

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4627

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1249 (MCL 380.1249), as amended by 2010 PA 336,
and by adding sections 1248 and 1249a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1248. (1) FOR TEACHERS, AS DEFINED IN SECTION 1 OF
2 ARTICLE I OF 1937 (EX SESS) PA 4, MCL 38.71, ALL OF THE FOLLOWING
3 APPLY TO POLICIES REGARDING PERSONNEL DECISIONS WHEN CONDUCTING A
4 STAFFING OR PROGRAM REDUCTION OR ANY OTHER PERSONNEL DETERMINATION
5 RESULTING IN THE ELIMINATION OF A POSITION, WHEN CONDUCTING A
6 RECALL FROM A STAFFING OR PROGRAM REDUCTION OR ANY OTHER PERSONNEL
7 DETERMINATION RESULTING IN THE ELIMINATION OF A POSITION, OR IN
8 HIRING AFTER A STAFFING OR PROGRAM REDUCTION OR ANY OTHER PERSONNEL

1 DETERMINATION RESULTING IN THE ELIMINATION OF A POSITION BY A
2 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT:

3 (A) SUBJECT TO SUBDIVISION (C), THE BOARD OF A SCHOOL DISTRICT
4 OR INTERMEDIATE SCHOOL DISTRICT SHALL NOT ADOPT, IMPLEMENT,
5 MAINTAIN, OR COMPLY WITH A POLICY THAT PROVIDES THAT LENGTH OF
6 SERVICE OR TENURE STATUS IS THE PRIMARY OR DETERMINING FACTOR IN
7 PERSONNEL DECISIONS WHEN CONDUCTING A STAFFING OR PROGRAM REDUCTION
8 OR ANY OTHER PERSONNEL DETERMINATION RESULTING IN THE ELIMINATION
9 OF A POSITION, WHEN CONDUCTING A RECALL FROM A STAFFING OR PROGRAM
10 REDUCTION OR ANY OTHER PERSONNEL DETERMINATION RESULTING IN THE
11 ELIMINATION OF A POSITION, OR IN HIRING AFTER A STAFFING OR PROGRAM
12 REDUCTION OR ANY OTHER PERSONNEL DETERMINATION RESULTING IN THE
13 ELIMINATION OF A POSITION.

14 (B) SUBJECT TO SUBDIVISION (C), THE BOARD OF A SCHOOL DISTRICT
15 OR INTERMEDIATE SCHOOL DISTRICT SHALL ENSURE THAT THE SCHOOL
16 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT ADOPTS, IMPLEMENTS,
17 MAINTAINS, AND COMPLIES WITH A POLICY THAT PROVIDES THAT ALL
18 PERSONNEL DECISIONS WHEN CONDUCTING A STAFFING OR PROGRAM REDUCTION
19 OR ANY OTHER PERSONNEL DETERMINATION RESULTING IN THE ELIMINATION
20 OF A POSITION, WHEN CONDUCTING A RECALL FROM A STAFFING OR PROGRAM
21 REDUCTION OR ANY OTHER PERSONNEL DETERMINATION RESULTING IN THE
22 ELIMINATION OF A POSITION, OR IN HIRING AFTER A STAFFING OR PROGRAM
23 REDUCTION OR ANY OTHER PERSONNEL DETERMINATION RESULTING IN THE
24 ELIMINATION OF A POSITION, ARE BASED ON RETAINING EFFECTIVE
25 TEACHERS. THE POLICY SHALL ENSURE THAT A TEACHER WHO HAS BEEN RATED
26 AS INEFFECTIVE UNDER THE PERFORMANCE EVALUATION SYSTEM UNDER
27 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 SHALL BE
4 MEASURED BY THE PERFORMANCE EVALUATION SYSTEM UNDER SECTION 1249,
5 AND THE PERSONNEL DECISIONS SHALL BE MADE BASED ON THE FOLLOWING
6 FACTORS:

7 (i) INDIVIDUAL PERFORMANCE SHALL BE THE MAJORITY FACTOR IN
8 MAKING THE DECISION, AND SHALL CONSIST OF BUT IS NOT LIMITED TO ALL
9 OF THE FOLLOWING:

10 (A) EVIDENCE OF STUDENT GROWTH, WHICH SHALL 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 HIS OR HER SUBJECT AREA AND THE ABILITY TO IMPART THAT KNOWLEDGE
15 THROUGH PLANNING, DELIVERING RIGOROUS CONTENT, CHECKING FOR AND
16 BUILDING HIGHER-LEVEL UNDERSTANDING, DIFFERENTIATING, AND MANAGING
17 A CLASSROOM; AND CONSISTENT PREPARATION TO MAXIMIZE INSTRUCTIONAL
18 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 SHALL 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 HIS OR HER PEER GROUP AND HAVING DEMONSTRATED A

1 RECORD OF EXCEPTIONAL PERFORMANCE.

2 (iii) RELEVANT SPECIAL TRAINING. THIS FACTOR SHALL BE BASED ON
3 COMPLETION OF RELEVANT TRAINING OTHER THAN THE PROFESSIONAL
4 DEVELOPMENT OR CONTINUING EDUCATION THAT IS REQUIRED BY THE
5 EMPLOYER OR BY STATE LAW, AND INTEGRATION OF THAT TRAINING INTO
6 INSTRUCTION IN A MEANINGFUL WAY.

7 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, LENGTH
8 OF SERVICE OR TENURE STATUS SHALL NOT BE A FACTOR IN A PERSONNEL
9 DECISION DESCRIBED IN SUBDIVISION (A) OR (B). HOWEVER, IF THAT
10 PERSONNEL DECISION INVOLVES 2 OR MORE EMPLOYEES AND ALL OTHER
11 FACTORS DISTINGUISHING THOSE EMPLOYEES FROM EACH OTHER ARE EQUAL,
12 THEN LENGTH OF SERVICE OR TENURE STATUS MAY BE CONSIDERED AS A
13 TIEBREAKER.

14 (2) IF A COLLECTIVE BARGAINING AGREEMENT IS IN EFFECT FOR
15 EMPLOYEES OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT AS
16 OF THE EFFECTIVE DATE OF THIS SECTION AND IF THAT COLLECTIVE
17 BARGAINING AGREEMENT PREVENTS COMPLIANCE WITH SUBSECTION (1), THEN
18 SUBSECTION (1) DOES NOT APPLY TO THAT SCHOOL DISTRICT OR
19 INTERMEDIATE SCHOOL DISTRICT UNTIL AFTER THE EXPIRATION OF THAT
20 COLLECTIVE BARGAINING AGREEMENT.

21 (3) IF A TEACHER BRINGS AN ACTION AGAINST A SCHOOL DISTRICT OR
22 INTERMEDIATE SCHOOL DISTRICT BASED ON THIS SECTION, THE TEACHER'S
23 SOLE AND EXCLUSIVE REMEDY SHALL BE AN ORDER OF REINSTATEMENT
24 COMMENCING 30 DAYS AFTER A DECISION BY A COURT OF COMPETENT
25 JURISDICTION. THE REMEDY IN AN ACTION BROUGHT BY A TEACHER BASED ON
26 THIS SECTION SHALL NOT INCLUDE LOST WAGES, LOST BENEFITS, OR ANY
27 OTHER ECONOMIC DAMAGES.

1 Sec. 1249. (1) Not later than September 1, 2011, and subject
2 to subsection ~~(2)~~, ~~(9)~~, with the involvement of teachers and school
3 administrators, the board of a school district or intermediate
4 school district or board of directors of a public school academy
5 shall adopt and implement for all teachers and school
6 administrators a rigorous, transparent, and fair performance
7 evaluation system that does all of the following:

8 (a) Evaluates the teacher's or school administrator's job
9 performance at least annually while providing timely and
10 constructive feedback.

11 (b) Establishes clear approaches to measuring student growth
12 and provides teachers and school administrators with relevant data
13 on student growth.

14 (c) Evaluates a teacher's or school administrator's job
15 performance, using multiple rating categories that take into
16 account data on student growth as a significant factor. For these
17 purposes, student growth shall be measured by national, state, or
18 local assessments and other objective criteria. **IF THE PERFORMANCE**
19 **EVALUATION SYSTEM IMPLEMENTED BY A SCHOOL DISTRICT, INTERMEDIATE**
20 **SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY UNDER THIS SECTION DOES**
21 **NOT ALREADY INCLUDE THE RATING OF TEACHERS AS HIGHLY EFFECTIVE,**
22 **EFFECTIVE, MINIMALLY EFFECTIVE, AND INEFFECTIVE, THEN THE SCHOOL**
23 **DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY**
24 **SHALL REVISE THE PERFORMANCE EVALUATION SYSTEM WITHIN 60 DAYS AFTER**
25 **THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE**
26 **TO ENSURE THAT IT RATES TEACHERS AS HIGHLY EFFECTIVE, EFFECTIVE,**
27 **MINIMALLY EFFECTIVE, OR INEFFECTIVE.**

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

(i) The effectiveness of teachers and school administrators, 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) BEGINNING WITH THE 2013-2014 SCHOOL YEAR, 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 INCLUDE AT LEAST AN ANNUAL YEAR-END EVALUATION FOR ALL TEACHERS. AN ANNUAL YEAR-END EVALUATION SHALL MEET ALL OF THE FOLLOWING:

(i) FOR THE ANNUAL YEAR-END EVALUATION FOR THE 2013-2014 SCHOOL YEAR, AT LEAST 25% OF THE ANNUAL YEAR-END EVALUATION SHALL BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA. FOR THE ANNUAL YEAR-END EVALUATION FOR THE 2014-2015 SCHOOL YEAR, AT LEAST 40% OF THE ANNUAL YEAR-END EVALUATION SHALL BE BASED ON STUDENT GROWTH AND

1 ASSESSMENT DATA. BEGINNING WITH THE ANNUAL YEAR-END EVALUATION FOR
2 THE 2015-2016 SCHOOL YEAR, AT LEAST 50% OF THE ANNUAL YEAR-END
3 EVALUATION SHALL BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA.
4 ALL STUDENT GROWTH AND ASSESSMENT DATA SHALL BE MEASURED USING THE
5 STUDENT GROWTH ASSESSMENT TOOL THAT IS REQUIRED UNDER LEGISLATION
6 ENACTED BY THE LEGISLATURE UNDER SUBSECTION (6) AFTER REVIEW OF THE
7 RECOMMENDATIONS CONTAINED IN THE REPORT OF THE GOVERNOR'S COUNCIL
8 ON EDUCATOR EFFECTIVENESS SUBMITTED UNDER SUBSECTION (5).

9 (ii) IF THERE ARE STUDENT GROWTH AND ASSESSMENT DATA AVAILABLE
10 FOR A TEACHER FOR AT LEAST 3 SCHOOL YEARS, THE ANNUAL YEAR-END
11 EVALUATION SHALL BE BASED ON THE STUDENT GROWTH AND ASSESSMENT DATA
12 FOR THE MOST RECENT 3-CONSECUTIVE-SCHOOL-YEAR PERIOD. IF THERE ARE
13 NOT STUDENT GROWTH AND ASSESSMENT DATA AVAILABLE FOR A TEACHER FOR
14 AT LEAST 3 SCHOOL YEARS, THE ANNUAL YEAR-END EVALUATION SHALL BE
15 BASED ON ALL STUDENT GROWTH AND ASSESSMENT DATA THAT ARE AVAILABLE
16 FOR THE TEACHER.

17 (iii) THE ANNUAL YEAR-END EVALUATION SHALL INCLUDE SPECIFIC
18 PERFORMANCE GOALS THAT WILL ASSIST IN IMPROVING EFFECTIVENESS FOR
19 THE NEXT SCHOOL YEAR AND ARE DEVELOPED BY THE SCHOOL ADMINISTRATOR
20 OR HIS OR HER DESIGNEE CONDUCTING THE EVALUATION, IN CONSULTATION
21 WITH THE TEACHER, AND ANY RECOMMENDED TRAINING IDENTIFIED BY THE
22 SCHOOL ADMINISTRATOR OR DESIGNEE, IN CONSULTATION WITH THE TEACHER,
23 THAT WOULD ASSIST THE TEACHER IN MEETING THESE GOALS. FOR A TEACHER
24 DESCRIBED IN SUBDIVISION (B), THE SCHOOL ADMINISTRATOR OR DESIGNEE
25 SHALL DEVELOP, IN CONSULTATION WITH THE TEACHER, AN INDIVIDUALIZED
26 DEVELOPMENT PLAN THAT INCLUDES THESE GOALS AND TRAINING AND IS
27 DESIGNED TO ASSIST THE TEACHER TO IMPROVE HIS OR HER EFFECTIVENESS.

1 (B) THE PERFORMANCE EVALUATION SYSTEM SHALL INCLUDE A MIDYEAR
2 PROGRESS REPORT FOR A TEACHER WHO IS IN THE FIRST YEAR OF THE
3 PROBATIONARY PERIOD PRESCRIBED BY SECTION 1 OF ARTICLE II OF 1937
4 (EX SESS) PA 4, MCL 38.81, OR WHO RECEIVED A RATING OF MINIMALLY
5 EFFECTIVE OR INEFFECTIVE IN HIS OR HER MOST RECENT ANNUAL YEAR-END
6 EVALUATION. THE MIDYEAR PROGRESS REPORT SHALL BE USED AS A
7 SUPPLEMENTAL TOOL TO GAUGE A TEACHER'S IMPROVEMENT FROM THE
8 PRECEDING SCHOOL YEAR AND TO ASSIST A TEACHER TO IMPROVE. ALL OF
9 THE FOLLOWING APPLY TO THE MIDYEAR PROGRESS REPORT:

10 (i) THE MIDYEAR PROGRESS REPORT SHALL BE BASED AT LEAST IN PART
11 ON STUDENT ACHIEVEMENT.

12 (ii) THE MIDYEAR PROGRESS REPORT SHALL BE ALIGNED WITH THE
13 TEACHER'S INDIVIDUALIZED DEVELOPMENT PLAN UNDER SUBDIVISION (A) (iii) .

14 (iii) THE MIDYEAR PROGRESS REPORT SHALL INCLUDE SPECIFIC
15 PERFORMANCE GOALS FOR THE REMAINDER OF THE SCHOOL YEAR THAT ARE
16 DEVELOPED BY THE SCHOOL ADMINISTRATOR CONDUCTING THE ANNUAL YEAR-
17 END EVALUATION OR HIS OR HER DESIGNEE AND ANY RECOMMENDED TRAINING
18 IDENTIFIED BY THE SCHOOL ADMINISTRATOR OR DESIGNEE THAT WOULD
19 ASSIST THE TEACHER IN MEETING THESE GOALS. AT THE MIDYEAR PROGRESS
20 REPORT, THE SCHOOL ADMINISTRATOR OR DESIGNEE SHALL DEVELOP, IN
21 CONSULTATION WITH THE TEACHER, A WRITTEN IMPROVEMENT PLAN THAT
22 INCLUDES THESE GOALS AND TRAINING AND IS DESIGNED TO ASSIST THE
23 TEACHER TO IMPROVE HIS OR HER RATING.

24 (iv) THE MIDYEAR PROGRESS REPORT SHALL NOT TAKE THE PLACE OF AN
25 ANNUAL YEAR-END EVALUATION.

26 (C) THE PERFORMANCE EVALUATION SYSTEM SHALL INCLUDE CLASSROOM
27 OBSERVATIONS TO ASSIST IN THE PERFORMANCE EVALUATIONS. ALL OF THE

1 FOLLOWING APPLY TO THESE CLASSROOM OBSERVATIONS:

2 (i) EXCEPT AS PROVIDED IN THIS SUBDIVISION, THE MANNER IN WHICH
3 A CLASSROOM OBSERVATION IS CONDUCTED SHALL BE PRESCRIBED IN THE
4 EVALUATION TOOL FOR TEACHERS DESCRIBED IN SUBDIVISION (D).

5 (ii) A CLASSROOM OBSERVATION SHALL INCLUDE A REVIEW OF THE
6 TEACHER'S LESSON PLAN AND THE STATE CURRICULUM STANDARD BEING USED
7 IN THE LESSON AND A REVIEW OF PUPIL ENGAGEMENT IN THE LESSON.

8 (iii) A CLASSROOM OBSERVATION DOES NOT HAVE TO BE FOR AN ENTIRE
9 CLASS PERIOD.

10 (iv) UNLESS A TEACHER HAS RECEIVED A RATING OF EFFECTIVE OR
11 HIGHLY EFFECTIVE ON HIS OR HER 2 MOST RECENT ANNUAL YEAR-END
12 EVALUATIONS, THERE SHALL BE MULTIPLE CLASSROOM OBSERVATIONS OF THE
13 TEACHER EACH SCHOOL YEAR.

14 (D) FOR THE PURPOSES OF CONDUCTING ANNUAL YEAR-END EVALUATIONS
15 UNDER THE PERFORMANCE EVALUATION SYSTEM, THE SCHOOL DISTRICT,
16 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ADOPT
17 AND IMPLEMENT THE STATE EVALUATION TOOL FOR TEACHERS THAT IS
18 REQUIRED UNDER LEGISLATION ENACTED BY THE LEGISLATURE UNDER
19 SUBSECTION (6) AFTER REVIEW OF THE RECOMMENDATIONS CONTAINED IN THE
20 REPORT OF THE GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS
21 SUBMITTED UNDER SUBSECTION (5). HOWEVER, IF A SCHOOL DISTRICT,
22 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY HAS A LOCAL
23 EVALUATION TOOL FOR TEACHERS THAT IS CONSISTENT WITH THE STATE
24 EVALUATION TOOL, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,
25 OR PUBLIC SCHOOL ACADEMY MAY CONDUCT ANNUAL YEAR-END EVALUATIONS
26 FOR TEACHERS USING THAT LOCAL EVALUATION TOOL.

27 (E) THE PERFORMANCE EVALUATION SYSTEM SHALL ASSIGN AN

1 EFFECTIVENESS RATING TO EACH TEACHER OF HIGHLY EFFECTIVE,
2 EFFECTIVE, MINIMALLY EFFECTIVE, OR INEFFECTIVE, BASED ON HIS OR HER
3 SCORE ON THE ANNUAL YEAR-END EVALUATION DESCRIBED IN THIS
4 SUBSECTION.

5 (F) AS PART OF THE PERFORMANCE EVALUATION SYSTEM, AND IN
6 ADDITION TO THE REQUIREMENTS OF SECTION 1526, A SCHOOL DISTRICT,
7 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IS
8 ENCOURAGED TO ASSIGN A MENTOR OR COACH TO EACH TEACHER WHO IS
9 DESCRIBED IN SUBDIVISION (B).

10 (G) THE PERFORMANCE EVALUATION SYSTEM MAY ALLOW FOR EXEMPTION
11 OF STUDENT GROWTH DATA FOR A PARTICULAR PUPIL FOR A SCHOOL YEAR
12 UPON THE RECOMMENDATION OF THE SCHOOL ADMINISTRATOR CONDUCTING THE
13 ANNUAL YEAR-END EVALUATION OR HIS OR HER DESIGNEE AND APPROVAL OF
14 THE SCHOOL DISTRICT SUPERINTENDENT OR HIS OR HER DESIGNEE,
15 INTERMEDIATE SUPERINTENDENT OR HIS OR HER DESIGNEE, OR CHIEF
16 ADMINISTRATOR OF THE PUBLIC SCHOOL ACADEMY, AS APPLICABLE.

17 (H) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A
18 TEACHER IS RATED AS INEFFECTIVE ON 3 CONSECUTIVE ANNUAL YEAR-END
19 EVALUATIONS, THE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR
20 INTERMEDIATE SCHOOL DISTRICT SHALL DISMISS THE TEACHER FROM HIS OR
21 HER EMPLOYMENT. THIS SUBDIVISION DOES NOT AFFECT THE ABILITY OF A
22 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
23 ACADEMY TO DISMISS AN INEFFECTIVE TEACHER FROM HIS OR HER
24 EMPLOYMENT REGARDLESS OF WHETHER THE TEACHER IS RATED AS
25 INEFFECTIVE ON 3 CONSECUTIVE ANNUAL YEAR-END EVALUATIONS.

26 (I) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A
27 TEACHER IS RATED AS HIGHLY EFFECTIVE ON 3 CONSECUTIVE ANNUAL YEAR-

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1 END EVALUATIONS, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,
2 OR PUBLIC SCHOOL ACADEMY MAY CHOOSE TO CONDUCT A YEAR-END
3 EVALUATION BIENNIALY INSTEAD OF ANNUALLY. HOWEVER, IF A TEACHER IS
4 NOT RATED AS HIGHLY EFFECTIVE ON 1 OF THESE BIENNIAL YEAR-END
5 EVALUATIONS, THE TEACHER SHALL AGAIN BE PROVIDED WITH ANNUAL YEAR-
6 END EVALUATIONS.

<<(J) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A
TEACHER WHO IS NOT IN A PROBATIONARY PERIOD PRESCRIBED BY 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 NOT ALLOW FOR A REVIEW AS DESCRIBED
IN THIS SUBDIVISION MORE THAN TWICE IN A 3-SCHOOL-YEAR PERIOD.>>

7 (3) BEGINNING WITH THE 2013-2014 SCHOOL YEAR, THE BOARD OF A
8 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF
9 DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE
10 PERFORMANCE EVALUATION SYSTEM FOR BUILDING-LEVEL SCHOOL
11 ADMINISTRATORS AND FOR CENTRAL OFFICE-LEVEL SCHOOL ADMINISTRATORS
12 WHO ARE REGULARLY INVOLVED IN INSTRUCTIONAL MATTERS MEETS ALL OF
13 THE FOLLOWING:

14 (A) THE PERFORMANCE EVALUATION SYSTEM SHALL INCLUDE AT LEAST
15 AN ANNUAL YEAR-END EVALUATION FOR ALL SCHOOL ADMINISTRATORS
16 DESCRIBED IN THIS SUBSECTION BY THE SCHOOL DISTRICT SUPERINTENDENT
17 OR HIS OR HER DESIGNEE, INTERMEDIATE SUPERINTENDENT OR HIS OR HER
18 DESIGNEE, OR CHIEF ADMINISTRATOR OF THE PUBLIC SCHOOL ACADEMY, AS
19 APPLICABLE, EXCEPT THAT A SUPERINTENDENT OR CHIEF ADMINISTRATOR
20 SHALL BE EVALUATED BY THE BOARD OR BOARD OF DIRECTORS.

21 (B) FOR THE ANNUAL YEAR-END EVALUATION FOR THE 2013-2014
22 SCHOOL YEAR, AT LEAST 25% OF THE ANNUAL YEAR-END EVALUATION SHALL
23 BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA. FOR THE ANNUAL
24 YEAR-END EVALUATION FOR THE 2014-2015 SCHOOL YEAR, AT LEAST 40% OF
25 THE ANNUAL YEAR-END EVALUATION SHALL BE BASED ON STUDENT GROWTH AND
26 ASSESSMENT DATA. BEGINNING WITH THE ANNUAL YEAR-END EVALUATION FOR
27 THE 2015-2016 SCHOOL YEAR, AT LEAST 50% OF THE ANNUAL YEAR-END

1 EVALUATION SHALL BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA.
2 THE STUDENT GROWTH AND ASSESSMENT DATA TO BE USED FOR THE SCHOOL
3 ADMINISTRATOR ANNUAL YEAR-END EVALUATION ARE THE AGGREGATE STUDENT
4 GROWTH AND ASSESSMENT DATA THAT ARE USED IN TEACHER ANNUAL YEAR-END
5 EVALUATIONS IN EACH SCHOOL IN WHICH THE SCHOOL ADMINISTRATOR WORKS
6 AS AN ADMINISTRATOR OR, FOR A CENTRAL-OFFICE LEVEL SCHOOL
7 ADMINISTRATOR, FOR THE ENTIRE SCHOOL DISTRICT OR INTERMEDIATE
8 SCHOOL DISTRICT.

9 (C) THE PORTION OF THE ANNUAL YEAR-END EVALUATION THAT IS NOT
10 BASED ON STUDENT GROWTH AND ASSESSMENT DATA SHALL BE BASED ON AT
11 LEAST THE FOLLOWING FOR EACH SCHOOL IN WHICH THE SCHOOL
12 ADMINISTRATOR WORKS AS AN ADMINISTRATOR OR, FOR A CENTRAL-OFFICE
13 LEVEL SCHOOL ADMINISTRATOR, FOR THE ENTIRE SCHOOL DISTRICT OR
14 INTERMEDIATE SCHOOL DISTRICT:

15 (i) IF THE SCHOOL ADMINISTRATOR CONDUCTS TEACHER PERFORMANCE
16 EVALUATIONS, THE SCHOOL ADMINISTRATOR'S TRAINING AND PROFICIENCY IN
17 USING THE EVALUATION TOOL FOR TEACHERS DESCRIBED IN SUBSECTION
18 (2) (D), INCLUDING A RANDOM SAMPLING OF HIS OR HER TEACHER
19 PERFORMANCE EVALUATIONS TO ASSESS THE QUALITY OF THE SCHOOL
20 ADMINISTRATOR'S INPUT IN THE TEACHER PERFORMANCE EVALUATION SYSTEM.
21 IF THE SCHOOL ADMINISTRATOR DESIGNATES ANOTHER PERSON TO CONDUCT
22 TEACHER PERFORMANCE EVALUATIONS, THE EVALUATION OF THE SCHOOL
23 ADMINISTRATOR ON THIS FACTOR SHALL BE BASED ON THE DESIGNEE'S
24 TRAINING AND PROFICIENCY IN USING THE EVALUATION TOOL FOR TEACHERS
25 DESCRIBED IN SUBSECTION (2) (D), INCLUDING A RANDOM SAMPLING OF THE
26 DESIGNEE'S TEACHER PERFORMANCE EVALUATIONS TO ASSESS THE QUALITY OF
27 THE DESIGNEE'S INPUT IN THE TEACHER PERFORMANCE EVALUATION SYSTEM,

1 WITH THE DESIGNEE'S PERFORMANCE TO BE COUNTED AS IF IT WERE THE
2 SCHOOL ADMINISTRATOR PERSONALLY CONDUCTING THE TEACHER PERFORMANCE
3 EVALUATIONS.

4 (ii) THE PROGRESS MADE BY THE SCHOOL OR SCHOOL DISTRICT IN
5 MEETING THE GOALS SET FORTH IN THE SCHOOL'S SCHOOL IMPROVEMENT PLAN
6 OR THE SCHOOL DISTRICT'S SCHOOL IMPROVEMENT PLANS.

7 (iii) PUPIL ATTENDANCE IN THE SCHOOL OR SCHOOL DISTRICT.

8 (iv) STUDENT, PARENT, AND TEACHER FEEDBACK, AND OTHER
9 INFORMATION CONSIDERED PERTINENT BY THE SUPERINTENDENT OR OTHER
10 SCHOOL ADMINISTRATOR CONDUCTING THE PERFORMANCE EVALUATION OR THE
11 BOARD OR BOARD OF DIRECTORS.

12 (D) FOR THE PURPOSES OF CONDUCTING PERFORMANCE EVALUATIONS
13 UNDER THE PERFORMANCE EVALUATION SYSTEM, THE SCHOOL DISTRICT,
14 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ADOPT
15 AND IMPLEMENT THE STATE EVALUATION TOOL FOR SCHOOL ADMINISTRATORS
16 DESCRIBED IN THIS SUBSECTION THAT IS REQUIRED UNDER LEGISLATION
17 ENACTED BY THE LEGISLATURE UNDER SUBSECTION (6) AFTER REVIEW OF THE
18 RECOMMENDATIONS CONTAINED IN THE REPORT OF THE GOVERNOR'S COUNCIL
19 ON EDUCATOR EFFECTIVENESS SUBMITTED UNDER SUBSECTION (5). HOWEVER,
20 IF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
21 SCHOOL ACADEMY HAS A LOCAL EVALUATION TOOL FOR SCHOOL
22 ADMINISTRATORS DESCRIBED IN THIS SUBSECTION THAT IS CONSISTENT WITH
23 THE STATE EVALUATION TOOL, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
24 DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY CONDUCT PERFORMANCE
25 EVALUATIONS FOR SCHOOL ADMINISTRATORS USING THAT LOCAL EVALUATION
26 TOOL.

27 (E) THE PERFORMANCE EVALUATION SYSTEM SHALL ASSIGN AN

1 EFFECTIVENESS RATING TO EACH SCHOOL ADMINISTRATOR DESCRIBED IN THIS
2 SUBSECTION OF HIGHLY EFFECTIVE, EFFECTIVE, MINIMALLY EFFECTIVE, OR
3 INEFFECTIVE, BASED ON HIS OR HER SCORE ON THE EVALUATION TOOL
4 DESCRIBED IN SUBDIVISION (D).

5 (F) THE PERFORMANCE EVALUATION SYSTEM SHALL ENSURE THAT IF A
6 SCHOOL ADMINISTRATOR DESCRIBED IN THIS SUBSECTION IS RATED AS
7 MINIMALLY EFFECTIVE OR INEFFECTIVE, THE PERSON OR PERSONS
8 CONDUCTING THE EVALUATION SHALL DEVELOP AND REQUIRE THE SCHOOL
9 ADMINISTRATOR TO IMPLEMENT AN IMPROVEMENT PLAN TO CORRECT THE
10 DEFICIENCIES. THE IMPROVEMENT PLAN SHALL RECOMMEND PROFESSIONAL
11 DEVELOPMENT OPPORTUNITIES AND OTHER MEASURES DESIGNED TO IMPROVE
12 THE RATING OF THE SCHOOL ADMINISTRATOR ON HIS OR HER NEXT ANNUAL
13 YEAR-END EVALUATION.

14 (G) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A
15 SCHOOL ADMINISTRATOR DESCRIBED IN THIS SUBSECTION IS RATED AS
16 INEFFECTIVE ON 3 CONSECUTIVE ANNUAL YEAR-END EVALUATIONS, THE
17 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL
18 DISTRICT SHALL DISMISS THE SCHOOL ADMINISTRATOR FROM HIS OR HER
19 EMPLOYMENT. HOWEVER, THIS SUBDIVISION APPLIES ONLY IF THE 3
20 CONSECUTIVE ANNUAL YEAR-END EVALUATIONS ARE CONDUCTED USING THE
21 SAME EVALUATION TOOL AND UNDER THE SAME PERFORMANCE EVALUATION
22 SYSTEM. THIS SUBDIVISION DOES NOT AFFECT THE ABILITY OF A SCHOOL
23 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY TO
24 DISMISS AN INEFFECTIVE SCHOOL ADMINISTRATOR FROM HIS OR HER
25 EMPLOYMENT REGARDLESS OF WHETHER THE SCHOOL ADMINISTRATOR IS RATED
26 AS INEFFECTIVE ON 3 CONSECUTIVE ANNUAL YEAR-END EVALUATIONS.

27 (H) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A

1 SCHOOL ADMINISTRATOR IS RATED AS HIGHLY EFFECTIVE ON 3 CONSECUTIVE
2 ANNUAL YEAR-END EVALUATIONS, THE SCHOOL DISTRICT, INTERMEDIATE
3 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY CHOOSE TO CONDUCT A
4 YEAR-END EVALUATION BIENNIALY INSTEAD OF ANNUALLY. HOWEVER, IF A
5 SCHOOL ADMINISTRATOR IS NOT RATED AS HIGHLY EFFECTIVE ON 1 OF THESE
6 BIENNIAL YEAR-END EVALUATIONS, THE SCHOOL ADMINISTRATOR SHALL AGAIN
7 BE PROVIDED WITH ANNUAL YEAR-END EVALUATIONS.

8 (4) THE GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS IS
9 CREATED AS A TEMPORARY COMMISSION DESCRIBED IN SECTION 4 OF ARTICLE
10 V OF THE STATE CONSTITUTION OF 1963. ALL OF THE FOLLOWING APPLY TO
11 THE GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS:

12 (A) THE GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS SHALL
13 CONSIST OF THE FOLLOWING 5 VOTING MEMBERS:

14 (i) THE GOVERNOR SHALL APPOINT 3 MEMBERS.

15 (ii) THE SENATE MAJORITY LEADER SHALL APPOINT 1 MEMBER.

16 (iii) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT
17 1 MEMBER.

18 (B) IN ADDITION TO THE MEMBERS APPOINTED UNDER SUBDIVISION
19 (A), THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR HIS OR HER
20 DESIGNEE SHALL SERVE AS A NONVOTING MEMBER.

21 (C) THE MEMBERS APPOINTED UNDER SUBDIVISION (A), AND THE
22 DESIGNEE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION IF HE OR SHE
23 APPOINTS A DESIGNEE, SHALL HAVE EXPERTISE IN 1 OR MORE OF THE
24 FOLLOWING AREAS: PSYCHOMETRICS, MEASUREMENT, PERFORMANCE-BASED
25 EDUCATOR EVALUATION MODELS, EDUCATOR EFFECTIVENESS, OR DEVELOPMENT
26 OF EDUCATOR EVALUATION FRAMEWORKS IN OTHER STATES.

27 (D) NOT LATER THAN OCTOBER 31, 2011, THE GOVERNOR'S COUNCIL ON

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1 EDUCATOR EFFECTIVENESS SHALL CONTRACT WITH 1 OR MORE ADDITIONAL
2 EXPERTS IN THE AREAS DESCRIBED IN SUBDIVISION (C) AS THE COUNCIL
3 CONSIDERS NECESSARY.

<<(E) THE GOVERNOR SHALL APPOINT AN ADVISORY COMMITTEE FOR THE
GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS TO PROVIDE INPUT ON THE
COUNCIL'S RECOMMENDATIONS. THE ADVISORY COMMITTEE SHALL CONSIST OF
PUBLIC SCHOOL TEACHERS, PUBLIC SCHOOL ADMINISTRATORS, AND PARENTS OF
PUBLIC SCHOOL PUPILS.

4 (F)>> THE GOVERNOR'S OFFICE SHALL PROVIDE STAFFING AND SUPPORT
5 FOR THE GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS.

6 (5) NOT LATER THAN APRIL 30, 2012, THE GOVERNOR'S COUNCIL ON
7 EDUCATOR EFFECTIVENESS SHALL SUBMIT TO THE STATE BOARD, THE
8 GOVERNOR, AND THE LEGISLATURE A REPORT THAT IDENTIFIES AND
9 RECOMMENDS ALL OF THE FOLLOWING FOR THE PURPOSES OF THIS SECTION
10 AND THAT INCLUDES RECOMMENDATIONS ON EVALUATION PROCESSES AND OTHER
11 MATTERS RELATED TO THE PURPOSES OF THIS SECTION:

12 (A) A STUDENT GROWTH AND ASSESSMENT TOOL. THE STUDENT GROWTH
13 AND ASSESSMENT TOOL SHALL MEET ALL OF THE FOLLOWING:

14 (i) IS A VALUE-ADDED MODEL THAT TAKES INTO ACCOUNT STUDENT
15 ACHIEVEMENT AND ASSESSMENT DATA, AND IS BASED ON AN ASSESSMENT TOOL
16 THAT HAS BEEN DETERMINED TO BE RELIABLE AND VALID FOR THE PURPOSES
17 OF MEASURING VALUE-ADDED DATA.

18 (ii) IN ADDITION TO MEASURING STUDENT GROWTH IN THE CORE
19 SUBJECT AREAS OF MATHEMATICS, SCIENCE, ENGLISH LANGUAGE ARTS, AND
20 SOCIAL SCIENCE, WILL MEASURE STUDENT GROWTH IN OTHER SUBJECT AREAS.

21 (iii) COMPLIES WITH ALL CURRENT STATE AND FEDERAL LAW FOR
22 STUDENTS WITH A DISABILITY.

23 (iv) HAS AT LEAST A PRE- AND POST-TEST.

24 (v) IS ABLE TO BE USED FOR PUPILS OF ALL ACHIEVEMENT LEVELS.

25 (B) A STATE EVALUATION TOOL FOR TEACHERS. ALL OF THE FOLLOWING
26 APPLY TO THIS RECOMMENDATION:

27 (i) IN ADDITION TO THE STUDENT GROWTH AND ASSESSMENT TOOL, THE

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1 RECOMMENDED STATE EVALUATION TOOL FOR TEACHERS MAY INCLUDE, BUT IS
2 NOT LIMITED TO, INSTRUCTIONAL LEADERSHIP ABILITIES, TEACHER AND
3 PUPIL ATTENDANCE, PROFESSIONAL CONTRIBUTIONS, TRAINING, PROGRESS
4 REPORT ACHIEVEMENT, SCHOOL IMPROVEMENT PLAN PROGRESS, PEER INPUT,
5 AND PUPIL AND PARENT FEEDBACK.

6 (ii) THE COUNCIL SHALL ENSURE THAT THE RECOMMENDED STATE
7 EVALUATION TOOL FOR TEACHERS WILL ALLOW ALL SPECIAL EDUCATION
8 TEACHERS TO BE RATED.

9 (iii) THE COUNCIL SHALL SEEK INPUT FROM SCHOOL DISTRICTS,
10 INTERMEDIATE SCHOOL DISTRICTS, AND PUBLIC SCHOOL ACADEMIES THAT
11 HAVE ALREADY DEVELOPED AND IMPLEMENTED SUCCESSFUL, EFFECTIVE
12 PERFORMANCE EVALUATION SYSTEMS.

13 (C) A STATE EVALUATION TOOL FOR SCHOOL ADMINISTRATORS
14 DESCRIBED IN SUBSECTION (3). IN ADDITION TO THE STUDENT GROWTH AND
15 ASSESSMENT TOOL, THE RECOMMENDED STATE EVALUATION TOOL FOR THESE
16 SCHOOL ADMINISTRATORS MAY INCLUDE, BUT IS NOT LIMITED TO, TEACHER
17 AND PUPIL ATTENDANCE, GRADUATION RATES, PROFESSIONAL CONTRIBUTIONS,
18 TRAINING, PROGRESS REPORT ACHIEVEMENT, SCHOOL IMPROVEMENT PLAN
19 PROGRESS, PEER INPUT, AND PUPIL AND PARENT FEEDBACK.

20 (D) FOR THE PURPOSES OF THE RECOMMENDED STATE EVALUATION TOOLS
21 FOR TEACHERS AND SCHOOL ADMINISTRATORS UNDER SUBDIVISIONS (B) AND
22 (C), RECOMMENDED PARAMETERS FOR THE EFFECTIVENESS RATING CATEGORIES
23 FOR TEACHERS UNDER SUBSECTION (2) (E) AND FOR SCHOOL ADMINISTRATORS
24 UNDER SUBSECTION (3) (E).

<<(E) RECOMMENDED CHANGES TO BE MADE IN THE REQUIREMENTS FOR A
PROFESSIONAL EDUCATION TEACHING CERTIFICATE THAT WILL ENSURE THAT A
TEACHER IS NOT REQUIRED TO COMPLETE ADDITIONAL POSTSECONDARY CREDIT
HOURS BEYOND THE CREDIT HOURS REQUIRED FOR A PROVISIONAL TEACHING
CERTIFICATE.

(F) A PROCESS FOR EVALUATING AND APPROVING LOCAL EVALUATION TOOLS
FOR TEACHERS UNDER SUBSECTION (2) (D) AND SCHOOL ADMINISTRATORS UNDER
SUBSECTION (3) (D).>>

25 (6) IT IS THE INTENT OF THE LEGISLATURE TO REVIEW THE REPORT
26 SUBMITTED BY THE GOVERNOR'S COUNCIL ON EDUCATOR EFFECTIVENESS UNDER
27 SUBSECTION (5) AND TO ENACT APPROPRIATE LEGISLATION TO PUT INTO

1 PLACE A STATEWIDE PERFORMANCE EVALUATION SYSTEM TAKING INTO
2 CONSIDERATION THE RECOMMENDATIONS CONTAINED IN THE REPORT.

3 (7) IF ALL OF THE FOLLOWING APPLY FOR A PUBLIC SCHOOL OPERATED
4 BY A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
5 SCHOOL ACADEMY, THEN THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
6 DISTRICT, OR PUBLIC SCHOOL ACADEMY IS NOT REQUIRED TO COMPLY WITH
7 SUBSECTION (2) OR (3) FOR THAT PUBLIC SCHOOL:

8 (A) AS OF THE EFFECTIVE DATE OF THIS SUBSECTION, THE SCHOOL
9 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
10 HAS ALREADY IMPLEMENTED AND IS CURRENTLY USING A PERFORMANCE
11 EVALUATION SYSTEM FOR THAT PUBLIC SCHOOL THAT MEETS ALL OF THE
12 FOLLOWING REQUIREMENTS:

13 (i) UNDER THE SYSTEM, THE MOST SIGNIFICANT PORTION OF A
14 TEACHER'S OR SCHOOL ADMINISTRATOR'S EVALUATION IS BASED ON STUDENT
15 GROWTH AND ASSESSMENT DATA, WHICH MAY INCLUDE VALUE-ADDED MEASURES.

16 (ii) THE SYSTEM USES RESEARCH-BASED MEASURES TO DETERMINE
17 STUDENT GROWTH, WHICH MAY BE MEASURED BY STANDARDS-BASED,
18 NATIONALLY NORMED ASSESSMENTS.

19 (iii) THE SYSTEM DETERMINES PROFESSIONAL COMPETENCE THROUGH
20 MULTIPLE DIRECT OBSERVATIONS OF CLASSROOM PRACTICES AND
21 PROFESSIONAL PRACTICES THROUGHOUT THE SCHOOL YEAR.

22 (iv) UNDER THE SYSTEM, TEACHER EFFECTIVENESS AND RATINGS, AS
23 MEASURED BY STUDENT ACHIEVEMENT AND GROWTH DATA, ARE FACTORED INTO
24 TEACHER RETENTION, PROMOTION, AND TERMINATION DECISIONS.

25 (v) UNDER THE SYSTEM, TEACHER AND SCHOOL ADMINISTRATOR
26 PERFORMANCE EVALUATION RESULTS ARE USED TO INFORM TEACHER
27 PROFESSIONAL DEVELOPMENT FOR THE SUCCEEDING YEAR.

1 (vi) THE SYSTEM ENSURES THAT TEACHERS AND SCHOOL ADMINISTRATORS
2 ARE EVALUATED AT LEAST ANNUALLY.

3 (B) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
4 PUBLIC SCHOOL ACADEMY NOTIFIES THE GOVERNOR'S COUNCIL ON EDUCATOR
5 EFFECTIVENESS BY NOVEMBER 1, 2011 THAT IT IS EXEMPT UNDER THIS
6 SUBSECTION FROM THE REQUIREMENTS OF SUBSECTIONS (2) AND (3).

7 (C) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
8 PUBLIC SCHOOL ACADEMY POSTS A DESCRIPTION OF ITS EVALUATION SYSTEM
9 ON ITS WEBSITE.

10 (8) IF, AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, A SCHOOL
11 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
12 BEGINS OPERATING A NEW PUBLIC SCHOOL, OR IMPLEMENTS A NEW
13 PERFORMANCE EVALUATION SYSTEM FOR A PUBLIC SCHOOL IT OPERATES, AND
14 ALL OF THE FOLLOWING APPLY, THEN THE SCHOOL DISTRICT, INTERMEDIATE
15 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IS NOT REQUIRED TO COMPLY
16 WITH SUBSECTION (2) OR (3) FOR THAT PUBLIC SCHOOL:

17 (A) THE PERFORMANCE EVALUATION SYSTEM ADOPTED AND IMPLEMENTED
18 FOR THAT PUBLIC SCHOOL REPLICATES AND IS IDENTICAL TO THE
19 PERFORMANCE EVALUATION SYSTEM OF A PUBLIC SCHOOL THAT IS EXEMPT
20 UNDER SUBSECTION (7).

21 (B) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
22 PUBLIC SCHOOL ACADEMY POSTS A DESCRIPTION OF THE PERFORMANCE
23 EVALUATION SYSTEM ON ITS WEBSITE.

24 (9) ~~(2)~~—If a collective bargaining agreement is in effect for
25 teachers or school administrators of a school district, public
26 school academy, or intermediate school district as of ~~January 4,~~
27 ~~2010,~~ THE EFFECTIVE DATE OF THE 2011 AMENDATORY ACT THAT AMENDED

1 **THIS SUBSECTION**, and if that collective bargaining agreement
2 prevents compliance with subsection (1), then subsection (1) does
3 not apply to that school district, public school academy, or
4 intermediate school district until after the expiration of that
5 collective bargaining agreement.

6 (10) ~~(3)~~—A school district, intermediate school district, or
7 public school academy shall continue to conduct the evaluations for
8 school principals that are currently required by the department
9 through the 2010-2011 school year. At the end of the 2010-2011
10 school year, a school district, intermediate school district, or
11 public school academy shall report the most recently completed or
12 determined "effectiveness label" from that evaluation for each
13 principal who is in place for 2010-2011, in a form and manner
14 prescribed by the department.

15 **SEC. 1249A. BEGINNING IN 2015-2016, IF A PUPIL IS ASSIGNED TO**
16 **BE TAUGHT BY A TEACHER WHO HAS BEEN RATED AS INEFFECTIVE ON HIS OR**
17 **HER 2 MOST RECENT ANNUAL YEAR-END EVALUATIONS UNDER SECTION 1249,**
18 **THE BOARD OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR**
19 **BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY IN WHICH THE PUPIL**
20 **IS ENROLLED SHALL NOTIFY THE PUPIL'S PARENT OR LEGAL GUARDIAN THAT**
21 **THE PUPIL HAS BEEN ASSIGNED TO A TEACHER WHO HAS BEEN RATED AS**
22 **INEFFECTIVE ON HIS OR HER 2 MOST RECENT ANNUAL YEAR-END**
23 **EVALUATIONS. THE NOTIFICATION SHALL BE IN WRITING, SHALL BE**
24 **DELIVERED TO THE PARENT OR LEGAL GUARDIAN NOT LATER THAN JULY 15**
25 **IMMEDIATELY PRECEDING THE BEGINNING OF THE SCHOOL YEAR FOR WHICH**
26 **THE PUPIL IS ASSIGNED TO THE TEACHER, AND SHALL IDENTIFY THE**
27 **TEACHER WHO IS THE SUBJECT OF THE NOTIFICATION.**

1 Enacting section 1. This amendatory act does not take effect
2 unless all of the following bills of the 96th Legislature are
3 enacted into law:

4 (a) House Bill No. 4625.

5 (b) House Bill No. 4626.

6 (c) House Bill No. 4628.