

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.