

# HOUSE BILL NO. 5052

June 16, 2021, Introduced by Reps. Brenda Carter, Stone, Kuppa, Clemente, Hood, Aiyash, Breen, Hope, Weiss, Koleszar, Haadsma, Sowerby and Young and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1249b (MCL 380.1249b), as amended by 2019 PA 5.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 1249b. (1) ~~The~~ **Except as otherwise provided under this**  
2 **section, the** board of a school district or intermediate school  
3 district or board of directors of a public school academy shall  
4 ensure that the performance evaluation system for building-level  
5 school administrators and for central-office-level school

1 administrators who are regularly involved in instructional matters  
2 meets all of the following:

3 (a) The performance evaluation system must include at least an  
4 annual evaluation for all school administrators described in this  
5 subsection by the school district superintendent or his or her  
6 designee, intermediate superintendent or his or her designee, or  
7 chief administrator of the public school academy, as applicable.  
8 However, a superintendent or chief administrator ~~shall~~**must** be  
9 evaluated by the board or board of directors or, if the  
10 superintendent or chief administrator is not employed directly by  
11 the board or board of directors, by the designee of the board or  
12 board of directors.

13 (b) ~~For the 2018-2019 school year, 25% of the annual~~  
14 ~~evaluation must be based on student growth and assessment data.~~  
15 ~~Beginning with the 2019-2020 school year, 40%~~**Except as otherwise**  
16 **provided under this subdivision, 40%** of the annual evaluation must  
17 be based on student growth and assessment data. **For the 2020-2021**  
18 **school year, the annual evaluation must not be based on student**  
19 **growth and assessment data.** The student growth and assessment data  
20 to be used for the school administrator annual evaluation are the  
21 aggregate student growth and assessment data that are used in  
22 teacher annual year-end evaluations in each school in which the  
23 school administrator works as an administrator or, for a central-  
24 office-level school administrator, for the entire school district  
25 or intermediate school district.

26 (c) For the purposes of conducting annual evaluations under  
27 the performance evaluation system, the school district,  
28 intermediate school district, or public school academy shall  
29 develop or adopt and implement an evaluation tool for school

1 administrators. The portion of a school administrator's annual  
2 evaluation that is not based on student growth must be based  
3 primarily on the school administrator's performance as measured by  
4 this evaluation tool.

5 (d) The portion of the annual evaluation that is not based on  
6 student growth and assessment data as provided under subdivision  
7 (b) or on an evaluation tool as provided under subdivision (c) must  
8 be based on at least the following for each school in which the  
9 school administrator works as an administrator or, for a central-  
10 office-level school administrator, for the entire school district  
11 or intermediate school district:

12 (i) If the school administrator conducts teacher performance  
13 evaluations, the school administrator's proficiency in using the  
14 evaluation tool for teachers used by the school district,  
15 intermediate school district, or public school academy under  
16 section 1249. If the school administrator designates another person  
17 to conduct teacher performance evaluations, the evaluation of the  
18 school administrator on this factor must be based on the designee's  
19 proficiency in using the evaluation tool for teachers used by the  
20 school district, intermediate school district, or public school  
21 academy under section 1249, with the designee's performance to be  
22 counted as if it were the school administrator personally  
23 conducting the teacher performance evaluations.

24 (ii) The progress made by the school or school district in  
25 meeting the goals set forth in the school's school improvement plan  
26 or the school district's school improvement plans.

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

28 (iv) Student, parent, and teacher feedback, as available, and  
29 other information considered pertinent by the superintendent or

1 other school administrator conducting the performance evaluation or  
2 the board or board of directors.

3 (e) For the purposes of conducting annual evaluations under  
4 the performance evaluation system, by the beginning of the 2016-  
5 2017 school year, the school district, intermediate school  
6 district, or public school academy shall adopt and implement 1 or  
7 more of the evaluation tools for school administrators that are  
8 included on the list under subsection (3). However, if a school  
9 district, intermediate school district, or public school academy  
10 has 1 or more local evaluation tools for school administrators or  
11 modifications of an evaluation tool on the list under subsection  
12 (3), and the school district, intermediate school district, or  
13 public school academy complies with subsection (2), the school  
14 district, intermediate school district, or public school academy  
15 may conduct annual year-end evaluations for school administrators  
16 using 1 or more local evaluation tools or modifications.

17 (f) The evaluation tool and other measures used by the school  
18 district, intermediate school district, or public school academy in  
19 its performance evaluation system for school administrators must be  
20 used consistently across the schools operated by a school district,  
21 intermediate school district, or public school academy so that all  
22 similarly situated school administrators are evaluated using the  
23 same measures.

24 (g) The performance evaluation system must assign an  
25 effectiveness rating to each school administrator described in this  
26 subsection of highly effective, effective, minimally effective, or  
27 ineffective.

28 (h) The performance evaluation system must ensure that if a  
29 school administrator described in this subsection is rated as

1 minimally effective or ineffective, the person or persons  
2 conducting the evaluation shall develop and require the school  
3 administrator to implement an improvement plan to correct the  
4 deficiencies. The improvement plan must recommend professional  
5 development opportunities and other actions designed to improve the  
6 rating of the school administrator on his or her next annual  
7 evaluation.

8 (i) The performance evaluation system must provide that, if a  
9 school administrator described in this subsection is rated as  
10 ineffective on 3 consecutive annual evaluations, the school  
11 district, intermediate school district, or public school academy  
12 shall dismiss the school administrator from his or her employment.  
13 This subdivision does not affect the ability of a school district,  
14 intermediate school district, or public school academy to dismiss a  
15 school administrator from his or her employment regardless of  
16 whether the school administrator is rated as ineffective on 3  
17 consecutive annual evaluations.

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

26 (k) The school district, intermediate school district, or  
27 public school academy shall provide training to school  
28 administrators on the measures used by the school district,  
29 intermediate school district, or public school academy in its

1 performance evaluation system for school administrators and on how  
2 each of the measures is used. This training may be provided by a  
3 school district, intermediate school district, or public school  
4 academy, or by a consortium consisting of 2 or more of these.

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

18 (2) A school district, intermediate school district, or public  
19 school academy shall post on its public website all of the  
20 following information about the measures it uses for its  
21 performance evaluation system for school administrators:

22 (a) The research base for the evaluation framework,  
23 instrument, and process or, if the school district, intermediate  
24 school district, or public school academy adapts or modifies an  
25 evaluation tool from the list under subsection (3), the research  
26 base for the listed evaluation tool and an assurance that the  
27 adaptations or modifications do not compromise the validity of that  
28 research base.

29 (b) The identity and qualifications of the author or authors

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

6 (c) Either evidence of reliability, validity, and efficacy or  
7 a plan for developing that evidence or, if the school district,  
8 intermediate school district, or public school academy adapts or  
9 modifies an evaluation tool from the list under subsection (3), an  
10 assurance that the adaptations or modifications do not compromise  
11 the reliability, validity, or efficacy of the evaluation tool or  
12 the evaluation process.

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

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

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

20 (3) The department shall establish and maintain a list of  
21 school administrator evaluation tools that have demonstrated  
22 evidence of efficacy and that may be used for the purposes of this  
23 section. That list initially must include at least the 2 evaluation  
24 models recommended in the final recommendations released by the  
25 ~~Michigan council on educator effectiveness~~ **Michigan Council for**  
26 **Educator Effectiveness** in July 2013. The list must include a  
27 statement indicating that school districts, intermediate school  
28 districts, and public school academies are not limited to only  
29 using the evaluation tools that are included on the list. A school

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

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

15 Enacting section 1. This amendatory act does not take effect  
16 unless Senate Bill No.\_\_\_\_ or House Bill No. 5051 (request no.  
17 01692'21 \*\*) of the 101st Legislature is enacted into law.