

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

***** 380.1249b.amended THIS AMENDED SECTION IS EFFECTIVE JULY 1, 2024 *****

380.1249b.amended Performance evaluation system for school administrators; requirements; posting information about measures used for performance evaluation; establishment and maintenance of list of school administrator evaluation tools; rules; "student learning objectives" defined.

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.

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