

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4493**

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1249, 1278, and 1279g (MCL 380.1249, 380.1278,  
and 380.1279g), section 1249 as amended by 2015 PA 173, section  
1278 as amended by 2004 PA 596, and section 1279g as amended by  
2008 PA 349, and by adding section 1168.

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

1        **SEC. 1168. (1) BEGINNING IN THE 2016-2017 SCHOOL YEAR, THE**  
2        **BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL**  
3        **ACADEMY SHALL ENSURE THAT THE SCHOOL DISTRICT'S OR PUBLIC SCHOOL**  
4        **ACADEMY'S SOCIAL STUDIES CURRICULUM FOR GRADES 8 TO 12 INCLUDES**  
5        **AGE- AND GRADE-APPROPRIATE INSTRUCTION ABOUT GENOCIDE, INCLUDING,**

1 BUT NOT LIMITED TO, THE HOLOCAUST AND THE ARMENIAN GENOCIDE. THE  
2 LEGISLATURE RECOMMENDS A COMBINED TOTAL OF 6 HOURS OF THIS  
3 INSTRUCTION DURING GRADES 8 TO 12.

4 (2) SUBSECTION (1) DOES NOT PRECLUDE A SCHOOL DISTRICT OR  
5 PUBLIC SCHOOL ACADEMY FROM INCLUDING INSTRUCTION DESCRIBED IN  
6 SUBSECTION (1) IN OTHER SUBJECT AREAS.

7 (3) THE GOVERNOR'S COUNCIL ON GENOCIDE AND HOLOCAUST EDUCATION  
8 IS CREATED AS A TEMPORARY COMMISSION DESCRIBED IN SECTION 4 OF  
9 ARTICLE V OF THE STATE CONSTITUTION OF 1963.

10 (4) THE GOVERNOR'S COUNCIL ON GENOCIDE AND HOLOCAUST EDUCATION  
11 SHALL CONSIST OF 15 MEMBERS APPOINTED BY THE GOVERNOR. MEMBERS  
12 SHALL BE INDIVIDUALS WHO HAVE A PARTICULAR INTEREST OR EXPERTISE IN  
13 GENOCIDE EDUCATION OR HOLOCAUST EDUCATION, OR BOTH.

14 (5) IF THE GOVERNOR DETERMINES THAT SUFFICIENT PRIVATE FUNDING  
15 IS AVAILABLE FOR THE OPERATIONS OF THE GOVERNOR'S COUNCIL ON  
16 GENOCIDE AND HOLOCAUST EDUCATION, THE GOVERNOR SHALL APPOINT THE  
17 MEMBERS OF THE GOVERNOR'S COUNCIL ON GENOCIDE AND HOLOCAUST  
18 EDUCATION WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

19 (6) IF A VACANCY OCCURS ON THE GOVERNOR'S COUNCIL ON GENOCIDE  
20 AND HOLOCAUST EDUCATION, THE GOVERNOR SHALL MAKE AN APPOINTMENT FOR  
21 THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

22 (7) THE GOVERNOR MAY REMOVE A MEMBER OF THE GOVERNOR'S COUNCIL  
23 ON GENOCIDE AND HOLOCAUST EDUCATION FOR INCOMPETENCE, DERELICTION  
24 OF DUTY, MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY  
25 OTHER GOOD CAUSE.

26 (8) THE FIRST MEETING OF THE GOVERNOR'S COUNCIL ON GENOCIDE  
27 AND HOLOCAUST EDUCATION SHALL BE CALLED BY THE GOVERNOR. AT THE

1 FIRST MEETING, THE GOVERNOR'S COUNCIL ON GENOCIDE AND HOLOCAUST  
2 EDUCATION SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND  
3 OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE  
4 FIRST MEETING, THE GOVERNOR'S COUNCIL ON GENOCIDE AND HOLOCAUST  
5 EDUCATION SHALL MEET AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE  
6 CALL OF THE CHAIRPERSON OR IF REQUESTED BY 8 OR MORE MEMBERS.

7 (9) A MAJORITY OF THE MEMBERS OF THE GOVERNOR'S COUNCIL ON  
8 GENOCIDE AND HOLOCAUST EDUCATION APPOINTED AND SERVING CONSTITUTE A  
9 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE COUNCIL.  
10 A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE REQUIRED FOR  
11 OFFICIAL ACTION OF THE COUNCIL. A MEMBER MAY NOT VOTE BY PROXY.

12 (10) THE BUSINESS THAT THE GOVERNOR'S COUNCIL ON GENOCIDE AND  
13 HOLOCAUST EDUCATION MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC  
14 MEETING OF THE COUNCIL HELD IN COMPLIANCE WITH THE OPEN MEETINGS  
15 ACT, 1976 PA 267, MCL 15.261 TO 15.275.

16 (11) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR  
17 RETAINED BY THE GOVERNOR'S COUNCIL ON GENOCIDE AND HOLOCAUST  
18 EDUCATION IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO  
19 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

20 (12) MEMBERS OF THE GOVERNOR'S COUNCIL ON GENOCIDE AND  
21 HOLOCAUST EDUCATION SHALL SERVE WITHOUT COMPENSATION. HOWEVER, IF  
22 FUNDING IS AVAILABLE FOR THIS PURPOSE FROM PRIVATE SOURCES, MEMBERS  
23 OF THE COUNCIL MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY  
24 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS  
25 MEMBERS OF THE COUNCIL.

26 (13) STATE FUNDS SHALL NOT BE USED FOR THE OPERATIONS OF THE  
27 GOVERNOR'S COUNCIL ON GENOCIDE AND HOLOCAUST EDUCATION.

1           (14) THE GOVERNOR'S COUNCIL ON GENOCIDE AND HOLOCAUST  
2 EDUCATION SHALL DO ALL OF THE FOLLOWING:

3           (A) IDENTIFY, TO THE EXTENT POSSIBLE, ALL SOURCES OF  
4 STRATEGIES AND CONTENT FOR PROVIDING AND ENHANCING GENOCIDE  
5 EDUCATION TO STUDENTS.

6           (B) ADVISE THE SUPERINTENDENT OF PUBLIC INSTRUCTION, SCHOOL  
7 DISTRICTS, PUBLIC SCHOOL ACADEMIES, AND NONPUBLIC SCHOOLS IN THIS  
8 STATE ON STRATEGIES AND CONTENT FOR PROVIDING AND ENHANCING  
9 GENOCIDE EDUCATION TO STUDENTS.

10          (C) IDENTIFY, TO THE EXTENT POSSIBLE, ALL PROGRAMS AND  
11 RESOURCES TO TRAIN TEACHERS IN PROVIDING GENOCIDE EDUCATION TO  
12 STUDENTS AND SHARE THESE PROGRAMS AND RESOURCES WITH THE  
13 SUPERINTENDENT OF PUBLIC INSTRUCTION, SCHOOL DISTRICTS, PUBLIC  
14 SCHOOL ACADEMIES, AND NONPUBLIC SCHOOLS IN THIS STATE.

15          (D) PROMOTE, WITHIN THE SCHOOLS AND GENERAL POPULATION OF THIS  
16 STATE, IMPLEMENTATION OF GENOCIDE EDUCATION. THIS DUTY INCLUDES,  
17 BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

18           (i) IN ACCORDANCE WITH 2004 PA 10, ENGENDERING AND  
19 COORDINATING EVENTS, ACTIVITIES, AND EDUCATION THAT WILL  
20 APPROPRIATELY MEMORIALIZE THE VICTIMS OF THE HOLOCAUST, SUCH AS  
21 OBSERVANCE OF HOLOCAUST REMEMBRANCE DAY AND THE DAYS OF  
22 REMEMBRANCE.

23           (ii) IN ACCORDANCE WITH 2002 PA 558, ENGENDERING AND  
24 COORDINATING EVENTS, ACTIVITIES, AND EDUCATION THAT WILL  
25 APPROPRIATELY MEMORIALIZE THE VICTIMS OF THE ARMENIAN GENOCIDE,  
26 SUCH AS OBSERVANCE OF THE MICHIGAN DAYS OF REMEMBRANCE OF THE  
27 ARMENIAN GENOCIDE.

1           (iii) ENGENDERING AND COORDINATING EVENTS, ACTIVITIES, AND  
2 EDUCATION THAT WILL APPROPRIATELY MEMORIALIZE THE VICTIMS OF OTHER  
3 GENOCIDES.

4           (E) SECURE PRIVATE FUNDING FOR THE GOVERNOR'S COUNCIL ON  
5 GENOCIDE AND HOLOCAUST EDUCATION. THE GOVERNOR'S COUNCIL ON  
6 GENOCIDE AND HOLOCAUST EDUCATION MAY ALSO APPLY FOR AND ACCEPT  
7 GRANTS AND RECEIVE GIFTS, DONATIONS, AND OTHER FINANCIAL SUPPORT  
8 FROM PRIVATE SOURCES, IN ACCORDANCE WITH STATE LAW, FOR THE PURPOSE  
9 OF CARRYING OUT ITS DUTIES UNDER THIS SECTION.

10          (F) CARRY OUT ANY OTHER TASKS THAT IT CONSIDERS TO BE  
11 ADVISABLE TO SUPPORT THE ABILITY OF THIS STATE TO MEET ITS GOALS IN  
12 PROVIDING GENOCIDE EDUCATION.

13          (G) SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE ON THE PROGRESS  
14 AND STATUS OF THE COUNCIL.

15          (15) WITH RESPECT TO ITS DUTIES, THE GOVERNOR'S COUNCIL ON  
16 GENOCIDE AND HOLOCAUST EDUCATION IS AN ADVISORY BODY ONLY. THERE IS  
17 NO RIGHT OR OBLIGATION ON THE PART OF THIS STATE OR ITS  
18 SUBDIVISIONS, OFFICIALS, OR EMPLOYEES TO IMPLEMENT THE FINDINGS OR  
19 RECOMMENDATIONS OF THE GOVERNOR'S COUNCIL ON GENOCIDE AND HOLOCAUST  
20 EDUCATION UNLESS FURTHER LEGISLATION IS ENACTED THAT SPECIFICALLY  
21 AUTHORIZES IMPLEMENTATION OF THOSE FINDINGS OR RECOMMENDATIONS.

22          (16) AS USED IN THIS SECTION:

23          (A) "ARMENIAN GENOCIDE" MEANS THE SYSTEMATIC, BUREAUCRATIC,  
24 STATE-SPONSORED PERSECUTION AND MURDER OF APPROXIMATELY 1,500,000  
25 ARMENIANS BY THE OTTOMAN TURKISH EMPIRE AND ITS COLLABORATORS.

26          (B) "GENOCIDE" MEANS ANY OF THE FOLLOWING ACTS COMMITTED WITH  
27 INTENT TO DESTROY, IN WHOLE OR IN PART, A NATIONAL, ETHNICAL,

1 RACIAL, OR RELIGIOUS GROUP, AS SUCH: KILLING MEMBERS OF THE GROUP;  
2 CAUSING SERIOUS BODILY OR MENTAL HARM TO MEMBERS OF THE GROUP;  
3 DELIBERATELY INFLECTING ON THE GROUP CONDITIONS OF LIFE CALCULATED  
4 TO BRING ABOUT ITS PHYSICAL DESTRUCTION IN WHOLE OR IN PART;  
5 IMPOSING MEASURES INTENDED TO PREVENT BIRTHS WITHIN THE GROUP; OR  
6 FORCIBLY TRANSFERRING CHILDREN OF THE GROUP TO ANOTHER GROUP.

7 (C) "HOLOCAUST" MEANS THE SYSTEMATIC, BUREAUCRATIC, STATE-  
8 SPONSORED PERSECUTION AND MURDER OF APPROXIMATELY 6,000,000 JEWS  
9 AND 5,000,000 OTHER INDIVIDUALS BY THE NAZI REGIME AND ITS  
10 COLLABORATORS.

11 Sec. 1249. (1) Subject to subsection (4), with the involvement  
12 of teachers and school administrators, the board of a school  
13 district or intermediate school district or board of directors of a  
14 public school academy shall adopt and implement for all teachers  
15 and school administrators a rigorous, transparent, and fair  
16 performance evaluation system that does all of the following:

17 (a) Evaluates the teacher's or school administrator's job  
18 performance at least annually while providing timely and  
19 constructive feedback.

20 (b) Establishes clear approaches to measuring student growth  
21 and provides teachers and school administrators with relevant data  
22 on student growth.

23 (c) Evaluates a teacher's or school administrator's job  
24 performance, using multiple rating categories that take into  
25 account student growth and assessment data. Student growth must be  
26 measured using multiple measures that may include student learning  
27 objectives, achievement of individualized education program goals,

1 nationally normed or locally developed assessments that are aligned  
2 to state standards, research-based growth measures, or alternative  
3 assessments that are rigorous and comparable across schools within  
4 the school district, intermediate school district, or public school  
5 academy. If the performance evaluation system implemented by a  
6 school district, intermediate school district, or public school  
7 academy under this section does not already include the rating of  
8 teachers as highly effective, effective, minimally effective, and  
9 ineffective, then the school district, intermediate school  
10 district, or public school academy shall revise the performance  
11 evaluation system not later than September 19, 2011 to ensure that  
12 it rates teachers as highly effective, effective, minimally  
13 effective, or ineffective.

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

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

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

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

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

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

5           (a) The performance evaluation system shall include at least  
6 an annual year-end evaluation for all teachers. Beginning with the  
7 2015-2016 school year, an annual year-end evaluation shall meet all  
8 of the following:

9           (i) For the 2015-2016, 2016-2017, and 2017-2018 school years,  
10 25% of the annual year-end evaluation shall be based on student  
11 growth and assessment data. Beginning with the 2018-2019 school  
12 year, 40% of the annual year-end evaluation shall be based on  
13 student growth and assessment data.

14           (ii) Beginning with the 2018-2019 school year, for core  
15 content areas in grades and subjects in which state assessments are  
16 administered, 50% of student growth must be measured using the  
17 state assessments, and the portion of student growth not measured  
18 using state assessments must be measured using multiple research-  
19 based growth measures or alternative assessments that are rigorous  
20 and comparable across schools within the school district,  
21 intermediate school district, or public school academy. Student  
22 growth also may be measured by student learning objectives or  
23 nationally normed or locally adopted assessments that are aligned  
24 to state standards, or based on achievement of individualized  
25 education program goals.

26           (iii) Beginning with the 2016-2017 school year, the portion of  
27 a teacher's annual year-end evaluation that is not based on student



1 growth and assessment data, as described under subparagraph (i),  
2 shall be based primarily on a teacher's performance as measured by  
3 the evaluation tool developed or adopted by the school district,  
4 intermediate school district, or public school academy under  
5 subdivision (f).

6 (iv) The portion of a teacher's evaluation that is not  
7 measured using student growth and assessment data, as described  
8 under subparagraph (i), or using the evaluation tool developed or  
9 adopted by the school district, intermediate school district, or  
10 public school academy, as described under subparagraph (iii), shall  
11 incorporate criteria enumerated in section 1248(1)(b)(i) to (iii)  
12 that are not otherwise evaluated under subparagraph (i) or (iii).

13 (b) If there are student growth and assessment data available  
14 for a teacher for at least 3 school years, the annual year-end  
15 evaluation shall be based on the student growth and assessment data  
16 for the most recent 3-consecutive-school-year period. If there are  
17 not student growth and assessment data available for a teacher for  
18 at least 3 school years, the annual year-end evaluation shall be  
19 based on all student growth and assessment data that are available  
20 for the teacher.

21 (c) The annual year-end evaluation shall include specific  
22 performance goals that will assist in improving effectiveness for  
23 the next school year and are developed by the school administrator  
24 or his or her designee conducting the evaluation, in consultation  
25 with the teacher, and any recommended training identified by the  
26 school administrator or designee, in consultation with the teacher,  
27 that would assist the teacher in meeting these goals. For a teacher

1 described in subdivision (d), the school administrator or designee  
2 shall develop, in consultation with the teacher, an individualized  
3 development plan that includes these goals and training and is  
4 designed to assist the teacher to improve his or her effectiveness.

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

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

16 (ii) The midyear progress report shall be aligned with the  
17 teacher's individualized development plan under subdivision (c).

18 (iii) The midyear progress report shall include specific  
19 performance goals for the remainder of the school year that are  
20 developed by the school administrator conducting the annual year-  
21 end evaluation or his or her designee and any recommended training  
22 identified by the school administrator or designee that would  
23 assist the teacher in meeting these goals. At the midyear progress  
24 report, the school administrator or designee shall develop, in  
25 consultation with the teacher, a written improvement plan that  
26 includes these goals and training and is designed to assist the  
27 teacher to improve his or her rating.

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

3           (e) The performance evaluation system shall include classroom  
4 observations to assist in the performance evaluations. All of the  
5 following apply to these classroom observations:

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

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

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

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

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

26           (f) For the purposes of conducting annual year-end evaluations  
27 under the performance evaluation system, by the beginning of the

1 2016-2017 school year, the school district, intermediate school  
2 district, or public school academy shall adopt and implement 1 or  
3 more of the evaluation tools for teachers that are included on the  
4 list under subsection (5). However, if a school district,  
5 intermediate school district, or public school academy has 1 or  
6 more local evaluation tools for teachers or modifications of an  
7 evaluation tool on the list under subsection (5), and the school  
8 district, intermediate school district, or public school academy  
9 complies with subsection (3), the school district, intermediate  
10 school district, or public school academy may conduct annual year-  
11 end evaluations for teachers using 1 or more local evaluation tools  
12 or modifications. The evaluation tools shall be used consistently  
13 among the schools operated by a school district, intermediate  
14 school district, or public school academy so that all similarly  
15 situated teachers are evaluated using the same evaluation tool.

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

21 (h) As part of the performance evaluation system, and in  
22 addition to the requirements of section 1526, a school district,  
23 intermediate school district, or public school academy is  
24 encouraged to assign a mentor or coach to each teacher who is  
25 described in subdivision (d).

26 (i) The performance evaluation system may allow for exemption  
27 of student growth data for a particular pupil for a school year

1 upon the recommendation of the school administrator conducting the  
2 annual year-end evaluation or his or her designee and approval of  
3 the school district superintendent or his or her designee,  
4 intermediate superintendent or his or her designee, or chief  
5 administrator of the public school academy, as applicable.

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

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

23 (l) The performance evaluation system shall provide that, if a  
24 teacher who is not in a probationary period prescribed by section 1  
25 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated as  
26 ineffective on an annual year-end evaluation, the teacher may  
27 request a review of the evaluation and the rating by the school

1 district superintendent, intermediate superintendent, or chief  
2 administrator of the public school academy, as applicable. The  
3 request for a review must be submitted in writing within 20 days  
4 after the teacher is informed of the rating. Upon receipt of the  
5 request, the school district superintendent, intermediate  
6 superintendent, or chief administrator of the public school  
7 academy, as applicable, shall review the evaluation and rating and  
8 may make any modifications as appropriate based on his or her  
9 review. However, the performance evaluation system shall not allow  
10 for a review as described in this subdivision more than twice in a  
11 3-school-year period.

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

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

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

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

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

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

24 (c) Either evidence of reliability, validity, and efficacy or  
25 a plan for developing that evidence or, if the school district,  
26 intermediate school district, or public school academy adapts or  
27 modifies an evaluation tool from the list under subsection (5), an

1 assurance that the adaptations or modifications do not compromise  
2 the reliability, validity, or efficacy of the evaluation tool or  
3 the evaluation process.

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

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

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

12 (4) If a collective bargaining agreement was in effect for  
13 teachers or school administrators of a school district, public  
14 school academy, or intermediate school district as of July 19,  
15 2011, if that same collective bargaining agreement is still in  
16 effect as of ~~the effective date of the amendatory act that added~~  
17 ~~section 1531j~~, **NOVEMBER 5, 2015**, and if that collective bargaining  
18 agreement prevents compliance with subsection (1), then subsection  
19 (1) does not apply to that school district, public school academy,  
20 or intermediate school district until after the expiration of that  
21 collective bargaining agreement.

22 (5) The department shall establish and maintain a list of  
23 teacher evaluation tools that have demonstrated evidence of  
24 efficacy and that may be used for the purposes of this section.  
25 That list initially shall include at least the evaluation models  
26 recommended in the final recommendations released by the Michigan  
27 council on educator effectiveness in July 2013. The list shall



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

15 (6) The training required under subsection (2) shall be paid  
16 for from the funds available in the educator evaluation reserve  
17 fund created under section 95a of the state school aid act, MCL  
18 388.1695a.

19 (7) This section does not affect the operation or  
20 applicability of section 1248.

21 (8) AS USED IN THIS SECTION, "TEACHER" MEANS AN INDIVIDUAL WHO  
22 HAS A VALID MICHIGAN TEACHING CERTIFICATE OR AUTHORIZATION; WHO IS  
23 EMPLOYED, OR CONTRACTED FOR, BY A SCHOOL DISTRICT, INTERMEDIATE  
24 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY; AND WHO IS ASSIGNED BY  
25 THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL  
26 ACADEMY TO DELIVER DIRECT INSTRUCTION TO PUPILS IN ANY OF GRADES K  
27 TO 12 AS A TEACHER OF RECORD.

1       Sec. 1278. (1) In addition to the requirements for  
2 accreditation under section 1280 specified in that section, if the  
3 board of a school district wants all of the schools of the school  
4 district to be accredited under section 1280, the board shall  
5 provide to all pupils attending public school in the district a  
6 core academic curriculum in compliance with subsection (3) in each  
7 of the curricular areas specified in the state board recommended  
8 model core academic curriculum content standards developed under  
9 subsection (2). The state board model core academic curriculum  
10 content standards shall encompass academic and cognitive  
11 instruction only. For purposes of this section, the state board  
12 model core academic curriculum content standards shall not include  
13 attitudes, beliefs, or value systems that are not essential in the  
14 legal, economic, and social structure of our society and to the  
15 personal and social responsibility of citizens of our society.

16       (2) Recommended model core academic curriculum content  
17 standards shall be developed and periodically updated by the state  
18 board, shall be in the form of knowledge and skill content  
19 standards that are recommended as state standards for adoption by  
20 public schools in local curriculum formulation and adoption, and  
21 shall be distributed to each school district in the state. The  
22 recommended model core academic curriculum content standards shall  
23 set forth desired learning objectives in math, science, reading,  
24 history, geography, economics, American government, and writing for  
25 all children at each stage of schooling and be based upon the  
26 "Michigan K-12 ~~program standards of quality~~ **PROGRAM STANDARDS OF**  
27 **QUALITY**" to ensure that high academic standards, academic skills,

1 and academic subject matters are built into the instructional goals  
2 of all school districts for all children. **THE STATE BOARD SHALL**  
3 **ENSURE THAT THE RECOMMENDED MODEL CORE ACADEMIC CURRICULUM CONTENT**  
4 **STANDARDS FOR HISTORY FOR GRADES 8 TO 12 INCLUDE LEARNING**  
5 **OBJECTIVES CONCERNING GENOCIDE, INCLUDING, BUT NOT LIMITED TO, THE**  
6 **HOLOCAUST AND THE ARMENIAN GENOCIDE.** The state board also shall  
7 ensure that the ~~Michigan educational~~ **STATE** assessment program and  
8 the Michigan merit examination are based on the state recommended  
9 model core curriculum content standards, are testing only for  
10 proficiency in basic and advanced academic skills and academic  
11 subject matter, and are not used to measure pupils' values or  
12 attitudes.

13 (3) The board of each school district, considering academic  
14 curricular objectives defined and recommended pursuant to  
15 subsection (2), shall do both of the following:

16 (a) Establish a core academic curriculum for its pupils at the  
17 elementary, middle, and secondary school levels. The core academic  
18 curriculum shall define academic objectives to be achieved by all  
19 pupils and shall be based upon the school district's educational  
20 mission, long-range pupil goals, and pupil performance objectives.  
21 The core academic curriculum may vary from the model core academic  
22 curriculum content standards recommended by the state board  
23 pursuant to subsection (2).

24 (b) After consulting with teachers and school building  
25 administrators, determine the aligned instructional program for  
26 delivering the core academic curriculum and identify the courses  
27 and programs in which the core academic curriculum will be taught.

1           (4) The board may supplement the core academic curriculum by  
2 providing instruction through additional classes and programs.

3           (5) For all pupils, the subjects or courses, and the delivery  
4 of those including special assistance, that constitute the  
5 curriculum the pupils engage in shall assure the pupils have a  
6 realistic opportunity to learn all subjects and courses required by  
7 the district's core academic curriculum. A subject or course  
8 required by the core academic curriculum pursuant to subsection (3)  
9 shall be provided to all pupils in the school district by a school  
10 district, a consortium of school districts, or a consortium of 1 or  
11 more school districts and 1 or more intermediate school districts.

12           (6) To the extent practicable, the state board may adopt or  
13 develop academic objective-oriented high standards for knowledge  
14 and life skills, and a recommended core academic curriculum, for  
15 special education pupils for whom it may not be realistic or  
16 desirable to expect achievement of initial mastery of the state  
17 board recommended model core academic content standards objectives  
18 or of a high school diploma.

19           (7) The state board shall make available to all nonpublic  
20 schools in this state, as a resource for their consideration, the  
21 model core academic curriculum content standards developed for  
22 public schools pursuant to subsection (2) for the purpose of  
23 assisting the governing body of a nonpublic school in developing  
24 its core academic curriculum.

25           (8) Excluding special education pupils, pupils having a  
26 learning disability, and pupils with extenuating circumstances as  
27 determined by school officials, a pupil who does not score

1 satisfactorily on the ~~4th-FOURTH~~ or ~~7th-SEVENTH~~ grade Michigan  
2 ~~educational-STATE~~ assessment program reading test shall be provided  
3 special assistance reasonably expected to enable the pupil to bring  
4 his or her reading skills to grade level within 12 months.

5 (9) Any course that would have been considered a nonessential  
6 elective course under Snyder v Charlotte School Dist, 421 Mich 517  
7 (1984), on April 13, 1990 shall continue to be offered to resident  
8 pupils of nonpublic schools on a shared time basis.

9 (10) AS USED IN THIS SECTION, "ARMENIAN GENOCIDE", "GENOCIDE",  
10 AND "HOLOCAUST" MEAN THOSE TERMS AS DEFINED IN SECTION 1168.

11 Sec. 1279g. (1) The board of a school district or board of  
12 directors of a public school academy shall comply with this section  
13 and shall administer the Michigan merit examination to pupils in  
14 grade 11, and to pupils in grade 12 who did not take the complete  
15 Michigan merit examination in grade 11, as provided in this  
16 section.

17 (2) For the purposes of this section, the department of  
18 **TECHNOLOGY**, management, and budget shall contract with 1 or more  
19 providers to develop, supply, and score the Michigan merit  
20 examination. The Michigan merit examination shall consist of all of  
21 the following:

22 (a) Assessment instruments that measure English language arts,  
23 mathematics, reading, and science and are used by colleges and  
24 universities in this state for entrance or placement purposes. This  
25 shall include a writing component in which the pupil produces an  
26 extended writing sample. The Michigan merit examination shall not  
27 require any other extended writing sample.

1 (b) One or more tests from 1 or more test developers that  
2 assess a pupil's ability to apply at least reading and mathematics  
3 skills in a manner that is intended to allow employers to use the  
4 results in making employment decisions. The department of  
5 **TECHNOLOGY**, management, and budget and the superintendent of public  
6 instruction shall ensure that any test or tests selected under this  
7 subdivision have all the components necessary to allow a pupil to  
8 be eligible to receive the results of a nationally recognized  
9 evaluation of workforce readiness if the pupil's test performance  
10 is adequate.

11 (c) A social studies component.

12 (d) Any other component that is necessary to obtain the  
13 approval of the United States ~~department of education~~ **DEPARTMENT OF**  
14 **EDUCATION** to use the Michigan merit examination for the purposes of  
15 the no child left behind act of 2001, Public Law 107-110, **OR THE**  
16 **EVERY STUDENT SUCCEEDS ACT, PUBLIC LAW 114-95.**

17 (3) In addition to all other requirements of this section, all  
18 of the following apply to the Michigan merit examination:

19 (a) The department of **TECHNOLOGY**, management, and budget and  
20 the superintendent of public instruction shall ensure that any  
21 contractor used for scoring the Michigan merit examination supplies  
22 an individual report for each pupil that will identify for the  
23 pupil's parents and teachers whether the pupil met expectations or  
24 failed to meet expectations for each standard, to allow the pupil's  
25 parents and teachers to assess and remedy problems before the pupil  
26 moves to the next grade.

27 (b) The department of **TECHNOLOGY**, management, and budget and

1 the superintendent of public instruction shall ensure that any  
 2 contractor used for scoring, developing, or processing the Michigan  
 3 merit examination meets quality management standards commonly used  
 4 in the assessment industry, including at least meeting level 2 of  
 5 the capability maturity model developed by the ~~software-engineering~~  
 6 ~~institute~~ **SOFTWARE ENGINEERING INSTITUTE** of Carnegie Mellon  
 7 ~~university~~ **UNIVERSITY** for the first year the Michigan merit  
 8 examination is offered to all grade 11 pupils and at least meeting  
 9 level 3 of the capability maturity model for subsequent years.

10 (c) The department of **TECHNOLOGY**, management, and budget and  
 11 the superintendent of public instruction shall ensure that any  
 12 contract for scoring, administering, or developing the Michigan  
 13 merit examination includes specific deadlines for all steps of the  
 14 assessment process, including, but not limited to, deadlines for  
 15 the correct testing materials to be supplied to schools and for the  
 16 correct results to be returned to schools, and includes penalties  
 17 for noncompliance with these deadlines.

18 (d) The superintendent of public instruction shall ensure that  
 19 the Michigan merit examination meets all of the following:

20 (i) Is designed to test pupils on grade level content  
 21 expectations or course content expectations, as appropriate, in all  
 22 subjects tested.

23 (ii) Complies with requirements of the no child left behind  
 24 act of 2001, Public Law 107-110, **OR THE EVERY STUDENT SUCCEEDS ACT,**  
 25 **PUBLIC LAW 114-95, AS APPLICABLE.**

26 (iii) Is consistent with the code of fair testing practices in  
 27 education prepared by the joint committee on testing practices of

1 the American ~~psychological association~~. **PSYCHOLOGICAL ASSOCIATION.**

2 (iv) Is factually accurate. If the superintendent of public  
3 instruction determines that a question is not factually accurate  
4 and should be excluded from scoring, the state board and the  
5 superintendent of public instruction shall ensure that the question  
6 is excluded from scoring.

7 (4) A school district or public school academy that operates a  
8 high school shall include on each pupil's high school transcript  
9 all of the following:

10 (a) For each high school graduate who has completed the  
11 Michigan merit examination under this section, the pupil's scaled  
12 score on each subject area component of the Michigan merit  
13 examination.

14 (b) The number of school days the pupil was in attendance at  
15 school each school year during high school and the total number of  
16 school days in session for each of those school years.

17 (5) The superintendent of public instruction shall work with  
18 the provider or providers of the Michigan merit examination to  
19 produce Michigan merit examination subject area scores for each  
20 pupil participating in the Michigan merit examination, including  
21 scaling and merging of test items for the different subject area  
22 components. The superintendent of public instruction shall design  
23 and distribute to school districts, public school academies,  
24 intermediate school districts, and nonpublic schools a simple and  
25 concise document that describes the scoring for each subject area  
26 and indicates the scaled score ranges for each subject area.

27 (6) The Michigan merit examination shall be administered each



1 year after March 1 and before June 1 to pupils in grade 11. The  
2 superintendent of public instruction shall ensure that the Michigan  
3 merit examination is scored and the scores are returned to pupils,  
4 their parents or legal guardians, and schools not later than the  
5 beginning of the pupil's first semester of grade 12. The returned  
6 scores shall indicate at least the pupil's scaled score for each  
7 subject area component and the range of scaled scores for each  
8 subject area. In reporting the scores to pupils, parents, and  
9 schools, the superintendent of public instruction shall provide  
10 standards-specific, meaningful, and timely feedback on the pupil's  
11 performance on the Michigan merit examination.

12 (7) A school district or public school academy shall  
13 administer the complete Michigan merit examination to a pupil only  
14 once and shall not administer the complete Michigan merit  
15 examination to the same pupil more than once. If a pupil does not  
16 take the complete Michigan merit examination in grade 11, the  
17 school district or public school academy shall administer the  
18 complete Michigan merit examination to the pupil in grade 12. If a  
19 pupil chooses to retake the college entrance examination component  
20 of the Michigan merit examination, as described in subsection  
21 (2)(a), the pupil may do so through the provider of the college  
22 entrance examination component and the cost of the retake is the  
23 responsibility of the pupil unless all of the following are met:

24 (a) The pupil has taken the complete Michigan merit  
25 examination.

26 ~~———— (b) The pupil did not qualify for a Michigan promise grant~~  
27 ~~under section 6 of the Michigan promise grant act, 2006 PA 479, MCL~~

1 ~~390.1626, based on the pupil's performance on the complete Michigan~~  
2 ~~merit examination.~~

3 (B) ~~(e)~~—The pupil meets the income eligibility criteria for  
4 free breakfast, lunch, or milk, as determined under the Richard B.  
5 Russell national school lunch act, 42 USC 1751 to ~~1769i~~-1769j.

6 (C) ~~(d)~~—The pupil has applied to the provider of the college  
7 entrance examination component for a scholarship or fee waiver to  
8 cover the cost of the retake and that application has been denied.

9 (D) ~~(e)~~—After taking the complete Michigan merit examination,  
10 the pupil has not already received a free retake of the college  
11 entrance examination component paid for either by this state or  
12 through a scholarship or fee waiver by the provider.

13 (8) The superintendent of public instruction shall ensure that  
14 the length of the Michigan merit examination and the combined total  
15 time necessary to administer all of the components of the Michigan  
16 merit examination are the shortest possible that will still  
17 maintain the degree of reliability and validity of the Michigan  
18 merit examination results determined necessary by the  
19 superintendent of public instruction. The superintendent of public  
20 instruction shall ensure that the maximum total combined length of  
21 time that schools are required to set aside for pupils to answer  
22 all test questions on the Michigan merit examination does not  
23 exceed 8 hours if the superintendent of public instruction  
24 determines that sufficient alignment to applicable Michigan merit  
25 curriculum content standards can be achieved within that time  
26 limit.

27 (9) A school district or public school academy shall provide

1 accommodations to a pupil with disabilities for the Michigan merit  
2 examination, as provided under section 504 of title V of the  
3 rehabilitation act of 1973, 29 USC 794; subtitle A of title II of  
4 the Americans with disabilities act of 1990, 42 USC 12131 to 12134;  
5 the individuals with disabilities education act amendments of 1997,  
6 Public Law 105-17; and the implementing regulations for those  
7 statutes. The provider or providers of the Michigan merit  
8 examination and the superintendent of public instruction shall  
9 mutually agree upon the accommodations to be provided under this  
10 subsection.

11 (10) To the greatest extent possible, the Michigan merit  
12 examination shall be based on grade level content expectations or  
13 course content expectations, as appropriate. Not later than July 1,  
14 2008, the department shall identify specific grade level content  
15 expectations to be taught before and after the middle of grade 11,  
16 so that teachers will know what content will be covered within the  
17 Michigan merit examination.

18 (11) A child who is a student in a nonpublic school or home  
19 school may take the Michigan merit examination under this section.  
20 To take the Michigan merit examination, a child who is a student in  
21 a home school shall contact the school district in which the child  
22 resides, and that school district shall administer the Michigan  
23 merit examination, or the child may take the Michigan merit  
24 examination at a nonpublic school if allowed by the nonpublic  
25 school. Upon request from a nonpublic school, the superintendent of  
26 public instruction shall direct the provider or providers to supply  
27 the Michigan merit examination to the nonpublic school and the

1 nonpublic school may administer the Michigan merit examination. If  
2 a school district administers the Michigan merit examination under  
3 this subsection to a child who is not enrolled in the school  
4 district, the scores for that child are not considered for any  
5 purpose to be scores of a pupil of the school district.

6 (12) In contracting under subsection (2), the department of  
7 **TECHNOLOGY**, management, and budget shall consider a contractor that  
8 provides electronically-scored essays with the ability to score  
9 constructed response feedback in multiple languages and provide  
10 ongoing instruction and feedback.

11 (13) The purpose of the Michigan merit examination is to  
12 assess pupil performance in mathematics, science, social studies,  
13 and English language arts for the purpose of improving academic  
14 achievement and establishing a statewide standard of competency.  
15 The assessment under this section provides a common measure of data  
16 that will contribute to the improvement of Michigan schools'  
17 curriculum and instruction by encouraging alignment with Michigan's  
18 curriculum framework standards and promotes pupil participation in  
19 higher level mathematics, science, social studies, and English  
20 language arts courses. These standards are based upon the  
21 expectations of what pupils should learn through high school and  
22 are aligned with national standards.

23 (14) **IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION AND**  
24 **THE REQUIREMENTS OF 1970 PA 38, MCL 388.1081 TO 388.1086, BEGINNING**  
25 **WITH ASSESSMENTS CONDUCTED DURING THE 2016-2017 SCHOOL YEAR, THE**  
26 **SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENSURE THAT THE MICHIGAN**  
27 **MERIT EXAMINATION SOCIAL STUDIES COMPONENT AND THE M-STEP AND ANY**

1 SUCCESSOR STATE ASSESSMENT FOR SOCIAL STUDIES, AS APPROPRIATE,  
2 INCLUDE QUESTIONS RELATED TO THE LEARNING OBJECTIVES IN THE STATE  
3 BOARD RECOMMENDED MODEL CORE ACADEMIC CURRICULUM STANDARDS  
4 CONCERNING GENOCIDE, INCLUDING, BUT NOT LIMITED TO, THE HOLOCAUST  
5 AND THE ARMENIAN GENOCIDE.

6 (15) ~~(14)~~—As used in this section:

7 (A) "ARMENIAN GENOCIDE", "GENOCIDE", AND "HOLOCAUST" MEAN  
8 THOSE TERMS AS DEFINED IN SECTION 1168.

9 (B) ~~(a)~~—"English language arts" means reading and writing.

10 (C) ~~(b)~~—"Social studies" means United States history, world  
11 history, world geography, economics, and American government.