

HOUSE BILL NO. 5104

June 23, 2021, Introduced by Reps. Stone, Camilleri, Weiss, Brabec, Breen, Kuppa, Witwer, Aiyash, Scott, Hope, Young, Hood, Sabo, Haadsma, Liberati, Morse, Shannon, Sowerby, Hertel, Tyrone Carter, Rogers, Puri, Cavanagh, Cynthia Johnson, Hammoud, Anthony, Brixie and Yancey and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1248, 1249, 1249a, 1249b, 1250, 1280f, 1531j,
and 1531k (MCL 380.1248, 380.1249, 380.1249a, 380.1249b, 380.1250,
380.1280f, 380.1531j, and 380.1531k), section 1248 as added by 2011
PA 102, 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. 1248. (1) For teachers, as defined in section 1 of
2 article I of 1937 (Ex Sess) PA 4, MCL 38.71, all of the following
3 apply to policies regarding personnel decisions when conducting a
4 staffing or program reduction or any other personnel determination
5 resulting in the elimination of a position, when conducting a
6 recall from a staffing or program reduction or any other personnel
7 determination resulting in the elimination of a position, or in
8 hiring after a staffing or program reduction or any other personnel
9 determination resulting in the elimination of a position by a
10 school district or intermediate school district:

11 (a) Subject to subdivision (c), the board of a school district
12 or intermediate school district shall not adopt, implement,
13 maintain, or comply with a policy that provides that length of
14 service or tenure status is the primary or determining factor in
15 personnel decisions when conducting a staffing or program reduction
16 or any other personnel determination resulting in the elimination
17 of a position, when conducting a recall from a staffing or program
18 reduction or any other personnel determination resulting in the
19 elimination of a position, or in hiring after a staffing or program
20 reduction or any other personnel determination resulting in the
21 elimination of a position.

22 (b) Subject to subdivision (c), the board of a school district
23 or intermediate school district shall ensure that the school
24 district or intermediate school district adopts, implements,
25 maintains, and complies with a policy that provides that all
26 personnel decisions when conducting a staffing or program reduction
27 or any other personnel determination resulting in the elimination

of a position, when conducting a recall from a staffing or program reduction or any other personnel determination resulting in the elimination of a position, or in hiring after a staffing or program reduction or any other personnel determination resulting in the elimination of a position, are based on retaining effective teachers. The policy ~~shall~~**must** ensure that a teacher who has been rated as ~~ineffective~~**needing support** under the performance evaluation system under section 1249 is not given any preference that would result in that teacher being retained over a teacher who is evaluated as ~~minimally effective~~, effective, ~~or highly effective~~ under the performance evaluation system under section 1249. Effectiveness ~~shall~~**must** be measured by the performance evaluation system under section 1249, and the personnel decisions ~~shall~~**must** be made based on the following factors:

(i) Individual performance ~~shall~~**must** be the majority factor in making the decision, and ~~shall~~**must** consist of, but ~~is not~~ **be** limited to, all of the following:

~~(A) Evidence of student growth, which shall be the predominant factor in assessing an employee's individual performance.~~

(A) ~~(B)~~ The teacher's demonstrated pedagogical skills, including at least a special determination concerning the teacher's knowledge of his or her subject area and the ability to impart that knowledge through planning, delivering rigorous content, checking for and building higher-level understanding, differentiating, and managing a classroom; and consistent preparation to maximize instructional time.

(B) ~~(C)~~ The teacher's management of the classroom, manner and efficacy of disciplining pupils, rapport with parents and other teachers, and ability to withstand the strain of teaching.

1 (C) ~~(D)~~ The teacher's attendance and disciplinary record, if
2 any.

3 (ii) Significant, relevant accomplishments and contributions.
4 This factor ~~shall~~**must** be based on whether the individual
5 contributes to the overall performance of the school by making
6 clear, significant, relevant contributions above the normal
7 expectations for an individual in his or her peer group and having
8 demonstrated a record of exceptional performance.

9 (iii) Relevant special training. This factor ~~shall~~**must** be based
10 on completion of relevant training other than the professional
11 development or continuing education that is required by the
12 employer or by state law, and integration of that training into
13 instruction in a meaningful way.

14 (c) Except as otherwise provided in this subdivision, length
15 of service or tenure status ~~shall~~**must** not be a factor in a
16 personnel decision described in subdivision (a) or (b). However, if
17 that personnel decision involves 2 or more employees and all other
18 factors distinguishing those employees from each other are equal,
19 then length of service or tenure status may be considered as a
20 tiebreaker.

21 ~~(2) If a collective bargaining agreement is in effect for~~
22 ~~employees of a school district or intermediate school district as~~
23 ~~of the effective date of this section and if that collective~~
24 ~~bargaining agreement prevents compliance with subsection (1), then~~
25 ~~subsection (1) does not apply to that school district or~~
26 ~~intermediate school district until after the expiration of that~~
27 ~~collective bargaining agreement.~~

28 (2) ~~(3)~~ If a teacher brings an action against a school
29 district or intermediate school district based on this section, the

teacher's sole and exclusive remedy ~~shall be~~ **is** an order of reinstatement commencing 30 days after a decision by a court of competent jurisdiction. The remedy in an action brought by a teacher based on this section ~~shall~~ **must** not include lost wages, lost benefits, or any other economic damages.

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

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

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

(b) ~~(c)~~ Evaluates a teacher's or school administrator's job performance, using ~~multiple~~ **2** rating categories. ~~that take into account student growth and assessment data. Student growth must be measured using multiple measures that may include student learning objectives, achievement of individualized education program goals, nationally normed or locally developed assessments that are aligned to state standards, research-based growth measures, or alternative assessments that are rigorous and comparable across schools within the school district, intermediate school district, or public school academy.~~ If the performance evaluation system implemented by a school district, intermediate school district, or public school academy under this section does not already include the rating of

1 teachers as ~~highly effective, effective, minimally effective, and~~
 2 ~~ineffective, and needing support~~ then the school district,
 3 intermediate school district, or public school academy shall revise
 4 the performance evaluation system not later than ~~September 19, 2011~~
 5 **January 1, 2022** to ensure that it rates teachers as ~~highly~~
 6 ~~effective, effective, minimally effective, or ineffective.~~**or**
 7 **needing support.**

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

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

12 (ii) Promotion, retention, and development of teachers and
 13 school administrators, including providing relevant coaching,
 14 instruction support, or professional development.

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

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

22 (2) The board of a school district or intermediate school
 23 district or board of directors of a public school academy shall
 24 ensure that the performance evaluation system for teachers meets
 25 all of the following:

26 (a) ~~The~~ **Subject to section 3a of article II of 1937 (Ex Sess)**
 27 **PA 4, MCL 38.83a, the** performance evaluation system must include at
 28 least an annual year-end evaluation for all teachers **who are rated**
 29 **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:

~~(i) For the 2018-2019 school year, 25% of the annual year-end evaluation must be based on student growth and assessment data. Beginning with the 2019-2020 school year, 40% of the annual year-end evaluation must be based on student growth and assessment data.~~

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

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

~~(ii) (iv) The portion of a teacher's evaluation that is not measured using student growth and assessment data, as described under subparagraph (i), or using the evaluation tool developed or adopted by the school district, intermediate school district, or~~

public school academy, as described under subparagraph ~~(iii)~~, ~~(i)~~, must incorporate criteria enumerated in section 1248(1)(b)(i) to ~~(iii)~~ that are not otherwise evaluated under subparagraph (i). ~~or~~ ~~(iii)~~.

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

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

~~(c)~~ ~~(d)~~ The performance evaluation system must include a midyear progress report for a teacher who is in the first year of the probationary period prescribed by section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, or who received a rating of ~~minimally effective or ineffective~~ **needing support** in his or her

1 most recent ~~annual~~-year-end evaluation. The midyear progress report
 2 must be used as a supplemental tool to gauge a teacher's
 3 improvement from the preceding school year and to assist a teacher
 4 to improve. All of the following apply to the midyear progress
 5 report:

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

8 (ii) The midyear progress report must be aligned with the
 9 teacher's individualized development plan under subdivision
 10 ~~(e)~~. **(b)** .

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

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

23 **(d)** ~~(e)~~-The performance evaluation system must include
 24 classroom observations to assist in the performance evaluations.
 25 All of the following apply to these classroom observations:

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

29 (ii) A classroom observation ~~does not have to~~ **should** be for an

1 entire class period.

2 (iii) ~~Unless a teacher has received a rating of effective or~~
3 ~~highly effective on his or her 2 most recent annual year-end~~
4 ~~evaluations, there~~ **There** must be at least 2 **scheduled** classroom
5 observations of the teacher each school year **in which the teacher**
6 **is evaluated**. ~~At least 1 observation must be unscheduled.~~

7 (iv) The school administrator responsible for the teacher's
8 performance evaluation shall conduct at least 1 of the
9 observations. Other observations may be conducted by other
10 observers who are trained in the use of the evaluation tool that is
11 used under subdivision ~~(f)~~. **(e)**. These other observers may be
12 teacher leaders.

13 (v) A school district, intermediate school district, or public
14 school academy shall ensure that, within 30 days after each
15 observation, the teacher is provided with **written** feedback from the
16 observation.

17 **(e)** ~~(f)~~ For the purposes of conducting ~~annual year-end~~
18 evaluations under the performance evaluation system, ~~by the~~
19 ~~beginning of the 2016-2017 school year, the school district,~~
20 intermediate school district, or public school academy shall adopt
21 and implement 1 or more of the evaluation tools for teachers that
22 are included on the list under subsection ~~(5)~~. **(4)**. However, if a
23 school district, intermediate school district, or public school
24 academy has 1 or more local evaluation tools for teachers or
25 modifications of an evaluation tool on the list under subsection
26 ~~(5)~~, **(4)**, and the school district, intermediate school district, or
27 public school academy complies with subsection (3), the school
28 district, intermediate school district, or public school academy
29 may conduct ~~annual year-end~~ evaluations for teachers using 1 or

1 more local evaluation tools or modifications. The evaluation tools
2 must be used consistently among the schools operated by a school
3 district, intermediate school district, or public school academy so
4 that all similarly situated teachers are evaluated using the same
5 evaluation tool.

6 (f) ~~(g)~~ The performance evaluation system must assign ~~an~~
7 ~~effectiveness~~ a rating to each teacher of ~~highly effective,~~
8 ~~effective , minimally effective, or ineffective,~~ **or needing support**
9 based on his or her score on the ~~annual~~ year-end evaluation
10 described in this subsection.

11 (g) ~~(h)~~ As part of the performance evaluation system, and in
12 addition to the requirements of section 1526, a school district,
13 intermediate school district, or public school academy is
14 encouraged to assign a mentor or coach to each teacher who is
15 described in subdivision ~~(d)~~. **(c)** .

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

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

~~of whether the teacher is rated as ineffective on 3 consecutive annual year-end evaluations.~~

~~(k) The performance evaluation system must provide that, if a teacher is rated as highly effective on 3 consecutive annual year-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.~~

~~(h) (l)~~ 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**

1 findings to the teacher who requested the review not later than 30
2 days after receipt of the request for a review and before making
3 any modifications under this subsection. If a teacher rated as
4 needing support is not satisfied with a review under this
5 subsection, not later than 60 days after the teacher receives a
6 written response as described in the immediately preceding
7 sentence, the teacher may submit a request to the school district,
8 intermediate school district, or public school academy for binding
9 arbitration to challenge the evaluation and his or her rating. Once
10 a request for binding arbitration under this subsection is received
11 by a school district, intermediate school district, or public
12 school academy, the board of the school district or intermediate
13 school district or board of directors of the public school academy
14 shall ensure that a binding arbitration regarding the evaluation
15 and the teacher's rating is conducted. The school district,
16 intermediate school district, or public school academy is
17 responsible for 50% of the costs of a binding arbitration under
18 this subsection and the teacher who requests a binding arbitration
19 under this subsection is responsible for the remaining 50% of the
20 costs of the binding arbitration. The arbitrator for a binding
21 arbitration under this subsection must be selected pursuant to
22 rules of the American Arbitration Association. A teacher has the
23 right to be represented by an attorney during a binding arbitration
24 described in this subsection. A binding arbitration under this
25 subsection may be conducted publicly or privately at the discretion
26 of the teacher who requests binding arbitration under this
27 subsection. A school district's, intermediate school district's, or
28 public school academy's failure to comply with this section is
29 conclusive evidence of a teacher's effectiveness.

1 **(i)** ~~(m)~~—The school district, intermediate school district, or
 2 public school academy shall provide training to teachers on the
 3 evaluation tool or tools used by the school district, intermediate
 4 school district, or public school academy in its performance
 5 evaluation system and on how each evaluation tool is used. This
 6 training may be provided by a school district, intermediate school
 7 district, or public school academy, or by a consortium consisting
 8 of 2 or more of these.

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

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

26 (a) The research base for the evaluation framework,
 27 instrument, and process or, if the school district, intermediate
 28 school district, or public school academy adapts or modifies an
 29 evaluation tool from the list under subsection ~~(5)~~, **(4)**, the

1 research base for the listed evaluation tool and an assurance that
2 the adaptations or modifications do not compromise the validity of
3 that research base.

4 (b) The identity and qualifications of the author or authors
5 or, if the school district, intermediate school district, or public
6 school academy adapts or modifies an evaluation tool from the list
7 under subsection ~~(5)~~, **(4)**, the identity and qualifications of a
8 person with expertise in teacher evaluations who has reviewed the
9 adapted or modified evaluation tool.

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

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

19 (e) A description of the processes for conducting classroom
20 observations, collecting evidence, conducting evaluation
21 conferences, developing performance ratings, and developing
22 performance improvement plans.

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

25 ~~(4) If a collective bargaining agreement was in effect for~~
26 ~~teachers or school administrators of a school district,~~
27 ~~intermediate school district, or public school academy as of July~~
28 ~~19, 2011, if that same collective bargaining agreement is still in~~
29 ~~effect as of November 5, 2015, and if that collective bargaining~~

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

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

25 ~~(6) The training required under subsection (2) must be paid~~
26 ~~for from the funds available in the educator evaluation reserve~~
27 ~~fund created under section 95a of the state school aid act of 1979,~~
28 ~~MCL 388.1695a.~~

29 ~~(7) This section does not affect the operation or~~

1 ~~applicability of section 1248.~~

2 (5) ~~(8)~~ As used in this section, "teacher" means an individual
 3 who has a valid Michigan teaching certificate or authorization or
 4 who is engaged to teach under section 1233b; who is employed, or
 5 contracted for, by a school district, intermediate school district,
 6 or public school academy; and who is assigned by the school
 7 district, intermediate school district, or public school academy to
 8 deliver direct instruction to pupils in any of grades K to 12 as a
 9 teacher of record.

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

16 (2) ~~Beginning with the 2018-2019 school year, if~~ **If** a school
 17 district, intermediate school district, or public school academy is
 18 unable to comply with subsection (1) and plans to assign a pupil to
 19 be taught in the same subject area for 2 consecutive years by a
 20 teacher who has been rated as ~~ineffective~~ **needing support** on his or
 21 her 2 most recent ~~annual~~ year-end evaluations under section 1249,
 22 the board of the school district or intermediate school district or
 23 board of directors of the public school academy in which the pupil
 24 is enrolled shall notify the pupil's parent or legal guardian that
 25 the board or board of directors is unable to comply with subsection
 26 (1) and that the pupil has been assigned to be taught in the same
 27 subject area for a second consecutive year by a teacher who has
 28 been rated as ~~ineffective~~ **needing support** on his or her 2 most
 29 recent ~~annual~~ year-end evaluations. The ~~notification~~ **board or board**

1 **of directors** shall ~~be~~**ensure that the notification under this**
 2 **subsection is** in writing, ~~shall be and~~ delivered to the parent or
 3 legal guardian not later than July 15 immediately preceding the
 4 beginning of the school year for which the pupil is assigned to the
 5 teacher ~~, and shall include that the notification includes~~ an
 6 explanation of why the board or board of directors is unable to
 7 comply with subsection (1).

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

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

~~(b) For the 2018-2019 school year, 25% of the annual evaluation must be based on student growth and assessment data. Beginning with the 2019-2020 school year, 40% of the annual evaluation must be based on student growth and assessment data. The student growth and assessment data to be used for the school administrator annual evaluation are the aggregate student growth and assessment data that are used in teacher annual year-end evaluations in each school in which the school administrator works as an administrator or, for a central-office-level school administrator, for the entire school district or intermediate school district.~~

(b) ~~(e)~~ For the purposes of conducting annual evaluations under the performance evaluation system, the school district, intermediate school district, or public school academy shall develop or adopt and implement an evaluation tool for school administrators. ~~The portion of a~~ **A** school administrator's annual evaluation ~~that is not based on student growth~~ must be based primarily on the school administrator's performance as measured by this evaluation tool.

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

(i) If the school administrator conducts teacher performance evaluations, the school administrator's proficiency in using the evaluation tool for teachers used by the school district,

intermediate school district, or public school academy under section 1249. If the school administrator designates another person to conduct teacher performance evaluations, the evaluation of the school administrator on this factor must be based on the designee's proficiency in using the evaluation tool for teachers used by the school district, intermediate school district, or public school academy under section 1249, with the designee's performance to be counted as if it were the school administrator personally conducting the teacher performance evaluations.

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

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

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

(d) ~~(e)~~ For the purposes of conducting ~~annual~~ evaluations under the performance evaluation system, ~~by the beginning of the 2016-2017 school year,~~ the school district, intermediate school district, or public school academy shall adopt and implement 1 or more of the evaluation tools for school administrators that are included on the list under subsection (3). However, if a school district, intermediate school district, or public school academy has 1 or more local evaluation tools for school administrators or modifications of an evaluation tool on the list under subsection (3), and the school district, intermediate school district, or public school academy complies with subsection (2), the school district, intermediate school district, or public school academy

1 may conduct ~~annual~~ year-end evaluations for school administrators
 2 using 1 or more local evaluation tools or modifications.

3 (e) ~~(f)~~ The evaluation tool and other measures used by the
 4 school district, intermediate school district, or public school
 5 academy in its performance evaluation system for school
 6 administrators must be used consistently across the schools
 7 operated by a school district, intermediate school district, or
 8 public school academy so that all similarly situated school
 9 administrators are evaluated using the same measures.

10 (f) ~~(g)~~ The performance evaluation system must assign an
 11 effectiveness rating to each school administrator described in this
 12 subsection of ~~highly effective, effective, minimally effective, or~~
 13 ~~ineffective.~~ **or needing support.**

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

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

~~1 school administrator from his or her employment regardless of~~
~~2 whether the school administrator is rated as ineffective on 3~~
~~3 consecutive annual evaluations.~~

~~4 (j) The performance evaluation system must provide that, if a~~
~~5 school administrator is rated as highly effective on 3 consecutive~~
~~6 annual evaluations, the school district, intermediate school~~
~~7 district, or public school academy may choose to conduct an~~
~~8 evaluation biennially instead of annually. However, if a school~~
~~9 administrator is not rated as highly effective on 1 of these~~
~~10 biennial evaluations, the school administrator shall again be~~
~~11 provided with annual evaluations.~~

~~12 (h) (k)~~The school district, intermediate school district, or
~~13 public school academy shall provide training to school~~
~~14 administrators on the measures used by the school district,~~
~~15 intermediate school district, or public school academy in its~~
~~16 performance evaluation system for school administrators and on how~~
~~17 each of the measures is used. This training may be provided by a~~
~~18 school district, intermediate school district, or public school~~
~~19 academy, or by a consortium consisting of 2 or more of these.~~

~~20 (i) (l)~~A school district, intermediate school district, or
~~21 public school academy shall ensure that training is provided to all~~
~~22 evaluators and observers. The training must be provided by an~~
~~23 individual who has expertise in the evaluation tool or tools used~~
~~24 by the school district, intermediate school district, or public~~
~~25 school academy, which may include either a consultant on that~~
~~26 evaluation tool or framework or an individual who has been trained~~
~~27 to train others in the use of the evaluation tool or tools. This~~
~~28 subdivision does not prohibit a school district, intermediate~~
~~29 school district, public school academy, or consortium consisting of~~

1 2 or more of these, from providing the training in the use of the
2 evaluation tool or tools if the trainer has expertise in the
3 evaluation tool or tools.

4 (2) A school district, intermediate school district, or public
5 school academy shall post on its public website all of the
6 following information about the measures it uses for its
7 performance evaluation system for school administrators:

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

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

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

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

1 (e) A description of the processes for collecting evidence,
2 conducting evaluation conferences, developing performance ratings,
3 and developing performance improvement plans.

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

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

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

29 Sec. 1250. (1) Except as otherwise provided in this section, a

1 school district, ~~public school academy, or~~ intermediate school
 2 district, **or public school academy** shall implement and maintain a
 3 method of compensation for its teachers and school administrators
 4 that includes job performance and job accomplishments as a
 5 significant factor in determining compensation and additional
 6 compensation. The assessment of job performance ~~shall~~ **must**
 7 incorporate a rigorous, transparent, and fair evaluation system
 8 that evaluates a teacher's or school administrator's performance.
 9 ~~at least in part based upon data on student growth as measured by~~
 10 ~~assessments and other objective criteria.~~

11 ~~(2) If a collective bargaining agreement is in effect for~~
 12 ~~teachers or school administrators of a school district, public~~
 13 ~~school academy, or intermediate school district as of January 4,~~
 14 ~~2010, and if that collective bargaining agreement prevents~~
 15 ~~compliance with subsection (1), then subsection (1) does not apply~~
 16 ~~to that school district, public school academy, or intermediate~~
 17 ~~school district until after the expiration of that collective~~
 18 ~~bargaining agreement.~~

19 **(2)** ~~(3)~~ For teachers and school administrators who are hired
 20 by a community district after September 1, 2019, the community
 21 district shall implement and maintain a method of compensation that
 22 includes job performance and job accomplishments as the primary
 23 factor in determining compensation and additional compensation. A
 24 teacher's or school administrator's job performance ~~shall~~ **must** be
 25 evaluated based on the teacher's ~~annual~~ evaluation under section
 26 1249 or the school administrator's ~~annual~~ evaluation under section
 27 1249b, as applicable.

28 **(3)** ~~(4)~~ For teachers and school administrators who are hired
 29 by a community district after September 1, 2019, the community

1 district shall not use length of service or achievement of an
2 advanced degree as a factor in compensation levels or adjustments
3 in compensation except as follows:

4 (a) For a teacher with a secondary level teaching certificate
5 who has a subject area endorsement and who teaches in that subject
6 area, an advanced degree achieved in that subject area may be
7 considered as a factor in the teacher's base compensation.

8 (b) For a teacher with an elementary level teaching
9 certificate who teaches in an elementary grade, an advanced degree
10 in elementary education may be considered as a factor in the
11 teacher's base compensation.

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

16 (a) Approve 3 or more valid and reliable screening, formative,
17 and diagnostic reading assessment systems for selection and use by
18 school districts and public school academies in accordance with the
19 following:

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

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

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

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

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

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

5 (i) An early literacy coach shall support and provide initial
6 and ongoing professional development to teachers in all of the
7 following:

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

11 (B) Administering and analyzing instructional assessments.

12 (C) Providing differentiated instruction and intensive
13 intervention.

14 (D) Using progress monitoring.

15 (E) Identifying and addressing reading deficiency.

16 (ii) An early literacy coach shall also do all of the
17 following:

18 (A) Model effective instructional strategies for teachers.

19 (B) Facilitate study groups.

20 (C) Train teachers in data analysis and using data to
21 differentiate instruction.

22 (D) Coach and mentor colleagues.

23 (E) Work with teachers to ensure that evidence-based reading
24 programs such as comprehensive core reading programs, supplemental
25 reading programs, and comprehensive intervention reading programs
26 are implemented with fidelity.

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

28 (G) Work with teachers in applying evidence-based reading
29 strategies in other content areas, including, but not limited to,

prioritizing time spent on those teachers, activities, and roles that will have the greatest impact on pupil achievement and prioritizing coaching and mentoring in classrooms.

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

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

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

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

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

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

(A) Have experience as a successful classroom teacher.

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

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

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

(v) An early literacy coach ~~shall~~**must** not be assigned a regular classroom teaching assignment, but ~~shall~~**must** be expected to work frequently with pupils in whole and small group instruction

1 or tutoring in the context of modeling and coaching in or outside
2 of teachers' classrooms.

3 (2) Subject to subsection (14), ~~beginning in the 2017-2018~~
4 ~~school year,~~ the board of a school district or board of directors
5 of a public school academy shall do all of the following to ensure
6 that more pupils will achieve a score of at least proficient in
7 English language arts on the grade 3 state assessment:

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

19 (b) For any pupil in grades K to 3 who exhibits a reading
20 deficiency at any time, based upon the reading assessment system
21 selected and used under subdivision (a), provide an individual
22 reading improvement plan for the pupil within 30 days after the
23 identification of the reading deficiency. The individual reading
24 improvement plan ~~shall-must~~ be created by the pupil's teacher,
25 school principal, and parent or legal guardian and other pertinent
26 school personnel, and ~~shall-must~~ describe the reading intervention
27 services the pupil will receive to remedy the reading deficiency. A
28 school district or public school academy shall provide intensive
29 reading intervention for the pupil in accordance with the

1 individual reading improvement plan until the pupil no longer has a
2 reading deficiency.

3 (c) If a pupil in grades K to 3 is identified as having an
4 early literacy delay or reading deficiency, provide written notice
5 to the pupil's parent or legal guardian of the delay or reading
6 deficiency in writing and provide tools to assist the parent or
7 legal guardian to engage in intervention and to address or correct
8 any reading deficiency at home.

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

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

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

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

19 (iv) Ensure that time is provided for teachers to meet for
20 professional development.

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

1 of this section.

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

5 (a) For pupils who exhibit a reading deficiency, a reading
6 intervention program intended to ensure that pupils are proficient
7 readers by the end of grade 3 and that includes some or all of the
8 following features:

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

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

15 (iii) Provides evidence-based core reading instruction that is
16 comprehensive and meets the majority of the general education
17 classroom needs.

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

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

22 (B) Provides intensive development in the 5 major reading
23 components: phonemic awareness, phonics, fluency, vocabulary, and
24 comprehension.

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

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

28 (v) Provides parents, legal guardians, or other providers of
29 care for the pupil with a ~~"Read at Home"~~ **read-at-home** plan,

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

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

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

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

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

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

28 (v) Provides supplemental evidence-based reading intervention
29 delivered by a teacher, tutor, or volunteer with specialized

1 reading training that is provided before school, after school,
2 during school hours but outside of regular English language arts
3 classroom time, or any combination of these.

4 (vi) Provides parents, legal guardians, or other providers of
5 care for a pupil with a ~~"Read-at-Home"~~**read-at-home** plan, including
6 parent, guardian, or care provider training workshops and regular
7 home reading.

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

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

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

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

22 (ii) Instruction in academic vocabulary.

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

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

27 (4) For all pupils exhibiting a reading deficiency as
28 determined by the pupil's teacher through the diagnostic reading
29 assessment system selected by the school district or public school

academy under subsection (2)(a), school districts and public school academies are encouraged to offer summer reading camps staffed with ~~highly~~-effective teachers of reading, as determined by the teacher evaluation system under section 1249, providing reading intervention services and supports to correct pupils' identified areas of reading deficiency.

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

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

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

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

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

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

1 the following occurs:

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

5 (ii) The child demonstrates a grade 3 reading level through
6 performance on an alternative standardized reading assessment
7 approved by the superintendent of public instruction.

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

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

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

1 by CEPI to a parent or legal guardian ~~shall~~**must** be by certified
2 mail. The notification by CEPI ~~shall~~**must** clearly state at least
3 all of the following:

4 (i) That, based on standardized testing, this state has
5 determined that the pupil may be required to be retained in grade 3
6 as provided under state law, with a reference to this section along
7 with an explanation that even if the pupil is not eligible to
8 enroll in grade 4 based on state assessments, the pupil may still
9 be allowed to enroll in grade 4 if he or she demonstrates a grade 3
10 reading level through performance on an alternative standardized
11 reading assessment or through a pupil portfolio.

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

15 (iii) That the parent or legal guardian must request the good
16 cause exemption within 30 days after the date of the notification
17 by CEPI and must direct the request to the school district or
18 public school academy in which the parent or legal guardian intends
19 to enroll the pupil for grade 4.

20 (iv) That the parent or legal guardian has the right to request
21 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.

24 (e) If a parent or legal guardian receives a notification from
25 CEPI under subdivision (d), the parent or legal guardian may
26 request a meeting with school officials to discuss the retention
27 requirement under state law and the standards and processes for a
28 good cause exemption from that requirement. If a parent or legal
29 guardian requests a meeting described in this subdivision, the

1 school official to whom the request is made shall ensure that an
2 appropriate school official is made available to the parent or
3 legal guardian for such a meeting.

4 (f) If a pupil is not enrolled in grade 4 at the beginning of
5 a school year due to the operation of this subsection, then before
6 placing the child in grade 4 during the school year, an appropriate
7 school official of the pupil's school district or public school
8 academy shall provide written notification to the pupil's parent or
9 legal guardian of the proposed placement.

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

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

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

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

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

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

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

6 (iii) A reading specialist.

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

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

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

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

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

27 (g) Providing parents, legal guardians, or other providers of
28 care for the pupil with a ~~"Read at Home"~~**read-at-home** plan,
29 including parent, guardian, or care provider training workshops and

1 regular home reading.

2 (8) If the superintendent of the pupil's school district or
3 chief administrator of the pupil's public school academy, or his or
4 her designee, grants a good cause exemption from the requirements
5 of subsection (5)(a) for a pupil, then a pupil may be promoted to
6 grade 4 without meeting the requirements of subsection (5)(a). A
7 good cause exemption may be granted only according to the
8 procedures under subsection (10) and only for 1 of the following:

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

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

18 (c) The pupil has received intensive reading intervention for
19 2 or more years but still demonstrates a reading deficiency and was
20 previously retained in kindergarten, grade 1, grade 2, or grade 3.

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

27 (e) The pupil's parent or legal guardian has requested a good
28 cause exemption within the time period provided under subsection
29 (10)(d) and the superintendent or chief administrator, or his or

1 her designee, determines that the good cause exemption is in the
2 best interests of the pupil.

3 (9) Subject to subsection (14), if a pupil is promoted to
4 grade 4 due to a good cause exemption granted under subsection (8),
5 the pupil remains eligible for reading intervention services
6 designed to enable the pupil to achieve proficiency in reading. The
7 services for a pupil described in this subsection ~~shall~~**must** be
8 similar to those provided to pupils in grade 3 under this section.

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

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

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

29 (c) For a pupil enrolled in a public school academy, the chief

1 administrator of the public school academy, or his or her designee,
2 shall review and discuss the recommendation with the pupil's grade
3 3 teacher and, if the pupil has an individualized education
4 program, with the pupil's individualized education program team.
5 After this discussion, the chief administrator or his or her
6 designee shall make a determination in writing of whether or not to
7 grant the good cause exemption for the pupil. The decision by the
8 chief administrator or his or her designee is final.

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

24 (e) The superintendent of the pupil's school district or chief
25 administrator of the pupil's public school academy, or his or her
26 designee, shall notify the pupil's parent or legal guardian of the
27 determination and decision under subdivision (b), (c), or (d), as
28 applicable.

29 (11) For a pupil or child described in subsection (6) or a

pupil who has been granted a good cause exemption under subsection (8), the school district or public school academy shall provide intensive reading intervention, as described under subsection (7), for the pupil until he or she no longer has a reading deficiency.

(12) A school district or public school academy shall not require a pupil to repeat grade 3 more than once due to the operation of this section.

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

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

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

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

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

1 section.

2 (15) For pupils identified as English language learners by the
3 pupil's teacher or by the diagnostic reading assessment selected by
4 the school district or public school academy under subsection
5 (2)(a), if available staff resources allow, a school district or
6 public school academy is encouraged to provide the following
7 intervention services in addition to those required under
8 subsection (3)(c):

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

15 (b) Opportunities for speech production.

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

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

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

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

28 (b) The number of pupils promoted to grade 4 due to a good
29 cause exemption under subsection (8), disaggregated by each of the

specific exemptions listed in that subsection.

(17) As used in this section:

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

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

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

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

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

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

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

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

1 following:

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

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

5 ~~(i) Was **was** rated as either effective or highly effective on~~
6 ~~his or her annual **2 consecutive** year-end performance evaluation~~
7 ~~**evaluations** under section 1249 for the 3 consecutive school years~~
8 immediately preceding his or her application for the professional
9 teaching certificate.

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

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

29 Sec. 1531k. (1) ~~Beginning November 5, 2015, the~~ **The**

1 superintendent of public instruction shall not issue an initial
 2 advanced professional education certificate to an individual, or
 3 renew an individual's advanced professional education certificate,
 4 unless the individual presents evidence satisfactory to the
 5 superintendent of public instruction demonstrating that he or she
 6 meets all of the following:

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

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

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

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

26 Enacting section 1. This amendatory act does not take effect
 27 unless Senate Bill No.____ or House Bill No. 5105 (request no.
 28 00651'21 a) of the 101st Legislature is enacted into law.