

# SENATE BILL NO. 1177

October 01, 2020, Introduced by Senators HORN, ANANICH, HERTEL, CHANG, ZORN, POLEHANKI and DALEY and referred to the Committee on Education and Career Readiness.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1249b and 1250 (MCL 380.1249b and 380.1250),  
section 1249b as amended by 2019 PA 5 and section 1250 as amended  
by 2018 PA 601.

## **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

1 administrators who are regularly involved in instructional matters  
2 meets all of the following:

3 (a) ~~The~~ **Subject to subdivision (i), the** performance evaluation  
4 system must include at least an annual evaluation for all school  
5 administrators described in this subsection by the school district  
6 superintendent or his or her designee, intermediate superintendent  
7 or his or her designee, or chief administrator of the public school  
8 academy, as applicable. However, a superintendent or chief  
9 administrator shall be evaluated by the board or board of directors  
10 or, if the superintendent or chief administrator is not employed  
11 directly by the board or board of directors, by the designee of the  
12 board or board of directors.

13 ~~(b) For the 2018-2019 school year, 25% of the annual~~  
14 ~~evaluation must be based on student growth and assessment data.~~  
15 ~~Beginning with the 2019-2020 school year, 40% of the annual~~  
16 ~~evaluation must be based on student growth and assessment data. The~~  
17 ~~student growth and assessment data to be used for the school~~  
18 ~~administrator annual evaluation are the aggregate student growth~~  
19 ~~and assessment data that are used in teacher annual year-end~~  
20 ~~evaluations in each school in which the school administrator works~~  
21 ~~as an administrator or, for a central office level school~~  
22 ~~administrator, for the entire school district or intermediate~~  
23 ~~school district.~~

24 (b) ~~(c)~~ For the purposes of conducting annual evaluations  
25 under the performance evaluation system, the school district,  
26 intermediate school district, or public school academy shall  
27 develop or adopt and implement an evaluation tool for school  
28 administrators. ~~The portion of a school administrator's annual~~  
29 ~~evaluation that is not based on student growth must be based~~

1 ~~primarily on the school administrator's performance as measured by~~  
2 ~~this evaluation tool.~~

3       **(c)** ~~(d)~~ The portion of the annual evaluation that is not based  
4 ~~on student growth and assessment data as provided under subdivision~~  
5 ~~(b) or~~ on an evaluation tool as provided under subdivision ~~(e)~~ **(b)**  
6 must be based on at least the following for each school in which  
7 the school administrator works as an administrator or, for a  
8 central-office-level school administrator, for the entire school  
9 district or intermediate school district:

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

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

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

26       *(iv)* Student, parent, and teacher feedback, as available, and  
27 other information considered pertinent by the superintendent or  
28 other school administrator conducting the performance evaluation or  
29 the board or board of directors.

1        **(d)** ~~(e)~~ For the purposes of conducting annual evaluations  
2 under the performance evaluation system, by the beginning of the  
3 2016-2017 school year, the school district, intermediate school  
4 district, or public school academy shall adopt and implement 1 or  
5 more of the evaluation tools for school administrators that are  
6 included on the list under subsection (3). However, if a school  
7 district, intermediate school district, or public school academy  
8 has 1 or more local evaluation tools for school administrators or  
9 modifications of an evaluation tool on the list under subsection  
10 (3), and the school district, intermediate school district, or  
11 public school academy complies with subsection (2), the school  
12 district, intermediate school district, or public school academy  
13 may conduct annual year-end evaluations for school administrators  
14 using 1 or more local evaluation tools or modifications.

15        **(e)** ~~(f)~~ The evaluation tool and other measures used by the  
16 school district, intermediate school district, or public school  
17 academy in its performance evaluation system for school  
18 administrators must be used consistently across the schools  
19 operated by a school district, intermediate school district, or  
20 public school academy so that all similarly situated school  
21 administrators are evaluated using the same measures.

22        **(f)** ~~(g)~~ The performance evaluation system must assign an  
23 effectiveness rating to each school administrator described in this  
24 subsection of highly effective, effective, minimally effective, or  
25 ineffective.

26        **(g)** ~~(h)~~ The performance evaluation system must ensure that if  
27 a school administrator described in this subsection is rated as  
28 minimally effective or ineffective, the person or persons  
29 conducting the evaluation shall develop and require the school

1 administrator to implement an improvement plan to correct the  
2 deficiencies. The improvement plan must recommend professional  
3 development opportunities and other actions designed to improve the  
4 rating of the school administrator on his or her next annual  
5 evaluation.

6       **(h)** ~~(i)~~—The performance evaluation system must provide that,  
7 if a school administrator described in this subsection is rated as  
8 ineffective on 3 consecutive annual evaluations, the school  
9 district, intermediate school district, or public school academy  
10 shall dismiss the school administrator from his or her employment.  
11 This subdivision does not affect the ability of a school district,  
12 intermediate school district, or public school academy to dismiss a  
13 school administrator from his or her employment regardless of  
14 whether the school administrator is rated as ineffective on 3  
15 consecutive annual evaluations.

16       **(i)** ~~(j)~~—The performance evaluation system must provide that,  
17 if a school administrator is rated as highly effective on 3  
18 consecutive annual evaluations, the school district, intermediate  
19 school district, or public school academy may choose to conduct an  
20 evaluation biennially instead of annually. However, if a school  
21 administrator is not rated as highly effective on 1 of these  
22 biennial evaluations, the school administrator ~~shall~~**must** again be  
23 provided with annual evaluations.

24       **(j)** ~~(k)~~—The school district, intermediate school district, or  
25 public school academy shall provide training to school  
26 administrators on the measures used by the school district,  
27 intermediate school district, or public school academy in its  
28 performance evaluation system for school administrators and on how  
29 each of the measures is used. This training may be provided by a

1 school district, intermediate school district, or public school  
2 academy, or by a consortium consisting of 2 or more of these.

3 (k) ~~(l)~~—A school district, intermediate school district, or  
4 public school academy shall ensure that training is provided to all  
5 evaluators and observers. The training must be provided by an  
6 individual who has expertise in the evaluation tool or tools used  
7 by the school district, intermediate school district, or public  
8 school academy ~~, which—that~~ may include either a consultant on that  
9 evaluation tool or framework or an individual who has been trained  
10 to train others in the use of the evaluation tool or tools. This  
11 subdivision does not prohibit a school district, intermediate  
12 school district, public school academy, or consortium consisting of  
13 2 or more of these, from providing the training in the use of the  
14 evaluation tool or tools if the trainer has expertise in the  
15 evaluation tool or tools.

16 (2) A school district, intermediate school district, or public  
17 school academy shall post on its public website all of the  
18 following information about the measures it uses for its  
19 performance evaluation system for school administrators:

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

27 (b) The identity and qualifications of the author or authors  
28 or, if the school district, intermediate school district, or public  
29 school academy adapts or modifies an evaluation tool from the list

1 under subsection (3), the identity and qualifications of a person  
2 with expertise in teacher evaluations who has reviewed the adapted  
3 or modified evaluation tool.

4 (c) Either evidence of reliability, validity, and efficacy or  
5 a plan for developing that evidence or, if the school district,  
6 intermediate school district, or public school academy adapts or  
7 modifies an evaluation tool from the list under subsection (3), an  
8 assurance that the adaptations or modifications do not compromise  
9 the reliability, validity, or efficacy of the evaluation tool or  
10 the evaluation process.

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

13 (e) A description of the processes for collecting evidence,  
14 conducting evaluation conferences, developing performance ratings,  
15 and developing performance improvement plans.

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

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

1 evaluations or that has the same author or authors as the  
 2 evaluation tool it uses for teacher evaluations. The department  
 3 shall promulgate rules establishing standards and procedures for  
 4 adding an evaluation tool to or removing an evaluation tool from  
 5 the list. These rules must include a process for a school district,  
 6 intermediate school district, or public school academy to submit  
 7 its own evaluation tool for review for placement on the list.

8 (4) The training required under subsection (1) must be paid  
 9 for from the funds available in the educator evaluation reserve  
 10 fund created under section 95a of the state school aid act of 1979,  
 11 MCL 388.1695a.

12 Sec. 1250. (1) Except as otherwise provided in this section, a  
 13 school district, ~~public school academy, or intermediate school~~  
 14 **district, or public school academy** shall implement and maintain a  
 15 method of compensation for its teachers and school administrators  
 16 that includes job performance and job accomplishments as a  
 17 significant factor in determining compensation and additional  
 18 compensation. The assessment of job performance ~~shall~~ **must**  
 19 incorporate a rigorous, transparent, and fair evaluation system  
 20 that evaluates a teacher's or school administrator's performance.  
 21 ~~at least in part based upon data on student growth as measured by~~  
 22 ~~assessments and other objective criteria.~~

23 ~~(2) If a collective bargaining agreement is in effect for~~  
 24 ~~teachers or school administrators of a school district, public~~  
 25 ~~school academy, or intermediate school district as of January 4,~~  
 26 ~~2010, and if that collective bargaining agreement prevents~~  
 27 ~~compliance with subsection (1), then subsection (1) does not apply~~  
 28 ~~to that school district, public school academy, or intermediate~~  
 29 ~~school district until after the expiration of that collective~~



1 ~~bargaining agreement.~~

2       (2) ~~(3)~~ For teachers and school administrators who are hired  
3 by a community district after September 1, 2019, the community  
4 district shall implement and maintain a method of compensation that  
5 includes job performance and job accomplishments as the primary  
6 factor in determining compensation and additional compensation. A  
7 teacher's or school administrator's job performance ~~shall~~**must** be  
8 evaluated based on the teacher's annual evaluation under section  
9 1249 or the school administrator's annual evaluation under section  
10 1249b, as applicable.

11       (3) ~~(4)~~ For teachers and school administrators who are hired  
12 by a community district after September 1, 2019, the community  
13 district shall not use length of service or achievement of an  
14 advanced degree as a factor in compensation levels or adjustments  
15 in compensation except as follows:

16       (a) For a teacher with a secondary level teaching certificate  
17 who has a subject area endorsement and who teaches in that subject  
18 area, an advanced degree achieved in that subject area may be  
19 considered as a factor in the teacher's base compensation.

20       (b) For a teacher with an elementary level teaching  
21 certificate who teaches in an elementary grade, an advanced degree  
22 in elementary education may be considered as a factor in the  
23 teacher's base compensation.

24       Enacting section 1. This amendatory act does not take effect  
25 unless Senate Bill No. 1176 of the 100th Legislature is enacted  
26 into law.