

Act No. 224
Public Acts of 2023
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators Polehanki and Geiss

ENROLLED SENATE BILL No. 395

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 1249, 1249a, 1249b, and 1280f (MCL 380.1249, 380.1249a, 380.1249b, and 380.1280f), section 1249 as amended by 2019 PA 6, section 1249a as amended by 2015 PA 173, section 1249b as amended by 2019 PA 5, and section 1280f as amended by 2023 PA 7; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1249. (1) This section does not prohibit, impair, or limit the right or duty of a public school employer and a collective bargaining representative to engage in collective bargaining over the topic of performance evaluations under 1947 PA 336, MCL 423.201 to 423.217, subject to the requirements in this section and section 1249b. With the involvement of teachers and school administrators, and after collective bargaining, if applicable, with any collective bargaining representative 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 at least all of the following:

(a) Evaluates the teacher’s or school administrator’s job performance 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 student growth and assessment data or student learning objectives metrics. Student growth, assessment data, and student learning objectives must be measured using metrics agreed upon through collective bargaining, if applicable. Before July 1, 2024, the performance evaluation system implemented by a school

district, intermediate school district, or public school academy under this section must include the rating of teachers as highly effective, effective, minimally effective, and ineffective. Beginning July 1, 2024, the performance evaluation system implemented by a school district, intermediate school district, or public school academy under this section must include the rating of teachers as effective, developing, and needing support.

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

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

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

(2) 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 at least all of the following:

(a) Except as otherwise provided under this subsection, the performance evaluation system must include at least a year-end evaluation for all teachers. The year-end evaluation must meet all of the following:

(i) Before the 2024-2025 school year, 40% of the year-end evaluation must be based on student growth and assessment data. Beginning in the 2024-2025 school year, the year-end evaluation must include locally agreed-on student growth and assessment data or student learning objectives metrics. The student growth and assessment data or student learning objectives metrics must be collectively bargained, if applicable, as determined under subsection (1)(c). Beginning in the 2024-2025 school year, 20% of the year-end evaluation must be based on student growth and assessment data or student learning objectives metrics.

(ii) The portion of a teacher's year-end evaluation that is not based on student growth and assessment data or student learning objectives metrics, as described under subparagraph (i), must 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 (e).

(iii) The portion of a teacher's evaluation that is not measured using student growth and assessment data or student learning objectives metrics, as described under subparagraph (i), or using the evaluation tool developed or adopted by the school district, intermediate school district, or public school academy must be based on objective criteria.

(b) The year-end evaluation must include specific performance goals that will assist in improving effectiveness for the next school year and are developed by the school administrator or the school administrator's 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 (c), 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 the teacher's effectiveness.

(c) The performance evaluation system must include a midyear progress report for a teacher who is in the first year of the probationary period under section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, or who received a rating of minimally effective, ineffective, needing support, or developing in the teacher's most recent year-end evaluation. The midyear progress report must 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 must be aligned with the teacher's individualized development plan under subdivision (b).

(ii) The midyear progress report must include specific performance goals for the remainder of the school year that are developed by the school administrator conducting the year-end evaluation or the school administrator's 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 the teacher's rating.

(iii) The midyear progress report must not take the place of a year-end evaluation.

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

(i) A classroom observation must 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. The items described in this subparagraph must be discussed during a post-observation meeting between the school administrator conducting the observation and the teacher.

(ii) A classroom observation must be not less than 15 minutes but does not have to be for an entire class period.

(iii) There must be at least 2 classroom observations of a teacher in each school year that the teacher is evaluated. One observation may be unscheduled.

(iv) 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 (e). These other observers may be teacher leaders.

(v) A school district, intermediate school district, or public school academy shall ensure that, within 30 calendar days after each observation, the teacher is provided with written feedback from the observation.

(e) For the purposes of conducting year-end evaluations under the performance evaluation system, the school district, intermediate school district, or public school academy shall adopt and implement 1 or more of the evaluation tools for teachers that are included on the list under subsection (4). However, if a school district, intermediate school district, or public school academy has 1 or more local evaluation tools for teachers or modifications of an evaluation tool on the list under subsection (4), and the school district, intermediate school district, or public school academy complies with subsection (3), the school district, intermediate school district, or public school academy may conduct year-end evaluations for teachers using 1 or more local evaluation tools or modifications. The evaluation tools must be used consistently among 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.

(f) Before July 1, 2024, the performance evaluation system must assign a rating to each teacher of highly effective, effective, minimally effective, or ineffective, based on the teacher's year-end evaluation described in this subsection. Beginning July 1, 2024, the performance evaluation system must assign a rating to each teacher of effective, developing, or needing support based on the teacher's year-end evaluation described in this subsection. An evaluation and feedback concerning the evaluation must be provided, in writing, to the teacher being evaluated. However, if a written evaluation is not provided, the teacher is deemed effective.

(g) A teacher must not be assigned an evaluation rating and must be designated as unevaluated for a school year if any of the following apply to the teacher:

(i) The teacher worked less than 60 days in that school year.

(ii) The teacher's evaluation results were vacated through the grievance procedure described in subdivision (l).

(iii) There are extenuating circumstances and the teacher and the school district, intermediate school district, or public school academy agree to designate the teacher as unevaluated because of the extenuating circumstances.

(h) If a teacher receives a unevaluated designation under subdivision (g), the teacher's rating from the school year immediately before that designation must be used for consecutive purposes under this section.

(i) 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 shall assign a mentor or coach to each teacher who is described in subdivision (c).

(j) The performance evaluation system must provide that, if a teacher is rated as ineffective or needing support on 3 consecutive year-end evaluations, the school district, intermediate school district, or public school academy shall, subject to 1937 (Ex Sess) PA 4, MCL 38.71 to 38.191, dismiss the teacher from the teacher's employment. Subject to 1937 (Ex Sess) PA 4, MCL 38.71 to 38.191, this subdivision does not affect the ability of a school district, intermediate school district, or public school academy to dismiss a teacher from the teacher's employment regardless of whether the teacher is rated as ineffective or needing support on 3 consecutive year-end evaluations.

(k) The performance evaluation system must provide that, if a teacher who is not in a probationary period under section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated as highly effective or effective on the 3 most recent consecutive year-end evaluations, the school district, intermediate school district, or public school academy may conduct a year-end evaluation biennially or triennially instead of annually. However, if a teacher who is not in a probationary period under section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is not rated as effective on 1 of these biennial or triennial year-end evaluations, the teacher must again be provided with year-end evaluations.

(l) As used in this subdivision, "teacher" means that term as defined in section 1 of article I of 1937 (Ex Sess) PA 4, MCL 38.71. The performance evaluation system must provide that, for a teacher who is not in a probationary period under section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, and is rated as needing support on a year-end evaluation, the following options must be made available to the teacher:

(i) The teacher may request a review of the evaluation and the rating by the school district superintendent or intermediate superintendent, as applicable. The request for a review must be submitted in writing within 30 calendar days after the teacher is informed of the rating. Upon receipt of the request, the school district superintendent or intermediate superintendent, as applicable, shall review the evaluation and rating and may make any modifications as appropriate based on the school district superintendent's or intermediate

superintendent's review. A written response regarding the school district superintendent's or intermediate superintendent's findings must be provided to the teacher who requested the review by not later than 30 calendar days after receipt of the request for a review and before making any modifications under this section.

(ii) If the written response from the school district superintendent's or intermediate superintendent's review does not resolve the matter, the teacher or collective bargaining representative may request mediation as provided for in 1947 PA 336, 423.201 to 423.217. The request for mediation must be submitted in writing within 30 calendar days after the teacher receives the written response from the school district superintendent or intermediate superintendent. Within 15 days of receipt of the request, the school district superintendent or intermediate superintendent must provide a written response to the teacher or collective bargaining representative stating that the mediation will be scheduled as appropriate.

(iii) If a teacher receives 2 consecutive ratings of needing support, the teacher may demand to use the grievance procedure of an applicable collective bargaining agreement or employment contract that concerns the teacher's second evaluation rating and the evaluation process. If a collective bargaining agreement or employment contract does not contain a grievance procedure that ends in binding arbitration, the teacher may request binding arbitration by filing a demand for arbitration with the American Arbitration Association within 30 calendar days after the teacher receives the written response from the school district superintendent or intermediate superintendent. The arbitration is subject to the uniform arbitration act, 2012 PA 371, MCL 691.1681 to 691.1713. The arbitration described in this subparagraph must adhere to both of the following:

(A) The arbitrator must be selected through procedures administered by the American Arbitration Association in accordance with its rules.

(B) The arbitrator must have the authority to issue any appropriate remedy.

(m) The school district, intermediate school district, or public school academy shall provide training 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. This training may be provided by a school district, intermediate school district, or public school academy, or by a consortium consisting of 2 or more of these.

(n) A school district, intermediate school district, or public school academy shall ensure that training is provided to all evaluators and observers. The training must be provided by an individual who has expertise in the evaluation tool or tools used by the school district, intermediate school district, or public school academy that may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. This subdivision does not prohibit a school district, intermediate school district, public school academy, or consortium consisting of 2 or more of these, from providing the training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

(3) 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 (4), 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 (4), 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 (4), 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.

(4) The department 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. The list must 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. The department shall promulgate rules establishing standards and procedures for adding an evaluation tool to or removing an evaluation tool from the list. These rules must include a process for a school district, intermediate school district, or public school academy to submit its own evaluation tool for review for placement on the list.

(5) By not later than September 1, 2024, and every 3 years thereafter, each individual who conducts an evaluation under this section or section 1249b shall complete a rater reliability training provided by the school district, intermediate school district, public school academy, or the entity that employs the individual. The training must include at least all of the following:

(a) A clear and consistent set of evaluation criteria that all evaluators can use when assessing teacher performance.

(b) Clear expectations for what evaluators should look for when assessing teacher performance, including identifying key behaviors and practices that are associated with effective teaching.

(c) Training on the evaluation process itself, including how to conduct classroom observations, collect data, and analyze results.

(d) Calibration exercises that help evaluators practice using the evaluation criteria and establish consistency in the evaluator's evaluations.

(e) Ongoing support for evaluators, including feedback and coaching to help the evaluators improve their skills and ensure they are consistently applying the evaluation criteria.

(6) As used in this section:

(a) "Student learning objectives" means measurable, long-term, academic goals, informed by available data, that a teacher or teacher team sets at the beginning of the year for all students.

(b) "Teacher" means, except as otherwise provided in this section, an individual who has a valid Michigan teaching certificate or authorization or who is engaged to teach under section 1233b; who is employed, or contracted for, by a school district, intermediate school district, or public school academy; and who is assigned by the school district, intermediate school district, or public school academy to deliver direct instruction to pupils in any of grades K to 12 as a teacher of record.

Sec. 1249a. (1) 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 or needing support on the teacher's 2 most recent annual year-end evaluations under section 1249.

(2) If a 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 or needing support on the teacher's 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 must 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 or needing support on the teacher's 2 most recent annual year-end evaluations. The notification must be in writing, must 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 must include an explanation of why the board or board of directors is unable to comply with subsection (1). However, if the teacher requested a review of the teacher's evaluation rating under section 1249, the board of the school district or intermediate school district must not issue the notification described in this subsection until the review process under section 1249 is complete.

Sec. 1249b. (1) This section does not prohibit, impair, or limit the right or duty of a public school employer and a collective bargaining representative to engage in collective bargaining over the topic of performance evaluations under 1947 PA 336, MCL 423.201 to 423.217, subject to the requirements in this section and section 1249. After collective bargaining, if applicable, with any collective bargaining representative to school administrators, 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 at least all of the following:

(a) Except as otherwise provided in this subsection, the performance evaluation system must include an annual evaluation for all school administrators described in this subsection by the school district superintendent or the school district superintendent's designee, intermediate superintendent or the intermediate superintendent's

designee, or chief administrator of the public school academy, as applicable. However, a superintendent or chief administrator must 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) Before the 2024-2025 school year, 40% of the annual evaluation must be based on student growth and assessment data. Beginning in the 2024-2025 school year, the annual evaluation must include the student growth and assessment data or student learning objectives metrics determined under section 1249(1)(c). Beginning in the 2024-2025 school year, 20% of the annual evaluation must be based on student growth and assessment data or student learning objectives.

(c) For the purposes of conducting evaluations under the performance evaluation system, the school district, intermediate school district, or public school academy shall develop or adopt and implement an evaluation tool for school administrators. The school administrator's evaluation must be based primarily on the school administrator's performance as measured by this evaluation tool.

(d) The portion of the evaluation that is not based on student growth and assessment data or student learning objectives as provided under subdivision (b) or on an evaluation tool as provided under subdivision (c) must be based on objective criteria.

(e) For the purposes of conducting evaluations under the performance evaluation system, the school district, intermediate school district, or public school academy shall adopt and implement 1 or more of the evaluation tools for school administrators that are included on the list under subsection (3). However, if a school district, intermediate school district, or public school academy has 1 or more local evaluation tools for school administrators or modifications of an evaluation tool on the list under subsection (3), and the school district, intermediate school district, or public school academy complies with subsection (2), the school district, intermediate school district, or public school academy may conduct annual evaluations for school administrators using 1 or more local evaluation tools or modifications.

(f) The evaluation tool and other measures used by the school district, intermediate school district, or public school academy in its performance evaluation system for school administrators must 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.

(g) Before July 1, 2024, the performance evaluation system must assign a rating to each school administrator described in this subsection of highly effective, effective, minimally effective, or ineffective. Beginning July 1, 2024, the performance evaluation system must assign a rating to each school administrator described in this subsection of effective, developing, or needing support. An evaluation and feedback concerning the evaluation must be provided, in writing, to the school administrator being evaluated. However, if a written evaluation is not provided, the school administrator is deemed effective.

(h) For a building-level school administrator's evaluation, the individual conducting the evaluation shall visit the school building where the building-level school administrator works, review the building-level school administrator's school improvement plan, and observe classrooms with the building-level school administrator to collect evidence of the school improvement plan strategies being implemented and the impact the school improvement plan has on learning.

(i) A school administrator must not be assigned an evaluation rating and must be designated as unevaluated for a year if any of the following apply to the school administrator:

(i) The school administrator worked less than 60 days in that year.

(ii) The school administrator's evaluation results were vacated through the grievance procedure or arbitration described in subdivision (p) or (q).

(iii) There are extenuating circumstances and the school administrator and the school district, intermediate school district, or public school academy agree to designate the school administrator as unevaluated because of the extenuating circumstances.

(j) If a school administrator is designated as unevaluated under subdivision (i) the school administrator's rating from the year immediately before that designation must be used for consecutive purposes under this section if both of the following are met:

(i) The school administrator continues to be employed in the same position that the school administrator was employed in the year before the school administrator received the unevaluated designation.

(ii) The school administrator continues to be employed by the same school district, intermediate school district, or public school academy that employed the school administrator in the year before the school administrator received the unevaluated designation.

(k) The performance evaluation system must ensure that if a school administrator described in this subsection is rated as developing or needing support, the individual conducting the evaluation shall develop and require the

school administrator to implement an improvement plan to correct the deficiencies. The improvement plan must recommend professional development opportunities and other actions designed to improve the rating of the school administrator on the school administrator's next evaluation.

(l) The performance evaluation system must provide that, if a school administrator described in this subsection is rated as ineffective or needing support on 3 consecutive evaluations, the school district, intermediate school district, or public school academy shall dismiss the school administrator from the school administrator's employment. This subdivision does not affect the ability of a school district, intermediate school district, or public school academy to dismiss a school administrator from the school administrator's employment regardless of whether the school administrator is rated as ineffective or needing support on 3 consecutive evaluations.

(m) The performance evaluation system must provide that, if a school administrator is rated as highly effective or effective on the 3 most recent consecutive evaluations, the school district, intermediate school district, or public school academy may choose to conduct an evaluation biennially instead of annually. However, if any of the following occur, a school administrator's evaluation must be conducted annually:

(i) The school administrator is not rated as effective on 1 of these biennial evaluations.

(ii) For a building-level school administrator, the school administrator's supervisor or evaluator changes.

(iii) For an individual employed as a school district superintendent, an intermediate superintendent, or a chief administrator, the individual obtains employment with a different school district, intermediate school district, or public school academy.

(n) The performance evaluation system must include a midyear progress report for a school administrator each year that the school administrator is evaluated. The midyear progress report must be used as a supplemental tool to gauge a school administrator's improvement from the preceding evaluation and to assist a school administrator to improve. Both of the following apply to the midyear progress report:

(i) The midyear progress report must include specific performance goals for the remainder of the school year for building-level school administrators, or for the remainder of the calendar year for all other school administrators, that are developed by the individual conducting the annual evaluation or the individual's designee and any recommended training identified by the individual or designee that would assist the school administrator in meeting these goals. At the midyear progress report, the individual conducting the annual evaluation or the individual's designee shall develop, in consultation with the school administrator, a written improvement plan that includes these goals and training and is designed to assist the school administrator to improve the school administrator's rating.

(ii) The midyear progress report must not take the place of an annual evaluation.

(o) As part of the performance evaluation system, a school district, intermediate school district, or public school academy shall assign a mentor or coach to each school administrator, not including a school district superintendent, an intermediate superintendent, or a chief administrator, for the first 3 years in which the school administrator is in a new administrative position.

(p) The performance evaluation system must provide that, if a school administrator who is not a school district superintendent or an intermediate superintendent or who is not employed by or assigned to work at a public school academy is rated as needing support on an evaluation, the following options must be made available to the school administrator, as applicable:

(i) The school administrator may request a review of the evaluation and the rating by the school district superintendent or intermediate superintendent, as applicable. The request for a review must be submitted in writing within 30 calendar days after the school administrator is informed of the rating. Upon receipt of the request, the school district superintendent or intermediate superintendent, as applicable, shall review the evaluation and rating and may make any modifications as appropriate based on the school district superintendent's or intermediate superintendent's review. A written response regarding the school district superintendent's or intermediate superintendent's findings must be provided to the school administrator who requested the review by not later than 30 calendar days after receipt of the request for a review and before making any modifications under this section.

(ii) If the written response from the school district superintendent's or intermediate superintendent's review does not resolve the matter, the school administrator or collective bargaining representative may request mediation. The request for mediation must be submitted in writing within 30 calendar days after the school administrator receives the written response from the school district superintendent or intermediate superintendent. Within 15 days of receipt of the request, the school district superintendent or intermediate superintendent must provide a written response to the school administrator or collective bargaining representative stating that the mediation will be scheduled as appropriate.

(iii) If the school administrator receives 2 consecutive ratings of needing support, the school administrator may demand to use the grievance procedure of an applicable collective bargaining agreement or of a contract governing the school administrator's employment that concerns the school administrator's second evaluation rating and the evaluation process. If a collective bargaining agreement or a contract governing the school administrator's employment does not contain a grievance procedure that ends in binding arbitration, the school administrator may request binding arbitration by filing a demand for arbitration with the American Arbitration Association within 30 calendar days after the school administrator receives the written response from the school district superintendent or intermediate superintendent. The arbitration is subject to the uniform arbitration act, 2012 PA 371, MCL 691.1681 to 691.1713. The arbitration described in this subparagraph must adhere to both of the following:

(A) The arbitrator must be selected through procedures administered by the American Arbitration Association in accordance with its rules.

(B) The arbitrator must have the authority to issue any appropriate remedy.

(q) The contract governing the employment of a school district superintendent or intermediate superintendent must include an appeal process concerning the evaluation process and rating received. This subdivision applies only to a contract that is entered into, extended, renewed, or modified on or after the effective date of the amendatory act that added this sentence.

(r) The school district, intermediate school district, or public school academy shall provide training 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. This training may be provided by a school district, intermediate school district, or public school academy, or by a consortium consisting of 2 or more of these.

(s) A school district, intermediate school district, or public school academy shall ensure that training is provided to all evaluators and observers. The training must be provided by an individual who has expertise in the evaluation tool or tools used by the school district, intermediate school district, or public school academy, which may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. This subdivision does not prohibit a school district, intermediate school district, public school academy, or consortium consisting of 2 or more of these, from providing the training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

(2) 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 or, if the school district, intermediate school district, or public school academy adapts or modifies an evaluation tool from the list under subsection (3), 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 (3), 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 (3), 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 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.

(3) The department 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 initially must include at least the 2 evaluation models recommended in the final recommendations released by the Michigan council on educator effectiveness in July 2013. The list must 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. The department shall promulgate rules establishing standards and procedures for adding an evaluation tool to or removing an evaluation tool from the list. These rules must include a process for a school district, intermediate school district, or public school academy to submit its own evaluation tool for review for placement on the list.

(4) As used in this section, “student learning objectives” means that term as defined in section 1249.

Sec. 1280f. (1) The department shall do all of the following to help ensure that more pupils will achieve a score of at least proficient in English language arts on the grade 3 state assessment:

(a) Approve 3 or more valid and reliable screening, formative, and diagnostic reading assessment systems for selection and use by school districts and public school academies in accordance with the following:

(i) Each approved assessment system must provide a screening assessment, monitoring capabilities for monitoring progress toward a growth target, and a diagnostic assessment.

(ii) In determining which assessment systems to approve for use by school districts and public school academies, the department shall also consider at least the following factors:

(A) The time required to conduct the assessments, with the intention of minimizing the impact on instructional time.

(B) The level of integration of assessment results with instructional support for teachers and pupils.

(C) The timeliness in reporting assessment results to teachers, administrators, and parents.

(b) Recommend or develop an early literacy coach model with the following features:

(i) An early literacy coach shall support and provide initial and ongoing professional development to teachers in all of the following:

(A) Each of the 5 major reading components listed in subsection (3)(a)(iv)(B) as needed, based on an analysis of pupil performance data.

(B) Administering and analyzing instructional assessments.

(C) Providing differentiated instruction and intensive intervention.

(D) Using progress monitoring.

(E) Identifying and addressing reading deficiency.

(ii) An early literacy coach shall also do all of the following:

(A) Model effective instructional strategies for teachers.

(B) Facilitate study groups.

(C) Train teachers in data analysis and using data to differentiate instruction.

(D) Coach and mentor colleagues.

(E) Work with teachers to ensure that evidence-based reading programs such as comprehensive core reading programs, supplemental reading programs, and comprehensive intervention reading programs are implemented with fidelity.

(F) Train teachers to diagnose and address reading deficiency.

(G) Work with teachers in applying evidence-based reading strategies in other content areas, including, but not limited to, prioritizing time spent on those teachers, activities, and roles that will have the greatest impact on pupil achievement and prioritizing coaching and mentoring in classrooms.

(H) Help to increase instructional density to meet the needs of all pupils.

(I) Help lead and support reading leadership teams at the school.

(J) Continue to increase the early literacy coach’s knowledge base in best practices in reading instruction and intervention.

(K) For each teacher who teaches in a classroom for grades K to 3, model for the teacher, and coach the teacher in, instruction with pupils in whole and small groups.

(iii) In the context of performing the functions described in subparagraph (ii), an early literacy coach must not be asked to perform administrative functions that will confuse the early literacy coach’s role for teachers.

(iv) An early literacy coach must meet all of the following:

(A) Have experience as a successful classroom teacher.

(B) Have sufficient knowledge of scientifically based reading research, special expertise in quality reading instruction and infusing reading strategies into content area instruction, and data management skills.

(C) Have a strong knowledge base in working with adults.

(D) Have a minimum of a bachelor's degree and advanced coursework in reading or have completed professional development in evidence-based literacy instructional strategies.

(v) An early literacy coach must not be assigned a regular classroom teaching assignment, but must be expected to work frequently with pupils in whole and small group instruction or tutoring in the context of modeling and coaching in or outside of teachers' classrooms.

(2) Subject to subsection (10), the board of a school district or board of directors of a public school academy shall do all of the following to ensure that more pupils will achieve a score of at least proficient in English language arts on the grade 3 state assessment:

(a) Select 1 valid and reliable screening, formative, and diagnostic reading assessment system from the assessment systems approved by the department under subsection (1)(a). A school district or public school academy shall use this assessment system for pupils in grades K to 3 to screen and diagnose difficulties, inform instruction and intervention needs, and assess progress toward a growth target. A school district or public school academy periodically shall assess a pupil's progress in reading skills at least 3 times per school year in grades K to 3. The first of these assessments for a school year in kindergarten must be conducted within the first 90 school days of the school year. The first of these assessments for a school year in grades 1 to 3 must be conducted within the first 30 school days of the school year.

(b) For any pupil in grades K to 3 who exhibits a reading deficiency at any time, based upon the reading assessment system selected and used under subdivision (a), provide an individual reading improvement plan for the pupil within 30 days after the identification of the reading deficiency. The individual reading improvement plan must be created by the pupil's teacher, school principal, and parent or legal guardian and other pertinent school personnel, and must describe the reading intervention services the pupil will receive to remedy the reading deficiency. A school district or public school academy shall provide intensive reading intervention for the pupil in accordance with the individual reading improvement plan until the pupil no longer has a reading deficiency.

(c) If a pupil in grades K to 3 is identified as having an early literacy delay or reading deficiency, provide written notice to the pupil's parent or legal guardian of the delay or reading deficiency in writing and provide tools to assist the parent or legal guardian to engage in intervention and to address or correct any reading deficiency at home.

(d) Require a school principal or chief administrator to do all of the following:

(i) For a teacher in grades K to 3, target specific areas of professional development based on the reading development needs data for incoming pupils.

(ii) Differentiate and intensify professional development for teachers based on data gathered by monitoring teacher progress in improving pupil proficiency rates among their pupils.

(iii) Establish a collaborative system within the school to improve reading proficiency rates in grades K to 3.

(iv) Ensure that time is provided for teachers to meet for professional development.

(e) Utilize, at least, early literacy coaches provided through the intermediate school district in which the school district or public school academy is located, as provided for under section 35a(4) of the state school aid act of 1979, MCL 388.1635a. However, a public school academy may use an early literacy coach provided by the public school academy, at the expense of the public school academy, rather than using an early literacy coach provided through an intermediate school district if the early literacy coach and the usage of the early literacy coach otherwise meet the requirements of this section.

(3) Subject to subsection (10), a school district or public school academy shall provide reading intervention programs for pupils in grades K to 3, including at least all of the following:

(a) For pupils who exhibit a reading deficiency, a reading intervention program intended to ensure that pupils are proficient readers by the end of grade 3 and that includes some or all of the following features:

(i) Is provided to each pupil in grades K to 3 who is identified with a reading deficiency based on screening and diagnostic tools, and identifies and addresses the pupil's reading deficiency.

(ii) Periodically screens and monitors the progress of each pupil's reading skills, at least 3 times per year.

(iii) Provides evidence-based core reading instruction that is comprehensive and meets the majority of the general education classroom needs.

(iv) Provides reading intervention that meets, at a minimum, the following specifications:

(A) Assists pupils exhibiting a reading deficiency in developing the ability to read at grade level.

(B) Provides intensive development in the 5 major reading components: phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(C) Is systematic, explicit, multisensory, and sequential.

(D) Is implemented during regular school hours in addition to regular classroom reading instruction.

(v) Provides parents, legal guardians, or other providers of care for the pupil with a read-at-home plan, including parent, guardian, or care provider training workshops and regular home reading.

(vi) Documents efforts by the pupil's school to engage the pupil's parent or legal guardian and whether or not those efforts were successful.

(vii) Documents any dissenting opinions expressed by school personnel or a parent or legal guardian concerning the individual reading improvement plan provided for the pupil under subsection (2)(b).

(b) For grade 3 pupils exhibiting a reading deficiency as determined by the pupil's teacher through the diagnostic reading assessment system selected by the school district or public school academy under subsection (2)(a), a reading intervention program intended to correct the identified area or areas of reading deficiency and that includes all of the following features as needed by the individual pupil:

(i) Is evidence-based and has proven results in accelerating pupil reading achievement within the same school year.

(ii) Provides more dedicated time than the pupil's previous school year in evidence-based reading instruction and intervention.

(iii) Provides daily targeted small group or 1-to-1 reading intervention based on pupil needs as determined by assessment data, including explicit and systematic instruction with more detailed and varied explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback.

(iv) Provides administration of ongoing progress monitoring assessments to frequently monitor pupil progress.

(v) Provides supplemental evidence-based reading intervention delivered by a teacher, tutor, or volunteer with specialized reading training that is provided before school, after school, during school hours but outside of regular English language arts classroom time, or any combination of these.

(vi) Provides parents, legal guardians, or other providers of care for a pupil with a read-at-home plan, including parent, guardian, or care provider training workshops and regular home reading.

(vii) Documents efforts by the pupil's school to engage the pupil's parent or legal guardian and whether or not those efforts were successful.

(viii) Documents any dissenting opinions expressed by school personnel or a parent or legal guardian concerning the individual reading improvement plan provided for the pupil under subsection (2)(b).

(c) Subject to subsection (11), for pupils identified as English language learners by the pupil's teacher or by the diagnostic reading assessment selected by the school district or public school academy under subsection (2)(a), intervention services that include at least all of the following:

(i) Ongoing assessments that provide actionable data for teachers to use in interventions.

(ii) Instruction in academic vocabulary.

(iii) Instruction in the 5 major reading components listed in subdivision (a)(iv)(B).

(iv) Common English language development strategies such as modeling, guided practice, and comprehensive input.

(4) For all pupils exhibiting a reading deficiency as determined by the pupil's teacher through the diagnostic reading assessment system selected by the school district or public school academy under subsection (2)(a), school districts and public school academies are encouraged to offer summer reading camps staffed with effective teachers of reading, as determined by the teacher evaluation system under section 1249, providing reading intervention services and supports to correct pupils' identified areas of reading deficiency.

(5) After the department finalizes the scoring for the grade 3 state assessments, the department shall provide CEPI with the grade 3 state assessment scores for every grade 3 pupil enrolled in a public school in this state who was administered 1 or more of those assessments.

(6) After CEPI receives the grade 3 state assessment results from the department under subsection (5), using those state assessment results, CEPI shall identify each pupil completing grade 3 that year who has a reading deficiency and shall notify the parent or legal guardian and the school district or public school academy of each of these pupils that the pupil has a reading deficiency; shall include an explanation in the notification concerning what constitutes a reading deficiency; and shall include, in the notification, information concerning interventions that are available to the pupil to address the pupil's reading deficiency. A school district or public school academy may also make its own notification to a parent or guardian in addition to the notification by CEPI.

(7) Except as otherwise provided in this section, for a grade 3 pupil who has a reading deficiency based on the grade 3 state English language arts assessment, the school district or public school academy shall provide, only through grade 4, a reading intervention program that is intended to correct the pupil's specific reading deficiency,

as identified by a valid and reliable assessment. This program must include effective instructional strategies necessary to assist the pupil in becoming a successful reader, and all of the following features, as appropriate for the needs of the individual pupil:

(a) Assigning to a pupil 1 or more of the following:

(i) An effective teacher of reading as determined by the teacher evaluation system under section 1249.

(ii) The highest evaluated grade 3 teacher in the school as determined by the teacher evaluation system under section 1249.

(iii) A reading specialist.

(b) Reading programs that are evidence-based and have proven results in accelerating pupil reading achievement within the same school year.

(c) Reading instruction and intervention for the majority of pupil contact time each day that incorporates opportunities to master the grade 4 state standards in other core academic areas, if applicable.

(d) Daily targeted small group or 1-to-1 reading intervention that is based on pupil needs, determined by assessment data, and on identified reading deficiencies and that includes explicit and systematic instruction with more detailed and varied explanations, more extensive opportunities for guided practice, and more opportunities for error correction and feedback.

(e) Administration of ongoing progress monitoring assessments to frequently monitor pupil progress toward a growth target.

(f) Supplemental evidence-based reading intervention delivered by a teacher or tutor with specialized reading training that is provided before school, after school, during regular school hours but outside of regular English language arts classroom time, or any combination of these.

(g) Providing parents, legal guardians, or other providers of care for the pupil with a read-at-home plan, including parent, guardian, or care provider training workshops and regular home reading.

(8) For a pupil or child described in subsection (7) who has a reading deficiency at the end of grade 4, the school district or public school academy shall provide intensive reading intervention beyond grade 4 to the pupil, in a manner determined by the school district or public school academy, until the pupil no longer has a reading deficiency.

(9) If a school district or public school academy cannot furnish the number of teachers needed to satisfy 1 or more of the criteria set forth in this section for a school year, then by the August 15 before the beginning of that school year the school district or public school academy shall develop a staffing plan for providing services under this section. The school district or public school academy shall post the staffing plan on its website for the applicable school year. The staffing plan must include at least all of the following:

(a) A description of the criteria that will be used to assign a pupil who has been identified as not proficient in English language arts to a teacher.

(b) The credentials or training held by teachers currently teaching at the school.

(c) How the school district or public school academy will meet the requirements under this section.

(10) This section does not require or state an intention to require a school district or public school academy to supplant state funds with federal funds for implementing or supporting the activities under this section and does not prohibit a school district or public school academy from continuing to use federal funds for any of the purposes or activities described in this section.

(11) For pupils identified as English language learners by the pupil's teacher or by the diagnostic reading assessment selected by the school district or public school academy under subsection (2)(a), if available staff resources allow, a school district or public school academy is encouraged to provide the following intervention services in addition to those required under subsection (3)(c):

(a) Instruction in the pupil's native language, with withdrawal of that instruction as appropriate as the pupil improves the pupil's English language skills. A school district or public school academy is encouraged to provide this support for at least pupils whose native language is Spanish, Chinese, Hindi, Korean, or Arabic.

(b) Opportunities for speech production.

(c) Common English language development strategies such as modeling, guided practice, and comprehensive input.

(d) Feedback for the pupil, including explanations in the pupil's native language.

(12) As used in this section:

(a) "CEPI" means the center for educational performance and information created under section 94a of the state school aid act of 1979, MCL 388.1694a.

(b) "Evidence-based" means based in research and with proven efficacy.

(c) "Reading deficiency" means scoring below grade level or being determined to be at risk of reading failure based on a screening assessment, diagnostic assessment, standardized summative assessment, or progress monitoring.

(d) "Reading leadership team" means a collaborative system led by a school building's principal or program director and consisting of a cross-section of faculty who are interested in working to improve literacy instruction across the curriculum.

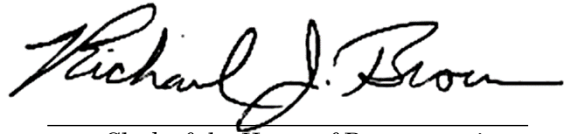
Enacting section 1. Sections 1250, 1531j, and 1531k of the revised school code, 1976 PA 451, MCL 380.1250, 380.1531j, and 380.1531k, are repealed.

Enacting section 2. This amendatory act takes effect July 1, 2024.

Enacting section 3. This amendatory act does not take effect unless Senate Bill No. 396 of the 102nd Legislature is enacted into law.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor

Compiler's note: Senate Bill No. 396, referred to in enacting section 3, was filed with the Secretary of State November 22, 2023, and became 2023 PA 225, Eff. July 1, 2024.