

**SUBSTITUTE FOR
HOUSE BILL NO. 5141**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 553a, 1231, 1233, 1233b, and 1249 (MCL
380.553a, 380.1231, 380.1233, 380.1233b, and 380.1249), section
553a as amended by 2011 PA 277, section 1231 as amended by 2016 PA
192, section 1233 as amended by 2017 PA 151, section 1233b as
amended by 1995 PA 289, and section 1249 as amended by 2016 PA 170.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 553a. (1) An authorizing body may issue a contract to
2 establish a school of excellence that is a cyber school. A cyber
3 school shall provide full-time instruction to pupils through online
4 learning or otherwise on a computer or other technology, and this
5 instruction and learning may occur remote from a school facility.

1 (2) A contract for a school of excellence that is a cyber
2 school shall include all of the provisions required under section
3 553 and all of the following:

4 (a) A requirement that a teacher who holds appropriate
5 certification according to state board rule **OR WHO IS ENGAGED TO**
6 **TEACH UNDER SECTION 1233B** will be responsible for all of the
7 following for each course in which a pupil is enrolled:

8 (i) Improving learning by planned instruction.

9 (ii) Diagnosing the pupil's learning needs.

10 (iii) Assessing learning, assigning grades, and determining
11 advancement.

12 (iv) Reporting outcomes to administrators and parents or legal
13 guardians.

14 (b) A requirement that the cyber school will make educational
15 services available to pupils for a minimum of at least 1,098 hours
16 during a school year and will ensure that each pupil participates
17 in the educational program for at least 1,098 hours during a school
18 year.

19 (3) Notwithstanding any other provision of this act or any
20 rule, if a school of excellence that is a cyber school is in
21 compliance with the requirements of subsection (2) (a) regarding a
22 certificated teacher **OR A TEACHER ENGAGED TO TEACH UNDER SECTION**
23 **1233B**, any other adult assisting with the oversight of a pupil
24 during the pupil's participation in the cyber school's education
25 program is not required to be a certificated teacher, **A TEACHER**
26 **ENGAGED TO TEACH UNDER SECTION 1233B**, or an employee of the school.

27 (4) Notwithstanding any rule to the contrary, a cyber school

1 is not required to comply with any rule that would require a
2 pupil's physical presence or attendance in a classroom.

3 (5) At the end of a cyber school's second complete school year
4 of operations, the authorizing body of a school of excellence that
5 is a cyber school shall submit to the superintendent of public
6 instruction and the legislature, in the form and manner prescribed
7 by the superintendent of public instruction, a report detailing the
8 operation of the cyber school, providing statistics of pupil
9 participation and academic performance, and making recommendations
10 for any further statutory or rule change related to cyber schools
11 and online learning in this state.

12 Sec. 1231. (1) Except as otherwise provided in subsection (5),
13 the board of a school district shall hire and contract with
14 qualified teachers. Contracts with teachers shall be in writing and
15 signed on behalf of the school district by a majority of the board,
16 by the president and secretary of the board, or by the
17 superintendent of schools or an authorized representative of the
18 board. The contracts shall specify the wages agreed upon.

19 (2) A teacher's contract shall be filed with the secretary of
20 the board and a duplicate copy of the contract shall be furnished
21 to the teacher.

22 (3) Except as otherwise provided under this act, a contract
23 with a teacher is not valid unless the individual holds a valid
24 teaching certificate **OR IS ENGAGED TO TEACH UNDER SECTION 1233B** at
25 the time the contractual period begins or the individual is engaged
26 to teach in a community district under section 1233c. A contract
27 shall terminate if the certificate expires by limitation and is not

1 renewed immediately or if it is suspended or revoked by proper
2 legal authority.

3 (4) The board of a school district, after a teacher has been
4 employed at least 2 consecutive years by the board, may enter into
5 a continuing contract with a certificated teacher **OR A TEACHER**
6 **ENGAGED TO TEACH UNDER SECTION 1233B** or, for a community district,
7 with an individual engaged to teach in a community district under
8 section 1233c.

9 (5) The ~~school~~ board of a school district that is a community
10 district may employ or contract for, or both, qualified teachers
11 and other qualified instructional personnel at a public school that
12 formerly operated as an achievement school ~~, as defined in section~~
13 ~~3 of the state school aid act of 1979, MCL 388.1603,~~ as necessary
14 to carry out the purposes of the community district.

15 (6) As used in this section: ~~"teacher"~~

16 (A) **"ACHIEVEMENT SCHOOL" MEANS A PUBLIC SCHOOL FORMERLY WITHIN**
17 **THE EDUCATION ACHIEVEMENT SYSTEM THAT WAS OPERATED, MANAGED,**
18 **AUTHORIZED, ESTABLISHED, OR OVERSEEN BY THE ACHIEVEMENT AUTHORITY.**

19 (B) **"TEACHER"** does not include a substitute teacher.

20 Sec. 1233. (1) Except as otherwise provided by law, and
21 subject to ~~section~~ **SECTIONS 1233B AND 1233c**, the board of a school
22 district or ~~intermediate school board of an~~ intermediate school
23 district shall not permit a teacher who does not hold a valid
24 teaching certificate to teach in a grade or department of the
25 school.

26 (2) The board of a school district or ~~intermediate school~~
27 ~~board of an~~ intermediate school district shall not allow an

1 individual to serve in a counseling role in the school district or
2 intermediate school district, as the role is defined by the
3 superintendent of public instruction, unless the individual meets 1
4 or more of the following:

5 (a) The individual holds a valid teaching certificate with a
6 school counseling endorsement.

7 (b) The individual meets all of the following:

8 (i) Holds a master's degree awarded after completion of an
9 approved school counselor education program that includes at least
10 all of the following skills and content areas or their equivalent:

11 (A) Guidance services--philosophy, principles, and practices.

12 (B) Individual and group analysis--nature and range of human
13 characteristics and appraisal methods.

14 (C) Guidance information--vocational development theory,
15 educational and occupational information.

16 (D) Counseling theory and practice--individual and group
17 procedures, administration and coordination relationships,
18 professional relationships, and ethics.

19 (E) Supervised experiences--laboratory, practicum, or
20 internship.

21 (F) Evaluation--statistics and research methodology, follow-up
22 evaluation, and measurement methods.

23 (ii) Has successfully completed the department's guidance
24 counselor examination.

25 (iii) Has been recommended by an approved school counselor
26 education program to provide services as a school counselor.

27 (c) The individual meets both of the following:

1 (i) Has at least 5 years of successful experience serving in a
2 school counseling role in another state within the immediately
3 preceding 7-year period.

4 (ii) Has successfully completed the department's guidance
5 counselor examination.

6 (3) Except for teachers **ENGAGED TO TEACH UNDER SECTION 1233B**
7 **AND TEACHERS** engaged to teach in a community district under section
8 1233c, the intermediate superintendent shall notify the
9 superintendent of public instruction immediately of the names of
10 noncertificated teachers teaching in violation of subsection (1)
11 and the names of individuals serving in counseling roles in
12 violation of subsection (2), the employing district, and the amount
13 of time the noncertificated teachers or unqualified individuals
14 were employed.

15 (4) A vocational teacher preparation institution shall utilize
16 the employment experience of an annually authorized teacher for the
17 purpose of waiving student teaching as a requirement for vocational
18 certification if the annually authorized teacher is supervised by
19 the teacher preparation institution.

20 (5) All vocational education teachers certified after June 1,
21 1995 shall pass a competency test.

22 (6) The board of a school district or intermediate school
23 district may employ an individual without a teaching certificate as
24 a substitute teacher if the individual has at least 90 semester
25 hours of college credit from a college or university.

26 (7) Beginning 2 years after the effective date of the
27 amendatory act that added this subsection, the department shall not

1 renew an individual's school counselor credential unless the
2 department determines that, within the time period since the
3 individual's school counselor credential was issued or last
4 renewed, whichever is most recent, the individual has completed at
5 least 25 hours of professional development approved by the
6 department under subsection (9) covering counseling about the
7 college preparation and selection process and at least 25 hours of
8 professional development approved by the department under
9 subsection (9) covering career counseling. For the purposes of this
10 subsection, career counseling includes, but is not limited to,
11 exploration of military career options and the skilled trades as
12 well as other careers and pathways that lead to industry
13 credentials awarded in recognition of an individual's attainment of
14 measurable technical or occupational skills necessary to obtain
15 employment or advance within an occupation. The hours of
16 professional development required under this subsection covering
17 career counseling shall include at least 5 hours covering military
18 career options. The hours of professional development required
19 under this subsection are a part of and not in addition to
20 professional development requirements under department rule.

21 (8) An individual may complete the professional development
22 hours for the purposes of subsection (7) as part of the
23 professional development provided by a school district,
24 intermediate school district, public school academy, or nonpublic
25 school under section 1527 if the content and curriculum of the
26 professional development provided under section 1527 are approved
27 by the department under subsection (9).

1 (9) The department shall approve the professional development
2 for the purposes of subsection (7). The department shall only
3 approve a professional development program or course for the
4 purposes of subsection (7) if the department determines that the
5 content and curriculum for the professional development meet
6 standards that are developed by the department in consultation with
7 the department of talent and economic development and groups
8 representing school counselors, college admissions professionals,
9 financial aid officers, employers, and others as determined
10 appropriate by the department. The department shall develop these
11 standards by July 1, 2018 and shall facilitate the involvement in
12 the development of the standards of the groups required under this
13 subsection.

14 (10) The superintendent of public instruction shall promulgate
15 or modify rules as necessary to implement subsections (7) to (9).

16 Sec. 1233b. (1) ~~Except~~ **SUBJECT TO SUBSECTION (2) AND EXCEPT** as
17 provided in subsection (3), the board of a ~~local~~ **SCHOOL DISTRICT** or
18 intermediate school district **OR THE BOARD OF DIRECTORS OF A PUBLIC**
19 **SCHOOL ACADEMY** may engage a full-time or part-time noncertificated,
20 nonendorsed teacher to teach a course in computer science, a
21 foreign language, mathematics, biology, chemistry, engineering,
22 physics, robotics, or in another subject area determined by the
23 state board to be appropriate to be included under this section and
24 so designated by the state board, or any combination of these
25 subject areas, in grades 9 through 12, **OR IN AN INDUSTRIAL**
26 **TECHNOLOGY EDUCATION PROGRAM OR A CAREER AND TECHNICAL EDUCATION**
27 **PROGRAM.**

1 (2) Subject to subsection (3), a noncertificated, nonendorsed
2 teacher is qualified to teach ~~pursuant to~~ **UNDER** this section if he
3 or she meets ~~all~~ **AT LEAST 1** of the following minimum requirements:

4 **(A) ALL OF THE FOLLOWING:**

5 **(i)** ~~(a)~~ Possesses an earned bachelor's degree from an
6 accredited postsecondary institution.

7 **(ii)** ~~(b)~~ Has a major or a graduate degree in the field of
8 specialization in which he or she will teach.

9 **(iii)** ~~(c)~~ If the teacher desires to teach for more than 1
10 year, has passed both a basic skills examination and a subject area
11 examination, if a subject area examination exists, in the field of
12 specialization in which he or she will teach.

13 **(iv)** ~~(d)~~ Except in the case of ~~persons~~ **INDIVIDUALS** engaged to
14 teach a foreign language, has, in the 5-year period immediately
15 preceding the date of hire, not less than 2 years of occupational
16 experience in the field of specialization in which he or she will
17 teach.

18 **(B) FOR TEACHING A COURSE IN AN INDUSTRIAL TECHNOLOGY**
19 **EDUCATION PROGRAM OR A CAREER AND TECHNICAL EDUCATION PROGRAM, IS**
20 **ENGAGED TO TEACH IN A SUBJECT MATTER OR FIELD IN WHICH THE TEACHER**
21 **HAS ACHIEVED EXPERTISE, AS DETERMINED BY THE BOARD OF A SCHOOL**
22 **DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A**
23 **PUBLIC SCHOOL ACADEMY, AND SATISFIES ALL OF THE FOLLOWING:**

24 **(i) HAS A HIGH SCHOOL DIPLOMA OR A HIGH SCHOOL EQUIVALENCY**
25 **CERTIFICATE AS DEFINED IN SECTION 4 OF THE STATE SCHOOL AID ACT OF**
26 **1979, MCL 388.1604.**

27 **(ii) FOR TEACHING IN A SUBJECT MATTER OR FIELD IN WHICH A**

1 PROFESSIONAL LICENSE OR CERTIFICATION IS REQUIRED, AT LEAST 1 OF
2 THE FOLLOWING:

3 (A) HOLDS A PROFESSIONAL LICENSE OR CERTIFICATION IN THAT SAME
4 SUBJECT MATTER OR FIELD.

5 (B) PREVIOUSLY HELD A PROFESSIONAL LICENSE OR CERTIFICATION IN
6 THAT SAME SUBJECT MATTER OR FIELD THAT EXPIRED NO MORE THAN 2 YEARS
7 BEFORE THE NONCERTIFICATED, NONENDORSED TEACHER'S INITIAL
8 EMPLOYMENT UNDER THIS SECTION AND WAS IN GOOD STANDING IMMEDIATELY
9 BEFORE THE LICENSE OR CERTIFICATION EXPIRED.

10 (C) HAS ATTAINED JOURNEYWORKER STATUS BY COMPLETING A JOINT
11 APPRENTICE AND TRAINING COMMITTEE PROGRAM REGISTERED WITH THE
12 UNITED STATES DEPARTMENT OF LABOR OFFICE OF APPRENTICESHIP.

13 (iii) HAS AT LEAST 3 CONSECUTIVE YEARS OF PROFESSIONAL
14 EXPERIENCE IN THAT SAME SUBJECT MATTER OR FIELD.

15 (3) The requirements listed in subsection (2) for a teacher
16 engaged to teach ~~pursuant to~~ UNDER this section shall be in
17 addition to any other requirements established by the board of a
18 ~~local~~ SCHOOL DISTRICT or intermediate school district OR BOARD OF
19 DIRECTORS OF A PUBLIC SCHOOL ACADEMY, as applicable.

20 (4) Except as provided in subsection (5), the board of a ~~local~~
21 SCHOOL DISTRICT or intermediate school district OR BOARD OF
22 DIRECTORS OF A PUBLIC SCHOOL ACADEMY shall not engage a full-time
23 or part-time noncertificated, nonendorsed teacher to teach a course
24 described in subsection (1) if the district OR PUBLIC SCHOOL
25 ACADEMY is able to engage a certificated, endorsed teacher.

26 (5) If the board of a ~~local~~ SCHOOL DISTRICT or intermediate
27 school district OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY is

1 able to engage a certificated, endorsed teacher to teach a course
2 described in subsection (1), the ~~local or intermediate school board~~
3 **OR BOARD OF DIRECTORS** may employ or continue to employ a
4 noncertificated, nonendorsed teacher to teach the course if ~~both of~~
5 ~~the following conditions are met:~~**THE NONCERTIFICATED, NONENDORSED**
6 **TEACHER MEETS AT LEAST 1 OF THE FOLLOWING:**

7 **(A) BOTH OF THE FOLLOWING:**

8 **(i)** ~~(a)~~The noncertificated, nonendorsed teacher is annually
9 and continually enrolled and completing credit in an approved
10 teacher preparation program leading to a provisional teaching
11 certificate.

12 **(ii)** ~~(b)~~The noncertificated, nonendorsed teacher has a
13 planned program leading to teacher certification on file with the
14 employing school district or intermediate school district **OR PUBLIC**
15 **SCHOOL ACADEMY**, his or her teacher preparation institution, and the
16 department. ~~of education.~~

17 **(B) FOR A NONCERTIFICATED, NONENDORSED TEACHER TEACHING IN AN**
18 **INDUSTRIAL TECHNOLOGY EDUCATION PROGRAM OR A CAREER AND TECHNICAL**
19 **EDUCATION PROGRAM, ALL OF THE FOLLOWING:**

20 **(i) ENGAGES IN PROFESSIONAL DEVELOPMENT IN THE FIRST 3 YEARS**
21 **OF HIS OR HER EMPLOYMENT AS A TEACHER UNDER THIS SECTION THAT MEETS**
22 **THE REQUIREMENTS FOR INTENSIVE PROFESSIONAL DEVELOPMENT UNDER**
23 **SECTION 1526 AND THAT INCLUDES INSTRUCTION ON AT LEAST ALL OF THE**
24 **FOLLOWING:**

25 **(A) CURRENT RESEARCH, TRENDS, AND BEST PRACTICES IN EDUCATION.**

26 **(B) LESSON DESIGN, ASSESSMENT, AND GRADING.**

27 **(C) CLASSROOM MANAGEMENT AND MAINTAINING A SAFE CLASSROOM**

1 ENVIRONMENT.

2 (D) INSTRUCTIONAL STRATEGIES AND DELIVERY.

3 (E) COMPLIANCE AND LEGAL ISSUES FOR EDUCATORS.

4 (F) DEVELOPMENTALLY APPROPRIATE PRACTICE AND CHILD
5 DEVELOPMENT.

6 (G) DIFFERENTIATED INSTRUCTION AND DIVERSE LEARNERS.

7 (ii) COMPLETES A 2-WEEK TRAINING COURSE THAT IS APPROVED BY
8 THE DEPARTMENT AND INCLUDES AT LEAST ALL OF THE FOLLOWING:

9 (A) RECURRING FEEDBACK SESSIONS THAT INCLUDE DISCUSSIONS ON
10 THE DEVELOPMENT AND IMPLEMENTATION OF CONCRETE PLANS TO IMPROVE AN
11 INDIVIDUAL'S TEACHING SKILLS IN ORDER TO INCREASE PUPIL LEARNING.

12 (B) WORKING WITH VETERAN TEACHERS TO IMPROVE AN INDIVIDUAL'S
13 TEACHING SKILLS IN ORDER TO INCREASE PUPIL LEARNING.

14 (C) INTENSIVE INSTRUCTION ON LESSON PLANNING.

15 (D) A STUDY OF THE FUNDAMENTALS OF TEACHING AND THE PRACTICE
16 OF TEACHING TECHNIQUES.

17 (iii) IS RATED AS EFFECTIVE OR HIGHLY EFFECTIVE UNDER SECTION
18 1249.

19 (6) IF A NONCERTIFICATED, NONENDORSED TEACHER FULFILLS THE
20 REQUIREMENTS UNDER SUBSECTION (5) (B) , THE SUPERINTENDENT OF PUBLIC
21 INSTRUCTION SHALL ISSUE A DOCUMENT TO THE TEACHER THAT INDICATES
22 THAT THE TEACHER HAS FULFILLED THE REQUIREMENTS UNDER SUBSECTION
23 (5) (B) , IN A FORM AND MANNER PRESCRIBED BY THE DEPARTMENT.

24 (7) ~~(6)~~—If the noncertificated, nonendorsed teacher completes
25 3 years of successful classroom teaching, as determined by regular
26 observation and review by school district, **INTERMEDIATE SCHOOL**
27 **DISTRICT, OR PUBLIC SCHOOL ACADEMY PERSONNEL** and teacher

1 preparation institution personnel, the department of ~~education~~ and
2 a teacher preparation institution shall utilize the teaching
3 experience of a noncertificated, nonendorsed teacher for the
4 purpose of waiving student teaching as a condition for receiving a
5 continued employment authorization in the school district,
6 **INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY** and a
7 provisional teaching certificate.

8 **(8) AN INDIVIDUAL ENGAGED TO TEACH UNDER THIS SECTION IS**
9 **SUBJECT TO THE REQUIREMENTS OF SECTIONS 1526 AND 1527.**

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

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

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

22 (c) Evaluates a teacher's or school administrator's job
23 performance, using multiple rating categories that take into
24 account student growth and assessment data. Student growth must be
25 measured using multiple measures that may include student learning
26 objectives, achievement of individualized education program goals,
27 nationally normed or locally developed assessments that are aligned

1 to state standards, research-based growth measures, or alternative
2 assessments that are rigorous and comparable across schools within
3 the school district, intermediate school district, or public school
4 academy. If the performance evaluation system implemented by a
5 school district, intermediate school district, or public school
6 academy under this section does not already include the rating of
7 teachers as highly effective, effective, minimally effective, and
8 ineffective, then the school district, intermediate school
9 district, or public school academy shall revise the performance
10 evaluation system not later than September 19, 2011 to ensure that
11 it rates teachers as highly effective, effective, minimally
12 effective, or ineffective.

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

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

17 (ii) Promotion, retention, and development of teachers and
18 school administrators, including providing relevant coaching,
19 instruction support, or professional development.

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

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

27 (2) The board of a school district or intermediate school

1 district or board of directors of a public school academy shall
2 ensure that the performance evaluation system for teachers meets
3 all of the following:

4 (a) The performance evaluation system shall include at least
5 an annual year-end evaluation for all teachers. Beginning with the
6 2015-2016 school year, an annual year-end evaluation shall meet all
7 of the following:

8 (i) For the 2015-2016, 2016-2017, and 2017-2018 school years,
9 25% of the annual year-end evaluation shall be based on student
10 growth and assessment data. Beginning with the 2018-2019 school
11 year, 40% of the annual year-end evaluation shall be based on
12 student growth and assessment data.

13 (ii) Beginning with the 2018-2019 school year, for core
14 content areas in grades and subjects in which state assessments are
15 administered, 50% of student growth must be measured using the
16 state assessments, and the portion of student growth not measured
17 using state assessments must be measured using multiple research-
18 based growth measures or alternative assessments that are rigorous
19 and comparable across schools within the school district,
20 intermediate school district, or public school academy. Student
21 growth also may be measured by student learning objectives or
22 nationally normed or locally adopted assessments that are aligned
23 to state standards, or based on achievement of individualized
24 education program goals.

25 (iii) Beginning with the 2016-2017 school year, the portion of
26 a teacher's annual year-end evaluation that is not based on student
27 growth and assessment data, as described under subparagraph (i),

1 shall be based primarily on a teacher's performance as measured by
2 the evaluation tool developed or adopted by the school district,
3 intermediate school district, or public school academy under
4 subdivision (f).

5 (iv) The portion of a teacher's evaluation that is not
6 measured using student growth and assessment data, as described
7 under subparagraph (i), or using the evaluation tool developed or
8 adopted by the school district, intermediate school district, or
9 public school academy, as described under subparagraph (iii), shall
10 incorporate criteria enumerated in section 1248(1)(b)(i) to (iii)
11 that are not otherwise evaluated under subparagraph (i) or (iii).

12 (b) If there are student growth and assessment data available
13 for a teacher for at least 3 school years, the annual year-end
14 evaluation shall be based on the student growth and assessment data
15 for the most recent 3-consecutive-school-year period. If there are
16 not student growth and assessment data available for a teacher for
17 at least 3 school years, the annual year-end evaluation shall be
18 based on all student growth and assessment data that are available
19 for the teacher.

20 (c) The annual year-end evaluation shall include specific
21 performance goals that will assist in improving effectiveness for
22 the next school year and are developed by the school administrator
23 or his or her designee conducting the evaluation, in consultation
24 with the teacher, and any recommended training identified by the
25 school administrator or designee, in consultation with the teacher,
26 that would assist the teacher in meeting these goals. For a teacher
27 described in subdivision (d), the school administrator or designee

1 shall develop, in consultation with the teacher, an individualized
2 development plan that includes these goals and training and is
3 designed to assist the teacher to improve his or her effectiveness.

4 (d) The performance evaluation system shall include a midyear
5 progress report for a teacher who is in the first year of the
6 probationary period prescribed by section 1 of article II of 1937
7 (Ex Sess) PA 4, MCL 38.81, or who received a rating of minimally
8 effective or ineffective in his or her most recent annual year-end
9 evaluation. The midyear progress report shall be used as a
10 supplemental tool to gauge a teacher's improvement from the
11 preceding school year and to assist a teacher to improve. All of
12 the following apply to the midyear progress report:

13 (i) The midyear progress report shall be based at least in
14 part on student achievement.

15 (ii) The midyear progress report shall be aligned with the
16 teacher's individualized development plan under subdivision (c).

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

27 (iv) The midyear progress report shall not take the place of

1 an annual year-end evaluation.

2 (e) The performance evaluation system shall include classroom
3 observations to assist in the performance evaluations. All of the
4 following apply to these classroom observations:

5 (i) A classroom observation shall include a review of the
6 teacher's lesson plan and the state curriculum standard being used
7 in the lesson and a review of pupil engagement in the lesson.

8 (ii) A classroom observation does not have to be for an entire
9 class period.

10 (iii) Unless a teacher has received a rating of effective or
11 highly effective on his or her 2 most recent annual year-end
12 evaluations, there shall be at least 2 classroom observations of
13 the teacher each school year. Beginning with the 2016-2017 school
14 year, at least 1 observation must be unscheduled.

15 (iv) Beginning with the 2016-2017 school year, the school
16 administrator responsible for the teacher's performance evaluation
17 shall conduct at least 1 of the observations. Other observations
18 may be conducted by other observers who are trained in the use of
19 the evaluation tool that is used under subdivision (f). These other
20 observers may be teacher leaders.

21 (v) Beginning with the 2016-2017 school year, a school
22 district, intermediate school district, or public school academy
23 shall ensure that, within 30 days after each observation, the
24 teacher is provided with feedback from the observation.

25 (f) For the purposes of conducting annual year-end evaluations
26 under the performance evaluation system, by the beginning of the
27 2016-2017 school year, the school district, intermediate school

1 district, or public school academy shall adopt and implement 1 or
2 more of the evaluation tools for teachers that are included on the
3 list under subsection (5). However, if a school district,
4 intermediate school district, or public school academy has 1 or
5 more local evaluation tools for teachers or modifications of an
6 evaluation tool on the list under subsection (5), and the school
7 district, intermediate school district, or public school academy
8 complies with subsection (3), the school district, intermediate
9 school district, or public school academy may conduct annual year-
10 end evaluations for teachers using 1 or more local evaluation tools
11 or modifications. The evaluation tools shall be used consistently
12 among the schools operated by a school district, intermediate
13 school district, or public school academy so that all similarly
14 situated teachers are evaluated using the same evaluation tool.

15 (g) The performance evaluation system shall assign an
16 effectiveness rating to each teacher of highly effective,
17 effective, minimally effective, or ineffective, based on his or her
18 score on the annual year-end evaluation described in this
19 subsection.

20 (h) As part of the performance evaluation system, and in
21 addition to the requirements of section 1526, a school district,
22 intermediate school district, or public school academy is
23 encouraged to assign a mentor or coach to each teacher who is
24 described in subdivision (d).

25 (i) The performance evaluation system may allow for exemption
26 of student growth data for a particular pupil for a school year
27 upon the recommendation of the school administrator conducting the

1 annual year-end evaluation or his or her designee and approval of
2 the school district superintendent or his or her designee,
3 intermediate superintendent or his or her designee, or chief
4 administrator of the public school academy, as applicable.

5 (j) The performance evaluation system shall provide that, if a
6 teacher is rated as ineffective on 3 consecutive annual year-end
7 evaluations, the school district, public school academy, or
8 intermediate school district shall dismiss the teacher from his or
9 her employment. This subdivision does not affect the ability of a
10 school district, intermediate school district, or public school
11 academy to dismiss a teacher from his or her employment regardless
12 of whether the teacher is rated as ineffective on 3 consecutive
13 annual year-end evaluations.

14 (k) The performance evaluation system shall provide that, if a
15 teacher is rated as highly effective on 3 consecutive annual year-
16 end evaluations, the school district, intermediate school district,
17 or public school academy may choose to conduct a year-end
18 evaluation biennially instead of annually. However, if a teacher is
19 not rated as highly effective on 1 of these biennial year-end
20 evaluations, the teacher shall again be provided with annual year-
21 end evaluations.

22 (l) The performance evaluation system shall provide that, if a
23 teacher who is not in a probationary period prescribed by section 1
24 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated as
25 ineffective on an annual year-end evaluation, the teacher may
26 request a review of the evaluation and the rating by the school
27 district superintendent, intermediate superintendent, or chief

1 administrator of the public school academy, as applicable. The
2 request for a review must be submitted in writing within 20 days
3 after the teacher is informed of the rating. Upon receipt of the
4 request, the school district superintendent, intermediate
5 superintendent, or chief administrator of the public school
6 academy, as applicable, shall review the evaluation and rating and
7 may make any modifications as appropriate based on his or her
8 review. However, the performance evaluation system shall not allow
9 for a review as described in this subdivision more than twice in a
10 3-school-year period.

11 (m) Beginning with the 2016-2017 school year, the school
12 district, intermediate school district, or public school academy
13 shall provide training to teachers on the evaluation tool or tools
14 used by the school district, intermediate school district, or
15 public school academy in its performance evaluation system and on
16 how each evaluation tool is used. This training may be provided by
17 a school district, intermediate school district, or public school
18 academy, or by a consortium consisting of 2 or more of these.

19 (n) Beginning with the 2016-2017 school year, a school
20 district, intermediate school district, or public school academy
21 shall ensure that training is provided to all evaluators and
22 observers. The training shall be provided by an individual who has
23 expertise in the evaluation tool or tools used by the school
24 district, intermediate school district, or public school academy,
25 which may include either a consultant on that evaluation tool or
26 framework or an individual who has been trained to train others in
27 the use of the evaluation tool or tools. This subdivision does not

1 prohibit a school district, intermediate school district, public
2 school academy, or consortium consisting of 2 or more of these,
3 from providing the training in the use of the evaluation tool or
4 tools if the trainer has expertise in the evaluation tool or tools.

5 (3) Beginning with the 2016-2017 school year, a school
6 district, intermediate school district, or public school academy
7 shall post on its public website all of the following information
8 about the evaluation tool or tools it uses for its performance
9 evaluation system for teachers:

10 (a) The research base for the evaluation framework,
11 instrument, and process or, if the school district, intermediate
12 school district, or public school academy adapts or modifies an
13 evaluation tool from the list under subsection (5), the research
14 base for the listed evaluation tool and an assurance that the
15 adaptations or modifications do not compromise the validity of that
16 research base.

17 (b) The identity and qualifications of the author or authors
18 or, if the school district, intermediate school district, or public
19 school academy adapts or modifies an evaluation tool from the list
20 under subsection (5), the identity and qualifications of a person
21 with expertise in teacher evaluations who has reviewed the adapted
22 or modified evaluation tool.

23 (c) Either evidence of reliability, validity, and efficacy or
24 a plan for developing that evidence or, if the school district,
25 intermediate school district, or public school academy adapts or
26 modifies an evaluation tool from the list under subsection (5), an
27 assurance that the adaptations or modifications do not compromise

1 the reliability, validity, or efficacy of the evaluation tool or
2 the evaluation process.

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

5 (e) A description of the processes for conducting classroom
6 observations, collecting evidence, conducting evaluation
7 conferences, developing performance ratings, and developing
8 performance improvement plans.

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

11 (4) If a collective bargaining agreement was in effect for
12 teachers or school administrators of a school district, public
13 school academy, or intermediate school district as of July 19,
14 2011, if that same collective bargaining agreement is still in
15 effect as of November 5, 2015, and if that collective bargaining
16 agreement prevents compliance with subsection (1), then subsection
17 (1) does not apply to that school district, public school academy,
18 or intermediate school district until after the expiration of that
19 collective bargaining agreement.

20 (5) The department shall establish and maintain a list of
21 teacher evaluation tools that have demonstrated evidence of
22 efficacy and that may be used for the purposes of this section.
23 That list initially shall include at least the evaluation models
24 recommended in the final recommendations released by the Michigan
25 council on educator effectiveness in July 2013. The list shall
26 include a statement indicating that school districts, intermediate
27 school districts, and public school academies are not limited to

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

13 (6) The training required under subsection (2) shall be paid
14 for from the funds available in the educator evaluation reserve
15 fund created under section 95a of the state school aid act, MCL
16 388.1695a.

17 (7) This section does not affect the operation or
18 applicability of section 1248.

19 (8) As used in this section, "teacher" means an individual who
20 has a valid Michigan teaching certificate or authorization **OR WHO**
21 **IS ENGAGED TO TEACH UNDER SECTION 1233B**; who is employed, or
22 contracted for, by a school district, intermediate school district,
23 or public school academy; and who is assigned by the school
24 district, intermediate school district, or public school academy to
25 deliver direct instruction to pupils in any of grades K to 12 as a
26 teacher of record.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless House Bill No. 5142 of the 99th Legislature is enacted into
4 law.