

**SUBSTITUTE FOR  
SENATE BILL NO. 202**

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1249b (MCL 380.1249b), as added by 2015 PA 173.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1249b. (1) The board of a school district or intermediate  
2 school district or board of directors of a public school academy  
3 shall ensure that the performance evaluation system for building-  
4 level school administrators and for central-office-level school  
5 administrators who are regularly involved in instructional matters  
6 meets all of the following:

7           (a) The performance evaluation system ~~shall~~**must** include at  
8 least an annual evaluation for all school administrators described  
9 in this subsection by the school district superintendent or his or



1 her designee, intermediate superintendent or his or her designee,  
 2 or chief administrator of the public school academy, as applicable.  
 3 However, a superintendent or chief administrator shall be evaluated  
 4 by the board or board of directors or, if the superintendent or  
 5 chief administrator is not employed directly by the board or board  
 6 of directors, by the designee of the board or board of directors.

7 (b) For the ~~2015-2016, 2016-2017, and 2017-2018 school years,~~  
 8 **2018-2019 school year**, 25% of the annual evaluation ~~shall~~**must** be  
 9 based on student growth and assessment data. Beginning with the  
 10 ~~2018-2019-2019-2020~~ school year, 40% of the annual evaluation ~~shall~~  
 11 **must** be based on student growth and assessment data. The student  
 12 growth and assessment data to be used for the school administrator  
 13 annual evaluation are the aggregate student growth and assessment  
 14 data that are used in teacher annual year-end evaluations in each  
 15 school in which the school administrator works as an administrator  
 16 or, for a central-office-level school administrator, for the entire  
 17 school district or intermediate school district.

18 (c) For the purposes of conducting annual evaluations under  
 19 the performance evaluation system, the school district,  
 20 intermediate school district, or public school academy shall  
 21 develop or adopt and implement an evaluation tool for school  
 22 administrators. The portion of a school administrator's annual  
 23 evaluation that is not based on student growth ~~shall~~**must** be based  
 24 primarily on the school administrator's performance as measured by  
 25 this evaluation tool.

26 (d) The portion of the annual evaluation that is not based on  
 27 student growth and assessment data as provided under subdivision  
 28 (b) or on an evaluation tool as provided under subdivision (c)  
 29 ~~shall~~**must** be based on at least the following for each school in



1 which the school administrator works as an administrator or, for a  
2 central-office-level school administrator, for the entire school  
3 district or intermediate school district:

4 (i) If the school administrator conducts teacher performance  
5 evaluations, the school administrator's proficiency in using the  
6 evaluation tool for teachers used by the school district,  
7 intermediate school district, or public school academy under  
8 section 1249. If the school administrator designates another person  
9 to conduct teacher performance evaluations, the evaluation of the  
10 school administrator on this factor ~~shall~~**must** be based on the  
11 designee's proficiency in using the evaluation tool for teachers  
12 used by the school district, intermediate school district, or  
13 public school academy under section 1249, with the designee's  
14 performance to be counted as if it were the school administrator  
15 personally conducting the teacher performance evaluations.

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

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

20 (iv) Student, parent, and teacher feedback, as available, and  
21 other information considered pertinent by the superintendent or  
22 other school administrator conducting the performance evaluation or  
23 the board or board of directors.

24 (e) For the purposes of conducting annual evaluations under  
25 the performance evaluation system, by the beginning of the 2016-  
26 2017 school year, the school district, intermediate school  
27 district, or public school academy shall adopt and implement 1 or  
28 more of the evaluation tools for school administrators that are  
29 included on the list under subsection (3). However, if a school



1 district, intermediate school district, or public school academy  
 2 has 1 or more local evaluation tools for school administrators or  
 3 modifications of an evaluation tool on the list under subsection  
 4 (3), and the school district, intermediate school district, or  
 5 public school academy complies with subsection (2), the school  
 6 district, intermediate school district, or public school academy  
 7 may conduct annual year-end evaluations for school administrators  
 8 using 1 or more local evaluation tools or modifications.

9 (f) The evaluation tool and other measures used by the school  
 10 district, intermediate school district, or public school academy in  
 11 its performance evaluation system for school administrators ~~shall~~  
 12 **must** be used consistently across the schools operated by a school  
 13 district, intermediate school district, or public school academy so  
 14 that all similarly situated school administrators are evaluated  
 15 using the same measures.

16 (g) The performance evaluation system ~~shall~~**must** assign an  
 17 effectiveness rating to each school administrator described in this  
 18 subsection of highly effective, effective, minimally effective, or  
 19 ineffective.

20 (h) The performance evaluation system ~~shall~~**must** ensure that  
 21 if a school administrator described in this subsection is rated as  
 22 minimally effective or ineffective, the person or persons  
 23 conducting the evaluation shall develop and require the school  
 24 administrator to implement an improvement plan to correct the  
 25 deficiencies. The improvement plan ~~shall~~**must** recommend  
 26 professional development opportunities and other actions designed  
 27 to improve the rating of the school administrator on his or her  
 28 next annual evaluation.

29 (i) The performance evaluation system ~~shall~~**must** provide that,



1 if a school administrator described in this subsection is rated as  
2 ineffective on 3 consecutive annual evaluations, the school  
3 district, ~~public school academy, or intermediate school district,~~  
4 **or public school academy** shall dismiss the school administrator  
5 from his or her employment. This subdivision does not affect the  
6 ability of a school district, intermediate school district, or  
7 public school academy to dismiss a school administrator from his or  
8 her employment regardless of whether the school administrator is  
9 rated as ineffective on 3 consecutive annual evaluations.

10 (j) The performance evaluation system ~~shall~~**must** provide that,  
11 if a school administrator is rated as highly effective on 3  
12 consecutive annual evaluations, the school district, intermediate  
13 school district, or public school academy may choose to conduct an  
14 evaluation biennially instead of annually. However, if a school  
15 administrator is not rated as highly effective on 1 of these  
16 biennial evaluations, the school administrator shall again be  
17 provided with annual evaluations.

18 (k) The school district, intermediate school district, or  
19 public school academy shall provide training to school  
20 administrators on the measures used by the school district,  
21 intermediate school district, or public school academy in its  
22 performance evaluation system for school administrators and on how  
23 each of the measures is used. This training may be provided by a  
24 school district, intermediate school district, or public school  
25 academy, or by a consortium consisting of 2 or more of these.

26 (l) ~~Beginning with the 2016-2017 school year, a~~**A** school  
27 district, intermediate school district, or public school academy  
28 shall ensure that training is provided to all evaluators and  
29 observers. The training ~~shall~~**must** be provided by an individual who



1 has expertise in the evaluation tool or tools used by the school  
 2 district, intermediate school district, or public school academy,  
 3 which may include either a consultant on that evaluation tool or  
 4 framework or an individual who has been trained to train others in  
 5 the use of the evaluation tool or tools. This subdivision does not  
 6 prohibit a school district, intermediate school district, public  
 7 school academy, or consortium consisting of 2 or more of these,  
 8 from providing the training in the use of the evaluation tool or  
 9 tools if the trainer has expertise in the evaluation tool or tools.

10 (2) ~~Beginning with the 2016-2017 school year, a~~ **A** school  
 11 district, intermediate school district, or public school academy  
 12 shall post on its public website all of the following information  
 13 about the measures it uses for its performance evaluation system  
 14 for school administrators:

15 (a) The research base for the evaluation framework,  
 16 instrument, and process or, if the school district, intermediate  
 17 school district, or public school academy adapts or modifies an  
 18 evaluation tool from the list under subsection (3), the research  
 19 base for the listed evaluation tool and an assurance that the  
 20 adaptations or modifications do not compromise the validity of that  
 21 research base.

22 (b) The identity and qualifications of the author or authors  
 23 or, if the school district, intermediate school district, or public  
 24 school academy adapts or modifies an evaluation tool from the list  
 25 under subsection (3), the identity and qualifications of a person  
 26 with expertise in teacher evaluations who has reviewed the adapted  
 27 or modified evaluation tool.

28 (c) Either evidence of reliability, validity, and efficacy or  
 29 a plan for developing that evidence or, if the school district,



1 intermediate school district, or public school academy adapts or  
2 modifies an evaluation tool from the list under subsection (3), an  
3 assurance that the adaptations or modifications do not compromise  
4 the reliability, validity, or efficacy of the evaluation tool or  
5 the evaluation process.

6 (d) The evaluation frameworks and rubrics, with detailed  
7 descriptors for each performance level on key summative indicators.

8 (e) A description of the processes for collecting evidence,  
9 conducting evaluation conferences, developing performance ratings,  
10 and developing performance improvement plans.

11 (f) A description of the plan for providing evaluators and  
12 observers with training.

13 (3) The department shall establish and maintain a list of  
14 school administrator evaluation tools that have demonstrated  
15 evidence of efficacy and that may be used for the purposes of this  
16 section. That list initially ~~shall~~**must** include at least the 2  
17 evaluation models recommended in the final recommendations released  
18 by the Michigan council on educator effectiveness in July 2013. The  
19 list ~~shall~~**must** include a statement indicating that school  
20 districts, intermediate school districts, and public school  
21 academies are not limited to only using the evaluation tools that  
22 are included on the list. A school district, intermediate school  
23 district, or public school academy is not required to use an  
24 evaluation tool for school administrator evaluations that is the  
25 same as it uses for teacher evaluations or that has the same author  
26 or authors as the evaluation tool it uses for teacher evaluations.  
27 The department shall promulgate rules establishing standards and  
28 procedures for adding an evaluation tool to or removing an  
29 evaluation tool from the list. These rules ~~shall~~**must** include a



1 process for a school district, intermediate school district, or  
2 public school academy to submit its own evaluation tool for review  
3 for placement on the list.

4 (4) The training required under subsection (1) ~~shall~~**must** be  
5 paid for from the funds available in the educator evaluation  
6 reserve fund created under section 95a of the state school aid act  
7 **of 1979**, MCL 388.1695a.

