directors of a public school academy  
3 shall ensure that the performance evaluation system for building-  
4 level school administrators and for central-office-level school  
5 administrators who are regularly involved in instructional matters  
6 meets all of the following:

7           (a) ~~The~~ **SUBJECT TO SUBDIVISION (J), THE** performance evaluation  
8 system ~~shall~~ **MUST** include at least an annual evaluation for all  
9 school administrators described in this subsection by the school

1 district superintendent or his or her designee, intermediate  
2 superintendent or his or her designee, or chief administrator of  
3 the public school academy, as applicable. However, a superintendent  
4 or chief administrator shall be evaluated by the board or board of  
5 directors or, if the superintendent or chief administrator is not  
6 employed directly by the board or board of directors, by the  
7 designee of the board or board of directors.

8 (b) ~~For the 2015-2016, 2016-2017, and 2017-2018 school years,~~  
9 ~~25% TWENTY-FIVE PERCENT~~ of the annual evaluation shall ~~shall~~ **MUST** be  
10 based on student growth and assessment data. ~~Beginning with the~~  
11 ~~2018-2019 school year, 40% of the annual evaluation shall be based~~  
12 ~~on student growth and assessment data.~~ The student growth and  
13 assessment data to be used for the school administrator annual  
14 evaluation are the aggregate student growth and assessment data  
15 that are used in teacher annual year-end evaluations in each school  
16 in which the school administrator works as an administrator or, for  
17 a central-office-level school administrator, for the entire school  
18 district or intermediate school district.

19 (c) For the purposes of conducting annual evaluations under  
20 the performance evaluation system, the school district,  
21 intermediate school district, or public school academy shall  
22 develop or adopt and implement an evaluation tool for school  
23 administrators. The portion of a school administrator's annual  
24 evaluation that is not based on student growth shall ~~shall~~ **MUST** be based  
25 primarily on the school administrator's performance as measured by  
26 this evaluation tool.

27 (d) The portion of the annual evaluation that is not based on

1 student growth and assessment data as provided under subdivision  
2 (b) or on an evaluation tool as provided under subdivision (c)  
3 ~~shall~~**MUST** be based on at least the following for each school in  
4 which the school administrator works as an administrator or, for a  
5 central-office-level school administrator, for the entire school  
6 district or intermediate school district:

7 (i) If the school administrator conducts teacher performance  
8 evaluations, the school administrator's proficiency in using the  
9 evaluation tool for teachers used by the school district,  
10 intermediate school district, or public school academy under  
11 section 1249. If the school administrator designates another person  
12 to conduct teacher performance evaluations, the evaluation of the  
13 school administrator on this factor ~~shall~~**MUST** be based on the  
14 designee's proficiency in using the evaluation tool for teachers  
15 used by the school district, intermediate school district, or  
16 public school academy under section 1249, with the designee's  
17 performance to be counted as if it were the school administrator  
18 personally conducting the teacher performance evaluations.

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

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

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

27 (e) For the purposes of conducting annual evaluations under

1 the performance evaluation system, by the beginning of the 2016-  
2 2017 school year, the school district, intermediate school  
3 district, or public school academy shall adopt and implement 1 or  
4 more of the evaluation tools for school administrators that are  
5 included on the list under subsection (3). However, if a school  
6 district, intermediate school district, or public school academy  
7 has 1 or more local evaluation tools for school administrators or  
8 modifications of an evaluation tool on the list under subsection  
9 (3), and the school district, intermediate school district, or  
10 public school academy complies with subsection (2), the school  
11 district, intermediate school district, or public school academy  
12 may conduct annual year-end evaluations for school administrators  
13 using 1 or more local evaluation tools or modifications.

14 (f) The evaluation tool and other measures used by the school  
15 district, intermediate school district, or public school academy in  
16 its performance evaluation system for school administrators ~~shall~~  
17 **MUST** be used consistently across the schools operated by a school  
18 district, intermediate school district, or public school academy so  
19 that all similarly situated school administrators are evaluated  
20 using the same measures.

21 (g) The performance evaluation system ~~shall~~**MUST** assign an  
22 effectiveness rating to each school administrator described in this  
23 subsection of highly effective, effective, minimally effective, or  
24 ineffective.

25 (h) The performance evaluation system ~~shall~~**MUST** ensure that  
26 if a school administrator described in this subsection is rated as  
27 minimally effective or ineffective, the person or persons

1 conducting the evaluation shall develop and require the school  
2 administrator to implement an improvement plan to correct the  
3 deficiencies. The improvement plan ~~shall~~**MUST** recommend  
4 professional development opportunities and other actions designed  
5 to improve the rating of the school administrator on his or her  
6 next annual evaluation.

7 (i) The performance evaluation system ~~shall~~**MUST** provide that,  
8 if a school administrator described in this subsection is rated as  
9 ineffective on 3 consecutive annual evaluations, the school  
10 district, ~~public school academy, or intermediate school district,~~  
11 **OR PUBLIC SCHOOL ACADEMY** shall dismiss the school administrator  
12 from his or her employment. This subdivision does not affect the  
13 ability of a school district, intermediate school district, or  
14 public school academy to dismiss a school administrator from his or  
15 her employment regardless of whether the school administrator is  
16 rated as ineffective on 3 consecutive annual evaluations.

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

25 (k) The school district, intermediate school district, or  
26 public school academy shall provide training to school  
27 administrators on the measures used by the school district,

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

6 (1) Beginning with the 2016-2017 school year, a school  
7 district, intermediate school district, or public school academy  
8 shall ensure that training is provided to all evaluators and  
9 observers. The training ~~shall~~**MUST** be provided by an individual who  
10 has expertise in the evaluation tool or tools used by the school  
11 district, intermediate school district, or public school academy ~~τ~~  
12 ~~which~~**THAT** may include either a consultant on that evaluation tool  
13 or framework or an individual who has been trained to train others  
14 in the use of the evaluation tool or tools. This subdivision does  
15 not prohibit a school district, intermediate school district,  
16 public school academy, or consortium consisting of 2 or more of  
17 these, from providing the training in the use of the evaluation  
18 tool or tools if the trainer has expertise in the evaluation tool  
19 or tools.

20 (2) Beginning with the 2016-2017 school year, a school  
21 district, intermediate school district, or public school academy  
22 shall post on its public website all of the following information  
23 about the measures it uses for its performance evaluation system  
24 for school administrators:

25 (a) The research base for the evaluation framework,  
26 instrument, and process or, if the school district, intermediate  
27 school district, or public school academy adapts or modifies an

1 evaluation tool from the list under subsection (3), the research  
2 base for the listed evaluation tool and an assurance that the  
3 adaptations or modifications do not compromise the validity of that  
4 research base.

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

11 (c) Either evidence of reliability, validity, and efficacy or  
12 a plan for developing that evidence or, if the school district,  
13 intermediate school district, or public school academy adapts or  
14 modifies an evaluation tool from the list under subsection (3), an  
15 assurance that the adaptations or modifications do not compromise  
16 the reliability, validity, or efficacy of the evaluation tool or  
17 the evaluation process.

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

20 (e) A description of the processes for collecting evidence,  
21 conducting evaluation conferences, developing performance ratings,  
22 and developing performance improvement plans.

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

25 (3) The department shall establish and maintain a list of  
26 school administrator evaluation tools that have demonstrated  
27 evidence of efficacy and that may be used for the purposes of this

1 section. That list initially ~~shall~~**MUST** include at least the 2  
2 evaluation models recommended in the final recommendations released  
3 by the Michigan council on educator effectiveness in July 2013. The  
4 list ~~shall~~**MUST** include a statement indicating that school  
5 districts, intermediate school districts, and public school  
6 academies are not limited to only using the evaluation tools that  
7 are included on the list. A school district, intermediate school  
8 district, or public school academy is not required to use an  
9 evaluation tool for school administrator evaluations that is the  
10 same as it uses for teacher evaluations or that has the same author  
11 or authors as the evaluation tool it uses for teacher evaluations.  
12 The department shall promulgate rules establishing standards and  
13 procedures for adding an evaluation tool to or removing an  
14 evaluation tool from the list. These rules ~~shall~~**MUST** include a  
15 process for a school district, intermediate school district, or  
16 public school academy to submit its own evaluation tool for review  
17 for placement on the list.

18 (4) The training required under subsection (1) ~~shall~~**MUST** be  
19 paid for from the funds available in the educator evaluation  
20 reserve fund created under section 95a of the state school aid act  
21 **OF 1979**, MCL 388.1695a.

22 Enacting section 1. This amendatory act takes effect 90 days  
23 after the date it is enacted into law.