

SUBSTITUTE FOR  
SENATE BILL NO. 817

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.

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

1       Sec. 1249. (1) ~~Not later than September 1, 2011, and subject~~  
2 **SUBJECT** to subsection ~~(9)~~, **(7)**, with the involvement of teachers  
3 and school administrators, the board of a school district or  
4 intermediate school district or board of directors of a public  
5 school academy shall adopt and implement for all teachers and  
6 school 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.~~ **FOR 2014-2015, FOR**  
10 **GRADES AND SUBJECTS IN WHICH STATE ASSESSMENTS ARE ADMINISTERED IN**  
11 **COMPLIANCE WITH 20 USC 6311, STUDENT GROWTH MUST BE MEASURED, AT**  
12 **LEAST IN PART, USING THE STATE ASSESSMENTS, AND FOR GRADES AND**  
13 **SUBJECTS IN WHICH STATE ASSESSMENTS ARE NOT REQUIRED AND**  
14 **ADMINISTERED FOR PURPOSES OF 20 USC 6311, STUDENT GROWTH MUST BE**  
15 **MEASURED, AT LEAST IN PART, USING ALTERNATIVE ASSESSMENTS THAT ARE**  
16 **RIGOROUS AND COMPARABLE ACROSS SCHOOLS WITHIN THE SCHOOL DISTRICT,**  
17 **INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.** If the  
18 performance evaluation system implemented by a school district,  
19 intermediate school district, or public school academy under this  
20 section does not already include the rating of teachers as highly  
21 effective, effective, minimally effective, and ineffective, then  
22 the school district, intermediate school district, or public school  
23 academy shall revise the performance evaluation system ~~within 60~~  
24 ~~days after the effective date of the amendatory act that added this~~  
25 ~~sentence~~ **NOT LATER THAN SEPTEMBER 19, 2011** to ensure that it rates  
26 teachers as highly effective, effective, minimally effective, or  
27 ineffective.

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

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

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

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

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

15 (2) Beginning with the ~~2013-2014-2015-2016~~ school year, the  
16 board of a school district or intermediate school district or board  
17 of directors of a public school academy shall ensure that the  
18 performance evaluation system for teachers meets all of the  
19 following:

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

23 (i) [~~<<For the annual year end evaluation for the 2013-2014 school~~  
24 ~~year, at least~~ , 25% of the annual  
~~year end evaluation shall be based~~  
25 ~~on student growth and assessment data.>>~~ For the annual year-end  
26 ~~evaluation for the 2014-2015 school year, at least 40% of the~~  
27 ~~annual year end evaluation shall be based on student growth and~~

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1 ~~assessment data. Beginning with the annual year-end evaluation for~~  
 2 ~~the 2015-2016 school year, at <<AT least~~ >> 50% ] of the  
 annual year-

3 end evaluation shall be based on student growth and assessment  
 4 data. All student growth and assessment data shall be measured  
 5 using the student growth assessment tool that is required under  
 6 legislation enacted by the legislature ~~under subsection (6)~~ after  
 7 review of the recommendations contained in the report of the  
 8 ~~governor's council on~~ **FORMER MICHIGAN COUNCIL FOR** educator  
 9 effectiveness. ~~submitted under subsection (5)~~.

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

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

1 designed to assist the teacher to improve his or her effectiveness.

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

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

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

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

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

27 (c) The performance evaluation system shall include classroom

1 observations to assist in the performance evaluations. All of the  
2 following apply to these classroom observations:

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

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

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

11 (iv) Unless a teacher has received a rating of effective or  
12 highly effective on his or her 2 most recent annual year-end  
13 evaluations, there shall be multiple classroom observations of the  
14 teacher each school year.

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

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

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

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

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

27 (i) The performance evaluation system shall provide that, if a

1 teacher is rated as highly effective on 3 consecutive annual year-  
2 end evaluations, the school district, intermediate school district,  
3 or public school academy may choose to conduct a year-end  
4 evaluation biennially instead of annually. However, if a teacher is  
5 not rated as highly effective on 1 of these biennial year-end  
6 evaluations, the teacher shall again be provided with annual year-  
7 end evaluations.

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

24 (3) Beginning with the ~~2013-2014~~**2015-2016** school year, the  
25 board of a school district or intermediate school district or board  
26 of directors of a public school academy shall ensure that the  
27 performance evaluation system for building-level school



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1 administrators and for central office-level school administrators  
2 who are regularly involved in instructional matters meets all of  
3 the following:

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

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

26 (c) The portion of the annual year-end evaluation that is not  
27 based on student growth and assessment data shall be based on at

1 least the following for each school in which the school  
2 administrator works as an administrator or, for a central-office  
3 level school administrator, for the entire school district or  
4 intermediate school district:

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

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

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

25 (iv) Student, parent, and teacher feedback, and other  
26 information considered pertinent by the superintendent or other  
27 school administrator conducting the performance evaluation or the

1 board or board of directors.

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

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

22 (f) The performance evaluation system shall ensure that if a  
23 school administrator described in this subsection is rated as  
24 minimally effective or ineffective, the person or persons  
25 conducting the evaluation shall develop and require the school  
26 administrator to implement an improvement plan to correct the  
27 deficiencies. The improvement plan shall recommend professional

1 development opportunities and other measures designed to improve  
2 the rating of the school administrator on his or her next annual  
3 year-end evaluation.

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

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

25 ~~—— (4) The governor's council on educator effectiveness is~~  
26 ~~created as a temporary commission described in section 4 of article~~  
27 ~~v of the state constitution of 1963. All of the following apply to~~

1 ~~the governor's council on educator effectiveness.~~

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

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

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

6 ~~—— (iii) The speaker of the house of representatives shall appoint~~  
7 ~~1 member.~~

8 ~~—— (b) In addition to the members appointed under subdivision~~

9 ~~(a), the superintendent of public instruction or his or her~~  
10 ~~designee shall serve as a nonvoting member.~~

11 ~~—— (c) The members appointed under subdivision (a), and the~~  
12 ~~designee of the superintendent of public instruction if he or she~~

13 ~~appoints a designee, shall have expertise in 1 or more of the~~  
14 ~~following areas: psychometrics, measurement, performance based~~  
15 ~~educator evaluation models, educator effectiveness, or development~~  
16 ~~of educator evaluation frameworks in other states.~~

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

21 ~~—— (e) The governor shall appoint an advisory committee for the~~  
22 ~~governor's council on educator effectiveness to provide input on~~  
23 ~~the council's recommendations. The advisory committee shall consist~~  
24 ~~of public school teachers, public school administrators, and~~  
25 ~~parents of public school pupils.~~

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

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

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

9 ~~—— (i) Is a value added model that takes into account student~~  
10 ~~achievement and assessment data, and is based on an assessment tool~~  
11 ~~that has been determined to be reliable and valid for the purposes~~  
12 ~~of measuring value added data.~~

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

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

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

19 ~~—— (v) Is able to be used for pupils of all achievement 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           (4) ~~(6)~~—It is the intent of the legislature to review the  
 2 report submitted by the ~~governor's council on~~ **FORMER MICHIGAN**  
 3 **COUNCIL FOR** educator effectiveness ~~under subsection (5)~~ and to  
 4 enact appropriate legislation to put into place a statewide  
 5 performance evaluation system taking into consideration the  
 6 recommendations contained in the report.

7           (5) ~~(7)~~—If all of the following apply for a public school  
 8 operated by a school district, intermediate school district, or  
 9 public school academy, then the school district, intermediate  
 10 school district, or public school academy is not required to comply  
 11 with subsection (2) or (3) for that public school:

12           (a) As of ~~the effective date of this subsection,~~ **JULY 19,**  
 13 **2011,** the school district, intermediate school district, or public  
 14 school academy ~~has~~ **HAD** already implemented and is currently using a  
 15 performance evaluation system for that public school that meets all  
 16 of the following requirements:

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

20           (ii) The system uses research-based measures to determine  
 21 student growth. ~~, which~~ **FOR 2014-2015, FOR GRADES AND SUBJECTS IN**  
 22 **WHICH STATE ASSESSMENTS ARE ADMINISTERED IN COMPLIANCE WITH 20 USC**  
 23 **6311, STUDENT GROWTH MUST BE MEASURED, AT LEAST IN PART, USING THE**  
 24 **STATE ASSESSMENTS, AND FOR GRADES AND SUBJECTS IN WHICH STATE**  
 25 **ASSESSMENTS ARE NOT REQUIRED AND ADMINISTERED FOR PURPOSES OF 20**  
 26 **USC 6311, STUDENT GROWTH MUST BE MEASURED, AT LEAST IN PART, USING**  
 27 **ALTERNATIVE ASSESSMENTS THAT ARE RIGOROUS AND COMPARABLE ACROSS**



1 SCHOOLS WITHIN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,  
2 OR PUBLIC SCHOOL ACADEMY. STUDENT GROWTH ALSO may be measured by  
3 standards-based, nationally normed assessments **AND OTHER OBJECTIVE**  
4 **CRITERIA WHICH MAY INCLUDE OTHER NATIONAL OR LOCAL ASSESSMENTS.**

5 (iii) The system determines professional competence through  
6 multiple direct observations of classroom practices and  
7 professional practices throughout the school year.

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

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

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

16 (b) The school district, intermediate school district, or  
17 public school academy ~~notifies~~ **NOTIFIED** the **FORMER** governor's  
18 council on educator effectiveness by November 1, 2011 that it is  
19 exempt under this subsection from the requirements of subsections  
20 (2) and (3).

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

24 (6) ~~(8)~~ If, after the effective date of this subsection, **JULY**  
25 **19, 2011**, a school district, intermediate school district, or  
26 public school academy begins operating a new public school, or  
27 implements a new performance evaluation system for a public school

1 it operates, and all of the following apply, then the school  
2 district, intermediate school district, or public school academy is  
3 not required to comply with subsection (2) or (3) for that public  
4 school:

5 (a) The performance evaluation system adopted and implemented  
6 for that public school replicates and is identical to the  
7 performance evaluation system of a public school that is exempt  
8 under subsection ~~(7)~~-(5).

9 (b) The school district, intermediate school district, or  
10 public school academy posts a description of the performance  
11 evaluation system on its website.

12 (7) ~~(9)~~—If a collective bargaining agreement is in effect for  
13 teachers or school administrators of a school district, public  
14 school academy, or intermediate school district as of ~~the effective~~  
15 ~~date of the 2011 amendatory act that amended this subsection,~~ **JULY**  
16 **19, 2011**, and if that collective bargaining agreement prevents  
17 compliance with subsection (1), then subsection (1) does not apply  
18 to that school district, public school academy, or intermediate  
19 school district until after the expiration of that collective  
20 bargaining agreement.

21 ~~—(10) A school district, intermediate school district, or~~  
22 ~~public school academy shall continue to conduct the evaluations for~~  
23 ~~school principals that are currently required by the department~~  
24 ~~through the 2010-2011 school year. At the end of the 2010-2011~~  
25 ~~school year, a school district, intermediate school district, or~~  
26 ~~public school academy shall report the most recently completed or~~  
27 ~~determined "effectiveness label" from that evaluation for each~~

- 1 ~~principal who is in place for 2010-2011, in a form and manner~~
- 2 ~~prescribed by the department.~~