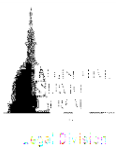


HOUSE BILL NO. 4904

September 03, 2019, Introduced by Reps. Camilleri, Elder, Clemente, Sneller, Cherry, Chirkun, Sabo, Lasinski, Pohutsky, Brenda Carter, Kennedy, Garza, Sowerby, Hood, Rabhi, Stone, Tate, Shannon, Hope, Witwer, Gay-Dagnogo, Brixie, Koleszar, Ellison, Warren, Anthony, Manoogian, Whitsett, Kuppa, Bolden, Pagan, Robinson, Guerra, Wittenberg, Hammoud, Haadsma, Hoadley, Yancey, Cynthia Johnson, Greig, Hertel and Garrett and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1249, 1249a, 1249b, 1250, 1280f, 1531j, and 1531k (MCL 380.1249, 380.1249a, 380.1249b, 380.1250, 380.1280f, 380.1531j, and 380.1531k), section 1249 as amended by 2019 PA 6, section 1249a as amended by 2015 PA 173, section 1249b as amended by 2019 PA 5, section 1250 as amended by 2018 PA 601, section 1280f as added by 2016 PA 306, and sections 1531j and 1531k as amended by 2018 PA 234.



THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1249. (1) ~~Subject to subsection (4), with~~ **With** the
2 involvement of teachers and school administrators, the board of a
3 school district or intermediate school district or board of
4 directors of a public school academy shall adopt and implement for
5 all teachers and school administrators a rigorous, transparent, and
6 fair performance evaluation system that does all of the following:

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

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

13 (c) Evaluates a teacher's or school administrator's job
14 performance, using ~~multiple~~ **2** rating categories that take into
15 account student growth and assessment data. Student growth must be
16 measured using multiple measures that may include student learning
17 objectives, achievement of individualized education program goals,
18 ~~nationally normed or~~ locally developed assessments that are aligned
19 to state standards, research-based growth measures, or alternative
20 assessments that are rigorous and comparable across schools within
21 the school district, intermediate school district, or public school
22 academy. If the performance evaluation system implemented by a
23 school district, intermediate school district, or public school
24 academy under this section does not already include the rating of
25 teachers as ~~highly effective, effective, minimally effective, and~~
26 ~~ineffective, and needing support~~ then the school district,
27 intermediate school district, or public school academy shall revise
28 the performance evaluation system not later than ~~September 19, 2011~~



January 1, 2020 to ensure that it rates teachers as ~~highly effective, effective, minimally effective, or ineffective.~~
needing support.

(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) 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~~ **Subject to section 3a of article II of 1937 (Ex Sess) PA 4, MCL 38.83a, the** performance evaluation system must include at least an annual year-end evaluation for all teachers **who are rated as needing support.** ~~An annual~~ **Subject to section 3a of article II of 1937 (Ex Sess) PA 4, MCL 38.83a, the performance evaluation system must include a year-end evaluation once every 3 years for all teachers who are rated as effective. The** year-end evaluation must meet all of the following:



1 (i) ~~For the 2018-2019 school year, 25%~~ **Twenty-five percent** of
2 the ~~annual-year-end~~ evaluation must be based on student growth and
3 assessment data. ~~Beginning with the 2019-2020 school year, 40% of~~
4 ~~the annual-year-end evaluation must be based on student growth and~~
5 ~~assessment data.~~

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

17 (iii) The portion of a teacher's ~~annual-year-end~~ evaluation that
18 is not based on student growth and assessment data, as described
19 under subparagraph (i), must be based primarily on a teacher's
20 performance as measured by the evaluation tool developed or adopted
21 by the school district, intermediate school district, or public
22 school academy under subdivision (f).

23 (iv) The portion of a teacher's evaluation that is not measured
24 using student growth and assessment data, as described under
25 subparagraph (i), or using the evaluation tool developed or adopted
26 by the school district, intermediate school district, or public
27 school academy, as described under subparagraph (iii), must
28 incorporate criteria enumerated in section ~~1248(1)(b)(i)~~



1 **1248(1) (a) (i)** to (iii) that are not otherwise evaluated under
2 subparagraph (i) or (iii).

3 (b) If there are student growth and assessment data available
4 for a teacher for at least 3 school years, the ~~annual~~-year-end
5 evaluation must be based on the student growth and assessment data
6 for the most recent 3-consecutive-school-year period. If there are
7 not student growth and assessment data available for a teacher for
8 at least 3 school years, the ~~annual~~-year-end evaluation must be
9 based on all student growth and assessment data that are available
10 for the teacher.

11 (c) The ~~annual~~-year-end evaluation must include specific
12 performance goals that will assist in improving effectiveness for
13 the next school year and are developed by the school administrator
14 or his or her designee conducting the evaluation, in consultation
15 with the teacher, and any recommended training identified by the
16 school administrator or designee, in consultation with the teacher,
17 that would assist the teacher in meeting these goals. For a teacher
18 described in subdivision (d), the school administrator or designee
19 shall develop, in consultation with the teacher, an individualized
20 development plan that includes these goals and training and is
21 designed to assist the teacher to improve his or her effectiveness.

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



1 of the following apply to the midyear progress report:

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

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

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

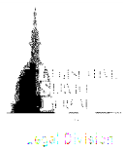
16 (iv) The midyear progress report must not take the place of ~~an~~
17 ~~annual~~ a year-end evaluation.

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

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

24 (ii) A classroom observation ~~does not have to~~ **should** be for an
25 entire class period.

26 (iii) ~~Unless a teacher has received a rating of effective or~~
27 ~~highly effective on his or her 2 most recent annual year-end~~
28 ~~evaluations, there~~ **There** must be at least 2 **scheduled** classroom
29 observations of the teacher each school year **in which the teacher**



1 **is evaluated.** ~~At least 1 observation must be unscheduled.~~

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

8 (v) A school district, intermediate school district, or public
9 school academy shall ensure that, within 30 days after each
10 observation, the teacher is provided with **written** feedback from the
11 observation.

12 (f) For the purposes of conducting ~~annual~~ year-end evaluations
13 under the performance evaluation system, ~~by the beginning of the~~
14 ~~2016-2017 school year,~~ the school district, intermediate school
15 district, or public school academy shall adopt and implement 1 or
16 more of the evaluation tools for teachers that are included on the
17 list under subsection ~~(5).~~ **(4)**. However, if a school district,
18 intermediate school district, or public school academy has 1 or
19 more local evaluation tools for teachers or modifications of an
20 evaluation tool on the list under subsection ~~(5),~~ **(4)**, and the
21 school district, intermediate school district, or public school
22 academy complies with subsection (3), the school district,
23 intermediate school district, or public school academy may conduct
24 ~~annual~~ year-end evaluations for teachers using 1 or more local
25 evaluation tools or modifications. The evaluation tools must be
26 used consistently among the schools operated by a school district,
27 intermediate school district, or public school academy so that all
28 similarly situated teachers are evaluated using the same evaluation
29 tool.



1 (g) The performance evaluation system must assign ~~an~~
2 ~~effectiveness~~ a rating to each teacher of ~~highly effective,~~
3 ~~effective , minimally effective, or ineffective,~~ **or needing support**
4 based on his or her score on the ~~annual~~ year-end evaluation
5 described in this subsection.

6 (h) As part of the performance evaluation system, and in
7 addition to the requirements of section 1526, a school district,
8 intermediate school district, or public school academy is
9 encouraged to assign a mentor or coach to each teacher who is
10 described in subdivision (d).

11 (i) The performance evaluation system may allow for exemption
12 of student growth data for a particular pupil for a school year
13 upon the recommendation of the school administrator conducting the
14 ~~annual~~ year-end evaluation or his or her designee and approval of
15 the school district superintendent or his or her designee,
16 intermediate superintendent or his or her designee, or chief
17 administrator of the public school academy, as applicable.

18 ~~(j) The performance evaluation system must provide that, if a~~
19 ~~teacher is rated as ineffective on 3 consecutive annual year-end~~
20 ~~evaluations, the school district, intermediate school district, or~~
21 ~~public school academy shall dismiss the teacher from his or her~~
22 ~~employment. This subdivision does not affect the ability of a~~
23 ~~school district, intermediate school district, or public school~~
24 ~~academy to dismiss a teacher from his or her employment regardless~~
25 ~~of whether the teacher is rated as ineffective on 3 consecutive~~
26 ~~annual year-end evaluations.~~

27 ~~(k) The performance evaluation system must provide that, if a~~
28 ~~teacher is rated as highly effective on 3 consecutive annual year-~~
29 ~~end evaluations, the school district, intermediate school district,~~

~~or public school academy may choose to conduct a year-end evaluation biennially instead of annually. However, if a teacher is not rated as highly effective on 1 of these biennial year-end evaluations, the teacher shall again be provided with annual year-end evaluations.~~

(j) ~~(h)~~ The performance evaluation system must 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~~ **needing support** on an ~~annual~~ a 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 must not allow for a review as described in this subdivision more than twice in a 3-school-year period.~~ **The school district superintendent, intermediate superintendent, or chief administrator of the public school academy, as applicable, shall complete a review under this subsection and issue a written response regarding his or her findings to the teacher who requested the review not later than 30 days after receipt of the request for a review and before making any modifications under this subsection. If a teacher rated as needing support is not satisfied with a review under this subsection, not later than 60 days after the teacher receives a**



1 written response as described in the immediately preceding
2 sentence, the teacher may submit a request to the school district,
3 intermediate school district, or public school academy for binding
4 arbitration to challenge the evaluation and his or her rating. Once
5 a request for binding arbitration under this subsection is received
6 by a school district, intermediate school district, or public
7 school academy, the board of the school district or intermediate
8 school district or board of directors of the public school academy
9 shall ensure that a binding arbitration regarding the evaluation
10 and the teacher's rating is conducted. The school district,
11 intermediate school district, or public school academy is
12 responsible for 50% of the costs of a binding arbitration under
13 this subsection and the teacher who requests a binding arbitration
14 under this subsection is responsible for the remaining 50% of the
15 costs of the binding arbitration. The arbitrator for a binding
16 arbitration under this subsection must be selected pursuant to
17 rules of the American Arbitration Association. A teacher has the
18 right to be represented by an attorney during a binding arbitration
19 described under this subsection. A binding arbitration under this
20 subsection may be conducted publicly or privately at the discretion
21 of the teacher who requests binding arbitration under this
22 subsection. A school district's, intermediate school district's, or
23 public school academy's failure to comply with this section is
24 conclusive evidence of a teacher's effectiveness.

25 (k) ~~(m)~~—The school district, intermediate school district, or
26 public school academy shall provide training to teachers on the
27 evaluation tool or tools used by the school district, intermediate
28 school district, or public school academy in its performance
29 evaluation system and on how each evaluation tool is used. This



1 training may be provided by a school district, intermediate school
2 district, or public school academy, or by a consortium consisting
3 of 2 or more of these.

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

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

21 (a) The research base for the evaluation framework,
22 instrument, and process or, if the school district, intermediate
23 school district, or public school academy adapts or modifies an
24 evaluation tool from the list under subsection ~~(5)~~, **(4)**, the
25 research base for the listed evaluation tool and an assurance that
26 the adaptations or modifications do not compromise the validity of
27 that research base.

28 (b) The identity and qualifications of the author or authors
29 or, if the school district, intermediate school district, or public



1 school academy adapts or modifies an evaluation tool from the list
 2 under subsection ~~(5)~~, **(4)**, the identity and qualifications of a
 3 person with expertise in teacher evaluations who has reviewed the
 4 adapted or modified evaluation tool.

5 (c) Either evidence of reliability, validity, and efficacy or
 6 a plan for developing that evidence or, if the school district,
 7 intermediate school district, or public school academy adapts or
 8 modifies an evaluation tool from the list under subsection ~~(5)~~,
 9 **(4)**, an assurance that the adaptations or modifications do not
 10 compromise the reliability, validity, or efficacy of the evaluation
 11 tool or the evaluation process.

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

14 (e) A description of the processes for conducting classroom
 15 observations, collecting evidence, conducting evaluation
 16 conferences, developing performance ratings, and developing
 17 performance improvement plans.

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

20 ~~(4) If a collective bargaining agreement was in effect for~~
 21 ~~teachers or school administrators of a school district,~~
 22 ~~intermediate school district, or public school academy as of July~~
 23 ~~19, 2011, if that same collective bargaining agreement is still in~~
 24 ~~effect as of November 5, 2015, and if that collective bargaining~~
 25 ~~agreement prevents compliance with subsection (1), then subsection~~
 26 ~~(1) does not apply to that school district, intermediate school~~
 27 ~~district, or public school academy until after the expiration of~~
 28 ~~that collective bargaining agreement.~~

29 **(4)** ~~(5)~~ The department shall establish and maintain a list of



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

20 (5) ~~(6)~~—The training required under subsection (2) must be
 21 paid for from the funds available in the educator evaluation
 22 reserve fund created under section 95a of the state school aid act
 23 of 1979, MCL 388.1695a.

24 ~~(7) This section does not affect the operation or~~
 25 ~~applicability of section 1248.~~

26 (6) ~~(8)~~—As used in this section, "teacher" means an individual
 27 who has a valid Michigan teaching certificate or authorization or
 28 who is engaged to teach under section 1233b; who is employed, or
 29 contracted for, by a school district, intermediate school district,



or public school academy; and who is assigned by the school district, intermediate school district, or public school academy to deliver direct instruction to pupils in any of grades K to 12 as a teacher of record.

Sec. 1249a. (1) ~~Beginning with the 2018-2019 school year,~~
~~subject~~ **Subject** to subsection (2), a school district, intermediate school district, or public school academy shall not assign a pupil to be taught in the same subject area for 2 consecutive years by a teacher who has been rated as ~~ineffective~~ **needing support** on his or her 2 most recent ~~annual~~-year-end evaluations under section 1249.

(2) ~~Beginning with the 2018-2019 school year, if~~ **If** a school district, intermediate school district, or public school academy is unable to comply with subsection (1) and plans to assign a pupil to be taught in the same subject area for 2 consecutive years by a teacher who has been rated as ~~ineffective~~ **needing support** on his or her 2 most recent ~~annual~~-year-end evaluations under section 1249, the board of the school district or intermediate school district or board of directors of the public school academy in which the pupil is enrolled shall notify the pupil's parent or legal guardian that the board or board of directors is unable to comply with subsection (1) and that the pupil has been assigned to be taught in the same subject area for a second consecutive year by a teacher who has been rated as ~~ineffective~~ **needing support** on his or her 2 most recent ~~annual~~-year-end evaluations. The ~~notification~~ **board or board of directors** shall ~~be~~ **ensure that the notification under this subsection is** in writing, ~~shall be and~~ delivered to the parent or legal guardian not later than July 15 immediately preceding the beginning of the school year for which the pupil is assigned to the teacher, ~~and shall include that the notification includes~~ an



1 explanation of why the board or board of directors is unable to
2 comply with subsection (1).

3 Sec. 1249b. (1) The board of a school district or intermediate
4 school district or board of directors of a public school academy
5 shall ensure that the performance evaluation system for building-
6 level school administrators and for central-office-level school
7 administrators who are regularly involved in instructional matters
8 meets all of the following:

9 (a) The performance evaluation system must include at least an
10 annual evaluation for all school administrators described in this
11 subsection **who are rated as needing support to be conducted** by the
12 school district superintendent or his or her designee, intermediate
13 superintendent or his or her designee, or chief administrator of
14 the public school academy, as applicable. **The performance**
15 **evaluation system must include a year-end evaluation once every 3**
16 **years for all school administrators described in this subsection**
17 **who are rated as effective to be conducted by the school district**
18 **superintendent or his or her designee, intermediate superintendent**
19 **or his or her designee, or chief administrator of the public school**
20 **academy, as applicable.** However, a superintendent or chief
21 administrator ~~shall~~**must** be evaluated by the board or board of
22 directors or, if the superintendent or chief administrator is not
23 employed directly by the board or board of directors, by the
24 designee of the board or board of directors.

25 (b) ~~For the 2018-2019 school year, 25%~~**Twenty-five percent** of
26 the ~~annual~~ evaluation must be based on student growth and
27 assessment data. ~~Beginning with the 2019-2020 school year, 40% of~~
28 ~~the annual evaluation must be based on student growth and~~
29 ~~assessment data.~~ The student growth and assessment data to be used



1 for the school administrator ~~annual~~-evaluation are the aggregate
2 student growth and assessment data that are used in teacher ~~annual~~
3 year-end evaluations in each school in which the school
4 administrator works as an administrator or, for a central-office-
5 level school administrator, for the entire school district or
6 intermediate school district.

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

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

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



1 school district, intermediate school district, or public school
2 academy under section 1249, with the designee's performance to be
3 counted as if it were the school administrator personally
4 conducting the teacher performance evaluations.

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

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

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

13 (e) For the purposes of conducting ~~annual~~ evaluations under
14 the performance evaluation system, ~~by the beginning of the 2016-~~
15 ~~2017 school year,~~ the school district, intermediate school
16 district, or public school academy shall adopt and implement 1 or
17 more of the evaluation tools for school administrators that are
18 included on the list under subsection (3). However, if a school
19 district, intermediate school district, or public school academy
20 has 1 or more local evaluation tools for school administrators or
21 modifications of an evaluation tool on the list under subsection
22 (3), and the school district, intermediate school district, or
23 public school academy complies with subsection (2), the school
24 district, intermediate school district, or public school academy
25 may conduct ~~annual~~ year-end evaluations for school administrators
26 using 1 or more local evaluation tools or modifications.

27 (f) The evaluation tool and other measures used by the school
28 district, intermediate school district, or public school academy in
29 its performance evaluation system for school administrators must be



1 used consistently across the schools operated by a school district,
2 intermediate school district, or public school academy so that all
3 similarly situated school administrators are evaluated using the
4 same measures.

5 (g) The performance evaluation system must assign an
6 effectiveness rating to each school administrator described in this
7 subsection of ~~highly effective, effective , minimally effective, or~~
8 ~~ineffective.~~ **or needing support.**

9 (h) The performance evaluation system must ensure that if a
10 school administrator described in this subsection is rated as
11 ~~minimally effective or ineffective,~~ **needing support,** the person or
12 persons conducting the evaluation shall develop and require the
13 school administrator to implement an improvement plan to correct
14 the deficiencies. The improvement plan must recommend professional
15 development opportunities and other actions designed to improve the
16 rating of the school administrator on his or her next ~~annual~~
17 evaluation.

18 ~~(i) The performance evaluation system must provide that, if a~~
19 ~~school administrator described in this subsection is rated as~~
20 ~~ineffective on 3 consecutive annual evaluations, the school~~
21 ~~district, intermediate school district, or public school academy~~
22 ~~shall dismiss the school administrator from his or her employment.~~
23 ~~This subdivision does not affect the ability of a school district,~~
24 ~~intermediate school district, or public school academy to dismiss a~~
25 ~~school administrator from his or her employment regardless of~~
26 ~~whether the school administrator is rated as ineffective on 3~~
27 ~~consecutive annual evaluations.~~

28 ~~(j) The performance evaluation system must provide that, if a~~
29 ~~school administrator is rated as highly effective on 3 consecutive~~



~~1 annual evaluations, the school district, intermediate school
2 district, or public school academy may choose to conduct an
3 evaluation biennially instead of annually. However, if a school
4 administrator is not rated as highly effective on 1 of these
5 biennial evaluations, the school administrator shall again be
6 provided with annual evaluations.~~

7 (i) ~~(k)~~ The school district, intermediate school district, or
8 public school academy shall provide training to school
9 administrators on the measures used by the school district,
10 intermediate school district, or public school academy in its
11 performance evaluation system for school administrators and on how
12 each of the measures is used. This training may be provided by a
13 school district, intermediate school district, or public school
14 academy, or by a consortium consisting of 2 or more of these.

15 (j) ~~(l)~~ A school district, intermediate school district, or
16 public school academy shall ensure that training is provided to all
17 evaluators and observers. The training must be provided by an
18 individual who has expertise in the evaluation tool or tools used
19 by the school district, intermediate school district, or public
20 school academy, which may include either a consultant on that
21 evaluation tool or framework or an individual who has been trained
22 to train others in the use of the evaluation tool or tools. This
23 subdivision does not prohibit a school district, intermediate
24 school district, public school academy, or consortium consisting of
25 2 or more of these, from providing the training in the use of the
26 evaluation tool or tools if the trainer has expertise in the
27 evaluation tool or tools.

28 (2) A school district, intermediate school district, or public
29 school academy shall post on its public website all of the



1 following information about the measures it uses for its
2 performance evaluation system for school administrators:

3 (a) The research base for the evaluation framework,
4 instrument, and process or, if the school district, intermediate
5 school district, or public school academy adapts or modifies an
6 evaluation tool from the list under subsection (3), the research
7 base for the listed evaluation tool and an assurance that the
8 adaptations or modifications do not compromise the validity of that
9 research base.

10 (b) The identity and qualifications of the author or authors
11 or, if the school district, intermediate school district, or public
12 school academy adapts or modifies an evaluation tool from the list
13 under subsection (3), the identity and qualifications of a person
14 with expertise in teacher evaluations who has reviewed the adapted
15 or modified evaluation tool.

16 (c) Either evidence of reliability, validity, and efficacy or
17 a plan for developing that evidence or, if the school district,
18 intermediate school district, or public school academy adapts or
19 modifies an evaluation tool from the list under subsection (3), an
20 assurance that the adaptations or modifications do not compromise
21 the reliability, validity, or efficacy of the evaluation tool or
22 the evaluation process.

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

25 (e) A description of the processes for collecting evidence,
26 conducting evaluation conferences, developing performance ratings,
27 and developing performance improvement plans.

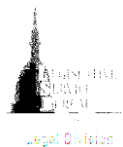
28 (f) A description of the plan for providing evaluators and
29 observers with training.



(3) The department shall establish and maintain a list of school administrator evaluation tools that have demonstrated evidence of efficacy and that may be used for the purposes of this section. That list initially must include at least the 2 evaluation models recommended in the final recommendations released by the Michigan council on educator effectiveness in July 2013. The list must include a statement indicating that school districts, intermediate school districts, and public school academies are not limited to only using the evaluation tools that are included on the list. A school district, intermediate school district, or public school academy is not required to use an evaluation tool for school administrator evaluations that is the same as it uses for teacher evaluations or that has the same author or authors as the evaluation tool it uses for teacher evaluations. The department shall promulgate rules establishing standards and procedures for adding an evaluation tool to or removing an evaluation tool from the list. These rules must include a process for a school district, intermediate school district, or public school academy to submit its own evaluation tool for review for placement on the list.

(4) The training required under subsection (1) must be paid for from the funds available in the educator evaluation reserve fund created under section 95a of the state school aid act of 1979, MCL 388.1695a.

Sec. 1250. (1) Except as otherwise provided in this section, a school district, ~~public school academy, or intermediate school district,~~ **or public school academy** shall implement and maintain a method of compensation for its teachers and school administrators that includes job performance and job accomplishments as a significant factor in determining compensation and additional



1 compensation. The assessment of job performance ~~shall~~**must**
2 incorporate a rigorous, transparent, and fair evaluation system
3 that evaluates a teacher's or school administrator's performance at
4 least in part based upon data on student growth as measured by
5 assessments and other objective criteria.

6 (2) If a collective bargaining agreement is in effect for
7 teachers or school administrators of a school district, public
8 school academy, or intermediate school district as of January 4,
9 2010, and if that collective bargaining agreement prevents
10 compliance with subsection (1), then subsection (1) does not apply
11 to that school district, ~~public school academy, or intermediate~~
12 school district, **or public school academy** until after the
13 expiration of that collective bargaining agreement.

14 (3) For teachers and school administrators who are hired by a
15 community district after September 1, 2019, the community district
16 shall implement and maintain a method of compensation that includes
17 job performance and job accomplishments as the primary factor in
18 determining compensation and additional compensation. A teacher's
19 or school administrator's job performance ~~shall~~**must** be evaluated
20 based on the teacher's ~~annual~~ evaluation under section 1249 or the
21 school administrator's ~~annual~~ evaluation under section 1249b, as
22 applicable.

23 (4) For teachers and school administrators who are hired by a
24 community district after September 1, 2019, the community district
25 shall not use length of service or achievement of an advanced
26 degree as a factor in compensation levels or adjustments in
27 compensation except as follows:

28 (a) For a teacher with a secondary level teaching certificate
29 who has a subject area endorsement and who teaches in that subject



1 area, an advanced degree achieved in that subject area may be
2 considered as a factor in the teacher's base compensation.

3 (b) For a teacher with an elementary level teaching
4 certificate who teaches in an elementary grade, an advanced degree
5 in elementary education may be considered as a factor in the
6 teacher's base compensation.

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

11 (a) Approve 3 or more valid and reliable screening, formative,
12 and diagnostic reading assessment systems for selection and use by
13 school districts and public school academies in accordance with the
14 following:

15 (i) Each approved assessment system ~~shall~~**must** provide a
16 screening assessment, monitoring capabilities for monitoring
17 progress toward a growth target, and a diagnostic assessment.

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

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

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

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

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

29 (i) An early literacy coach shall support and provide initial



1 and ongoing professional development to teachers in all of the
2 following:

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

6 (B) Administering and analyzing instructional assessments.

7 (C) Providing differentiated instruction and intensive
8 intervention.

9 (D) Using progress monitoring.

10 (E) Identifying and addressing reading deficiency.

11 (ii) An early literacy coach shall also do all of the
12 following:

13 (A) Model effective instructional strategies for teachers.

14 (B) Facilitate study groups.

15 (C) Train teachers in data analysis and using data to
16 differentiate instruction.

17 (D) Coach and mentor colleagues.

18 (E) Work with teachers to ensure that evidence-based reading
19 programs such as comprehensive core reading programs, supplemental
20 reading programs, and comprehensive intervention reading programs
21 are implemented with fidelity.

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

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

28 (H) Help to increase instructional density to meet the needs
29 of all pupils.



1 (I) Help lead and support reading leadership teams at the
2 school.

3 (J) Continue to increase his or her knowledge base in best
4 practices in reading instruction and intervention.

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

8 (iii) In the context of performing the functions described in
9 subparagraph (ii), an early literacy coach shall not be asked to
10 perform administrative functions that will confuse his or her role
11 for teachers.

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

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

14 (B) Have sufficient knowledge of scientifically based reading
15 research, special expertise in quality reading instruction and
16 infusing reading strategies into content area instruction, and data
17 management skills.

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

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

22 (v) An early literacy coach shall not be assigned a regular
23 classroom teaching assignment, but shall be expected to work
24 frequently with pupils in whole and small group instruction or
25 tutoring in the context of modeling and coaching in or outside of
26 teachers' classrooms.

27 (2) Subject to subsection (14), beginning in the 2017-2018
28 school year, the board of a school district or board of directors
29 of a public school academy shall do all of the following to ensure



1 that more pupils will achieve a score of at least proficient in
2 English language arts on the grade 3 state assessment:

3 (a) Select 1 valid and reliable screening, formative, and
4 diagnostic reading assessment system from the assessment systems
5 approved by the department under subsection (1)(a). A school
6 district or public school academy shall use this assessment system
7 for pupils in grades K to 3 to screen and diagnose difficulties,
8 inform instruction and intervention needs, and assess progress
9 toward a growth target. A school district or public school academy
10 periodically shall assess a pupil's progress in reading skills at
11 least 3 times per school year in grades K to 3. The first of these
12 assessments for a school year ~~shall~~**must** be conducted within the
13 first 30 school days of the school year.

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

27 (c) If a pupil in grades K to 3 is identified as having an
28 early literacy delay or reading deficiency, provide written notice
29 to the pupil's parent or legal guardian of the delay or reading



1 deficiency in writing and provide tools to assist the parent or
2 legal guardian to engage in intervention and to address or correct
3 any reading deficiency at home.

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

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

9 (ii) Differentiate and intensify professional development for
10 teachers based on data gathered by monitoring teacher progress in
11 improving pupil proficiency rates among their pupils.

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

14 (iv) Ensure that time is provided for teachers to meet for
15 professional development.

16 (e) Utilize, at least, early literacy coaches provided through
17 the intermediate school district in which the school district or
18 public school academy is located, as provided for under section
19 35a(4) of the state school aid act of 1979, MCL 388.1635a. However,
20 a public school academy may use an early literacy coach provided by
21 the public school academy, at the expense of the public school
22 academy, rather than using an early literacy coach provided through
23 an intermediate school district if the early literacy coach and the
24 usage of the early literacy coach otherwise meet the requirements
25 of this section.

26 (3) Subject to subsection (14), a school district or public
27 school academy shall provide reading intervention programs for
28 pupils in grades K to 3, including at least all of the following:

29 (a) For pupils who exhibit a reading deficiency, a reading



1 intervention program intended to ensure that pupils are proficient
2 readers by the end of grade 3 and that includes some or all of the
3 following features:

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

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

10 (iii) Provides evidence-based core reading instruction that is
11 comprehensive and meets the majority of the general education
12 classroom needs.

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

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

17 (B) Provides intensive development in the 5 major reading
18 components: phonemic awareness, phonics, fluency, vocabulary, and
19 comprehension.

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

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

23 (v) Provides parents, legal guardians, or other providers of
24 care for the pupil with a "Read at Home" plan, including parent,
25 guardian, or care provider training workshops and regular home
26 reading.

27 (vi) Documents efforts by the pupil's school to engage the
28 pupil's parent or legal guardian and whether or not those efforts
29 were successful.



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

(b) For grade 3 pupils exhibiting a reading deficiency as determined by the pupil's teacher through the diagnostic reading assessment system selected by the school district or public school academy under subsection (2) (a), a reading intervention program intended to correct the identified area or areas of reading deficiency and that includes all of the following features as needed by the individual pupil:

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

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

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

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

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

(vi) Provides parents, legal guardians, or other providers of care for a pupil with a "Read at Home" plan, including parent,



1 guardian, or care provider training workshops and regular home
2 reading.

3 (vii) Documents efforts by the pupil's school to engage the
4 pupil's parent or legal guardian and whether or not those efforts
5 were successful.

6 (viii) Documents any dissenting opinions expressed by school
7 personnel or a parent or legal guardian concerning the individual
8 reading improvement plan provided for the pupil under subsection
9 (2) (b) .

10 (c) Subject to subsection (15), for pupils identified as
11 English language learners by the pupil's teacher or by the
12 diagnostic reading assessment selected by the school district or
13 public school academy under subsection (2) (a), intervention
14 services that include at least all of the following:

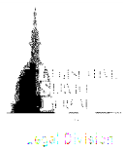
15 (i) Ongoing assessments that provide actionable data for
16 teachers to use in interventions.

17 (ii) Instruction in academic vocabulary.

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

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

22 (4) For all pupils exhibiting a reading deficiency as
23 determined by the pupil's teacher through the diagnostic reading
24 assessment system selected by the school district or public school
25 academy under subsection (2) (a), school districts and public school
26 academies are encouraged to offer summer reading camps staffed with
27 ~~highly~~ effective teachers of reading, as determined by the teacher
28 evaluation system under section 1249, providing reading
29 intervention services and supports to correct pupils' identified



1 areas of reading deficiency.

2 (5) Beginning with pupils enrolled in grade 3 during the 2019-
3 2020 school year, all of the following apply:

4 (a) Subject to subsection (6), the superintendent of the
5 school district or chief administrator of the public school academy
6 in which the pupil is enrolled shall ensure that a pupil whose
7 parent or legal guardian has been provided with the notification
8 under subdivision (d) is not enrolled in grade 4 until 1 of the
9 following occurs:

10 (i) The pupil achieves a reading score that is less than 1
11 grade level behind as determined by the department based on the
12 grade 3 state English language arts assessment.

13 (ii) The pupil demonstrates a grade 3 reading level through
14 performance on an alternative standardized reading assessment
15 approved by the superintendent of public instruction.

16 (iii) The pupil demonstrates a grade 3 reading level through a
17 pupil portfolio, as evidenced by demonstrating competency in all
18 grade 3 state English language arts standards through multiple work
19 samples.

20 (b) Subject to subsection (6), if a child younger than 10
21 years of age seeks to enroll for the first time in a school
22 district or public school academy in grade 4, the superintendent of
23 the school district or chief administrator of the public school
24 academy shall not allow the child to enroll in grade 4 unless 1 of
25 the following occurs:

26 (i) The child achieves a grade 3 reading score as determined by
27 the department based on the reading portion of the grade 3 state
28 English language arts assessment.

29 (ii) The child demonstrates a grade 3 reading level through



1 performance on an alternative standardized reading assessment
2 approved by the superintendent of public instruction.

3 (iii) The child demonstrates a grade 3 reading level through a
4 pupil portfolio, as evidenced by demonstrating competency in all
5 grade 3 state English language arts standards through multiple work
6 samples.

7 (c) Not later than May 23 of each year or not later than 14
8 days after the department finalizes the scoring for the grade 3
9 state assessments, whichever is earlier, the department shall
10 provide CEPI with the grade 3 state assessment scores for every
11 grade 3 pupil enrolled in a public school in this state who was
12 administered 1 or more of those assessments.

13 (d) Not later than June 1 of each year or not later than 14
14 days after CEPI receives the grade 3 state assessment results from
15 the department under subdivision (c), whichever is earlier, using
16 those state assessment results, CEPI shall identify each pupil
17 completing grade 3 that year who is subject to not being advanced
18 to grade 4 due to the operation of subdivision (a)(i) and who is not
19 eligible to enroll in grade 4 under subsection (6)(a), and shall
20 notify the parent or legal guardian and the school district or
21 public school academy of each of these pupils that the pupil is
22 subject to being retained in grade 3. A school district or public
23 school academy may also make its own notification to a parent or
24 guardian in addition to the notification by CEPI. The notification
25 by CEPI to a parent or legal guardian ~~shall~~**must** be by certified
26 mail. The notification by CEPI ~~shall~~**must** clearly state at least
27 all of the following:

28 (i) That, based on standardized testing, this state has
29 determined that the pupil may be required to be retained in grade 3



1 as provided under state law, with a reference to this section along
2 with an explanation that even if the pupil is not eligible to
3 enroll in grade 4 based on state assessments, the pupil may still
4 be allowed to enroll in grade 4 if he or she demonstrates a grade 3
5 reading level through performance on an alternative standardized
6 reading assessment or through a pupil portfolio.

7 (ii) That the parent or legal guardian has the right to request
8 a good cause exemption under this section that, if granted, will
9 allow the pupil to enroll in grade 4 in the next school year.

10 (iii) That the parent or legal guardian must request the good
11 cause exemption within 30 days after the date of the notification
12 by CEPI and must direct the request to the school district or
13 public school academy in which the parent or legal guardian intends
14 to enroll the pupil for grade 4.

15 (iv) That the parent or legal guardian has the right to request
16 a meeting with school officials to discuss the retention
17 requirement under state law and the standards and processes for a
18 good cause exemption from that requirement.

19 (e) If a parent or legal guardian receives a notification from
20 CEPI under subdivision (d), the parent or legal guardian may
21 request a meeting with school officials to discuss the retention
22 requirement under state law and the standards and processes for a
23 good cause exemption from that requirement. If a parent or legal
24 guardian requests a meeting described in this subdivision, the
25 school official to whom the request is made shall ensure that an
26 appropriate school official is made available to the parent or
27 legal guardian for such a meeting.

28 (f) If a pupil is not enrolled in grade 4 at the beginning of
29 a school year due to the operation of this subsection, then before



1 placing the child in grade 4 during the school year, an appropriate
2 school official of the pupil's school district or public school
3 academy shall provide written notification to the pupil's parent or
4 legal guardian of the proposed placement.

5 (6) Subject to subsection (11), if a pupil or child
6 demonstrates both of the following, then subsection (5) (a) and (b)
7 do not apply and he or she may be enrolled in grade 4:

8 (a) That he or she is proficient in all subject areas assessed
9 on the grade 3 state assessment other than English language arts,
10 as evidenced by his or her scores on those assessments.

11 (b) That he or she is proficient in science and social studies
12 as shown through a pupil portfolio and as determined by the teacher
13 who provided the grade 3 instruction to the pupil in science or
14 social studies, as applicable.

15 (7) For a pupil who is not promoted to grade 4 or a child who
16 is not enrolled in grade 4 due to the operation of subsection (5),
17 and for a pupil or child described in subsection (6) or (11), the
18 school district or public school academy shall provide a reading
19 intervention program that is intended to correct the pupil's
20 specific reading deficiency, as identified by a valid and reliable
21 assessment. This program ~~shall~~**must** include effective instructional
22 strategies necessary to assist the pupil in becoming a successful
23 reader, and all of the following features, as appropriate for the
24 needs of the individual pupil:

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

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

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



1 (iii) A reading specialist.

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

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

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

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

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

22 (g) Providing parents, legal guardians, or other providers of
23 care for the pupil with a "Read at Home" plan, including parent,
24 guardian, or care provider training workshops and regular home
25 reading.

26 (h) If the superintendent of the pupil's school district or
27 chief administrator of the pupil's public school academy, or his or
28 her designee, grants a good cause exemption from the requirements
29 of subsection (5)(a) for a pupil, then a pupil may be promoted to



1 grade 4 without meeting the requirements of subsection (5)(a). A
2 good cause exemption may be granted only according to the
3 procedures under subsection (10) and only for 1 of the following:

4 (a) The pupil is a student with an individualized education
5 program or with a section 504 plan and the pupil's individualized
6 education program team or section 504 coordinator, as applicable,
7 makes the decision to exempt the pupil from the requirements of
8 subsection (5)(a) based upon the team's or coordinator's knowledge
9 of the pupil.

10 (b) The pupil is a limited English proficient student who has
11 had less than 3 years of instruction in an English language learner
12 program.

13 (c) The pupil has received intensive reading intervention for
14 2 or more years but still demonstrates a reading deficiency and was
15 previously retained in kindergarten, grade 1, grade 2, or grade 3.

16 (d) The pupil has been continuously enrolled in his or her
17 current school district or public school academy for less than 2
18 years and there is evidence that the pupil was not provided with an
19 appropriate individual reading improvement plan under subsection
20 (2)(b) by the school district or public school academy in which the
21 pupil was previously enrolled.

22 (e) The pupil's parent or legal guardian has requested a good
23 cause exemption within the time period provided under subsection
24 (10)(d) and the superintendent or chief administrator, or his or
25 her designee, determines that the good cause exemption is in the
26 best interests of the pupil.

27 (9) Subject to subsection (14), if a pupil is promoted to
28 grade 4 due to a good cause exemption granted under subsection (8),
29 the pupil remains eligible for reading intervention services



1 designed to enable the pupil to achieve proficiency in reading. The
2 services for a pupil described in this subsection ~~shall~~**must** be
3 similar to those provided to pupils in grade 3 under this section.

4 (10) The superintendent of a school district or chief
5 administrator of a public school academy, or his or her designee,
6 shall grant a good cause exemption under subsection (8) only
7 through the following procedure:

8 (a) For a good cause exemption under subsection (8)(a) to (d),
9 at the request of the pupil's parent or legal guardian or upon the
10 teacher's own initiative, the pupil's grade 3 teacher submits to
11 the superintendent or chief administrator, or his or her designee,
12 a recommendation for a good cause exemption along with
13 documentation that indicates that a good cause exemption under
14 subsection (8)(a) to (d) applies to the pupil.

15 (b) For a pupil enrolled in a school operated by a school
16 district, the superintendent or his or her designee shall review
17 and discuss the recommendation with the pupil's grade 3 teacher
18 and, if the pupil has an individualized education program, with the
19 pupil's individualized education program team. After this
20 discussion, the superintendent or his or her designee shall make a
21 determination in writing of whether or not to grant the good cause
22 exemption for the pupil. The decision by the superintendent or his
23 or her designee is final.

24 (c) For a pupil enrolled in a public school academy, the chief
25 administrator of the public school academy, or his or her designee,
26 shall review and discuss the recommendation with the pupil's grade
27 3 teacher and, if the pupil has an individualized education
28 program, with the pupil's individualized education program team.
29 After this discussion, the chief administrator or his or her



1 designee shall make a determination in writing of whether or not to
2 grant the good cause exemption for the pupil. The decision by the
3 chief administrator or his or her designee is final.

4 (d) For a pupil for whom a request has been received from the
5 pupil's parent or legal guardian, as described in subsection
6 (8)(e), if the request is received within 30 days after the
7 notification by CEPI under subsection (5)(d), the superintendent of
8 the school district or chief administrator of the public school
9 academy, as applicable, or his or her designee, shall review the
10 request and any supporting information and shall consider whether
11 or not the good cause exemption is in the best interests of the
12 pupil. After this consideration, he or she shall make a
13 determination in writing of whether or not to grant the good cause
14 exemption. This determination ~~shall~~**must** be made and communicated
15 to the parent or legal guardian at least 30 days before the first
16 day of school for the school year. The decision of the
17 superintendent or chief administrator, or his or her designee, is
18 final.

19 (e) The superintendent of the pupil's school district or chief
20 administrator of the pupil's public school academy, or his or her
21 designee, shall notify the pupil's parent or legal guardian of the
22 determination and decision under subdivision (b), (c), or (d), as
23 applicable.

24 (11) For a pupil or child described in subsection (6) or a
25 pupil who has been granted a good cause exemption under subsection
26 (8), the school district or public school academy shall provide
27 intensive reading intervention, as described under subsection (7),
28 for the pupil until he or she no longer has a reading deficiency.

29 (12) A school district or public school academy shall not



1 require a pupil to repeat grade 3 more than once due to the
2 operation of this section.

3 (13) Beginning June 4, 2019, if a school district or public
4 school academy cannot furnish the number of teachers needed to
5 satisfy 1 or more of the criteria set forth in this section for a
6 school year, then by the August 15 before the beginning of that
7 school year the school district or public school academy shall
8 develop a staffing plan for providing services under this section.
9 The school district or public school academy shall post the
10 staffing plan on its website for the applicable school year. The
11 staffing plan ~~shall~~**must** include at least all of the following:

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

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

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

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

26 (15) For pupils identified as English language learners by the
27 pupil's teacher or by the diagnostic reading assessment selected by
28 the school district or public school academy under subsection
29 (2)(a), if available staff resources allow, a school district or



1 public school academy is encouraged to provide the following
2 intervention services in addition to those required under
3 subsection (3) (c):

4 (a) Instruction in the pupil's native language, with
5 withdrawal of that instruction as appropriate as the pupil improves
6 his or her English language skills. A school district or public
7 school academy is encouraged to provide this support for at least
8 pupils whose native language is Spanish, Chinese, Hindi, Korean, or
9 Arabic.

10 (b) Opportunities for speech production.

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

13 (d) Feedback for the pupil, including explanations in his or
14 her native language.

15 (16) Beginning in 2020, not later than September 1 of each
16 year, a school district or public school academy shall submit a
17 retention report to ~~the center for educational performance and~~
18 ~~information~~ **CEPI** in the form and manner prescribed by ~~the center~~.
19 **CEPI**. The retention report ~~shall~~ **must** contain at least all of the
20 following information for the most recent school year:

21 (a) The number of pupils retained in grade 3 due to the
22 operation of this section.

23 (b) The number of pupils promoted to grade 4 due to a good
24 cause exemption under subsection (8), disaggregated by each of the
25 specific exemptions listed in that subsection.

26 (17) As used in this section:

27 (a) **"CEPI" means the center for educational performance and**
28 **information created under section 94a of the state school aid act**
29 **of 1979, MCL 388.1694a.**



1 **(b)** ~~(a)~~—"Evidence-based" means based in research and with
2 proven efficacy.

3 **(c)** ~~(b)~~—"Individualized education program" means that term as
4 described in R 340.1721e of the Michigan ~~administrative~~
5 ~~code~~. **Administrative Code.**

6 **(d)** ~~(c)~~—"Kindergarten" includes a classroom for young 5-year-
7 olds, commonly referred to as "young 5s" or "developmental
8 kindergarten".

9 **(e)** ~~(d)~~—"Reading deficiency" means scoring below grade level
10 or being determined to be at risk of reading failure based on a
11 screening assessment, diagnostic assessment, standardized summative
12 assessment, or progress monitoring.

13 **(f)** ~~(e)~~—"Reading leadership team" means a collaborative system
14 led by a school building's principal or program director and
15 consisting of a cross-section of faculty who are interested in
16 working to improve literacy instruction across the curriculum.

17 **(g)** ~~(f)~~—"Section 504 plan" means a plan under section 504 of
18 title V of the rehabilitation act of 1973, 29 USC 794.

19 Sec. 1531j. (1) Notwithstanding any other provision of this
20 act or a rule to the contrary, ~~beginning July 1, 2018,~~ the
21 superintendent of public instruction shall not issue an initial
22 professional teaching certificate to an individual unless the
23 individual presents evidence satisfactory to the superintendent of
24 public instruction demonstrating that he or she meets all of the
25 following:

26 (a) The individual has successfully completed at least 3 full
27 years of classroom teaching.

28 (b) The individual ~~meets either of the following:~~

29 ~~(i) Was **was** rated as either effective or highly effective on~~



~~his or her annual~~ **2 consecutive** year-end performance ~~evaluation~~
2 evaluations under section 1249 ~~for the 3 consecutive school years~~
 immediately preceding his or her application for the professional
 teaching certificate.

~~(ii) Was rated as either effective or highly effective on his~~
~~or her annual year-end performance evaluation under section 1249~~
~~for at least 3 nonconsecutive school years before his or her~~
~~application for the professional teaching certificate and submits a~~
~~recommendation from the chief school administrator of the school at~~
~~which he or she is currently employed that he or she be issued a~~
~~professional teaching certificate.~~

(2) Not later than January 1, 2019, the superintendent of
 public instruction, in consultation with the department of talent
 and economic development and groups or individuals representing
 employers, economic development agencies, trade unions, secondary
 school principals, middle and elementary school principals,
 teachers, school district and intermediate school district
 superintendents, and others as determined appropriate by the
 department, shall promulgate rules to allow an individual to use
 time spent engaging with local employers or technical centers
 toward the renewal of a professional teaching certificate in the
 same manner as state continuing education or professional
 development.

Sec. 1531k. (1) ~~Beginning November 5, 2015, the~~ **The**
 superintendent of public instruction shall not issue an initial
 advanced professional education certificate to an individual, or
 renew an individual's advanced professional education certificate,
 unless the individual presents evidence satisfactory to the
 superintendent of public instruction demonstrating that he or she



1 meets all of the following:

2 (a) Has been rated as ~~highly~~-effective on his or her ~~annual~~
3 year-end evaluation under section 1249 for 3 out of the 5 most
4 recent school years.

5 (b) Has not been rated ~~ineffective~~-as **needing support** on his
6 or her ~~annual~~-year-end evaluation under section 1249 within the 5
7 most recent school years.

8 (c) Meets additional criteria established by the department.

9 (2) Not later than January 1, 2019, the superintendent of
10 public instruction, in consultation with the department of talent
11 and economic development and groups or individuals representing
12 employers, economic development agencies, trade unions, secondary
13 school principals, middle and elementary school principals,
14 teachers, school district and intermediate school district
15 superintendents, and others as determined appropriate by the
16 department, shall promulgate rules to allow an individual to use
17 time spent engaging with local employers or technical centers
18 toward the renewal of an advanced professional education
19 certificate in the same manner as state continuing education or
20 professional development.

21 Enacting section 1. This amendatory act does not take effect
22 unless all of the following bills of the 100th Legislature are
23 enacted into law:

24 (a) Senate Bill No. ____ or House Bill No. 4905 (request no.
25 03686'19 a).

26 (b) Senate Bill No. ____ or House Bill No. 4906 (request no.
27 03687'19).

