

HOUSE BILL No. 4796

June 21, 2011, Introduced by Rep. Melton 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 2010 PA 336.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

4 (c) Evaluates a teacher's or school administrator's job
5 performance, using multiple rating categories that take into
6 account data on student growth as a significant factor. For these
7 purposes, student growth shall be measured by national, state, or
8 local assessments and other objective criteria.

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

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

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

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

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

23 (2) BEGINNING WITH THE 2013-2014 SCHOOL YEAR, THE BOARD OF A
24 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF
25 DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE
26 EVALUATION SYSTEM FOR TEACHERS MEETS ALL OF THE FOLLOWING:

27 (A) THE EVALUATION SYSTEM SHALL INCLUDE AT LEAST AN ANNUAL

1 YEAR-END EVALUATION FOR ALL TEACHERS. THE SYSTEM SHALL ALSO INCLUDE
2 A MIDYEAR PROGRESS REPORT IN ADDITION TO THE ANNUAL YEAR-END
3 EVALUATION FOR A TEACHER WHO MEETS ANY OF THE FOLLOWING:

4 (i) IS IN THE FIRST YEAR OF THE PROBATIONARY PERIOD PRESCRIBED
5 BY SECTION 1 OF ARTICLE II OF 1937 (EX SESS) PA 4, MCL 38.81.

6 (ii) IS IN A PROBATIONARY PERIOD PRESCRIBED BY SECTION 1A OF
7 ARTICLE III OF 1937 (EX SESS) PA 4, MCL 38.91A.

8 (iii) RECEIVED A RATING OF MINIMALLY EFFECTIVE OR INEFFECTIVE IN
9 HIS OR HER MOST RECENT ANNUAL YEAR-END EVALUATION.

10 (B) AN ANNUAL YEAR-END EVALUATION SHALL MEET ALL OF THE
11 FOLLOWING:

12 (i) FOR THE ANNUAL YEAR-END EVALUATION FOR THE 2013-2014 SCHOOL
13 YEAR, AT LEAST 25% OF THE ANNUAL YEAR-END EVALUATION SHALL BE BASED
14 ON STUDENT GROWTH AND ASSESSMENT DATA. FOR THE ANNUAL YEAR-END
15 EVALUATION FOR THE 2014-2015 SCHOOL YEAR, AT LEAST 40% OF THE
16 ANNUAL YEAR-END EVALUATION SHALL BE BASED ON STUDENT GROWTH AND
17 ASSESSMENT DATA. BEGINNING WITH THE ANNUAL YEAR-END EVALUATION FOR
18 THE 2015-2016 SCHOOL YEAR, AT LEAST 50% OF THE ANNUAL YEAR-END
19 EVALUATION SHALL BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA.
20 ALL STUDENT GROWTH AND ASSESSMENT DATA SHALL BE MEASURED USING A
21 STUDENT GROWTH ASSESSMENT TOOL DEVELOPED OR ADOPTED BY THE SCHOOL
22 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY OR
23 THE STUDENT GROWTH ASSESSMENT TOOL RECOMMENDED BY THE GOVERNOR'S
24 COUNCIL ON EDUCATOR EFFECTIVENESS UNDER SUBSECTION (5).

25 (ii) IF THERE ARE STUDENT GROWTH AND ASSESSMENT DATA AVAILABLE
26 FOR A TEACHER FOR AT LEAST 3 SCHOOL YEARS, THE EVALUATION SHALL BE
27 BASED ON THE STUDENT GROWTH AND ASSESSMENT DATA FOR THE MOST RECENT

1 3-CONSECUTIVE-SCHOOL-YEAR PERIOD. IF THERE ARE NOT STUDENT GROWTH
2 AND ASSESSMENT DATA AVAILABLE FOR A TEACHER FOR AT LEAST 3 SCHOOL
3 YEARS, THE EVALUATION SHALL BE BASED ON ALL STUDENT GROWTH AND
4 ASSESSMENT DATA THAT ARE AVAILABLE FOR THE TEACHER.

5 (iii) THE EVALUATION SHALL INCLUDE SPECIFIC PERFORMANCE GOALS
6 THAT WILL ASSIST IN IMPROVING EFFECTIVENESS FOR THE NEXT SCHOOL
7 YEAR AND ARE DEVELOPED WITH INPUT FROM THE SCHOOL PRINCIPAL
8 CONDUCTING THE EVALUATION AND THE TEACHER AND ANY RECOMMENDED
9 TRAINING IDENTIFIED AND AGREED TO BY THE PRINCIPAL AND THE TEACHER
10 THAT WOULD ASSIST THE TEACHER IN MEETING THESE GOALS. FOR A TEACHER
11 DESCRIBED IN SUBDIVISION (A) (i) TO (iii), THE PRINCIPAL AND THE
12 TEACHER SHALL AGREE TO AN INDIVIDUALIZED DEVELOPMENT PLAN THAT
13 INCLUDES THESE GOALS AND TRAINING AND IS DESIGNED TO ASSIST THE
14 TEACHER TO IMPROVE HIS OR HER RATING.

15 (C) THE EVALUATION SYSTEM SHALL INCLUDE AN ADDITIONAL MIDYEAR
16 PROGRESS REPORT FOR A TEACHER DESCRIBED IN SUBDIVISION (A) (i) TO
17 (iii) AS A SUPPLEMENTAL TOOL TO GAUGE A TEACHER'S IMPROVEMENT FROM
18 THE PRECEDING SCHOOL YEAR AND TO ASSIST A TEACHER TO IMPROVE. ALL
19 OF THE FOLLOWING APPLY TO THE MIDYEAR PROGRESS REPORT:

20 (i) THE MIDYEAR PROGRESS REPORT SHALL BE CONDUCTED IN JANUARY
21 OF A SCHOOL YEAR.

22 (ii) THE MIDYEAR PROGRESS REPORT SHALL BE BASED ON THE SAME
23 EVALUATION TOOL FOR TEACHERS AS THE ANNUAL YEAR-END EVALUATION.

24 (iii) THE MIDYEAR PROGRESS REPORT SHALL INCLUDE SPECIFIC
25 PERFORMANCE GOALS FOR THE REMAINDER OF THE SCHOOL YEAR THAT ARE
26 AGREED TO BY THE SCHOOL PRINCIPAL CONDUCTING THE EVALUATION AND THE
27 TEACHER AND ANY RECOMMENDED TRAINING IDENTIFIED AND AGREED TO BY

1 THE PRINCIPAL AND THE TEACHER THAT WOULD ASSIST THE TEACHER IN
2 MEETING THESE GOALS. AT THE MIDYEAR PROGRESS REPORT, THE PRINCIPAL
3 AND THE TEACHER SHALL AGREE TO A WRITTEN IMPROVEMENT PLAN THAT
4 INCLUDES THESE GOALS AND TRAINING AND IS DESIGNED TO ASSIST THE
5 TEACHER TO IMPROVE HIS OR HER RATING.

6 (iv) THE MIDYEAR PROGRESS REPORT SHALL NOT TAKE THE PLACE OF AN
7 ANNUAL YEAR-END EVALUATION.

8 (D) THE EVALUATION SYSTEM SHALL INCLUDE CLASSROOM OBSERVATIONS
9 TO ASSIST IN THE PERFORMANCE EVALUATIONS. ALL OF THE FOLLOWING
10 APPLY TO THESE CLASSROOM OBSERVATIONS:

11 (i) EXCEPT AS PROVIDED IN THIS SUBDIVISION, THE MANNER IN WHICH
12 A CLASSROOM OBSERVATION IS CONDUCTED SHALL BE PRESCRIBED IN THE
13 EVALUATION TOOL FOR TEACHERS DESCRIBED IN SUBDIVISION (E).

14 (ii) A CLASSROOM OBSERVATION SHALL INCLUDE A REVIEW OF THE
15 TEACHER'S LESSON PLANS AND ATTENDANCE.

16 (iii) A CLASSROOM OBSERVATION DOES NOT HAVE TO BE FOR AN ENTIRE
17 CLASS PERIOD.

18 (iv) UNLESS A TEACHER HAS RECEIVED A RATING OF EFFECTIVE OR
19 HIGHLY EFFECTIVE ON HIS OR HER 2 MOST RECENT ANNUAL YEAR-END
20 EVALUATIONS, THERE SHALL BE MULTIPLE CLASSROOM OBSERVATIONS OF THE
21 TEACHER EACH SCHOOL YEAR.

22 (E) THE EVALUATION SYSTEM SHALL ENSURE THAT EACH EVALUATION IS
23 CONDUCTED USING AN EVALUATION TOOL DEVELOPED OR ADOPTED BY THE
24 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
25 ACADEMY THAT MEETS THE CRITERIA UNDER THIS SUBSECTION OR THE STATE
26 VOLUNTARY DEFAULT EVALUATION TOOL FOR TEACHERS RECOMMENDED BY THE
27 GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS UNDER SUBSECTION (5).

1 (F) THE EVALUATION SYSTEM SHALL ASSIGN AN EFFECTIVENESS RATING
2 TO EACH TEACHER OF HIGHLY EFFECTIVE, EFFECTIVE, MINIMALLY
3 EFFECTIVE, OR INEFFECTIVE, BASED ON HIS OR HER SCORE ON THE
4 EVALUATION TOOL.

5 (G) AS PART OF THE EVALUATION SYSTEM, AND IN ADDITION TO THE
6 REQUIREMENTS OF SECTION 1526, A SCHOOL DISTRICT, INTERMEDIATE
7 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IS ENCOURAGED TO ASSIGN A
8 MENTOR TO EACH TEACHER WHO IS DESCRIBED IN SUBDIVISION (A) (i) TO
9 (iii) .

10 (H) THE EVALUATION SYSTEM SHALL EXEMPT FROM A TEACHER'S
11 EVALUATION STUDENT GROWTH DATA FOR PUPILS WHO ARE ABSENT FOR 15% OR
12 MORE OF THE TIME FROM THE TEACHER'S CLASS. THE EVALUATION SYSTEM
13 ALSO MAY ALLOW FOR EXEMPTION OF STUDENT GROWTH DATA FOR A
14 PARTICULAR PUPIL FOR A SCHOOL YEAR UPON THE RECOMMENDATION OF THE
15 PRINCIPAL CONDUCTING THE EVALUATION AND APPROVAL OF THE SCHOOL
16 DISTRICT SUPERINTENDENT, INTERMEDIATE SUPERINTENDENT, OR CHIEF
17 ADMINISTRATOR OF THE PUBLIC SCHOOL ACADEMY, AS APPLICABLE.

18 (3) BEGINNING WITH THE 2013-2014 SCHOOL YEAR, THE BOARD OF A
19 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF
20 DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE
21 EVALUATION SYSTEM FOR PRINCIPALS AND OTHER BUILDING-LEVEL SCHOOL
22 ADMINISTRATORS MEETS ALL OF THE FOLLOWING:

23 (A) THE EVALUATION SYSTEM SHALL INCLUDE AT LEAST AN ANNUAL
24 YEAR-END EVALUATION FOR ALL PRINCIPALS AND OTHER BUILDING-LEVEL
25 SCHOOL ADMINISTRATORS BY THE SCHOOL DISTRICT SUPERINTENDENT,
26 INTERMEDIATE SUPERINTENDENT, OR CHIEF ADMINISTRATOR OF THE PUBLIC
27 SCHOOL ACADEMY, AS APPLICABLE.

1 (B) FOR THE ANNUAL YEAR-END EVALUATION FOR THE 2013-2014
2 SCHOOL YEAR, AT LEAST 22% OF THE ANNUAL YEAR-END EVALUATION SHALL
3 BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA. FOR THE ANNUAL
4 YEAR-END EVALUATION FOR THE 2014-2015 SCHOOL YEAR, AT LEAST 44% OF
5 THE ANNUAL YEAR-END EVALUATION SHALL BE BASED ON STUDENT GROWTH AND
6 ASSESSMENT DATA. BEGINNING WITH THE ANNUAL YEAR-END EVALUATION FOR
7 THE 2015-2016 SCHOOL YEAR, AT LEAST 66% OF THE ANNUAL YEAR-END
8 EVALUATION SHALL BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA.
9 THE STUDENT GROWTH AND ASSESSMENT DATA TO BE USED FOR THE SCHOOL
10 ADMINISTRATOR EVALUATION SHALL BE THE SAME STUDENT GROWTH AND
11 ASSESSMENT DATA THAT IS USED IN TEACHER EVALUATIONS IN EACH SCHOOL
12 IN WHICH THE SCHOOL ADMINISTRATOR WORKS AS AN ADMINISTRATOR.

13 (C) THE PORTION OF THE PERFORMANCE EVALUATION THAT IS NOT
14 BASED ON STUDENT GROWTH AND ASSESSMENT DATA SHALL BE BASED ON THE
15 FOLLOWING FOR EACH SCHOOL IN WHICH THE SCHOOL ADMINISTRATOR WORKS
16 AS AN ADMINISTRATOR:

17 (i) IF THE SCHOOL ADMINISTRATOR CONDUCTS TEACHER EVALUATIONS,
18 THE SCHOOL ADMINISTRATOR'S TRAINING AND PROFICIENCY IN USING THE
19 TEACHER EVALUATION TOOL DESCRIBED IN SUBSECTION (2) (E), INCLUDING A
20 RANDOM SAMPLING OF HIS OR HER TEACHER EVALUATIONS TO ASSESS THE
21 QUALITY OF THE SCHOOL ADMINISTRATOR'S INPUT IN THE TEACHER
22 EVALUATION SYSTEM. IF THE SCHOOL ADMINISTRATOR DESIGNATES ANOTHER
23 PERSON TO CONDUCT TEACHER EVALUATIONS AT THE SCHOOL, THE EVALUATION
24 OF THE SCHOOL ADMINISTRATOR ON THIS FACTOR SHALL BE BASED ON THE
25 DESIGNEE'S TRAINING AND PROFICIENCY IN USING THE TEACHER EVALUATION
26 TOOL DESCRIBED IN SUBSECTION (2) (E), INCLUDING A RANDOM SAMPLING OF
27 THE DESIGNEE'S TEACHER EVALUATIONS TO ASSESS THE QUALITY OF THE

1 DESIGNEE'S INPUT IN THE TEACHER EVALUATION SYSTEM, WITH THE
2 DESIGNEE'S PERFORMANCE TO BE COUNTED AS IF IT WERE THE SCHOOL
3 ADMINISTRATOR PERSONALLY CONDUCTING THE EVALUATIONS.

4 (ii) THE PROGRESS MADE BY THE SCHOOL IN MEETING THE GOALS SET
5 FORTH IN THE SCHOOL'S SCHOOL IMPROVEMENT PLAN.

6 (iii) PUPIL ATTENDANCE IN THE SCHOOL.

7 (iv) SPECIAL RECOGNITION AND AWARDS.

8 (v) STUDENT, PARENT, AND TEACHER FEEDBACK, AND OTHER
9 INFORMATION CONSIDERED PERTINENT BY THE SUPERINTENDENT OR CHIEF
10 ADMINISTRATOR CONDUCTING THE EVALUATION.

11 (D) THE EVALUATION SYSTEM SHALL ENSURE THAT EACH EVALUATION IS
12 CONDUCTED USING AN EVALUATION TOOL DEVELOPED OR ADOPTED BY THE
13 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
14 ACADEMY THAT MEETS THE CRITERIA UNDER THIS SUBSECTION OR THE STATE
15 VOLUNTARY DEFAULT EVALUATION TOOL FOR PRINCIPALS AND OTHER
16 BUILDING-LEVEL SCHOOL ADMINISTRATORS RECOMMENDED BY THE GOVERNOR'S
17 COUNCIL ON EDUCATOR EFFECTIVENESS UNDER SUBSECTION (5).

18 (E) THE EVALUATION SYSTEM SHALL ASSIGN AN EFFECTIVENESS RATING
19 TO EACH PRINCIPAL OR OTHER BUILDING-LEVEL SCHOOL ADMINISTRATOR OF
20 HIGHLY EFFECTIVE, EFFECTIVE, MINIMALLY EFFECTIVE, OR INEFFECTIVE,
21 BASED ON HIS OR HER SCORE ON THE EVALUATION TOOL.

22 (F) THE EVALUATION SYSTEM SHALL ENSURE THAT IF A PRINCIPAL OR
23 OTHER BUILDING-LEVEL SCHOOL ADMINISTRATOR IS RATED AS MINIMALLY
24 EFFECTIVE OR INEFFECTIVE, THE SUPERINTENDENT OR CHIEF ADMINISTRATOR
25 SHALL DEVELOP AND REQUIRE THE PRINCIPAL OR OTHER BUILDING-LEVEL
26 SCHOOL ADMINISTRATOR TO IMPLEMENT AN IMPROVEMENT PLAN TO CORRECT
27 THE DEFICIENCIES. THE IMPROVEMENT PLAN SHALL RECOMMEND PROFESSIONAL

1 DEVELOPMENT OPPORTUNITIES AND OTHER MEASURES DESIGNED TO IMPROVE
2 THE RATING OF THE PRINCIPAL OR OTHER BUILDING-LEVEL SCHOOL
3 ADMINISTRATOR ON HIS OR HER NEXT EVALUATION.

4 (G) THE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A PRINCIPAL
5 OR OTHER BUILDING-LEVEL SCHOOL ADMINISTRATOR IS RATED AS
6 INEFFECTIVE ON 2 CONSECUTIVE ANNUAL YEAR-END EVALUATIONS, THE
7 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL
8 DISTRICT SHALL DISMISS THE SCHOOL ADMINISTRATOR FROM HIS OR HER
9 EMPLOYMENT.

10 (4) THE GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS IS
11 CREATED AS A TEMPORARY COMMISSION DESCRIBED IN SECTION 4 OF ARTICLE
12 V OF THE STATE CONSTITUTION OF 1963. THE DEPARTMENT SHALL PROVIDE
13 STAFFING AND SUPPORT FOR THE GOVERNOR'S COUNCIL ON EDUCATOR
14 EFFECTIVENESS. THE SUPERINTENDENT OF PUBLIC INSTRUCTION, A DESIGNEE
15 OF THE GOVERNOR, A DESIGNEE OF THE SENATE MAJORITY LEADER, AND A
16 DESIGNEE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SERVE
17 AS EX OFFICIO MEMBERS OF THE GOVERNOR'S COUNCIL ON EDUCATOR
18 EFFECTIVENESS. NOT LATER THAN SEPTEMBER 30, 2011, THE GOVERNOR,
19 WITH THE ADVICE AND CONSENT OF THE SENATE, SHALL APPOINT THE
20 FOLLOWING MEMBERS OF THE GOVERNOR'S COUNCIL ON EDUCATOR
21 EFFECTIVENESS:

22 (A) TWO MEMBERS WHO ARE CURRENTLY EMPLOYED AS TEACHERS IN THIS
23 STATE, SELECTED WITH THE ADVICE OF STATEWIDE ASSOCIATIONS THAT
24 REPRESENT TEACHERS OR STUDENT ADVOCACY ORGANIZATIONS.

25 (B) TWO MEMBERS WHO ARE CURRENTLY EMPLOYED AS PUBLIC SCHOOL
26 ADMINISTRATORS IN THIS STATE, SELECTED WITH THE ADVICE OF STATEWIDE
27 ASSOCIATIONS THAT REPRESENT PUBLIC SCHOOL ADMINISTRATORS OR STUDENT

1 ADVOCACY ORGANIZATIONS.

2 (C) ONE MEMBER WHO IS CURRENTLY EMPLOYED AS A SCHOOL DISTRICT
3 SUPERINTENDENT, SELECTED WITH THE ADVICE OF STATEWIDE ASSOCIATIONS
4 THAT REPRESENT SCHOOL DISTRICT SUPERINTENDENTS OR STUDENT ADVOCACY
5 ORGANIZATIONS.

6 (D) ONE MEMBER WHO IS CURRENTLY SERVING AS A MEMBER OF A LOCAL
7 SCHOOL BOARD, SELECTED WITH THE ADVICE OF STATEWIDE ASSOCIATIONS
8 THAT REPRESENT SCHOOL BOARDS OR STUDENT ADVOCACY ORGANIZATIONS.

9 (E) IF NONE OF THE MEMBERS APPOINTED UNDER SUBDIVISIONS (A) TO
10 (D) REPRESENT A PUBLIC SCHOOL ACADEMY, 1 MEMBER WHO IS CURRENTLY
11 EMPLOYED AS A TEACHER OR SCHOOL ADMINISTRATOR AT A PUBLIC SCHOOL
12 ACADEMY, SELECTED WITH THE ADVICE OF PUBLIC SCHOOL ACADEMY ADVOCACY
13 ORGANIZATIONS.

14 (F) TWO MEMBERS WHO ARE PARENTS OF CHILDREN CURRENTLY ENROLLED
15 IN THE PUBLIC SCHOOLS IN THIS STATE.

16 (G) ONE MEMBER REPRESENTING THE GENERAL PUBLIC, SELECTED WITH
17 THE ADVICE OF PARENT ADVOCACY ORGANIZATIONS OR STUDENT ADVOCACY
18 ORGANIZATIONS.

19 (H) ONE MEMBER WHO REPRESENTS A FOUNDATION OR OTHER
20 PHILANTHROPIC ORGANIZATION.

21 (I) THREE MEMBERS WHO ARE RECOGNIZED EXPERTS IN EDUCATIONAL
22 POLICY.

23 (J) SIX MEMBERS WHO ARE EXPERTS ON THE DESIGN AND
24 IMPLEMENTATION OF EDUCATOR EVALUATIONS, INCLUDING MEMBERS WHO CAN
25 PROVIDE A NATIONAL PERSPECTIVE.

26 (K) ONE OR MORE ADDITIONAL MEMBERS WHO ARE TECHNICAL EXPERTS
27 ON EVALUATION, AT THE DISCRETION OF THE GOVERNOR.

1 (5) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL HOLD THE
2 FIRST MEETING OF THE GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS
3 NOT LATER THAN OCTOBER 31, 2011. NOT LATER THAN SEPTEMBER 30, 2012,
4 THE GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS SHALL SUBMIT TO
5 THE STATE BOARD, THE GOVERNOR, AND THE LEGISLATURE A REPORT THAT
6 IDENTIFIES AND RECOMMENDS ALL OF THE FOLLOWING FOR THE PURPOSES OF
7 THIS SECTION, AND THAT MAY INCLUDE RECOMMENDATIONS ON EVALUATION
8 PROCESSES AND OTHER MATTERS RELATED TO THE PURPOSES OF THIS
9 SECTION:

10 (A) A STUDENT GROWTH ASSESSMENT TOOL. THE COUNCIL SHALL
11 SPECIFICALLY ATTEMPT TO IDENTIFY AND RECOMMEND A STUDENT GROWTH
12 ASSESSMENT TOOL THAT MEETS ALL OF THE FOLLOWING:

13 (i) IN ADDITION TO MEASURING STUDENT GROWTH IN THE CORE SUBJECT
14 AREAS OF MATHEMATICS, SCIENCE, ENGLISH LANGUAGE ARTS, AND HISTORY,
15 WILL MEASURE STUDENT GROWTH IN OTHER SUBJECT AREAS.

16 (ii) COMPLIES WITH ALL CURRENT STATE AND FEDERAL LAW FOR
17 STUDENTS WITH A DISABILITY.

18 (iii) HAS AT LEAST A PRE- AND POST-TEST.

19 (iv) IS ABLE TO BE USED FOR PUPILS OF ALL ACHIEVEMENT LEVELS.

20 (B) A STATE VOLUNTARY DEFAULT EVALUATION TOOL FOR TEACHERS.

21 ALL OF THE FOLLOWING APPLY TO THIS RECOMMENDATION:

22 (i) IN ADDITION TO STUDENT GROWTH AND ASSESSMENT DATA, THE
23 RECOMMENDED STATE VOLUNTARY DEFAULT EVALUATION TOOL FOR TEACHERS
24 MAY INCLUDE, BUT IS NOT LIMITED TO, PROFESSIONAL CONTRIBUTIONS,
25 TRAINING, PROGRESS REPORT ACHIEVEMENT, SCHOOL IMPROVEMENT PLAN
26 PROGRESS, PEER INPUT, AND PUPIL AND PARENT FEEDBACK.

27 (ii) THE COUNCIL SHALL ENSURE THAT THE RECOMMENDED STATE

1 VOLUNTARY DEFAULT EVALUATION TOOL FOR TEACHERS WILL ALLOW ALL
2 SPECIAL EDUCATION TEACHERS TO BE RATED FAIRLY IF THEIR PUPILS ARE
3 NOT REQUIRED TO BE ASSESSED UNDER STATE LAW. THE COUNCIL SHALL
4 RECOMMEND A REPLACEMENT MODEL FOR STUDENT GROWTH AND ASSESSMENT
5 DATA IF IT CANNOT BE MEASURED FOR THESE PUPILS.

6 (iii) THE COUNCIL SHALL IDENTIFY AND RECOMMEND A PROCESS FOR THE
7 STATE TO APPROVE LOCAL EVALUATION TOOLS FOR TEACHERS FOR SCHOOL
8 DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS, OR PUBLIC SCHOOL
9 ACADEMIES THAT USE AN EVALUATION TOOL FOR TEACHERS OTHER THAN THE
10 STATE VOLUNTARY DEFAULT EVALUATION TOOL FOR TEACHERS. THE COUNCIL
11 SHALL ALSO IDENTIFY AND RECOMMEND A MINIMUM SET OF CRITERIA AND
12 STANDARDS THAT MUST BE USED IN ANY LOCAL EVALUATION TOOL FOR
13 TEACHERS.

14 (iv) THE COUNCIL SHALL SEEK INPUT FROM LEADING SCHOOL DISTRICTS
15 IN THIS STATE THAT ARE ALREADY USING EVALUATIONS.

16 (C) A STATE VOLUNTARY DEFAULT EVALUATION TOOL FOR SCHOOL
17 PRINCIPALS AND OTHER BUILDING-LEVEL CHIEF ADMINISTRATORS. ALL OF
18 THE FOLLOWING APPLY TO THIS RECOMMENDATION:

19 (i) IN ADDITION TO STUDENT GROWTH AND ASSESSMENT DATA, THE
20 RECOMMENDED STATE VOLUNTARY DEFAULT EVALUATION TOOL FOR SCHOOL
21 PRINCIPALS AND OTHER BUILDING-LEVEL CHIEF ADMINISTRATORS MAY
22 INCLUDE, BUT IS NOT LIMITED TO, PROFESSIONAL CONTRIBUTIONS,
23 TRAINING, PROGRESS REPORT ACHIEVEMENT, SCHOOL IMPROVEMENT PLAN
24 PROGRESS, PEER INPUT, AND PUPIL AND PARENT FEEDBACK.

25 (ii) THE COUNCIL SHALL ENSURE THAT THE RECOMMENDED STATE
26 VOLUNTARY DEFAULT EVALUATION TOOL FOR SCHOOL PRINCIPALS AND OTHER
27 BUILDING-LEVEL CHIEF ADMINISTRATORS WILL ALLOW ADAPTATIONS TO BE

1 MADE IF 1 OR MORE SPECIAL EDUCATION TEACHERS ARE UNDER THE
2 SUPERVISION OF A PRINCIPAL OR OTHER BUILDING-LEVEL CHIEF
3 ADMINISTRATOR TO ENSURE THAT THE STUDENT GROWTH AND ASSESSMENT DATA
4 IS USED FAIRLY IN THE EVALUATION.

5 (iii) THE COUNCIL SHALL IDENTIFY AND RECOMMEND A PROCESS FOR THE
6 STATE TO APPROVE LOCAL EVALUATION TOOLS FOR SCHOOL PRINCIPALS AND
7 OTHER BUILDING-LEVEL CHIEF ADMINISTRATORS FOR SCHOOL DISTRICTS,
8 INTERMEDIATE SCHOOL DISTRICTS, OR PUBLIC SCHOOL ACADEMIES THAT USE
9 AN EVALUATION TOOL FOR TEACHERS OTHER THAN THE STATE VOLUNTARY
10 DEFAULT EVALUATION TOOL FOR TEACHERS. THE COUNCIL SHALL ALSO
11 IDENTIFY AND RECOMMEND A MINIMUM SET OF CRITERIA AND STANDARDS THAT
12 MUST BE USED IN ANY LOCAL EVALUATION TOOL FOR SCHOOL PRINCIPALS AND
13 OTHER BUILDING-LEVEL CHIEF ADMINISTRATORS.

14 (D) A STATE VOLUNTARY DEFAULT EVALUATION TOOL FOR CENTRAL
15 OFFICE-LEVEL SCHOOL ADMINISTRATORS, NONACADEMIC SCHOOL
16 ADMINISTRATORS, AND BUILDING-LEVEL ADMINISTRATORS OTHER THAN THOSE
17 DESCRIBED IN SUBDIVISION (C). THE STATE VOLUNTARY DEFAULT
18 EVALUATION TOOL FOR THESE ADMINISTRATORS SHALL INCORPORATE STUDENT
19 GROWTH AND ASSESSMENT DATA INTO EVALUATIONS FOR ALL ADMINISTRATORS
20 DESCRIBED IN THIS SUBDIVISION.

21 (6) THE LEGISLATURE, STATE BOARD, AND DEPARTMENT SHALL WORK TO
22 LOCATE 10 SCHOOL DISTRICTS THAT ARE WILLING TO CONDUCT PILOT
23 PROGRAMS BASED ON THE RECOMMENDATIONS OF THE GOVERNOR'S COUNCIL ON
24 EDUCATOR EFFECTIVENESS DURING THE 2012-2013 SCHOOL YEAR.

25 (7) ~~(2)~~—If a collective bargaining agreement is in effect for
26 teachers or school administrators of a school district, public
27 school academy, or intermediate school district as of January 4,

1 2010, and if that collective bargaining agreement prevents
2 compliance with subsection (1), then subsection (1) does not apply
3 to that school district, public school academy, or intermediate
4 school district until after the expiration of that collective
5 bargaining agreement.

6 (8) ~~(3)~~—A school district, intermediate school district, or
7 public school academy shall continue to conduct the evaluations for
8 school principals that are currently required by the department
9 through the 2010-2011 school year. At the end of the 2010-2011
10 school year, a school district, intermediate school district, or
11 public school academy shall report the most recently completed or
12 determined "effectiveness label" from that evaluation for each
13 principal who is in place for 2010-2011, in a form and manner
14 prescribed by the department.