

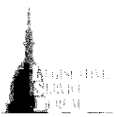
HOUSE BILL NO. 4207

February 19, 2019, Introduced by Reps. VanSingel and Steven Johnson and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1249 (MCL 380.1249), as amended by 2018 PA 235.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1249. (1) Subject to subsection (4), with the involvement
2 of teachers and school administrators, the board of a school
3 district or intermediate school district or board of directors of a
4 public school academy shall adopt and implement for all teachers
5 and school administrators a rigorous, transparent, and fair



1 performance evaluation system that does all of the following:

2 (a) Evaluates the teacher's or school administrator's job
3 performance at least annually while providing timely and
4 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. Student growth must be
11 measured using multiple measures that may include student learning
12 objectives, achievement of individualized education program goals,
13 nationally normed or locally developed assessments that are aligned
14 to state standards, research-based growth measures, or alternative
15 assessments that are rigorous and comparable across schools within
16 the school district, intermediate school district, or public school
17 academy. If the performance evaluation system implemented by a
18 school district, intermediate school district, or public school
19 academy under this section does not already include the rating of
20 teachers as highly effective, effective, minimally effective, and
21 ineffective, then the school district, intermediate school
22 district, or public school academy shall revise the performance
23 evaluation system not later than September 19, 2011 to ensure that
24 it rates teachers as highly effective, effective, minimally
25 effective, or ineffective.

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

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



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

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

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

(2) The board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the performance evaluation system for teachers meets all of the following:

(a) The performance evaluation system ~~shall~~**must** include at least an annual year-end evaluation for all teachers. ~~Beginning with the 2015-2016 school year, an~~**An** annual year-end evaluation ~~shall~~**must** meet all of the following:

(i) ~~For the 2015-2016, 2016-2017, and 2017-2018 school years, 25% of the annual year-end evaluation shall be based on student growth and assessment data. Beginning with the 2018-2019 school year, 40%~~**Forty percent** of the annual year-end evaluation ~~shall~~**must** be based on student growth and assessment data.

(ii) ~~Beginning with the 2018-2019 school year, for~~**For** core content areas in grades and subjects in which state assessments are administered, 50% of student growth must be measured using the state assessments, and the portion of student growth not measured using state assessments must be measured using multiple research-based growth measures or alternative assessments that are rigorous



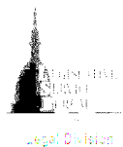
1 and comparable across schools within the school district,
2 intermediate school district, or public school academy. Student
3 growth also may be measured by student learning objectives or
4 nationally normed or locally adopted assessments that are aligned
5 to state standards, or based on achievement of individualized
6 education program goals.

7 ~~(iii) Beginning with the 2016-2017 school year, the~~ **The** portion
8 of a teacher's annual year-end evaluation that is not based on
9 student growth and assessment data, as described under subparagraph
10 (i), ~~shall~~ **must** be based primarily on a teacher's performance as
11 measured by the evaluation tool developed or adopted by the school
12 district, intermediate school district, or public school academy
13 under subdivision (f).

14 (iv) The portion of a teacher's evaluation that is not measured
15 using student growth and assessment data, as described under
16 subparagraph (i), or using the evaluation tool developed or adopted
17 by the school district, intermediate school district, or public
18 school academy, as described under subparagraph (iii), ~~shall~~ **must**
19 incorporate criteria enumerated in section 1248(1)(b)(i) to (iii)
20 that are not otherwise evaluated under subparagraph (i) or (iii).

21 (b) If there are student growth and assessment data available
22 for a teacher for at least 3 school years, the annual year-end
23 evaluation ~~shall~~ **must** be based on the student growth and assessment
24 data for the most recent 3-consecutive-school-year period. If there
25 are not student growth and assessment data available for a teacher
26 for at least 3 school years, the annual year-end evaluation ~~shall~~
27 **must** be based on all student growth and assessment data that are
28 available for the teacher.

29 (c) The annual year-end evaluation ~~shall~~ **must** include specific



1 performance goals that will assist in improving effectiveness for
2 the next school year and are developed by the school administrator
3 or his or her designee conducting the evaluation, in consultation
4 with the teacher, and any recommended training identified by the
5 school administrator or designee, in consultation with the teacher,
6 that would assist the teacher in meeting these goals. For a teacher
7 described in subdivision (d), the school administrator or designee
8 shall develop, in consultation with the teacher, an individualized
9 development plan that includes these goals and training and is
10 designed to assist the teacher to improve his or her effectiveness.

11 (d) The performance evaluation system ~~shall~~**must** include a
12 midyear progress report for a teacher who is in the first year of
13 the probationary period prescribed by section 1 of article II of
14 1937 (Ex Sess) PA 4, MCL 38.81, or who received a rating of
15 minimally effective or ineffective in his or her most recent annual
16 year-end evaluation. The midyear progress report ~~shall~~**must** be used
17 as a supplemental tool to gauge a teacher's improvement from the
18 preceding school year and to assist a teacher to improve. All of
19 the following apply to the midyear progress report:

20 (i) The midyear progress report ~~shall~~**must** be based at least in
21 part on student achievement.

22 (ii) The midyear progress report ~~shall~~**must** be aligned with the
23 teacher's individualized development plan under subdivision (c).

24 (iii) The midyear progress report ~~shall~~**must** include specific
25 performance goals for the remainder of the school year that are
26 developed by the school administrator conducting the annual year-
27 end evaluation or his or her designee and any recommended training
28 identified by the school administrator or designee that would
29 assist the teacher in meeting these goals. At the midyear progress



report, the school administrator or designee shall develop, in consultation with the teacher, a written improvement plan that includes these goals and training and is designed to assist the teacher to improve his or her rating.

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

(e) The performance evaluation system ~~shall~~**must** include classroom observations to assist in the performance evaluations.

All of the following apply to these classroom observations:

(i) A classroom observation ~~shall~~**must** include a review of the teacher's lesson plan and the state curriculum standard being used in the lesson and a review of pupil engagement in the lesson.

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

(iii) Unless a teacher has received a rating of effective or highly effective on his or her 2 most recent annual year-end evaluations, there ~~shall~~**must** be at least 2 classroom observations of the teacher each school year. ~~Beginning with the 2016-2017 school year, at~~ **At** least 1 observation must be unscheduled.

(iv) ~~Beginning with the 2016-2017 school year, the~~ **The** school administrator responsible for the teacher's performance evaluation shall conduct at least 1 of the observations. Other observations may be conducted by other observers who are trained in the use of the evaluation tool that is used under subdivision (f). These other observers may be teacher leaders.

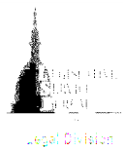
(v) ~~Beginning with the 2016-2017 school year, a~~ **A** school district, intermediate school district, or public school academy shall ensure that, within 30 days after each observation, the teacher is provided with feedback from the observation.



(f) For the purposes of conducting annual year-end evaluations under the performance evaluation system, by the beginning of the 2016-2017 school year, the school district, intermediate school district, or public school academy shall adopt and implement 1 or more of the evaluation tools for teachers that are included on the list under subsection (5). However, if a school district, intermediate school district, or public school academy has 1 or more local evaluation tools for teachers or modifications of an evaluation tool on the list under subsection (5), and the school district, intermediate school district, or public school academy complies with subsection (3), the school district, intermediate school district, or public school academy may conduct annual year-end evaluations for teachers using 1 or more local evaluation tools or modifications. The evaluation tools ~~shall~~**must** be used consistently among the schools operated by a school district, intermediate school district, or public school academy so that all similarly situated teachers are evaluated using the same evaluation tool.

(g) The performance evaluation system ~~shall~~**must** assign an effectiveness rating to each teacher of highly effective, effective, minimally effective, or ineffective, based on his or her score on the annual year-end evaluation described in this subsection. **A school district, intermediate school district, public school academy, or any evaluator who conducts evaluations shall not impose or maintain a limit on the number of teachers who may be rated as highly effective.**

(h) As part of the performance evaluation system, and in addition to the requirements of section 1526, a school district, intermediate school district, or public school academy is



1 encouraged to assign a mentor or coach to each teacher who is
2 described in subdivision (d).

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

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

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

27 (l) The performance evaluation system ~~shall~~**must** provide that,
28 if a teacher who is not in a probationary period prescribed by
29 section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated



as ineffective on an annual year-end evaluation, the teacher may request a review of the evaluation and the rating by the school district superintendent, intermediate superintendent, or chief administrator of the public school academy, as applicable. The request for a review must be submitted in writing within 20 days after the teacher is informed of the rating. Upon receipt of the request, the school district superintendent, intermediate superintendent, or chief administrator of the public school academy, as applicable, shall review the evaluation and rating and may make any modifications as appropriate based on his or her review. However, the performance evaluation system ~~shall~~**must** not allow for a review as described in this subdivision more than twice in a 3-school-year period.

(m) ~~Beginning with the 2016-2017 school year, the~~**The** school district, intermediate school district, or public school academy shall provide training to teachers on the evaluation tool or tools used by the school district, intermediate school district, or public school academy in its performance evaluation system and on how each evaluation tool is used. This training may be provided by a school district, intermediate school district, or public school academy, or by a consortium consisting of 2 or more of these.

(n) ~~Beginning with the 2016-2017 school year, a~~**A** school district, intermediate school district, or public school academy shall ensure that training is provided to all evaluators and observers. The training ~~shall~~**must** be provided by an individual who has expertise in the evaluation tool or tools used by the school district, intermediate school district, or public school academy ~~which~~**that** may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others



1 in the use of the evaluation tool or tools. This subdivision does
2 not prohibit a school district, intermediate school district,
3 public school academy, or consortium consisting of 2 or more of
4 these, from providing the training in the use of the evaluation
5 tool or tools if the trainer has expertise in the evaluation tool
6 or tools.

7 (3) ~~Beginning with the 2016-2017 school year, a~~ **A** school
8 district, intermediate school district, or public school academy
9 shall post on its public website all of the following information
10 about the evaluation tool or tools it uses for its performance
11 evaluation system for teachers:

12 (a) The research base for the evaluation framework,
13 instrument, and process or, if the school district, intermediate
14 school district, or public school academy adapts or modifies an
15 evaluation tool from the list under subsection (5), the research
16 base for the listed evaluation tool and an assurance that the
17 adaptations or modifications do not compromise the validity of that
18 research base.

19 (b) The identity and qualifications of the author or authors
20 or, if the school district, intermediate school district, or public
21 school academy adapts or modifies an evaluation tool from the list
22 under subsection (5), the identity and qualifications of a person
23 with expertise in teacher evaluations who has reviewed the adapted
24 or modified evaluation tool.

25 (c) Either evidence of reliability, validity, and efficacy or
26 a plan for developing that evidence or, if the school district,
27 intermediate school district, or public school academy adapts or
28 modifies an evaluation tool from the list under subsection (5), an
29 assurance that the adaptations or modifications do not compromise



1 the reliability, validity, or efficacy of the evaluation tool or
2 the evaluation process.

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

5 (e) A description of the processes for conducting classroom
6 observations, collecting evidence, conducting evaluation
7 conferences, developing performance ratings, and developing
8 performance improvement plans.

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

11 (4) If a collective bargaining agreement was in effect for
12 teachers or school administrators of a school district, ~~public~~
13 ~~school academy, or intermediate school district, or public school~~
14 **academy** as of July 19, 2011, if that same collective bargaining
15 agreement is still in effect as of November 5, 2015, and if that
16 collective bargaining agreement prevents compliance with subsection
17 (1), then subsection (1) does not apply to that school district,
18 ~~public school academy, or intermediate school district, or public~~
19 **school academy** until after the expiration of that collective
20 bargaining agreement.

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



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

12 (6) The training required under subsection (2) ~~shall~~**must** be
13 paid for from the funds available in the educator evaluation
14 reserve fund created under section 95a of the state school aid act
15 **of 1979**, MCL 388.1695a.

16 (7) This section does not affect the operation or
17 applicability of section 1248.

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

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.

