SUBSTITUTE FOR

HOUSE BILL NO. 5224

A bill to amend 1976 PA 451, entitled

"The revised school code,"

(MCL 380.1 to 380.1852) by adding section 1249b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 1249B. (1) BEGINNING WITH THE 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 REQUIRED UNDER SECTION 1249 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 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. AN ANNUAL EVALUATION SHALL MEET ALL OF THE FOLLOWING:

(*i*) FOR THE ANNUAL EVALUATION FOR THE 2014-2015, 2015-2016, AND 2016-2017 SCHOOL YEARS, 25% OF THE ANNUAL EVALUATION SHALL BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA. BEGINNING WITH THE ANNUAL EVALUATION FOR THE 2017-2018 SCHOOL YEAR, 40% OF THE ANNUAL EVALUATION SHALL BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA.

(*ii*) BEGINNING IN 2015-2016, 1/2 OF THE STUDENT GROWTH AND ASSESSMENT DATA SHALL BE MEASURED USING THE STATE STUDENT GROWTH ASSESSMENT TOOL, WHICH SHALL MEET THE REQUIREMENTS UNDER SUBSECTION (5). 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, INCLUDING, BUT NOT LIMITED TO, INDIVIDUALIZED EDUCATION PROGRAM GOALS, FOR ALL OF THE STUDENT GROWTH AND ASSESSMENT DATA.

(*iii*) THE PORTION OF A SCHOOL ADMINISTRATOR'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 SCHOOL ADMINISTRATORS ARE EVALUATED USING THE SAME MEASURES AND ASSESSMENTS.

(*iv*) IF THERE ARE STUDENT GROWTH AND ASSESSMENT DATA FOR A SCHOOL ADMINISTRATOR FOR AT LEAST 3 SCHOOL YEARS, THE ANNUAL 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 SCHOOL ADMINISTRATOR FOR AT LEAST 3 SCHOOL YEARS, THE ANNUAL EVALUATION SHALL BE BASED ON ALL STUDENT GROWTH AND ASSESSMENT DATA THAT ARE AVAILABLE FOR THE SCHOOL ADMINISTRATOR.

(B) THE PORTION OF THE ANNUAL EVALUATION THAT IS NOT BASED ON STUDENT GROWTH AND ASSESSMENT DATA AS PROVIDED IN SUBDIVISION (A) OR THE SCHOOL ADMINISTRATOR EVALUATION TOOL AS PROVIDED IN SUBDIVISION (C) 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 UNDER SECTION 1249, 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 UNDER SECTION 1249, 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, OR A COMBINATION OF THESE.

(*iii*) PUPIL ATTENDANCE IN THE SCHOOL OR SCHOOL DISTRICT, AS APPLICABLE.

(*iv*) STUDENT, PARENT, AND TEACHER FEEDBACK, AND OTHER INFORMATION CONSIDERED PERTINENT BY THE SUPERINTENDENT OR OTHER PERSON CONDUCTING THE PERFORMANCE EVALUATION OR THE BOARD OR BOARD OF DIRECTORS.

(*v*) DEMONSTRATION OF EFFECTIVE MANAGEMENT AND DEVELOPMENT OF INSTRUCTIONAL STAFF, UNLESS THIS CRITERION IS ALREADY REQUIRED IN THE EVALUATION TOOL OR TOOLS ADOPTED FOR SCHOOL ADMINISTRATORS UNDER SUBSECTIONS (2) TO (5).

(C) THE PORTION OF A SCHOOL ADMINISTRATOR'S ANNUAL EVALUATION THAT IS NOT BASED ON STUDENT GROWTH AND ASSESSMENT DATA AS PROVIDED IN SUBDIVISION (A) SHALL BE BASED PRIMARILY ON THE SCHOOL ADMINISTRATOR'S PERFORMANCE AS MEASURED BY THE EVALUATION TOOL

ADOPTED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY. THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ADOPT AND IMPLEMENT 1 OR MORE OF THE APPROVED EVALUATION TOOLS FOR SCHOOL ADMINISTRATORS AS PROVIDED IN SUBSECTIONS (2) TO (5). THE EVALUATION TOOLS SHALL BE USED CONSISTENTLY AMONG 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 EVALUATION TOOL.

(D) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT AN INDIVIDUAL CONDUCTING AN EVALUATION 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. THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT AN INDIVIDUAL CONDUCTING AN EVALUATION 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 SCHOOL ADMINISTRATORS ON THE EVALUATION TOOL AND HOW IT IS USED.

(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 SUBSECTIONS (2) TO (5).

(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 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 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 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 SCHOOL ADMINISTRATOR FROM HIS OR HER EMPLOYMENT REGARDLESS OF WHETHER THE SCHOOL ADMINISTRATOR IS RATED AS INEFFECTIVE ON 3 CONSECUTIVE ANNUAL EVALUATIONS.

(H) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A SCHOOL ADMINISTRATOR IS RATED AS HIGHLY EFFECTIVE ON 3 CONSECUTIVE ANNUAL EVALUATIONS, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY CHOOSE TO CONDUCT AN

EVALUATION BIENNIALLY INSTEAD OF ANNUALLY. HOWEVER, IF A SCHOOL ADMINISTRATOR IS NOT RATED AS HIGHLY EFFECTIVE ON 1 OF THESE BIENNIAL EVALUATIONS, THE SCHOOL ADMINISTRATOR SHALL AGAIN BE PROVIDED WITH ANNUAL EVALUATIONS.

(2) SUBJECT TO SUBSECTIONS (3) TO (5), FOR THE PURPOSES OF EVALUATING SCHOOL ADMINISTRATOR PERFORMANCE AS PROVIDED IN SUBSECTION (1), A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL USE 1 OR MORE OF THE FOLLOWING EVALUATION TOOLS:

(A) THE SCHOOL ADVANCE ADMINISTRATOR EVALUATION SYSTEM DEVELOPED BY P. REEVES AND P. MCNEIL FOR THE MICHIGAN ASSOCIATION OF SCHOOL ADMINISTRATORS.

(B) THE D. REEVES LEADERSHIP PERFORMANCE RUBRIC.

(C) THE R. MARZANO SCHOOL AND DISTRICT LEADERSHIP EVALUATION.

(3) 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 (5). 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 SCHOOL ADMINISTRATOR PERFORMANCE AS PROVIDED IN SUBSECTION (1). 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 (5), THE DEPARTMENT MAY REVOKE THE DESIGNATION OF THAT EVALUATION TOOL AS ACCEPTABLE FOR USE UNDER THIS SECTION.

(4) 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 (2) OR (3) FOR THE PURPOSES OF EVALUATING SCHOOL ADMINISTRATOR PERFORMANCE AS PROVIDED IN SUBSECTION (1) 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 SCHOOL ADMINISTRATOR 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.

(5) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY USE 1 OR MORE LOCALLY DEVELOPED EVALUATION TOOLS FOR THE PURPOSES OF EVALUATING SCHOOL ADMINISTRATOR PERFORMANCE AS PROVIDED IN SUBSECTION (1) 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 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.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5223 of the 97th Legislature is enacted into law.