

SENATE BILL NO. 797

March 14, 2024, Introduced by Senator DAMOOSE and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1248, 1249, 1249a, 1249b, and 1280f (MCL 380.1248, 380.1249, 380.1249a, 380.1249b, and 380.1280f), section 1248 as amended by 2023 PA 116 and sections 1249, 1249a, 1249b, and 1280f as amended by 2023 PA 224, and by adding sections 1250a, 1531l, and 1531m.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1248. (1) ~~This section does not prohibit, impair, or~~

1 ~~limit the right or duty of a public school employer and a~~
 2 ~~collective bargaining representative to engage in collective~~
 3 ~~bargaining under 1947 PA 336, MCL 423.201 to 423.217. However, a~~
 4 ~~collective bargaining agreement must include, at a minimum, the~~
 5 ~~standards in this section.~~

6 ~~(2) For teachers, as defined under section 1249, in section 1~~
 7 ~~of article I of 1937 (Ex Sess) PA 4, MCL 38.71, all of the~~
 8 ~~following apply to policies regarding personnel decisions, when~~
 9 ~~filling a vacancy, placing a teacher in a classroom, or conducting~~
 10 ~~a staffing or program reduction or any other personnel~~
 11 ~~determination resulting in the elimination of a position, when~~
 12 ~~conducting a recall from a staffing or program reduction or any~~
 13 ~~other personnel determination resulting in the elimination of a~~
 14 ~~position, or in hiring after a staffing or program reduction or any~~
 15 ~~other personnel determination resulting in the elimination of a~~
 16 ~~position by a school district or intermediate school district:~~

17 ~~(a) Subject to subdivision (c), the board of a school district~~
 18 ~~or intermediate school district or the board of directors of a~~
 19 ~~public school academy shall not adopt, implement, maintain, or~~
 20 ~~comply with a policy or collective bargaining agreement that~~
 21 ~~provides that length of service as or tenure status is the sole~~
 22 ~~primary or determining factor in personnel decisions. This~~
 23 ~~subsection does not prevent length of service from being considered~~
 24 ~~as a tiebreaker if a personnel decision involves 2 or more~~
 25 ~~employees and all other factors distinguishing those employees from~~
 26 ~~each other are equal.~~

27 ~~(3) The board of a school district or intermediate school~~
 28 ~~district or board of directors of a public school academy shall~~
 29 ~~adopt, implement, maintain, and comply with clear and transparent~~

1 ~~procedures for all personnel decisions under this section.~~
2 ~~Effectiveness as measured under the performance evaluation system~~
3 ~~in section 1249 or as otherwise collectively bargained must be used~~
4 ~~as a factor for personnel decisions under this section. Any other~~
5 ~~relevant factors may be used for personnel decisions under this~~
6 ~~section, including, but not limited to, the following:~~

7 ~~(a) The teacher's length of service in a grade level or~~
8 ~~subject area.~~

9 ~~(b) The teacher's disciplinary record.~~ **when conducting a**
10 **staffing or program reduction or any other personnel determination**
11 **resulting in the elimination of a position, when conducting a**
12 **recall from a staffing or program reduction or any other personnel**
13 **determination resulting in the elimination of a position, or in**
14 **hiring after a staffing or program reduction or any other personnel**
15 **determination resulting in the elimination of a position.**

16 **(b) Subject to subdivision (c), the board of a school district**
17 **or intermediate school district shall ensure that the school**
18 **district or intermediate school district adopts, implements,**
19 **maintains, and complies with a policy that provides that all**
20 **personnel decisions when conducting a staffing or program reduction**
21 **or any other personnel determination resulting in the elimination**
22 **of a position, when conducting a recall from a staffing or program**
23 **reduction or any other personnel determination resulting in the**
24 **elimination of a position, or in hiring after a staffing or program**
25 **reduction or any other personnel determination resulting in the**
26 **elimination of a position, are based on retaining effective**
27 **teachers. The policy must ensure that a teacher who has been rated**
28 **as ineffective under the performance evaluation system under**
29 **section 1249 is not given any preference that would result in that**

1 teacher being retained over a teacher who is evaluated as minimally
 2 effective, effective, or highly effective under the performance
 3 evaluation system under section 1249. Effectiveness must be
 4 measured by the performance evaluation system under section 1249,
 5 and the personnel decisions must be made based on the following
 6 factors:

7 (i) Individual performance must be the majority factor in
 8 making the decision and must consist of, but is not limited to, all
 9 of the following:

10 (A) Evidence of student growth, which must be the predominant
 11 factor in assessing an employee's individual performance.

12 (B) The teacher's demonstrated pedagogical skills, including
 13 at least a special determination concerning the teacher's knowledge
 14 of the teacher's subject area and the ability to impart that
 15 knowledge through planning, delivering rigorous content, checking
 16 for and building higher-level understanding, differentiating, and
 17 managing a classroom; and consistent preparation to maximize
 18 instructional time.

19 (C) The teacher's management of the classroom, manner and
 20 efficacy of disciplining pupils, rapport with parents and other
 21 teachers, and ability to withstand the strain of teaching.

22 (D) The teacher's attendance and disciplinary record, if any.

23 (ii) Significant, relevant accomplishments and contributions.
 24 This factor must be based on whether the individual contributes to
 25 the overall performance of the school by making clear, significant,
 26 relevant contributions above the normal expectations for an
 27 individual in the individual's peer group and having demonstrated a
 28 record of exceptional performance.

29 (iii) ~~(c)~~ Relevant special training. This factor ~~may~~ must be

1 based on completion of relevant training other than the
 2 professional development or continuing education that is required
 3 by the employer or by state law, and integration of that training
 4 into instruction in a meaningful way.

5 **(c) Except as otherwise provided in this subdivision, length**
 6 **of service or tenure status must not be a factor in a personnel**
 7 **decision described in subdivision (a) or (b). However, if that**
 8 **personnel decision involves 2 or more employees and all other**
 9 **factors distinguishing those employees from each other are equal,**
 10 **length of service or tenure status may be considered as a**
 11 **tiebreaker.**

12 **(2) If a teacher brings an action against a school district or**
 13 **intermediate school district based on this section, the teacher's**
 14 **sole and exclusive remedy is an order of reinstatement commencing**
 15 **30 days after a decision by a court of competent jurisdiction. The**
 16 **remedy in an action brought by a teacher based on this section does**
 17 **not include lost wages, lost benefits, or any other economic**
 18 **damages.**

19 ~~Sec. 1249. (1) This section does not prohibit, impair, or~~
 20 ~~limit the right or duty of a public school employer and a~~
 21 ~~collective bargaining representative to engage in collective~~
 22 ~~bargaining over the topic of performance evaluations under 1947 PA~~
 23 ~~336, MCL 423.201 to 423.217, subject to the requirements in this~~
 24 ~~section and section 1249b. With the involvement of teachers and~~
 25 ~~school administrators, and after collective bargaining, if~~
 26 ~~applicable, with any collective bargaining representative of~~
 27 ~~teachers and school administrators, the board of a school district~~
 28 ~~or intermediate school district or board of directors of a public~~
 29 ~~school academy shall adopt and implement for all teachers and~~

1 school administrators a rigorous, transparent, and fair performance
2 evaluation system that does ~~at least~~ all of the following:

3 (a) Evaluates the teacher's or school administrator's job
4 performance while providing timely and constructive feedback.

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

8 (c) Evaluates a teacher's or school administrator's job
9 performance, using multiple rating categories that take into
10 account student growth and assessment data. ~~or student learning~~
11 ~~objectives metrics. Student growth, and assessment data, and~~
12 ~~student learning objectives must be measured using metrics agreed~~
13 ~~upon through collective bargaining, if applicable. Before July 1,~~
14 ~~2024, the performance evaluation system implemented by a school~~
15 ~~district, intermediate school district, or public school academy~~
16 ~~under this section must include the rating of teachers as highly~~
17 ~~effective, effective, minimally effective, and ineffective.~~
18 ~~Beginning July 1, 2024, the performance evaluation system~~
19 ~~implemented by a school district, intermediate school district, or~~
20 ~~public school academy under this section must include the rating of~~
21 ~~teachers as effective, developing, and needing support.~~ **multiple**
22 **measures that may include student learning objectives, achievement**
23 **of individualized education program goals, nationally normed or**
24 **locally developed assessments that are aligned to state standards,**
25 **research-based growth measures, or alternative assessments that are**
26 **rigorous and comparable across schools within the school district,**
27 **intermediate school district, or public school academy.**

28 (d) Uses the evaluations, at a minimum, to inform decisions
29 regarding ~~both~~ **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) ~~Development~~ **Promotion, retention, and development** of
4 teachers and school administrators, including providing relevant
5 coaching, 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) The board of a school district or intermediate school
14 district or board of directors of a public school academy shall
15 ensure that the performance evaluation system for teachers meets ~~at~~
16 ~~least~~ all of the following:

17 (a) ~~Except as otherwise provided under this subsection, the~~
18 **The** performance evaluation system must include at least a year-end
19 evaluation for all teachers. The year-end evaluation must meet all
20 of the following:

21 (i) ~~Before the 2024-2025 school year, 40%~~ **Forty percent** of the
22 year-end evaluation must be based on student growth and assessment
23 data. ~~Beginning in the 2024-2025 school year, the year-end~~
24 ~~evaluation must include locally agreed-on student growth and~~
25 ~~assessment data or student learning objectives metrics. The student~~
26 ~~growth and assessment data or student learning objectives metrics~~
27 ~~must be collectively bargained, if applicable, as determined under~~
28 ~~subsection (1)(c). Beginning in the 2024-2025 school year, 20%~~ of
29 the year-end evaluation must be based on student growth and

1 ~~assessment data or student learning objectives metrics.~~

2 **(ii)** For core content areas in grades and subjects in which
 3 state assessments are administered, 50% of student growth must be
 4 measured using the state assessments, and the portion of student
 5 growth not measured using state assessments must be measured using
 6 multiple research-based growth measures or alternative assessments
 7 that are rigorous and comparable across schools within the school
 8 district, intermediate school district, or public school academy.
 9 Student growth also may be measured by student learning objectives
 10 or nationally normed or locally adopted assessments that are
 11 aligned to state standards, or based on achievement of
 12 individualized education program goals.

13 **(iii)** ~~(ii)~~—The portion of a teacher's year-end evaluation that is
 14 not based on student growth and assessment data, ~~or student~~
 15 ~~learning objectives metrics,~~ as described ~~under~~ **in** subparagraph (i),
 16 must be based primarily on a teacher's performance as measured by
 17 the evaluation tool developed or adopted by the school district,
 18 intermediate school district, or public school academy under
 19 subdivision ~~(e)~~ **(f)**.

20 **(iv)** ~~(iii)~~—The portion of a teacher's evaluation that is not
 21 measured using student growth and assessment data, ~~or student~~
 22 ~~learning objectives metrics,~~ as described ~~under~~ **in** subparagraph (i),
 23 or using the evaluation tool developed or adopted by the school
 24 district, intermediate school district, or public school academy,
 25 ~~must be based on objective criteria as described in subparagraph~~
 26 **(iii)**, must incorporate criteria enumerated in section 1248(1)(b)(i)
 27 to **(iii)** that are not otherwise evaluated under subparagraph (i) or
 28 **(iii)**.

29 **(b)** If there are student growth and assessment data available

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

8 (c) ~~(b)~~—The year-end evaluation must 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 the school administrator's designee conducting the evaluation,
12 in consultation with the teacher, and any recommended training
13 identified by the school administrator or designee, in consultation
14 with the teacher, that would assist the teacher in meeting these
15 goals. For a teacher described in subdivision ~~(e)~~, ~~(d)~~, the school
16 administrator or designee shall develop, in consultation with the
17 teacher, an individualized development plan that includes these
18 goals and training and is designed to assist the teacher to improve
19 the teacher's effectiveness.

20 (d) ~~(e)~~—The performance evaluation system must include a
21 midyear progress report for a teacher who is in the first year of
22 the probationary period under section 1 of article II of 1937 (Ex
23 Sess) PA 4, MCL 38.81, or who received a rating of minimally
24 effective ~~, or~~ ineffective ~~, needing support, or developing~~ in the
25 teacher's most recent year-end evaluation. The midyear progress
26 report must be used as a supplemental tool to gauge a teacher's
27 improvement from the preceding school year and to assist a teacher
28 to improve. All of the following apply to the midyear progress
29 report:

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

3 **(ii)** ~~(i)~~—The midyear progress report must be aligned with the
4 teacher's individualized development plan under subdivision
5 ~~(b)~~. **(c)**.

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

16 **(iv)** ~~(iii)~~—The midyear progress report must not take the place of
17 a year-end evaluation.

18 **(e)** ~~(d)~~—The performance evaluation system must include
19 classroom observations to assist in the performance evaluations.
20 All of the following apply to these classroom observations:

21 **(i)** A classroom observation must include a review of the
22 teacher's lesson plan and the state curriculum standard being used
23 in the lesson and a review of pupil engagement in the lesson. ~~The~~
24 ~~items described in this subparagraph must be discussed during a~~
25 ~~post-observation meeting between the school administrator~~
26 ~~conducting the observation and the teacher.~~

27 **(ii)** A classroom observation ~~must be not less than 15 minutes~~
28 ~~but~~ does not have to be for an entire class period.

29 **(iii)** ~~There~~ **Unless a teacher has received a rating of effective**

1 **or highly effective on the teacher's 2 most recent year-end**
 2 **evaluations, there** must be at least 2 classroom observations of a
 3 **the** teacher in each school year. ~~that the teacher is evaluated. One~~
 4 **At least 1** observation ~~may~~**must** be unscheduled.

5 (iv) The school administrator responsible for the teacher's
 6 performance evaluation shall conduct at least 1 of the
 7 observations. Other observations may be conducted by other
 8 observers who are trained in the use of the evaluation tool that is
 9 used under subdivision ~~(e)~~**(f)**. These other observers may be
 10 teacher leaders.

11 (v) A school district, intermediate school district, or public
 12 school academy shall ensure that, within 30 calendar days after
 13 each observation, the teacher is provided with ~~written~~ feedback
 14 from the observation.

15 **(f)** ~~(e)~~ For the purposes of conducting year-end evaluations
 16 under the performance evaluation system, the school district,
 17 intermediate school district, or public school academy shall adopt
 18 and implement 1 or more of the evaluation tools for teachers that
 19 are included on the list under subsection (4). However, if a school
 20 district, intermediate school district, or public school academy
 21 has 1 or more local evaluation tools for teachers or modifications
 22 of an evaluation tool on the list under subsection (4), and the
 23 school district, intermediate school district, or public school
 24 academy complies with subsection (3), the school district,
 25 intermediate school district, or public school academy may conduct
 26 year-end evaluations for teachers using 1 or more local evaluation
 27 tools or modifications. The evaluation tools must be used
 28 consistently among the schools operated by a school district,
 29 intermediate school district, or public school academy so that all

1 similarly situated teachers are evaluated using the same evaluation
2 tool.

3 (g) ~~(f) Before July 1, 2024, the~~ **The** performance evaluation
4 system must assign a **an effectiveness** rating to each teacher of
5 highly effective, effective, minimally effective, or ineffective,
6 based on the teacher's year-end evaluation described in this
7 subsection. ~~Beginning July 1, 2024, the performance evaluation~~
8 ~~system must assign a rating to each teacher of effective,~~
9 ~~developing, or needing support based on the teacher's year-end~~
10 ~~evaluation described in this subsection. An evaluation and feedback~~
11 ~~concerning the evaluation must be provided, in writing, to the~~
12 ~~teacher being evaluated. However, if a written evaluation is not~~
13 ~~provided, the teacher is deemed effective.~~

14 ~~(g) A teacher must not be assigned an evaluation rating and~~
15 ~~must be designated as unevaluated for a school year if any of the~~
16 ~~following apply to the teacher:~~

17 ~~(i) The teacher worked less than 60 days in that school year.~~

18 ~~(ii) The teacher's evaluation results were vacated through the~~
19 ~~grievance procedure described in subdivision (l).~~

20 ~~(iii) There are extenuating circumstances and the teacher and~~
21 ~~the school district, intermediate school district, or public school~~
22 ~~academy agree to designate the teacher as unevaluated because of~~
23 ~~the extenuating circumstances.~~

24 ~~(h) If a teacher receives a unevaluated designation under~~
25 ~~subdivision (g), the teacher's rating from the school year~~
26 ~~immediately before that designation must be used for consecutive~~
27 ~~purposes under this section.~~

28 (h) ~~(i)~~ As part of the performance evaluation system, and in
29 addition to the requirements of section 1526, a school district,

1 intermediate school district, or public school academy ~~shall~~**is**
 2 **encouraged to** assign a mentor or coach to each teacher who is
 3 described in subdivision ~~(e)~~**(d)**.

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

12 (j) The performance evaluation system must provide that, if a
 13 teacher is rated as ineffective ~~or needing support~~ on 3 consecutive
 14 year-end evaluations, the school district, intermediate school
 15 district, or public school academy shall, subject to 1937 (Ex Sess)
 16 PA 4, MCL 38.71 to 38.191, dismiss the teacher from the teacher's
 17 employment. Subject to 1937 (Ex Sess) PA 4, MCL 38.71 to 38.191,
 18 this subdivision does not affect the ability of a school district,
 19 intermediate school district, or public school academy to dismiss a
 20 teacher from the teacher's employment regardless of whether the
 21 teacher is rated as ineffective ~~or needing support~~ on 3 consecutive
 22 year-end evaluations.

23 (k) The performance evaluation system must provide that, if a
 24 teacher who is not in a probationary period under section 1 of
 25 article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated as highly
 26 effective or effective on the 3 most recent consecutive year-end
 27 evaluations, the school district, intermediate school district, or
 28 public school academy may conduct a year-end evaluation biennially
 29 or triennially instead of annually. However, if a teacher who is

1 not in a probationary period under section 1 of article II of 1937
 2 (Ex Sess) PA 4, MCL 38.81, is not rated as effective on 1 of these
 3 biennial or triennial year-end evaluations, the teacher must again
 4 be provided with year-end evaluations.

5 ~~(l) As used in this subdivision, "teacher" means that term as~~
 6 ~~defined in section 1 of article I of 1937 (Ex Sess) PA 4, MCL~~
 7 ~~38.71. The performance evaluation system must provide that, ~~for~~ **if**~~
 8 ~~a teacher who is not in a probationary period under section 1 of~~
 9 ~~article II of 1937 (Ex Sess) PA 4, MCL 38.81, and is rated as~~
 10 ~~needing support **ineffective** on a year-end evaluation, the following~~
 11 ~~options must be made available to the teacher:~~

12 ~~(i) The teacher may request a review of the evaluation and the~~
 13 ~~rating by the school district superintendent, ~~or~~ intermediate~~
 14 ~~superintendent, **or chief administrator of the public school**~~
 15 ~~**academy**, as applicable. The request for a review must be submitted~~
 16 ~~in writing within ~~30~~ **20** calendar days after the teacher is informed~~
 17 ~~of the rating. Upon receipt of the request, the school district~~
 18 ~~superintendent, ~~or~~ intermediate superintendent, **or chief**~~
 19 ~~**administrator of the public school academy**, as applicable, shall~~
 20 ~~review the evaluation and rating and may make any modifications as~~
 21 ~~appropriate based on the school district superintendent's, ~~or~~~~
 22 ~~intermediate superintendent's, **or chief administrator's** review. A~~
 23 ~~written response regarding the school district superintendent's ~~or~~~~
 24 ~~intermediate superintendent's findings must be provided to the~~
 25 ~~teacher who requested the review by not later than 30 calendar days~~
 26 ~~after receipt of the request for a review and before making any~~
 27 ~~modifications under this section.~~

28 ~~(ii) If the written response from the school district~~
 29 ~~superintendent's or intermediate superintendent's review does not~~

1 ~~resolve the matter, the teacher or collective bargaining~~
 2 ~~representative may request mediation as provided for in 1947 PA~~
 3 ~~336, 423.201 to 423.217. The request for mediation must be~~
 4 ~~submitted in writing within 30 calendar days after the teacher~~
 5 ~~receives the written response from the school district~~
 6 ~~superintendent or intermediate superintendent. Within 15 days of~~
 7 ~~receipt of the request, the school district superintendent or~~
 8 ~~intermediate superintendent must provide a written response to the~~
 9 ~~teacher or collective bargaining representative stating that the~~
 10 ~~mediation will be scheduled as appropriate.~~

11 ~~(iii) If a teacher receives 2 consecutive ratings of needing~~
 12 ~~support, the teacher may demand to use the grievance procedure of~~
 13 ~~an applicable collective bargaining agreement or employment~~
 14 ~~contract that concerns the teacher's second evaluation rating and~~
 15 ~~the evaluation process. If a collective bargaining agreement or~~
 16 ~~employment contract does not contain a grievance procedure that~~
 17 ~~ends in binding arbitration, the teacher may request binding~~
 18 ~~arbitration by filing a demand for arbitration with the American~~
 19 ~~Arbitration Association within 30 calendar days after the teacher~~
 20 ~~receives the written response from the school district~~
 21 ~~superintendent or intermediate superintendent. The arbitration is~~
 22 ~~subject to the uniform arbitration act, 2012 PA 371, MCL 691.1681~~
 23 ~~to 691.1713. The arbitration described in this subparagraph must~~
 24 ~~adhere to both of the following:~~

25 ~~(A) The arbitrator must be selected through procedures~~
 26 ~~administered by the American Arbitration Association in accordance~~
 27 ~~with its rules.~~

28 ~~(B) The arbitrator must have the authority to issue any~~
 29 ~~appropriate remedy. However, the performance evaluation system must~~

1 **not allow for a review as described in this subdivision more than**
2 **twice in a 3-school-year period.**

3 (m) The school district, intermediate school district, or
4 public school academy shall provide training to teachers on the
5 evaluation tool or tools used by the school district, intermediate
6 school district, or public school academy in its performance
7 evaluation system and on how each evaluation tool is used. This
8 training may be provided by a school district, intermediate school
9 district, or public school academy, or by a consortium consisting
10 of 2 or more of these.

11 (n) A school district, intermediate school district, or public
12 school academy shall ensure that training is provided to all
13 evaluators and observers. The training must be provided by an
14 individual who has expertise in the evaluation tool or tools used
15 by the school district, intermediate school district, or public
16 school academy that may include either a consultant on that
17 evaluation tool or framework or an individual who has been trained
18 to train others in the use of the evaluation tool or tools. This
19 subdivision does not prohibit a school district, intermediate
20 school district, public school academy, or consortium consisting of
21 2 or more of these, from providing the training in the use of the
22 evaluation tool or tools if the trainer has expertise in the
23 evaluation tool or tools.

24 (3) A school district, intermediate school district, or public
25 school academy shall post on its public website all of the
26 following information about the evaluation tool or tools it uses
27 for its performance evaluation system for teachers:

28 (a) The research base for the evaluation framework,
29 instrument, and process or, if the school district, intermediate

1 school district, or public school academy adapts or modifies an
2 evaluation tool from the list under subsection (4), the research
3 base for the listed evaluation tool and an assurance that the
4 adaptations or modifications do not compromise the validity of that
5 research base.

6 (b) The identity and qualifications of the author or authors
7 or, if the school district, intermediate school district, or public
8 school academy adapts or modifies an evaluation tool from the list
9 under subsection (4), the identity and qualifications of a person
10 with expertise in teacher evaluations who has reviewed the adapted
11 or modified evaluation tool.

12 (c) Either evidence of reliability, validity, and efficacy or
13 a plan for developing that evidence or, if the school district,
14 intermediate school district, or public school academy adapts or
15 modifies an evaluation tool from the list under subsection (4), an
16 assurance that the adaptations or modifications do not compromise
17 the reliability, validity, or efficacy of the evaluation tool or
18 the evaluation process.

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

21 (e) A description of the processes for conducting classroom
22 observations, collecting evidence, conducting evaluation
23 conferences, developing performance ratings, and developing
24 performance improvement plans.

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

27 (4) The department shall establish and maintain a list of
28 teacher evaluation tools that have demonstrated evidence of
29 efficacy and that may be used for the purposes of this section.

1 **That list initially must include at least the evaluation models**
 2 **recommended in the final recommendations released by the Michigan**
 3 **council on educator effectiveness in July 2013.** The list must
 4 include a statement indicating that school districts, intermediate
 5 school districts, and public school academies are not limited to
 6 only using the evaluation tools that are included on the list. A
 7 school district, intermediate school district, or public school
 8 academy is not required to use an evaluation tool for teacher
 9 evaluations that is the same as it uses for school administrator
 10 evaluations or that has the same author or authors as the
 11 evaluation tool it uses for school administrator evaluations. The
 12 department shall promulgate rules establishing standards and
 13 procedures for adding an evaluation tool to or removing an
 14 evaluation tool from the list. These rules must include a process
 15 for a school district, intermediate school district, or public
 16 school academy to submit its own evaluation tool for review for
 17 placement on the list.

18 ~~(5) By not later than September 1, 2024, and every 3 years~~
 19 ~~thereafter, each individual who conducts an evaluation under this~~
 20 ~~section or section 1249b shall complete a rater reliability~~
 21 ~~training provided by the school district, intermediate school~~
 22 ~~district, public school academy, or the entity that employs the~~
 23 ~~individual. The training must include at least all of the~~
 24 ~~following:~~

25 ~~(a) A clear and consistent set of evaluation criteria that all~~
 26 ~~evaluators can use when assessing teacher performance.~~

27 ~~(b) Clear expectations for what evaluators should look for~~
 28 ~~when assessing teacher performance, including identifying key~~
 29 ~~behaviors and practices that are associated with effective~~

1 teaching.

2 ~~(c) Training on the evaluation process itself, including how~~
 3 ~~to conduct classroom observations, collect data, and analyze~~
 4 ~~results.~~

5 ~~(d) Calibration exercises that help evaluators practice using~~
 6 ~~the evaluation criteria and establish consistency in the~~
 7 ~~evaluator's evaluations.~~

8 ~~(e) Ongoing support for evaluators, including feedback and~~
 9 ~~coaching to help the evaluators improve their skills and ensure~~
 10 ~~they are consistently applying the evaluation criteria.~~

11 **(5) This section does not affect the operation or**
 12 **applicability of section 1248.**

13 (6) As used in this section, ÷

14 ~~(a) "Student learning objectives" means measurable, long-term,~~
 15 ~~academic goals, informed by available data, that a teacher or~~
 16 ~~teacher team sets at the beginning of the year for all students.~~

17 ~~(b) "Teacher" "teacher" means , except as otherwise provided~~
 18 ~~in this section,~~ an individual who has a valid Michigan teaching
 19 certificate or authorization or who is engaged to teach under
 20 section 1233b; who is employed, or contracted for, by a school
 21 district, intermediate school district, or public school academy;
 22 and who is assigned by the school district, intermediate school
 23 district, or public school academy to deliver direct instruction to
 24 pupils in any of grades K to 12 as a teacher of record.

25 Sec. 1249a. (1) Subject to subsection (2), a school district,
 26 intermediate school district, or public school academy shall not
 27 assign a pupil to be taught in the same subject area for 2
 28 consecutive years by a teacher who has been rated as ineffective ~~or~~
 29 ~~needing support~~ on the teacher's 2 most recent annual year-end

1 evaluations under section 1249.

2 (2) If a school district, intermediate school district, or
 3 public school academy is unable to comply with subsection (1) and
 4 plans to assign a pupil to be taught in the same subject area for 2
 5 consecutive years by a teacher who has been rated as ineffective ~~or~~
 6 ~~needing support~~ on the teacher's 2 most recent annual year-end
 7 evaluations under section 1249, the board of the school district or
 8 intermediate school district or board of directors of the public
 9 school academy in which the pupil is enrolled must notify the
 10 pupil's parent or legal guardian that the board or board of
 11 directors is unable to comply with subsection (1) and that the
 12 pupil has been assigned to be taught in the same subject area for a
 13 second consecutive year by a teacher who has been rated as
 14 ineffective ~~or needing support~~ on the teacher's 2 most recent
 15 annual year-end evaluations. The notification must be in writing,
 16 must be delivered to the parent or legal guardian not later than
 17 July 15 immediately preceding the beginning of the school year for
 18 which the pupil is assigned to the teacher, and must include an
 19 explanation of why the board or board of directors is unable to
 20 comply with subsection (1). ~~However, if the teacher requested a~~
 21 ~~review of the teacher's evaluation rating under section 1249, the~~
 22 ~~board of the school district or intermediate school district must~~
 23 ~~not issue the notification described in this subsection until the~~
 24 ~~review process under section 1249 is complete.~~

25 Sec. 1249b. (1) ~~This section does not prohibit, impair, or~~
 26 ~~limit the right or duty of a public school employer and a~~
 27 ~~collective bargaining representative to engage in collective~~
 28 ~~bargaining over the topic of performance evaluations under 1947 PA~~
 29 ~~336, MCL 423.201 to 423.217, subject to the requirements in this~~

1 ~~section and section 1249. After collective bargaining, if~~
 2 ~~applicable, with any collective bargaining representative to school~~
 3 ~~administrators, the~~ **The** board of a school district or intermediate
 4 school district or board of directors of a public school academy
 5 shall ensure that the performance evaluation system for building-
 6 level school administrators and for central-office-level school
 7 administrators who are regularly involved in instructional matters
 8 meets ~~at least~~ all of the following:

9 (a) ~~Except as otherwise provided in this subsection, the~~ **The**
 10 performance evaluation system must include **at least** an annual
 11 evaluation for all school administrators described in this
 12 subsection by the school district superintendent or the school
 13 district superintendent's designee, intermediate superintendent or
 14 the intermediate superintendent's designee, or chief administrator
 15 of the public school academy, as applicable. However, a
 16 superintendent or chief administrator must be evaluated by the
 17 board or board of directors or, if the superintendent or chief
 18 administrator is not employed directly by the board or board of
 19 directors, by the designee of the board or board of directors.

20 (b) ~~Before the 2024-2025 school year, 40%~~ **Forty percent** of the
 21 annual evaluation must be based on student growth and assessment
 22 data. ~~Beginning in the 2024-2025 school year, the annual evaluation~~
 23 ~~must include the student growth and assessment data or student~~
 24 ~~learning objectives metrics determined under section 1249(1)(c).~~
 25 ~~Beginning in the 2024-2025 school year, 20% of the annual~~
 26 ~~evaluation must be based on student growth and assessment data or~~
 27 ~~student learning objectives.~~ **The student growth and assessment data**
 28 **to be used for the school administrator annual evaluation are the**
 29 **aggregate student growth and assessment data that are used in**

1 teacher year-end evaluations in each school in which the school
 2 administrator works as an administrator or, for a central office-
 3 level school administrator, for the entire school district or
 4 intermediate school district.

5 (c) For the purposes of conducting evaluations under the
 6 performance evaluation system, the school district, intermediate
 7 school district, or public school academy shall develop or adopt
 8 and implement an evaluation tool for school administrators. The
 9 **portion of a school administrator's evaluation that is not based on**
 10 **student growth** must be based primarily on the school
 11 administrator's performance as measured by this evaluation tool.

12 (d) The portion of the evaluation that is not based on student
 13 growth and assessment data ~~or student learning objectives~~ as
 14 provided under subdivision (b) or on an evaluation tool as provided
 15 under subdivision (c) must be based on ~~objective criteria~~. **at least**
 16 **the following for each school in which the school administrator**
 17 **works as an administrator or, for a central-office-level school**
 18 **administrator, for the entire school district or intermediate**
 19 **school district:**

20 (i) If the school administrator conducts teacher performance
 21 evaluations, the school administrator's proficiency in using the
 22 evaluation tool for teachers used by the school district,
 23 intermediate school district, or public school academy under
 24 section 1249. If the school administrator designates another person
 25 to conduct teacher performance evaluations, the evaluation of the
 26 school administrator on this factor must be based on the designee's
 27 proficiency in using the evaluation tool for teachers used by the
 28 school district, intermediate school district, or public school
 29 academy under section 1249, with the designee's performance to be

1 counted as if it were the school administrator personally
2 conducting the teacher performance evaluations.

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

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

7 (iv) Student, parent, and teacher feedback, as available, and
8 other information considered pertinent by the superintendent or
9 other school administrator conducting the performance evaluation or
10 the board or board of directors.

11 (e) For the purposes of conducting evaluations under the
12 performance evaluation system, the school district, intermediate
13 school district, or public school academy shall adopt and implement
14 1 or more of the evaluation tools for school administrators that
15 are included on the list under subsection (3). However, if a school
16 district, intermediate school district, or public school academy
17 has 1 or more local evaluation tools for school administrators or
18 modifications of an evaluation tool on the list under subsection
19 (3), and the school district, intermediate school district, or
20 public school academy complies with subsection (2), the school
21 district, intermediate school district, or public school academy
22 may conduct annual evaluations for school administrators using 1 or
23 more local evaluation tools or modifications.

24 (f) The evaluation tool and other measures used by the school
25 district, intermediate school district, or public school academy in
26 its performance evaluation system for school administrators must be
27 used consistently across the schools operated by a school district,
28 intermediate school district, or public school academy so that all
29 similarly situated school administrators are evaluated using the

1 same measures.

2 (g) ~~Before July 1, 2024, the~~ **The** performance evaluation system
 3 must assign a **an effectiveness** rating to each school administrator
 4 described in this subsection of highly effective, effective,
 5 minimally effective, or ineffective. ~~Beginning July 1, 2024, the~~
 6 ~~performance evaluation system must assign a rating to each school~~
 7 ~~administrator described in this subsection of effective,~~
 8 ~~developing, or needing support. An evaluation and feedback~~
 9 ~~concerning the evaluation must be provided, in writing, to the~~
 10 ~~school administrator being evaluated. However, if a written~~
 11 ~~evaluation is not provided, the school administrator is deemed~~
 12 ~~effective.~~

13 ~~(h) For a building-level school administrator's evaluation,~~
 14 ~~the individual conducting the evaluation shall visit the school~~
 15 ~~building where the building level school administrator works,~~
 16 ~~review the building-level school administrator's school improvement~~
 17 ~~plan, and observe classrooms with the building level school~~
 18 ~~administrator to collect evidence of the school improvement plan~~
 19 ~~strategies being implemented and the impact the school improvement~~
 20 ~~plan has on learning.~~

21 ~~(i) A school administrator must not be assigned an evaluation~~
 22 ~~rating and must be designated as unevaluated for a year if any of~~
 23 ~~the following apply to the school administrator:~~

24 ~~(i) The school administrator worked less than 60 days in that~~
 25 ~~year.~~

26 ~~(ii) The school administrator's evaluation results were vacated~~
 27 ~~through the grievance procedure or arbitration described in~~
 28 ~~subdivision (p) or (q).~~

29 ~~(iii) There are extenuating circumstances and the school~~

1 ~~administrator and the school district, intermediate school~~
 2 ~~district, or public school academy agree to designate the school~~
 3 ~~administrator as unevaluated because of the extenuating~~
 4 ~~circumstances.~~

5 ~~(j) If a school administrator is designated as unevaluated~~
 6 ~~under subdivision (i) the school administrator's rating from the~~
 7 ~~year immediately before that designation must be used for~~
 8 ~~consecutive purposes under this section if both of the following~~
 9 ~~are met:~~

10 ~~(i) The school administrator continues to be employed in the~~
 11 ~~same position that the school administrator was employed in the~~
 12 ~~year before the school administrator received the unevaluated~~
 13 ~~designation.~~

14 ~~(ii) The school administrator continues to be employed by the~~
 15 ~~same school district, intermediate school district, or public~~
 16 ~~school academy that employed the school administrator in the year~~
 17 ~~before the school administrator received the unevaluated~~
 18 ~~designation.~~

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

28 ~~(i) (l)~~The performance evaluation system must provide that, if
 29 a school administrator described in this subsection is rated as

1 ~~ineffective or needing support~~ on 3 consecutive evaluations, the
 2 school district, intermediate school district, or public school
 3 academy shall dismiss the school administrator from the school
 4 administrator's employment. This subdivision does not affect the
 5 ability of a school district, intermediate school district, or
 6 public school academy to dismiss a school administrator from the
 7 school administrator's employment regardless of whether the school
 8 administrator is rated as ineffective ~~or needing support~~ on 3
 9 consecutive evaluations.

10 (j) ~~(m)~~ The performance evaluation system must provide that,
 11 if a school administrator is rated as highly effective ~~or effective~~
 12 on the 3 most recent consecutive evaluations, the school district,
 13 intermediate school district, or public school academy may choose
 14 to conduct an evaluation biennially instead of annually. However,
 15 if any of the following occur, a school administrator's evaluation
 16 ~~must be conducted annually:~~

17 ~~(i)~~ The ~~a~~ school administrator is not rated as **highly** effective
 18 on 1 of these biennial evaluations, -

19 ~~(ii)~~ For a building-level school administrator, the school
 20 administrator's supervisor or evaluator changes.

21 ~~(iii)~~ For an individual employed as a school district
 22 superintendent, an intermediate superintendent, or a chief
 23 administrator, the individual obtains employment with a different
 24 school district, intermediate school district, or public school
 25 academy.

26 ~~(n)~~ The performance evaluation system must include a midyear
 27 progress report for a school administrator each year that the
 28 school administrator is evaluated. The midyear progress report must
 29 be used as a supplemental tool to gauge a school administrator's

1 ~~improvement from the preceding evaluation and to assist a school~~
2 ~~administrator to improve. Both of the following apply to the~~
3 ~~midyear progress report:~~

4 ~~(i) The midyear progress report must include specific~~
5 ~~performance goals for the remainder of the school year for~~
6 ~~building-level school administrators, or for the remainder of the~~
7 ~~calendar year for all other school administrators, that are~~
8 ~~developed by the individual conducting the annual evaluation or the~~
9 ~~individual's designee and any recommended training identified by~~
10 ~~the individual or designee that would assist the school~~
11 ~~administrator in meeting these goals. At the midyear progress~~
12 ~~report, the individual conducting the annual evaluation or the~~
13 ~~individual's designee shall develop, in consultation with the~~
14 ~~school administrator, a written improvement plan that includes~~
15 ~~these goals and training and is designed to assist the school~~
16 ~~administrator to improve the school administrator's rating.~~

17 ~~(ii) The midyear progress report must not take the place of an~~
18 ~~annual evaluation.~~

19 ~~(e) As part of the performance evaluation system, a school~~
20 ~~district, intermediate school district, or public school academy~~
21 ~~shall assign a mentor or coach to each school administrator, not~~
22 ~~including a school district superintendent, an intermediate~~
23 ~~superintendent, or a chief administrator, for the first 3 years in~~
24 ~~which the school administrator is in a new administrative position.~~

25 ~~(p) The performance evaluation system must provide that, if a~~
26 ~~school administrator who is not a school district superintendent or~~
27 ~~an intermediate superintendent or who is not employed by or~~
28 ~~assigned to work at a public school academy is rated as needing~~
29 ~~support on an evaluation, the following options must be made~~

1 ~~available to the school administrator, as applicable:~~

2 ~~(i) The school administrator may request a review of the~~
3 ~~evaluation and the rating by the school district superintendent or~~
4 ~~intermediate superintendent, as applicable. The request for a~~
5 ~~review must be submitted in writing within 30 calendar days after~~
6 ~~the school administrator is informed of the rating. Upon receipt of~~
7 ~~the request, the school district superintendent or intermediate~~
8 ~~superintendent, as applicable, shall review the evaluation and~~
9 ~~rating and may make any modifications as appropriate based on the~~
10 ~~school district superintendent's or intermediate superintendent's~~
11 ~~review. A written response regarding the school district~~
12 ~~superintendent's or intermediate superintendent's findings must be~~
13 ~~provided to the school administrator who requested the review by~~
14 ~~not later than 30 calendar days after receipt of the request for a~~
15 ~~review and before making any modifications under this section.~~

16 ~~(ii) If the written response from the school district~~
17 ~~superintendent's or intermediate superintendent's review does not~~
18 ~~resolve the matter, the school administrator or collective~~
19 ~~bargaining representative may request mediation. The request for~~
20 ~~mediation must be submitted in writing within 30 calendar days~~
21 ~~after the school administrator receives the written response from~~
22 ~~the school district superintendent or intermediate superintendent.~~
23 ~~Within 15 days of receipt of the request, the school district~~
24 ~~superintendent or intermediate superintendent must provide a~~
25 ~~written response to the school administrator or collective~~
26 ~~bargaining representative stating that the mediation will be~~
27 ~~scheduled as appropriate.~~

28 ~~(iii) If the school administrator receives 2 consecutive ratings~~
29 ~~of needing support, the school administrator may demand to use the~~

1 ~~grievance procedure of an applicable collective bargaining~~
 2 ~~agreement or of a contract governing the school administrator's~~
 3 ~~employment that concerns the school administrator's second~~
 4 ~~evaluation rating and the evaluation process. If a collective~~
 5 ~~bargaining agreement or a contract governing the school~~
 6 ~~administrator's employment does not contain a grievance procedure~~
 7 ~~that ends in binding arbitration, the school administrator may~~
 8 ~~request binding arbitration by filing a demand for arbitration with~~
 9 ~~the American Arbitration Association within 30 calendar days after~~
 10 ~~the school administrator receives the written response from the~~
 11 ~~school district superintendent or intermediate superintendent. The~~
 12 ~~arbitration is subject to the uniform arbitration act, 2012 PA 371,~~
 13 ~~MCL 691.1681 to 691.1713. The arbitration described in this~~
 14 ~~subparagraph must adhere to both of the following:~~

15 ~~(A) The arbitrator must be selected through procedures~~
 16 ~~administered by the American Arbitration Association in accordance~~
 17 ~~with its rules.~~

18 ~~(B) The arbitrator must have the authority to issue any~~
 19 ~~appropriate remedy.~~

20 ~~(q) The contract governing the employment of a school district~~
 21 ~~superintendent or intermediate superintendent must include an~~
 22 ~~appeal process concerning the evaluation process and rating~~
 23 ~~received. This subdivision applies only to a contract that is~~
 24 ~~entered into, extended, renewed, or modified on or after the~~
 25 ~~effective date of the amendatory act that added this sentence.~~
 26 **the school administrator shall again be provided with annual**
 27 **evaluations.**

28 **(k)** ~~(r)~~ The school district, intermediate school district, or
 29 public school academy shall provide training to school

1 administrators on the measures used by the school district,
 2 intermediate school district, or public school academy in its
 3 performance evaluation system for school administrators and on how
 4 each of the measures is used. This training may be provided by a
 5 school district, intermediate school district, or public school
 6 academy, or by a consortium consisting of 2 or more of these.

7 (l) ~~(s)~~—A school district, intermediate school district, or
 8 public school academy shall ensure that training is provided to all
 9 evaluators and observers. The training must be provided by an
 10 individual who has expertise in the evaluation tool or tools used
 11 by the school district, intermediate school district, or public
 12 school academy, which may include either a consultant on that
 13 evaluation tool or framework or an individual who has been trained
 14 to train others in the use of the evaluation tool or tools. This
 15 subdivision does not prohibit a school district, intermediate
 16 school district, public school academy, or consortium consisting of
 17 2 or more of these, from providing the training in the use of the
 18 evaluation tool or tools if the trainer has expertise in the
 19 evaluation tool or tools.

20 (2) A school district, intermediate school district, or public
 21 school academy shall post on its public website all of the
 22 following information about the measures it uses for its
 23 performance evaluation system for school administrators:

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

1 research base.

2 (b) The identity and qualifications of the author or authors
3 or, if the school district, intermediate school district, or public
4 school academy adapts or modifies an evaluation tool from the list
5 under subsection (3), the identity and qualifications of a person
6 with expertise in teacher evaluations who has reviewed the adapted
7 or modified evaluation tool.

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

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

17 (e) A description of the processes for collecting evidence,
18 conducting evaluation conferences, developing performance ratings,
19 and developing performance improvement plans.

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

22 (3) The department shall establish and maintain a list of
23 school administrator evaluation tools that have demonstrated
24 evidence of efficacy and that may be used for the purposes of this
25 section. That list initially must include at least the 2 evaluation
26 models recommended in the final recommendations released by the
27 Michigan council on educator effectiveness in July 2013. The list
28 must include a statement indicating that school districts,
29 intermediate school districts, and public school academies are not

1 limited to only using the evaluation tools that are included on the
 2 list. A school district, intermediate school district, or public
 3 school academy is not required to use an evaluation tool for school
 4 administrator evaluations that is the same as it uses for teacher
 5 evaluations or that has the same author or authors as the
 6 evaluation tool it uses for teacher evaluations. The department
 7 shall promulgate rules establishing standards and procedures for
 8 adding an evaluation tool to or removing an evaluation tool from
 9 the list. These rules must include a process for a school district,
 10 intermediate school district, or public school academy to submit
 11 its own evaluation tool for review for placement on the list.

12 ~~(4) As used in this section, "student learning objectives"~~
 13 ~~means that term as defined in section 1249.~~

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

25 Sec. 1280f. (1) The department shall do all of the following
 26 to help ensure that more pupils will achieve a score of at least
 27 proficient in English language arts on the grade 3 state
 28 assessment:

29 (a) Approve 3 or more valid and reliable screening, formative,

1 and diagnostic reading assessment systems for selection and use by
2 school districts and public school academies in accordance with the
3 following:

4 (i) Each approved assessment system must provide a screening
5 assessment, monitoring capabilities for monitoring progress toward
6 a growth target, and a diagnostic assessment.

7 (ii) In determining which assessment systems to approve for use
8 by school districts and public school academies, the department
9 shall also consider at least the following factors:

10 (A) The time required to conduct the assessments, with the
11 intention of minimizing the impact on instructional time.

12 (B) The level of integration of assessment results with
13 instructional support for teachers and pupils.

14 (C) The timeliness in reporting assessment results to
15 teachers, administrators, and parents.

16 (b) Recommend or develop an early literacy coach model with
17 the following features:

18 (i) An early literacy coach shall support and provide initial
19 and ongoing professional development to teachers in all of the
20 following:

21 (A) Each of the 5 major reading components listed in
22 subsection (3) (a) (iv) (B) as needed, based on an analysis of pupil
23 performance data.

24 (B) Administering and analyzing instructional assessments.

25 (C) Providing differentiated instruction and intensive
26 intervention.

27 (D) Using progress monitoring.

28 (E) Identifying and addressing reading deficiency.

29 (ii) An early literacy coach shall also do all of the

1 following:

2 (A) Model effective instructional strategies for teachers.

3 (B) Facilitate study groups.

4 (C) Train teachers in data analysis and using data to
5 differentiate instruction.

6 (D) Coach and mentor colleagues.

7 (E) Work with teachers to ensure that evidence-based reading
8 programs such as comprehensive core reading programs, supplemental
9 reading programs, and comprehensive intervention reading programs
10 are implemented with fidelity.

11 (F) Train teachers to diagnose and address reading deficiency.

12 (G) Work with teachers in applying evidence-based reading
13 strategies in other content areas, including, but not limited to,
14 prioritizing time spent on those teachers, activities, and roles
15 that will have the greatest impact on pupil achievement and
16 prioritizing coaching and mentoring in classrooms.

17 (H) Help to increase instructional density to meet the needs
18 of all pupils.

19 (I) Help lead and support reading leadership teams at the
20 school.

21 (J) Continue to increase the early literacy coach's knowledge
22 base in best practices in reading instruction and intervention.

23 (K) For each teacher who teaches in a classroom for grades K
24 to 3, model for the teacher, and coach the teacher in, instruction
25 with pupils in whole and small groups.

26 (iii) In the context of performing the functions described in
27 subparagraph (ii), an early literacy coach must not be asked to
28 perform administrative functions that will confuse the early
29 literacy coach's role for teachers.

1 (iv) An early literacy coach must meet all of the following:

2 (A) Have experience as a successful classroom teacher.

3 (B) Have sufficient knowledge of scientifically based reading
4 research, special expertise in quality reading instruction and
5 infusing reading strategies into content area instruction, and data
6 management skills.

7 (C) Have a strong knowledge base in working with adults.

8 (D) Have a minimum of a bachelor's degree and advanced
9 coursework in reading or have completed professional development in
10 evidence-based literacy instructional strategies.

11 (v) An early literacy coach must not be assigned a regular
12 classroom teaching assignment, but must be expected to work
13 frequently with pupils in whole and small group instruction or
14 tutoring in the context of modeling and coaching in or outside of
15 teachers' classrooms.

16 (2) Subject to subsection (10), the board of a school district
17 or board of directors of a public school academy shall do all of
18 the following to ensure that more pupils will achieve a score of at
19 least proficient in English language arts on the grade 3 state
20 assessment:

21 (a) Select 1 valid and reliable screening, formative, and
22 diagnostic reading assessment system from the assessment systems
23 approved by the department under subsection (1)(a). A school
24 district or public school academy shall use this assessment system
25 for pupils in grades K to 3 to screen and diagnose difficulties,
26 inform instruction and intervention needs, and assess progress
27 toward a growth target. A school district or public school academy
28 periodically shall assess a pupil's progress in reading skills at
29 least 3 times per school year in grades K to 3. The first of these

1 assessments for a school year ~~in kindergarten~~ must be conducted
2 within the first ~~90~~ 30 school days of the school year. ~~The first of~~
3 ~~these assessments for a school year in grades 1 to 3 must be~~
4 ~~conducted within the first 30 school days of the school year.~~

5 (b) For any pupil in grades K to 3 who exhibits a reading
6 deficiency at any time, based upon the reading assessment system
7 selected and used under subdivision (a), provide an individual
8 reading improvement plan for the pupil within 30 days after the
9 identification of the reading deficiency. The individual reading
10 improvement plan must be created by the pupil's teacher, school
11 principal, and parent or legal guardian and other pertinent school
12 personnel, and must describe the reading intervention services the
13 pupil will receive to remedy the reading deficiency. A school
14 district or public school academy shall provide intensive reading
15 intervention for the pupil in accordance with the individual
16 reading improvement plan until the pupil no longer has a reading
17 deficiency.

18 (c) If a pupil in grades K to 3 is identified as having an
19 early literacy delay or reading deficiency, provide written notice
20 to the pupil's parent or legal guardian of the delay or reading
21 deficiency in writing and provide tools to assist the parent or
22 legal guardian to engage in intervention and to address or correct
23 any reading deficiency at home.

24 (d) Require a school principal or chief administrator to do
25 all of the following:

26 (i) For a teacher in grades K to 3, target specific areas of
27 professional development based on the reading development needs
28 data for incoming pupils.

29 (ii) Differentiate and intensify professional development for

1 teachers based on data gathered by monitoring teacher progress in
2 improving pupil proficiency rates among their pupils.

3 (iii) Establish a collaborative system within the school to
4 improve reading proficiency rates in grades K to 3.

5 (iv) Ensure that time is provided for teachers to meet for
6 professional development.

7 (e) Utilize, at least, early literacy coaches provided through
8 the intermediate school district in which the school district or
9 public school academy is located, as provided for under section
10 35a(4) of the state school aid act of 1979, MCL 388.1635a. However,
11 a public school academy may use an early literacy coach provided by
12 the public school academy, at the expense of the public school
13 academy, rather than using an early literacy coach provided through
14 an intermediate school district if the early literacy coach and the
15 usage of the early literacy coach otherwise meet the requirements
16 of this section.

17 (3) Subject to subsection (10), a school district or public
18 school academy shall provide reading intervention programs for
19 pupils in grades K to 3, including at least all of the following:

20 (a) For pupils who exhibit a reading deficiency, a reading
21 intervention program intended to ensure that pupils are proficient
22 readers by the end of grade 3 and that includes some or all of the
23 following features:

24 (i) Is provided to each pupil in grades K to 3 who is
25 identified with a reading deficiency based on screening and
26 diagnostic tools, and identifies and addresses the pupil's reading
27 deficiency.

28 (ii) Periodically screens and monitors the progress of each
29 pupil's reading skills, at least 3 times per year.

1 (iii) Provides evidence-based core reading instruction that is
2 comprehensive and meets the majority of the general education
3 classroom needs.

4 (iv) Provides reading intervention that meets, at a minimum,
5 the following specifications:

6 (A) Assists pupils exhibiting a reading deficiency in
7 developing the ability to read at grade level.

8 (B) Provides intensive development in the 5 major reading
9 components: phonemic awareness, phonics, fluency, vocabulary, and
10 comprehension.

11 (C) Is systematic, explicit, multisensory, and sequential.

12 (D) Is implemented during regular school hours in addition to
13 regular classroom reading instruction.

14 (v) Provides parents, legal guardians, or other providers of
15 care for the pupil with a read-at-home plan, including parent,
16 guardian, or care provider training workshops and regular home
17 reading.

18 (vi) Documents efforts by the pupil's school to engage the
19 pupil's parent or legal guardian and whether ~~or not~~ those efforts
20 were successful.

21 (vii) Documents any dissenting opinions expressed by school
22 personnel or a parent or legal guardian concerning the individual
23 reading improvement plan provided for the pupil under subsection
24 (2) (b) .

25 (b) For grade 3 pupils exhibiting a reading deficiency as
26 determined by the pupil's teacher through the diagnostic reading
27 assessment system selected by the school district or public school
28 academy under subsection (2) (a), a reading intervention program
29 intended to correct the identified area or areas of reading

1 deficiency and that includes all of the following features as
2 needed by the individual pupil:

3 (i) Is evidence-based and has proven results in accelerating
4 pupil reading achievement within the same school year.

5 (ii) Provides more dedicated time than the pupil's previous
6 school year in evidence-based reading instruction and intervention.

7 (iii) Provides daily targeted small group or 1-to-1 reading
8 intervention based on pupil needs as determined by assessment data,
9 including explicit and systematic instruction with more detailed
10 and varied explanations, more extensive opportunities for guided
11 practice, and more opportunities for error correction and feedback.

12 (iv) Provides administration of ongoing progress monitoring
13 assessments to frequently monitor pupil progress.

14 (v) Provides supplemental evidence-based reading intervention
15 delivered by a teacher, tutor, or volunteer with specialized
16 reading training that is provided before school, after school,
17 during school hours but outside of regular English language arts
18 classroom time, or any combination of these.

19 (vi) Provides parents, legal guardians, or other providers of
20 care for a pupil with a read-at-home plan, including parent,
21 guardian, or care provider training workshops and regular home
22 reading.

23 (vii) Documents efforts by the pupil's school to engage the
24 pupil's parent or legal guardian and whether ~~or not~~ those efforts
25 were successful.

26 (viii) Documents any dissenting opinions expressed by school
27 personnel or a parent or legal guardian concerning the individual
28 reading improvement plan provided for the pupil under subsection
29 (2) (b) .

1 (c) Subject to subsection (11), for pupils identified as
2 English language learners by the pupil's teacher or by the
3 diagnostic reading assessment selected by the school district or
4 public school academy under subsection (2)(a), intervention
5 services that include at least all of the following:

6 (i) Ongoing assessments that provide actionable data for
7 teachers to use in interventions.

8 (ii) Instruction in academic vocabulary.

9 (iii) Instruction in the 5 major reading components listed in
10 subdivision (a)(iv)(B).

11 (iv) Common English language development strategies such as
12 modeling, guided practice, and comprehensive input.

13 (4) For all pupils exhibiting a reading deficiency as
14 determined by the pupil's teacher through the diagnostic reading
15 assessment system selected by the school district or public school
16 academy under subsection (2)(a), school districts and public school
17 academies are encouraged to offer summer reading camps staffed with
18 **highly** effective teachers of reading, as determined by the teacher
19 evaluation system under section 1249, providing reading
20 intervention services and supports to correct pupils' identified
21 areas of reading deficiency.

22 (5) After the department finalizes the scoring for the grade 3
23 state assessments, the department shall provide CEPI with the grade
24 3 state assessment scores for every grade 3 pupil enrolled in a
25 public school in this state who was administered 1 or more of those
26 assessments.

27 (6) After CEPI receives the grade 3 state assessment results
28 from the department under subsection (5), using those state
29 assessment results, CEPI shall identify each pupil completing grade

1 3 that year who has a reading deficiency and shall notify the
2 parent or legal guardian and the school district or public school
3 academy of each of these pupils that the pupil has a reading
4 deficiency; shall include an explanation in the notification
5 concerning what constitutes a reading deficiency; and shall
6 include, in the notification, information concerning interventions
7 that are available to the pupil to address the pupil's reading
8 deficiency. A school district or public school academy may also
9 make its own notification to a parent or guardian in addition to
10 the notification by CEPI.

11 (7) Except as otherwise provided in this section, for a grade
12 3 pupil who has a reading deficiency based on the grade 3 state
13 English language arts assessment, the school district or public
14 school academy shall provide, only through grade 4, a reading
15 intervention program that is intended to correct the pupil's
16 specific reading deficiency, as identified by a valid and reliable
17 assessment. This program must include effective instructional
18 strategies necessary to assist the pupil in becoming a successful
19 reader, and all of the following features, as appropriate for the
20 needs of the individual pupil:

21 (a) Assigning to a pupil 1 or more of the following:

22 (i) ~~An~~ **A highly** effective teacher of reading as determined by
23 the teacher evaluation system under section 1249.

24 (ii) The highest evaluated grade 3 teacher in the school as
25 determined by the teacher evaluation system under section 1249.

26 (iii) A reading specialist.

27 (b) Reading programs that are evidence-based and have proven
28 results in accelerating pupil reading achievement within the same
29 school year.

1 (c) Reading instruction and intervention for the majority of
2 pupil contact time each day that incorporates opportunities to
3 master the grade 4 state standards in other core academic areas, if
4 applicable.

5 (d) Daily targeted small group or 1-to-1 reading intervention
6 that is based on pupil needs, determined by assessment data, and on
7 identified reading deficiencies and that includes explicit and
8 systematic instruction with more detailed and varied explanations,
9 more extensive opportunities for guided practice, and more
10 opportunities for error correction and feedback.

11 (e) Administration of ongoing progress monitoring assessments
12 to frequently monitor pupil progress toward a growth target.

13 (f) Supplemental evidence-based reading intervention delivered
14 by a teacher or tutor with specialized reading training that is
15 provided before school, after school, during regular school hours
16 but outside of regular English language arts classroom time, or any
17 combination of these.

18 (g) Providing parents, legal guardians, or other providers of
19 care for the pupil with a read-at-home plan, including parent,
20 guardian, or care provider training workshops and regular home
21 reading.

22 (8) For a pupil or child described in subsection (7) who has a
23 reading deficiency at the end of grade 4, the school district or
24 public school academy shall provide intensive reading intervention
25 beyond grade 4 to the pupil, in a manner determined by the school
26 district or public school academy, until the pupil no longer has a
27 reading deficiency.

28 (9) If a school district or public school academy cannot
29 furnish the number of teachers needed to satisfy 1 or more of the

1 criteria set forth in this section for a school year, then by the
2 August 15 before the beginning of that school year the school
3 district or public school academy shall develop a staffing plan for
4 providing services under this section. The school district or
5 public school academy shall post the staffing plan on its website
6 for the applicable school year. The staffing plan must include at
7 least all of the following:

8 (a) A description of the criteria that will be used to assign
9 a pupil who has been identified as not proficient in English
10 language arts to a teacher.

11 (b) The credentials or training held by teachers currently
12 teaching at the school.

13 (c) How the school district or public school academy will meet
14 the requirements under this section.

15 (10) This section does not require or state an intention to
16 require a school district or public school academy to supplant
17 state funds with federal funds for implementing or supporting the
18 activities under this section and does not prohibit a school
19 district or public school academy from continuing to use federal
20 funds for any of the purposes or activities described in this
21 section.

22 (11) For pupils identified as English language learners by the
23 pupil's teacher or by the diagnostic reading assessment selected by
24 the school district or public school academy under subsection

25 (2)(a), if available staff resources allow, a school district or
26 public school academy is encouraged to provide the following
27 intervention services in addition to those required under
28 subsection (3)(c):

29 (a) Instruction in the pupil's native language, with

1 withdrawal of that instruction as appropriate as the pupil improves
2 the pupil's English language skills. A school district or public
3 school academy is encouraged to provide this support for at least
4 pupils whose native language is Spanish, Chinese, Hindi, Korean, or
5 Arabic.

6 (b) Opportunities for speech production.

7 (c) Common English language development strategies such as
8 modeling, guided practice, and comprehensive input.

9 (d) Feedback for the pupil, including explanations in the
10 pupil's native language.

11 (12) As used in this section:

12 (a) "CEPI" means the center for educational performance and
13 information created under section 94a of the state school aid act
14 of 1979, MCL 388.1694a.

15 (b) "Evidence-based" means based in research and with proven
16 efficacy.

17 (c) "Reading deficiency" means scoring below grade level or
18 being determined to be at risk of reading failure based on a
19 screening assessment, diagnostic assessment, standardized summative
20 assessment, or progress monitoring.

21 (d) "Reading leadership team" means a collaborative system led
22 by a school building's principal or program director and consisting
23 of a cross-section of faculty who are interested in working to
24 improve literacy instruction across the curriculum.

25 **Sec. 1531/. Notwithstanding any other provision of this act or**
26 **a rule to the contrary, but except as otherwise provided in section**
27 **1531, the superintendent of public instruction shall not issue an**
28 **initial professional teaching certificate to an individual unless**
29 **the individual presents evidence satisfactory to the superintendent**

1 of public instruction demonstrating that the individual meets both
2 of the following:

3 (a) The individual has completed at least 3 years of teaching,
4 as defined in rules promulgated by the superintendent of public
5 instruction.

6 (b) The individual meets any of the following:

7 (i) Was rated as either effective or highly effective on the
8 individual's year-end performance evaluation under section 1249 for
9 the 3 consecutive school years immediately preceding the
10 individual's application for the professional teaching certificate.

11 (ii) Was rated as either effective or highly effective on the
12 individual's year-end performance evaluation under section 1249 for
13 at least 3 nonconsecutive school years before the individual's
14 application for the professional teaching certificate and submits a
15 recommendation from the chief school administrator of the school at
16 which the individual is currently employed that the individual be
17 issued a professional teaching certificate.

18 (iii) Since issuance of the individual's most recent teaching
19 certificate, the individual completed at least 3 years of
20 successful experience in an appropriate assignment, as determined
21 by the superintendent of public instruction, including experience
22 as a teacher leader, a teacher of children from birth to pre-K, a
23 teacher of adult education, or a provider of K to 12 instruction in
24 an assignment that does not require a year-end performance
25 evaluation under section 1249.

26 Sec. 1531m. The superintendent of public instruction shall not
27 issue an initial advanced professional education certificate to an
28 individual, or renew an individual's advanced professional
29 education certificate, unless the individual presents evidence

1 satisfactory to the superintendent of public instruction
2 demonstrating that the individual meets criteria established by the
3 department and either of the following:

4 (a) Has been rated as highly effective or effective on the
5 individual's year-end evaluation under section 1249 for 3 out of
6 the 5 most recent school years and has not been rated ineffective
7 on the individual's year-end evaluation under section 1249 within
8 the 5 most recent school years.

9 (b) Since issuance of the individual's most recent teaching
10 certificate, the individual completed at least 3 years of
11 successful experience in an appropriate assignment, as determined
12 by the superintendent of public instruction, including experience
13 as a teacher leader, a teacher of children from birth to pre-K, a
14 teacher of adult education, or a provider of K to 12 instruction in
15 an assignment that does not require a year-end performance
16 evaluation under section 1249.

17 Enacting section 1. This amendatory act takes effect July 1,
18 2024.

19 Enacting section 2. This amendatory act does not take effect
20 unless Senate Bill No. 798 of the 102nd Legislature is enacted into
21 law.