

HOUSE BILL No. 6096

December 18, 2014, Introduced by Rep. Rutledge and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5 and 1249 (MCL 380.5 and 380.1249), section 5 as amended by 2011 PA 232 and section 1249 as amended by 2014 PA 257.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) "Local act school district" or "special act school
2 district" means a district governed by a special or local act or
3 chapter of a local act. "Local school district" and "local school
4 district board" as used in article 3 include a local act school
5 district and a local act school district board.

6 (2) "MASTER TEACHER" MEANS AN INDIVIDUAL WHO MEETS ALL OF THE
7 FOLLOWING:

8 (A) HOLDS A VALID ADVANCED PROFESSIONAL TEACHING CERTIFICATE

1 ISSUED BY THE DEPARTMENT.

2 (B) HAS RECEIVED A RATING OF EFFECTIVE OR HIGHLY EFFECTIVE ON
3 HIS OR HER MOST RECENT ANNUAL OR BIENNIAL YEAR-END PERFORMANCE
4 EVALUATION UNDER SECTION 1249.

5 (3) ~~(2)~~—"Membership" means the number of full-time equivalent
6 pupils in a public school as determined by the number of pupils
7 registered for attendance plus pupils received by transfer and
8 minus pupils lost as defined by rules promulgated by the state
9 board.

10 (4) ~~(3)~~—"Michigan election law" means the Michigan election
11 law, 1954 PA 116, MCL 168.1 to 168.992.

12 (5) ~~(4)~~—"Nonpublic school" means a private, denominational, or
13 parochial school.

14 (6) ~~(5)~~—"Objectives" means measurable pupil academic skills
15 and knowledge.

16 (7) ~~(6)~~—"Public school" means a public elementary or secondary
17 educational entity or agency that is established under this act,
18 has as its primary mission the teaching and learning of academic
19 and vocational-technical skills and knowledge, and is operated by a
20 school district, local act school district, special act school
21 district, intermediate school district, school of excellence,
22 public school academy corporation, strict discipline academy
23 corporation, urban high school academy corporation, or by the
24 department or state board. Public school also includes a laboratory
25 school or other elementary or secondary school that is controlled
26 and operated by a state public university described in section 4,
27 5, or 6 of article VIII of the state constitution of 1963.

1 (8) ~~(7)~~—"Public school academy" means a public school academy
2 established under part 6a and, except as used in part 6a, also
3 includes an urban high school academy established under part 6c, a
4 school of excellence established under part 6e, and a strict
5 discipline academy established under sections 1311b to 1311m.

6 (9) ~~(8)~~—"Pupil membership count day" of a school district
7 means that term as defined in section 6 of the state school aid act
8 of 1979, MCL 388.1606.

9 (10) ~~(9)~~—"Regular school election" or "regular election" means
10 the election held in a school district, local act school district,
11 or intermediate school district to elect a school board member in
12 the regular course of the terms of that office and held on the
13 school district's regular election date as determined under section
14 642c of the Michigan election law, MCL 168.642c.

15 (11) ~~(10)~~—"Reorganized intermediate school district" means an
16 intermediate school district formed by consolidation or annexation
17 of 2 or more intermediate school districts under sections 701 and
18 702.

19 (12) ~~(11)~~—"Rule" means a rule promulgated under the
20 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
21 24.328.

22 Sec. 1249. (1) Subject to subsection (7), with the involvement
23 of teachers and school administrators, the board of a school
24 district or intermediate school district or board of directors of a
25 public school academy shall adopt and implement for all teachers
26 and school administrators a rigorous, transparent, and fair
27 performance evaluation system that does all of the following:

1 (a) Evaluates the teacher's or school administrator's job
2 performance at least annually while providing timely and
3 constructive feedback.

4 (b) Establishes clear approaches to measuring student growth
5 and provides teachers and school administrators with relevant data
6 on student growth.

7 (c) Evaluates a teacher's or school administrator's job
8 performance, using multiple rating categories that take into
9 account data on student growth as a significant factor. For 2014-
10 2015, for grades and subjects in which state assessments are
11 administered in compliance with 20 USC 6311, student growth must be
12 measured, at least in part, using the state assessments, and for
13 grades and subjects in which state assessments are not required and
14 administered for purposes of 20 USC 6311, student growth must be
15 measured, at least in part, using alternative assessments that are
16 rigorous and comparable across schools within the school district,
17 intermediate school district, or public school academy. If the
18 performance evaluation system implemented by a school district,
19 intermediate school district, or public school academy under this
20 section does not already include the rating of teachers as highly
21 effective, effective, minimally effective, and ineffective, then
22 the school district, intermediate school district, or public school
23 academy shall revise the performance evaluation system not later
24 than September 19, 2011 to ensure that it rates teachers as highly
25 effective, effective, minimally effective, or ineffective.

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

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

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

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

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

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

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

21 (i) At least 50% of the annual year-end evaluation shall be
22 based on student growth and assessment data. All student growth and
23 assessment data shall be measured using the student growth
24 assessment tool that is required under legislation enacted by the
25 legislature after review of the recommendations contained in the
26 report of the former Michigan council for educator effectiveness.

27 (ii) If there are student growth and assessment data available

1 for a teacher for at least 3 school years, the annual year-end
2 evaluation shall be based on the student growth and assessment data
3 for the most recent 3-consecutive-school-year period. If there are
4 not student growth and assessment data available for a teacher for
5 at least 3 school years, the annual year-end evaluation shall be
6 based on all student growth and assessment data that are available
7 for the teacher.

8 (iii) The annual year-end evaluation shall include specific
9 performance goals that will assist in improving effectiveness for
10 the next school year and are developed by the school administrator
11 or his or her designee conducting the evaluation, in consultation
12 with the teacher, and any recommended training identified by the
13 school administrator or designee, in consultation with the teacher,
14 that would assist the teacher in meeting these goals. For a teacher
15 described in subdivision (b), the school administrator or designee
16 shall develop, in consultation with the teacher, an individualized
17 development plan that includes these goals and training and is
18 designed to assist the teacher to improve his or her effectiveness.

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

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

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

5 (iii) The midyear progress report shall include specific
6 performance goals for the remainder of the school year that are
7 developed by the school administrator conducting the annual year-
8 end evaluation or his or her designee and any recommended training
9 identified by the school administrator or designee that would
10 assist the teacher in meeting these goals. At the midyear progress
11 report, the school administrator or designee shall develop, in
12 consultation with the teacher, a written improvement plan that
13 includes these goals and training and is designed to assist the
14 teacher to improve his or her rating.

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

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

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

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

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

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

5 (d) For the purposes of conducting annual year-end evaluations
6 under the performance evaluation system, the school district,
7 intermediate school district, or public school academy shall adopt
8 and implement the state evaluation tool for teachers that is
9 required under legislation enacted by the legislature after review
10 of the recommendations contained in the report of the former
11 Michigan council for educator effectiveness. However, if a school
12 district, intermediate school district, or public school academy
13 has a local evaluation tool for teachers that is consistent with
14 the state evaluation tool, the school district, intermediate school
15 district, or public school academy may conduct annual year-end
16 evaluations for teachers using that local evaluation tool.

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

22 (f) As part of the performance evaluation system, and in
23 addition to the requirements of section 1526, a school district,
24 intermediate school district, or public school academy is
25 encouraged to assign a mentor or coach to each teacher who is
26 described in subdivision (b). **THE TEACHER AND THE SCHOOL**
27 **ADMINISTRATION MAY AGREE UPON THE MENTOR OR COACH. IF THE TEACHER**

1 AND SCHOOL ADMINISTRATION ARE UNABLE TO AGREE UPON A MENTOR OR
2 COACH, THE SCHOOL ADMINISTRATION SHALL ASSIGN A MASTER TEACHER TO
3 ACT AS THE MENTOR OR COACH, IF AVAILABLE.

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

11 (h) The performance evaluation system shall provide that, if a
12 teacher is rated as ineffective on 3 consecutive annual year-end
13 evaluations, the school district, public school academy, or
14 intermediate school district shall dismiss the teacher from his or
15 her employment. This subdivision does not affect the ability of a
16 school district, intermediate school district, or public school
17 academy to dismiss an ineffective teacher from his or her
18 employment regardless of whether the teacher is rated as
19 ineffective on 3 consecutive annual year-end evaluations.

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

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

17 (3) Beginning with the 2015-2016 school year, the board of a
18 school district or intermediate school district or board of
19 directors of a public school academy shall ensure that the
20 performance evaluation system for building-level school
21 administrators and for central office-level school administrators
22 who are regularly involved in instructional matters meets all of
23 the following:

24 (a) The performance evaluation system shall include at least
25 an annual year-end evaluation for all school administrators
26 described in this subsection by the school district superintendent
27 or his or her designee, intermediate superintendent or his or her

1 designee, or chief administrator of the public school academy, as
2 applicable, except that a superintendent or chief administrator
3 shall be evaluated by the board or board of directors.

4 (b) At least 50% of the annual year-end evaluation shall be
5 based on student growth and assessment data. The student growth and
6 assessment data to be used for the school administrator annual
7 year-end evaluation are the aggregate student growth and assessment
8 data that are used in teacher annual year-end evaluations in each
9 school in which the school administrator works as an administrator
10 or, for a central-office level school administrator, for the entire
11 school district or intermediate school district.

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

18 (i) If the school administrator conducts teacher performance
19 evaluations, the school administrator's training and proficiency in
20 using the evaluation tool for teachers described in subsection
21 (2)(d), including a random sampling of his or her teacher
22 performance evaluations to assess the quality of the school
23 administrator's input in the teacher performance evaluation system.
24 If the school administrator designates another person to conduct
25 teacher performance evaluations, the evaluation of the school
26 administrator on this factor shall be based on the designee's
27 training and proficiency in using the evaluation tool for teachers

1 described in subsection (2)(d), including a random sampling of the
2 designee's teacher performance evaluations to assess the quality of
3 the designee's input in the teacher performance evaluation system,
4 with the designee's performance to be counted as if it were the
5 school administrator personally conducting the teacher performance
6 evaluations.

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

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

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

15 (d) For the purposes of conducting performance evaluations
16 under the performance evaluation system, the school district,
17 intermediate school district, or public school academy shall adopt
18 and implement the state evaluation tool for school administrators
19 described in this subsection that is required under legislation
20 enacted by the legislature after review of the recommendations
21 contained in the report of the former Michigan council for educator
22 effectiveness. However, if a school district, intermediate school
23 district, or public school academy has a local evaluation tool for
24 school administrators described in this subsection that is
25 consistent with the state evaluation tool, the school district,
26 intermediate school district, or public school academy may conduct
27 performance evaluations for school administrators using that local

1 evaluation tool.

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

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

16 (g) The performance evaluation system shall provide that, if a
17 school administrator described in this subsection is rated as
18 ineffective on 3 consecutive annual year-end evaluations, the
19 school district, public school academy, or intermediate school
20 district shall dismiss the school administrator from his or her
21 employment. However, this subdivision applies only if the 3
22 consecutive annual year-end evaluations are conducted using the
23 same evaluation tool and under the same performance evaluation
24 system. This subdivision does not affect the ability of a school
25 district, intermediate school district, or public school academy to
26 dismiss an ineffective school administrator from his or her
27 employment regardless of whether the school administrator is rated

1 as ineffective on 3 consecutive annual year-end evaluations.

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

10 (4) It is the intent of the legislature to review the report
11 submitted by the former Michigan council for educator effectiveness
12 and to enact appropriate legislation to put into place a statewide
13 performance evaluation system taking into consideration the
14 recommendations contained in the report.

15 (5) If all of the following apply for a public school operated
16 by a school district, intermediate school district, or public
17 school academy, then the school district, intermediate school
18 district, or public school academy is not required to comply with
19 subsection (2) or (3) for that public school:

20 (a) As of July 19, 2011, the school district, intermediate
21 school district, or public school academy had already implemented
22 and is currently using a performance evaluation system for that
23 public school that meets all of the following requirements:

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

27 (ii) The system uses research-based measures to determine

1 student growth. For 2014-2015, for grades and subjects in which
2 state assessments are administered in compliance with 20 USC 6311,
3 student growth must be measured, at least in part, using the state
4 assessments, and for grades and subjects in which state assessments
5 are not required and administered for purposes of 20 USC 6311,
6 student growth must be measured, at least in part, using
7 alternative assessments that are rigorous and comparable across
8 schools within the school district, intermediate school district,
9 or public school academy. Student growth also may be measured by
10 standards-based, nationally normed assessments and other objective
11 criteria which may include other national or local assessments.

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

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

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

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

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

27 (c) The school district, intermediate school district, or

1 public school academy posts a description of its evaluation system
2 on its website.

3 (6) If, after July 19, 2011, a school district, intermediate
4 school district, or public school academy begins operating a new
5 public school, or implements a new performance evaluation system
6 for a public school it operates, and all of the following apply,
7 then the school district, intermediate school district, or public
8 school academy is not required to comply with subsection (2) or (3)
9 for that public school:

10 (a) The performance evaluation system adopted and implemented
11 for that public school replicates and is identical to the
12 performance evaluation system of a public school that is exempt
13 under subsection (5).

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

17 (7) If a collective bargaining agreement is in effect for
18 teachers or school administrators of a school district, public
19 school academy, or intermediate school district as of July 19,
20 2011, and if that collective bargaining agreement prevents
21 compliance with subsection (1), then subsection (1) does not apply
22 to that school district, public school academy, or intermediate
23 school district until after the expiration of that collective
24 bargaining agreement.