SUBSTITUTE FOR

HOUSE BILL NO. 5223

A bill to amend 1976 PA 451, entitled

"The revised school code,"

by amending sections 1249 and 1249a (MCL 380.1249 and 380.1249a), section 1249 as amended and section 1249a as added by 2011 PA 102, and by adding section 1531j.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1249. (1) Not later than September 1, 2011, and subject to subsection ~~(9),~~ **(7),** with the involvement 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 all of the following:

(a) Evaluates the teacher's or school administrator's job

performance at least annually 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 data on student growth as a significant factor. For these purposes, student growth shall be measured by national, state, or local assessments and other objective criteria. If the performance evaluation system implemented by a school district, intermediate school district, or public school academy under this section does not already include the rating of teachers as highly effective, effective, minimally effective, and ineffective, then the school district, intermediate school district, or public school academy shall revise the performance evaluation system ~~within 60 days after the effective date of the amendatory act that added this sentence~~ **NOT LATER THAN SEPTEMBER 19, 2011** to ensure that it rates teachers as highly effective, effective, minimally effective, or ineffective.

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

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

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

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

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

(E) FOR THE EVALUATION SYSTEM FOR SCHOOL ADMINISTRATORS, MEETS THE REQUIREMENTS OF SECTION 1249B.

(2) Beginning with the ~~2013-2014~~ **2014-2015** school year, 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 all of the following:

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

(*i*) For the annual year-end evaluation for the ~~2013-2014~~ **2014-2015, 2015-2016, AND 2016-2017** school ~~year,~~ **YEARS**, ~~at least~~ 25% of the annual year-end evaluation shall be based on student growth and assessment data. ~~For~~ **BEGINNING WITH** the annual year-end evaluation for the ~~2014-2015~~ **2017-2018** school year, ~~at least~~ 40% of the annual year-end evaluation shall be based on student growth and assessment data. ~~Beginning with the annual year-end evaluation for the 2015-2016 school year, at least 50% of the annual year-end evaluation shall be based on student growth and assessment data. All~~

(*ii*) BEGINNING IN 2015-2016, 1/2 OF THE student growth and

assessment data **FOR TEACHERS IN CORE CONTENT AREAS IN GRADES AND SUBJECTS FOR WHICH STUDENT GROWTH DATA ARE AVAILABLE** shall be measured using the **STATE** student growth assessment tool, ~~that is required under legislation enacted by the legislature under subsection (6) after review of the recommendations contained in the report of the governor's council on educator effectiveness submitted under subsection (5).~~**WHICH SHALL MEET THE REQUIREMENTS UNDER SUBSECTION (6). SUBJECT TO SUBPARAGRAPH (*iv*), FOR TEACHERS IN OTHER SUBJECT AREAS, A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY USE STATE-PROVIDED GROWTH DATA FOR UP TO 1/2 OF THE TEACHER'S STUDENT GROWTH AND ASSESSMENT DATA OR MAY USE 1 OR MORE LOCALLY DETERMINED STUDENT MEASURES AND ASSESSMENTS WITH VALID GROWTH MEASUREMENTS AS DESCRIBED IN SUBPARAGRAPH (*iii*) FOR ALL OF THE TEACHER'S STUDENT GROWTH AND ASSESSMENT DATA. SUBJECT TO SUBPARAGRAPH (*iv*), FOR A PUPIL WITH AN INDIVIDUALIZED EDUCATION PROGRAM, A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY USE STATE-PROVIDED GROWTH DATA FOR UP TO 1/2 OF THE STUDENT GROWTH AND ASSESSMENT DATA FOR THAT PUPIL OR MAY USE 1 OR MORE LOCALLY DETERMINED STUDENT MEASURES AND ASSESSMENTS WITH VALID GROWTH MEASUREMENTS AS DESCRIBED IN SUBPARAGRAPH (*iii*) INCLUDING, BUT NOT LIMITED TO, INDIVIDUALIZED EDUCATION PROGRAM GOALS, FOR ALL OF THE STUDENT GROWTH AND ASSESSMENT DATA.**

(*iii*) SUBJECT TO SUBPARAGRAPH (*iv*), THE PORTION OF A TEACHER'S STUDENT GROWTH AND ASSESSMENT DATA THAT IS NOT BASED ON STATE-PROVIDED DATA AS DESCRIBED IN SUBPARAGRAPH (*ii*) SHALL BE BASED ON 1 OR MORE LOCALLY DETERMINED STUDENT MEASURES AND ASSESSMENTS WITH

VALID GROWTH MEASUREMENTS, WHICH MAY INCLUDE STUDENT LEARNING OBJECTIVES OR INDIVIDUALIZED EDUCATION PROGRAM GOALS. THESE LOCALLY DETERMINED STUDENT MEASURES AND ASSESSMENTS MAY EITHER BE LOCALLY DEVELOPED OR CREATED BY A VENDOR. THE LOCALLY DETERMINED STUDENT MEASURES AND ASSESSMENTS SHALL BE USED CONSISTENTLY AMONG THE SCHOOLS OPERATED BY A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SO THAT ALL SIMILARLY SITUATED TEACHERS ARE EVALUATED USING THE SAME MEASURES AND ASSESSMENTS.

(*iv*) IF THERE IS A REASONABLE CONNECTION OF THE CORE CONTENT TO THE TEACHER'S ACTUAL TEACHING ASSIGNMENT, SCHOOL-LEVEL GROWTH GOALS MAY BE USED FOR AN INDIVIDUAL TEACHER'S EVALUATION. HOWEVER, SCHOOL-LEVEL GROWTH GOALS MAY NOT COMPRISE MORE THAN 5% OF THE INDIVIDUAL TEACHER'S OVERALL EVALUATION.

(*v*) ~~*(ii)*~~ If there are student growth and assessment data available for a teacher for at least 3 school years, the annual year-end evaluation shall be based on the student growth and assessment data for the most recent 3-consecutive-school-year period. If there are not student growth and assessment data available for a teacher for at least 3 school years, the annual year-end evaluation shall be based on all student growth and assessment data that are available for the teacher.

(*vi*) ~~*(iii)*~~ The annual year-end evaluation shall include specific performance goals that will assist in improving effectiveness for the next school year and are developed by the school administrator or his or her 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 (b), 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 his or her effectiveness.

(b) The performance evaluation system shall include a midyear progress report for a teacher who is in the first year of the probationary period prescribed by section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, or who received a rating of minimally effective or ineffective in his or her most recent annual year-end evaluation. The midyear progress report shall 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 shall be based at least in part on student achievement.

(*ii*) The midyear progress report shall be aligned with the teacher's individualized development plan under subdivision ~~(a)(*iii*).~~ **(A)(*vi*).**

(*iii*) The midyear progress report shall include specific performance goals for the remainder of the school year that are developed by the school administrator conducting the annual year-end evaluation or his or her 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 his or her rating.

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

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

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

(*ii*) A classroom observation shall 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.

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

(*iv*) Unless a teacher has received a rating of effective or highly effective on his or her 2 most recent annual year-end evaluations, there shall be multiple classroom observations of the teacher each school year. **AT LEAST 1 OBSERVATION MUST BE UNSCHEDULED.**

(*v*) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT AN INDIVIDUAL ACTING AS AN OBSERVER RECEIVES TRAINING FROM THE VENDOR OR A TRAINING PROVIDER THAT HAS A CONTRACT WITH THE VENDOR TO PROVIDE TRAINING USING A VENDOR-APPROVED TRAINING PROGRAM FOR THE EVALUATION TOOL THAT IS USED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY. A SCHOOL DISTRICT, INTERMEDIATE SCHOOL

DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT AN INDIVIDUAL ACTING AS AN OBSERVER RECEIVES TRAINING IN COACHING, PROVIDING FEEDBACK, AND RATER RELIABILITY. THE INDIVIDUAL SHOULD RECEIVE TRAINING IN COACHING, PROVIDING FEEDBACK, AND RATER RELIABILITY AT LEAST ONCE EVERY 3 YEARS. THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ALSO PROVIDE INFORMATION TO TEACHERS ON THE EVALUATION TOOL AND HOW IT IS USED.

(*vi*) THE SCHOOL ADMINISTRATOR RESPONSIBLE FOR THE TEACHER'S PERFORMANCE EVALUATION SHALL CONDUCT AT LEAST 1 OF THE OBSERVATIONS. OTHER OBSERVATIONS MAY BE CONDUCTED BY ANOTHER OBSERVER WHO IS TRAINED IN THE USE OF THE EVALUATION TOOL. THIS OTHER OBSERVER MAY BE A TEACHER LEADER.

(*vii*) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT, WITHIN 30 DAYS AFTER EACH OBSERVATION, THE TEACHER IS PROVIDED WITH FEEDBACK FROM THE OBSERVATION.

(d) ~~For the purposes of conducting annual year-end evaluations under the performance evaluation system, the~~ **THE PORTION OF A TEACHER'S ANNUAL YEAR-END EVALUATION THAT IS NOT BASED ON STUDENT GROWTH AND ASSESSMENT DATA AS PROVIDED IN SUBDIVISION (A) SHALL BE BASED PRIMARILY ON A TEACHER'S PERFORMANCE AS MEASURED BY THE EVALUATION TOOL ADOPTED BY THE DISTRICT. THE** school district, intermediate school district, or public school academy shall adopt and implement **1 OR MORE OF** the state **APPROVED** evaluation ~~tool~~ **TOOLS** for teachers ~~that is required under legislation enacted by the legislature under subsection (6) after review of the recommendations contained in the report of the governor's council~~

~~on educator effectiveness submitted under subsection (5).~~ **AS PROVIDED UNDER SUBSECTIONS (3) TO (5).** However, if a school district, intermediate school district, or public school academy has ~~a~~ **1 OR MORE** local evaluation ~~tool~~ **TOOLS** for teachers ~~that is consistent with the state evaluation tool,~~ **AND THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY COMPLIES WITH SUBSECTION (6),** the school district, intermediate school district, or public school academy may conduct annual year-end evaluations for teachers using ~~that local evaluation tool.~~**1 OR MORE TOOLS. THE EVALUATION TOOLS SHALL BE USED CONSISTENTLY AMONG THE SCHOOLS OPERATED BY A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SO THAT ALL SIMILARLY SITUATED TEACHERS ARE EVALUATED USING THE SAME EVALUATION TOOL.**

(E) THE PORTION OF A TEACHER'S EVALUATION NOT MEASURED USING GROWTH, AS PROVIDED IN SUBDIVISION (A), OR USING THE DISTRICT-ADOPTED EVALUATION TOOL, AS PROVIDED IN SUBDIVISION (D), SHALL INCORPORATE AT LEAST PUPIL AND PARENT FEEDBACK AND CRITERIA ENUMERATED IN SECTION 1248(1)(B)(*i*) TO (*iii*) THAT ARE NOT OTHERWISE EVALUATED UNDER SUBDIVISIONS (A) AND (B).

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

(G) ~~(f)~~ 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 ~~is~~

~~encouraged to~~ **SHALL** assign a mentor or coach to each teacher who is described in subdivision (b).

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

(I) ~~(h)~~ The performance evaluation system shall provide that, if a teacher is rated as ineffective on 3 consecutive annual year-end evaluations, the school district, public school academy, or intermediate school district shall dismiss the teacher from his or her employment. **HOWEVER, THIS SUBDIVISION APPLIES ONLY IF THE 3 CONSECUTIVE ANNUAL YEAR-END EVALUATIONS ARE CONDUCTED USING THE SAME EVALUATION FRAMEWORK AND UNDER THE SAME PERFORMANCE EVALUATION SYSTEM.** This subdivision does not affect the ability of a school district, intermediate school district, or public school academy to dismiss an ineffective teacher from his or her employment regardless of whether the teacher is rated as ineffective on 3 consecutive annual year-end evaluations.

(J) ~~(i)~~ The performance evaluation system shall provide that, if a teacher is rated as highly effective on 3 consecutive annual year-end evaluations, the school district, intermediate school district, or public school academy may choose to conduct a year-end evaluation biennially instead of annually. However, if a teacher is not rated as highly effective on 1 of these biennial year-end

evaluations, the teacher shall again be provided with annual year-end evaluations.

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

~~(3) Beginning with the 2013-2014 school year, 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 all of the following:~~

~~(a) The performance evaluation system shall include at least an annual year-end evaluation for all school administrators~~

~~described in this subsection by the school district superintendent or his or her designee, intermediate superintendent or his or her designee, or chief administrator of the public school academy, as applicable, except that a superintendent or chief administrator shall be evaluated by the board or board of directors.~~

~~(b) For the annual year-end evaluation for the 2013-2014 school year, at least 25% of the annual year-end evaluation shall be based on student growth and assessment data. For the annual year-end evaluation for the 2014-2015 school year, at least 40% of the annual year-end evaluation shall be based on student growth and assessment data. Beginning with the annual year-end evaluation for the 2015-2016 school year, at least 50% of the annual year-end evaluation shall be based on student growth and assessment data. The student growth and assessment data to be used for the school administrator annual year-end evaluation are the aggregate student growth and assessment data that are used in teacher annual year-end evaluations in each school in which the school administrator works as an administrator or, for a central-office level school administrator, for the entire school district or intermediate school district.~~

~~(c) The portion of the annual year-end evaluation that is not based on student growth and assessment data shall be based on at least the following for each school in which the school administrator works as an administrator or, for a central-office level school administrator, for the entire school district or intermediate school district:~~

~~(*i*) If the school administrator conducts teacher performance~~

~~evaluations, the school administrator's training and proficiency in using the evaluation tool for teachers described in subsection (2)(d), including a random sampling of his or her teacher performance evaluations to assess the quality of the school administrator's input in the teacher performance evaluation system. If the school administrator designates another person to conduct teacher performance evaluations, the evaluation of the school administrator on this factor shall be based on the designee's training and proficiency in using the evaluation tool for teachers described in subsection (2)(d), including a random sampling of the designee's teacher performance evaluations to assess the quality of the designee's input in the teacher performance evaluation system, with the designee's performance to be counted as if it were the school administrator personally conducting the teacher performance evaluations.~~

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

~~(*iii*) Pupil attendance in the school or school district.~~

~~(*iv*) Student, parent, and teacher feedback, and other information considered pertinent by the superintendent or other school administrator conducting the performance evaluation or the board or board of directors.~~

~~(d) For the purposes of conducting performance evaluations under the performance evaluation system, the school district, intermediate school district, or public school academy shall adopt and implement the state evaluation tool for school administrators~~

~~described in this subsection that is required under legislation enacted by the legislature under subsection (6) after review of the recommendations contained in the report of the governor's council on educator effectiveness submitted under subsection (5). However, if a school district, intermediate school district, or public school academy has a local evaluation tool for school administrators described in this subsection that is consistent with the state evaluation tool, the school district, intermediate school district, or public school academy may conduct performance evaluations for school administrators using that local evaluation tool.~~

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

~~(f) The performance evaluation system shall ensure that if a school administrator described in this subsection is rated as minimally effective or ineffective, the person or persons conducting the evaluation shall develop and require the school administrator to implement an improvement plan to correct the deficiencies. The improvement plan shall recommend professional development opportunities and other measures designed to improve the rating of the school administrator on his or her next annual year-end evaluation.~~

~~(g) The performance evaluation system shall provide that, if a school administrator described in this subsection is rated as~~

~~ineffective on 3 consecutive annual year-end evaluations, the school district, public school academy, or intermediate school district shall dismiss the school administrator from his or her employment. However, this subdivision applies only if the 3 consecutive annual year-end evaluations are conducted using the same evaluation tool and under the same performance evaluation system. This subdivision does not affect the ability of a school district, intermediate school district, or public school academy to dismiss an ineffective school administrator from his or her employment regardless of whether the school administrator is rated as ineffective on 3 consecutive annual year-end evaluations.~~

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

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

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

~~(*i*) The governor shall appoint 3 members.~~

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

~~(*iii*) The speaker of the house of representatives shall appoint 1 member.~~

~~(b) In addition to the members appointed under subdivision (a), the superintendent of public instruction or his or her designee shall serve as a nonvoting member.~~

~~(c) The members appointed under subdivision (a), and the designee of the superintendent of public instruction if he or she appoints a designee, shall have expertise in 1 or more of the following areas: psychometrics, measurement, performance-based educator evaluation models, educator effectiveness, or development of educator evaluation frameworks in other states.~~

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

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

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

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

~~matters related to the purposes of this section:~~

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

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

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

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

~~(*iv*) Has at least a pre- and post-test.~~

~~(*v*) Is able to be used for pupils of all achievement levels.~~

~~(b) A state evaluation tool for teachers. All of the following apply to this recommendation:~~

~~(*i*) In addition to the student growth and assessment tool, the recommended state evaluation tool for teachers may include, but is not limited to, instructional leadership abilities, teacher and pupil attendance, professional contributions, training, progress report achievement, school improvement plan progress, peer input, and pupil and parent feedback.~~

~~(*ii*) The council shall ensure that the recommended state evaluation tool for teachers will allow all special education teachers to be rated.~~

~~(*iii*) The council shall seek input from school districts, intermediate school districts, and public school academies that~~

~~have already developed and implemented successful, effective performance evaluation systems.~~

~~(c) A state evaluation tool for school administrators described in subsection (3). In addition to the student growth and assessment tool, the recommended state evaluation tool for these school administrators may include, but is not limited to, teacher and pupil attendance, graduation rates, professional contributions, training, progress report achievement, school improvement plan progress, peer input, and pupil and parent feedback.~~

~~(d) For the purposes of the recommended state evaluation tools for teachers and school administrators under subdivisions (b) and (c), recommended parameters for the effectiveness rating categories for teachers under subsection (2)(c) and for school administrators under subsection (3)(c).~~

~~(c) Recommended changes to be made in the requirements for a professional education teaching certificate that will ensure that a teacher is not required to complete additional postsecondary credit hours beyond the credit hours required for a provisional teaching certificate.~~

~~(f) A process for evaluating and approving local evaluation tools for teachers under subsection (2)(d) and school administrators under subsection (3)(d).~~

~~(6) It is the intent of the legislature to review the report submitted by the governor's council on educator effectiveness under subsection (5) and to enact appropriate legislation to put into place a statewide performance evaluation system taking into consideration the recommendations contained in the report.~~

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

~~(a) As of the effective date of this subsection, the school district, intermediate school district, or public school academy has already implemented and is currently using a performance evaluation system for that public school that meets all of the following requirements:~~

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

~~(*ii*) The system uses research-based measures to determine student growth, which may be measured by standards-based, nationally normed assessments.~~

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

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

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

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

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

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

~~(8) If, after the effective date of this subsection, a school district, intermediate school district, or public school academy begins operating a new public school, or implements a new performance evaluation system for a public school it operates, and all of the following apply, then the school district, intermediate school district, or public school academy is not required to comply with subsection (2) or (3) for that public school:~~

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

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

(3) SUBJECT TO SUBSECTIONS (4) TO (6), FOR THE PURPOSES OF EVALUATING TEACHER PERFORMANCE AS PROVIDED IN SUBSECTION (2), A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL USE 1 OR MORE OF THE FOLLOWING EVALUATION TOOLS:

(A) THE CHARLOTTE DANIELSON FRAMEWORK FOR TEACHING.

(B) THE R. MARZANO TEACHER EVALUATION MODEL.

(C) THE THOUGHTFUL CLASSROOM.

(D) 5 DIMENSIONS OF TEACHING AND LEARNING.

(4) THE DEPARTMENT MAY DESIGNATE 1 OR MORE OTHER EVALUATION TOOLS AS ACCEPTABLE FOR USE UNDER THIS SECTION IF THE EVALUATION TOOL MEETS THE REQUIREMENTS FOR LOCALLY DEVELOPED EVALUATION TOOLS AS PROVIDED IN SUBSECTION (6). IF THE DEPARTMENT DESIGNATES AN EVALUATION TOOL AS ACCEPTABLE, A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY USE THAT EVALUATION TOOL FOR THE PURPOSES OF EVALUATING TEACHER PERFORMANCE AS PROVIDED IN SUBSECTION (2). IF AT ANY POINT THE DEPARTMENT DETERMINES THAT 1 OF THE APPROVED EVALUATION TOOLS IDENTIFIED IN THIS SUBSECTION FAILS TO MEET THE REQUIREMENTS FOR LOCALLY DEVELOPED EVALUATION TOOLS AS PROVIDED IN SUBSECTION (6), THE DEPARTMENT MAY REVOKE THE DESIGNATION OF THAT EVALUATION TOOL AS ACCEPTABLE FOR USE UNDER THIS SECTION.

(5) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY USE 1 OR MORE ADAPTATIONS OR MODIFICATIONS OF AN EVALUATION TOOL THAT IS ACCEPTABLE FOR USE UNDER SUBSECTION (3) OR (4) FOR THE PURPOSES OF EVALUATING TEACHER PERFORMANCE AS PROVIDED IN SUBSECTION (2) IF THE ADAPTATIONS OR MODIFICATIONS MEET ALL OF THE FOLLOWING AND THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY PROVIDES ASSURANCE OF ALL OF THE FOLLOWING ON ITS PUBLIC WEBSITE:

(A) THE ADAPTATIONS OR MODIFICATIONS DO NOT COMPROMISE THE VALIDITY OF EITHER THE EVALUATION TOOL OR THE EVALUATION PROCESS.

(B) THE ADAPTATIONS OR MODIFICATIONS HAVE UNDERGONE REVIEW BY A PERSON WITH EXPERTISE IN TEACHER EVALUATIONS AND THE POSTED

ASSURANCES INCLUDE THE IDENTITY AND QUALIFICATIONS OF THE PERSON WHO CONDUCTED THE REVIEW.

(C) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY ENSURES THAT ALL EVALUATORS AND OBSERVERS RECEIVE INITIAL AND FOLLOW-UP TRAINING FROM THE VENDOR OF THE EVALUATION TOOL THAT IS BEING MODIFIED OR FROM A TRAINING PROVIDER THAT HAS A CONTRACT WITH THE VENDOR TO PROVIDE TRAINING USING A VENDOR-APPROVED TRAINING PROGRAM FOR THE EVALUATION TOOL THAT IS BEING MODIFIED.

(6) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY USE 1 OR MORE LOCALLY DEVELOPED EVALUATION TOOLS FOR THE PURPOSES OF EVALUATING TEACHER PERFORMANCE AS PROVIDED IN SUBSECTION (2) IF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY PROVIDES ALL OF THE FOLLOWING INFORMATION ABOUT THE LOCALLY DEVELOPED EVALUATION TOOL ON ITS PUBLIC WEBSITE:

(A) THE RESEARCH BASE FOR THE EVALUATION FRAMEWORK, INSTRUMENT, AND PROCESS.

(B) THE IDENTITY AND QUALIFICATIONS OF THE AUTHOR OR AUTHORS.

(C) EITHER EVIDENCE OF RELIABILITY, VALIDITY, AND EFFICACY OR A PLAN FOR DEVELOPING THAT EVIDENCE.

(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 ALL EVALUATORS AND OBSERVERS WITH INITIAL AND FOLLOW-UP TRAINING AND THE IDENTITY AND QUALIFICATIONS OF THE PROVIDERS OF THAT TRAINING.

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

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

(8) AS USED IN THIS SECTION:

(A) "CORE ACADEMIC SUBJECT" MEANS 1 OF THE CORE ACADEMIC SUBJECTS AS DEFINED IN 20 USC 7801.

(B) "TEACHER" MEANS AN INDIVIDUAL HOLDING A VALID MICHIGAN TEACHING CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION TO TEACH IN THE PUBLIC SCHOOLS OF THIS STATE, OR WHO IS OTHERWISE AUTHORIZED BY LAW

TO TEACH IN THE PUBLIC SCHOOLS OF THIS STATE; WHO MEETS THE REQUIREMENTS TO BE CONSIDERED HIGHLY QUALIFIED AS DEFINED IN 20 USC 7801; AND WHO IS TEACHING A CORE ACADEMIC SUBJECT IN ANY OF GRADES K TO 12.

Sec. 1249a. **(1) BEGINNING IN 2016-2017, 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 ON HIS OR HER 2 MOST RECENT ANNUAL YEAR-END EVALUATIONS UNDER SECTION 1249.**

(2) Beginning in ~~2015-2016,~~ **2016-2017,** if a ~~pupil is assigned to be taught by a teacher who has been rated as ineffective on his or her 2 most recent annual year-end evaluations under section 1249,~~ **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 ON HIS OR HER 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 shall 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 on his or her 2 most recent annual year-end evaluations. The notification shall be in writing, shall 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 shall ~~identify the teacher who is the subject of the notification.~~ **INCLUDE AN EXPLANATION OF WHY THE BOARD OR BOARD OF DIRECTORS IS UNABLE TO COMPLY WITH SUBSECTION (1).**

SEC. 1531J. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR A RULE TO THE CONTRARY, BEGINNING JULY 1, 2015, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOT ISSUE AN INITIAL PROFESSIONAL TEACHING CERTIFICATE TO AN INDIVIDUAL UNLESS THE INDIVIDUAL MEETS 1 OF THE FOLLOWING:

(A) THE INDIVIDUAL WAS RATED AS EITHER EFFECTIVE OR HIGHLY EFFECTIVE ON HIS OR HER ANNUAL YEAR-END PERFORMANCE EVALUATION UNDER SECTION 1249 FOR THE 3 CONSECUTIVE SCHOOL YEARS IMMEDIATELY PRECEDING HIS OR HER APPLICATION FOR THE PROFESSIONAL TEACHING CERTIFICATE.

(B) THE INDIVIDUAL WAS RATED AS EITHER EFFECTIVE OR HIGHLY EFFECTIVE ON HIS OR HER ANNUAL YEAR-END PERFORMANCE EVALUATION UNDER SECTION 1249 FOR AT LEAST 3 NONCONSECUTIVE SCHOOL YEARS BEFORE HIS OR HER APPLICATION FOR THE PROFESSIONAL TEACHING CERTIFICATE AND SUBMITS A RECOMMENDATION FROM THE CHIEF SCHOOL ADMINISTRATOR OF THE SCHOOL AT WHICH HE OR SHE IS CURRENTLY EMPLOYED THAT HE OR SHE BE ISSUED A PROFESSIONAL TEACHING CERTIFICATE.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5224 of the 97th Legislature is enacted into law.