

SUBSTITUTE FOR
HOUSE BILL NO. 5224

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1249b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1249B. (1) BEGINNING WITH THE 2014-2015 SCHOOL YEAR, THE
2 BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD
3 OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE
4 PERFORMANCE EVALUATION SYSTEM REQUIRED UNDER SECTION 1249 FOR
5 BUILDING-LEVEL SCHOOL ADMINISTRATORS AND FOR CENTRAL-OFFICE-LEVEL
6 SCHOOL ADMINISTRATORS WHO ARE REGULARLY INVOLVED IN INSTRUCTIONAL
7 MATTERS MEETS ALL OF THE FOLLOWING:

8 (A) THE PERFORMANCE EVALUATION SYSTEM SHALL INCLUDE AT LEAST
9 AN ANNUAL EVALUATION FOR ALL SCHOOL ADMINISTRATORS DESCRIBED IN

House Bill No. 5224 (H-4) as amended May 14, 2014

1 THIS SUBSECTION BY THE SCHOOL DISTRICT SUPERINTENDENT OR HIS OR HER
2 DESIGNEE, INTERMEDIATE SUPERINTENDENT OR HIS OR HER DESIGNEE, OR
3 CHIEF ADMINISTRATOR OF THE PUBLIC SCHOOL ACADEMY, AS APPLICABLE,
4 EXCEPT THAT A SUPERINTENDENT OR CHIEF ADMINISTRATOR SHALL BE
5 EVALUATED BY THE BOARD OR BOARD OF DIRECTORS. AN ANNUAL EVALUATION
6 SHALL MEET ALL OF THE FOLLOWING:

7 (i) FOR THE ANNUAL EVALUATION FOR THE 2014-2015, 2015-2016, AND
8 2016-2017 SCHOOL YEARS, 25% OF THE ANNUAL EVALUATION SHALL BE BASED
9 ON STUDENT GROWTH AND ASSESSMENT DATA. BEGINNING WITH THE ANNUAL
10 EVALUATION FOR THE 2017-2018 SCHOOL YEAR, 40% OF THE ANNUAL
11 EVALUATION SHALL BE BASED ON STUDENT GROWTH AND ASSESSMENT DATA.

12 (ii) BEGINNING IN 2015-2016, 1/2 OF THE STUDENT GROWTH AND
13 ASSESSMENT DATA SHALL BE MEASURED USING THE STATE STUDENT GROWTH
14 ASSESSMENT TOOL. FOR A PUPIL WITH AN INDIVIDUALIZED EDUCATION
15 PROGRAM, A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
16 SCHOOL ACADEMY MAY USE STATE-PROVIDED GROWTH DATA FOR UP TO 1/2 OF
17 THE STUDENT GROWTH AND ASSESSMENT DATA FOR THAT PUPIL OR MAY USE 1
18 OR MORE LOCALLY DETERMINED STUDENT MEASURES AND ASSESSMENTS WITH
19 VALID GROWTH MEASUREMENTS, INCLUDING, BUT NOT LIMITED TO,
20 INDIVIDUALIZED EDUCATION PROGRAM GOALS, FOR ALL OF THE STUDENT
21 GROWTH AND ASSESSMENT DATA. [THE BALANCE BETWEEN THE USE OF STATE STUDENT
22 GROWTH DATA FROM STATE ASSESSMENT TOOLS AND LOCALLY DETERMINED STUDENT
23 GROWTH MEASURES AND ASSESSMENT FOR A PARTICULAR SCHOOL ADMINISTRATOR'S
24 GROWTH RATING SHALL BE BASED ON THE INSTRUCTIONAL PROGRAMS UNDER THE
25 OVERSIGHT OF THAT SCHOOL ADMINISTRATOR, WITH STATE STUDENT GROWTH DATA
26 NOT TO EXCEED 1/2 OF THE TOTAL GROWTH RATING FOR THE SCHOOL
27 ADMINISTRATOR.]

(iii) THE PORTION OF A SCHOOL ADMINISTRATOR'S STUDENT GROWTH AND
ASSESSMENT DATA THAT IS NOT BASED ON STATE-PROVIDED DATA AS
DESCRIBED IN SUBPARAGRAPH (ii) SHALL BE BASED ON 1 OR MORE LOCALLY
DETERMINED STUDENT MEASURES AND ASSESSMENTS WITH VALID GROWTH
MEASUREMENTS, WHICH MAY INCLUDE STUDENT LEARNING OBJECTIVES OR
INDIVIDUALIZED EDUCATION PROGRAM GOALS. THESE LOCALLY DETERMINED

1 STUDENT MEASURES AND ASSESSMENTS MAY EITHER BE LOCALLY DEVELOPED OR
2 CREATED BY A VENDOR. THE LOCALLY DETERMINED STUDENT MEASURES AND
3 ASSESSMENTS SHALL BE USED CONSISTENTLY AMONG THE SCHOOLS OPERATED
4 BY A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SO THAT ALL SIMILARLY
5 SITUATED SCHOOL ADMINISTRATORS ARE EVALUATED USING THE SAME
6 MEASURES AND ASSESSMENTS.

7 (iv) IF THERE ARE STUDENT GROWTH AND ASSESSMENT DATA FOR A
8 SCHOOL ADMINISTRATOR FOR AT LEAST 3 SCHOOL YEARS, THE ANNUAL
9 EVALUATION SHALL BE BASED ON THE STUDENT GROWTH AND ASSESSMENT DATA
10 FOR THE MOST RECENT 3-CONSECUTIVE-SCHOOL-YEAR PERIOD. IF THERE ARE
11 NOT STUDENT GROWTH AND ASSESSMENT DATA AVAILABLE FOR A SCHOOL
12 ADMINISTRATOR FOR AT LEAST 3 SCHOOL YEARS, THE ANNUAL EVALUATION
13 SHALL BE BASED ON ALL STUDENT GROWTH AND ASSESSMENT DATA THAT ARE
14 AVAILABLE FOR THE SCHOOL ADMINISTRATOR.

15 (B) THE PORTION OF THE ANNUAL EVALUATION THAT IS NOT BASED ON
16 STUDENT GROWTH AND ASSESSMENT DATA AS PROVIDED IN SUBDIVISION (A)
17 OR THE SCHOOL ADMINISTRATOR EVALUATION TOOL AS PROVIDED IN
18 SUBDIVISION (C) SHALL BE BASED ON AT LEAST THE FOLLOWING FOR EACH
19 SCHOOL IN WHICH THE SCHOOL ADMINISTRATOR WORKS AS AN ADMINISTRATOR
20 OR, FOR A CENTRAL OFFICE LEVEL SCHOOL ADMINISTRATOR, FOR THE ENTIRE
21 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT:

22 (i) IF THE SCHOOL ADMINISTRATOR CONDUCTS TEACHER PERFORMANCE
23 EVALUATIONS, THE SCHOOL ADMINISTRATOR'S TRAINING AND PROFICIENCY IN
24 USING THE EVALUATION TOOL FOR TEACHERS UNDER SECTION 1249,
25 INCLUDING A RANDOM SAMPLING OF HIS OR HER TEACHER PERFORMANCE
26 EVALUATIONS TO ASSESS THE QUALITY OF THE SCHOOL ADMINISTRATOR'S
27 INPUT IN THE TEACHER PERFORMANCE EVALUATION SYSTEM. IF THE SCHOOL

1 ADMINISTRATOR DESIGNATES ANOTHER PERSON TO CONDUCT TEACHER
2 PERFORMANCE EVALUATIONS, THE EVALUATION OF THE SCHOOL ADMINISTRATOR
3 ON THIS FACTOR SHALL BE BASED ON THE DESIGNEE'S TRAINING AND
4 PROFICIENCY IN USING THE EVALUATION TOOL FOR TEACHERS UNDER SECTION
5 1249, INCLUDING A RANDOM SAMPLING OF THE DESIGNEE'S TEACHER
6 PERFORMANCE EVALUATIONS TO ASSESS THE QUALITY OF THE DESIGNEE'S
7 INPUT IN THE TEACHER PERFORMANCE EVALUATION SYSTEM, WITH THE
8 DESIGNEE'S PERFORMANCE TO BE COUNTED AS IF IT WERE THE SCHOOL
9 ADMINISTRATOR PERSONALLY CONDUCTING THE TEACHER PERFORMANCE
10 EVALUATIONS.

11 (ii) THE PROGRESS MADE BY THE SCHOOL OR SCHOOL DISTRICT IN
12 MEETING THE GOALS SET FORTH IN THE SCHOOL'S SCHOOL IMPROVEMENT
13 PLAN, OR THE SCHOOL DISTRICT'S SCHOOL IMPROVEMENT PLANS, OR A
14 COMBINATION OF THESE.

15 (iii) PUPIL ATTENDANCE IN THE SCHOOL OR SCHOOL DISTRICT, AS
16 APPLICABLE.

17 (iv) STUDENT, PARENT, AND TEACHER FEEDBACK, AND OTHER
18 INFORMATION CONSIDERED PERTINENT BY THE SUPERINTENDENT OR OTHER
19 PERSON CONDUCTING THE PERFORMANCE EVALUATION OR THE BOARD OR BOARD
20 OF DIRECTORS.

21 (v) DEMONSTRATION OF EFFECTIVE MANAGEMENT AND DEVELOPMENT OF
22 INSTRUCTIONAL STAFF, UNLESS THIS CRITERION IS ALREADY REQUIRED IN
23 THE EVALUATION TOOL OR TOOLS ADOPTED FOR SCHOOL ADMINISTRATORS
24 UNDER SUBSECTIONS (2) TO (5).

25 (C) THE PORTION OF A SCHOOL ADMINISTRATOR'S ANNUAL EVALUATION
26 THAT IS NOT BASED ON STUDENT GROWTH AND ASSESSMENT DATA AS PROVIDED
27 IN SUBDIVISION (A) SHALL BE BASED PRIMARILY ON THE SCHOOL

1 ADMINISTRATOR'S PERFORMANCE AS MEASURED BY THE EVALUATION TOOL
2 ADOPTED BY THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
3 PUBLIC SCHOOL ACADEMY. BY THE BEGINNING OF THE 2015-2016 SCHOOL
4 YEAR, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
5 SCHOOL ACADEMY SHALL ADOPT AND IMPLEMENT 1 OR MORE OF THE APPROVED
6 EVALUATION TOOLS FOR SCHOOL ADMINISTRATORS AS PROVIDED IN
7 SUBSECTIONS (2) TO (5). THE EVALUATION TOOLS SHALL BE USED
8 CONSISTENTLY AMONG THE SCHOOLS OPERATED BY A SCHOOL DISTRICT,
9 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SO THAT ALL
10 SIMILARLY SITUATED SCHOOL ADMINISTRATORS ARE EVALUATED USING THE
11 SAME EVALUATION TOOL.

12 (D) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
13 PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT AN INDIVIDUAL, SCHOOL
14 BOARD, OR BOARD OF DIRECTORS CONDUCTING AN EVALUATION RECEIVES
15 TRAINING FROM THE VENDOR OR A TRAINING PROVIDER THAT HAS A CONTRACT
16 WITH THE VENDOR TO PROVIDE TRAINING USING A VENDOR-APPROVED
17 TRAINING PROGRAM FOR THE EVALUATION TOOL THAT IS USED BY THE SCHOOL
18 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.
19 THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
20 ACADEMY SHALL ENSURE THAT AN INDIVIDUAL OR BOARD CONDUCTING AN
21 EVALUATION RECEIVES TRAINING IN COACHING, PROVIDING FEEDBACK, AND
22 RATER RELIABILITY. THE INDIVIDUAL OR BOARD SHOULD RECEIVE TRAINING
23 IN COACHING, PROVIDING FEEDBACK, AND RATER RELIABILITY AT LEAST
24 ONCE EVERY 3 YEARS. THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
25 DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL ALSO PROVIDE INFORMATION
26 TO SCHOOL ADMINISTRATORS ON THE EVALUATION TOOL AND HOW IT IS USED.

27 (E) THE PERFORMANCE EVALUATION SYSTEM SHALL ASSIGN AN

1 EFFECTIVENESS RATING TO EACH SCHOOL ADMINISTRATOR DESCRIBED IN THIS
2 SUBSECTION OF HIGHLY EFFECTIVE, EFFECTIVE, MINIMALLY EFFECTIVE, OR
3 INEFFECTIVE, BASED ON HIS OR HER SCORE ON THE EVALUATION TOOL
4 DESCRIBED IN SUBSECTIONS (2) TO (5).

5 (F) THE PERFORMANCE EVALUATION SYSTEM SHALL ENSURE THAT IF A
6 SCHOOL ADMINISTRATOR DESCRIBED IN THIS SUBSECTION IS RATED AS
7 MINIMALLY EFFECTIVE OR INEFFECTIVE, THE PERSON OR PERSONS
8 CONDUCTING THE EVALUATION SHALL DEVELOP AND REQUIRE THE SCHOOL
9 ADMINISTRATOR TO IMPLEMENT AN IMPROVEMENT PLAN TO CORRECT THE
10 DEFICIENCIES. THE IMPROVEMENT PLAN SHALL RECOMMEND PROFESSIONAL
11 DEVELOPMENT OPPORTUNITIES AND OTHER MEASURES DESIGNED TO IMPROVE
12 THE RATING OF THE SCHOOL ADMINISTRATOR ON HIS OR HER NEXT ANNUAL
13 EVALUATION.

14 (G) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A
15 SCHOOL ADMINISTRATOR DESCRIBED IN THIS SUBSECTION IS RATED AS
16 INEFFECTIVE ON 3 CONSECUTIVE ANNUAL EVALUATIONS, THE SCHOOL
17 DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT
18 SHALL DISMISS THE SCHOOL ADMINISTRATOR FROM HIS OR HER EMPLOYMENT.
19 HOWEVER, THIS SUBDIVISION APPLIES ONLY IF THE 3 CONSECUTIVE ANNUAL
20 EVALUATIONS ARE CONDUCTED USING THE SAME EVALUATION FRAMEWORK AND
21 UNDER THE SAME PERFORMANCE EVALUATION SYSTEM. THIS SUBDIVISION DOES
22 NOT AFFECT THE ABILITY OF A SCHOOL DISTRICT, INTERMEDIATE SCHOOL
23 DISTRICT, OR PUBLIC SCHOOL ACADEMY TO DISMISS AN INEFFECTIVE SCHOOL
24 ADMINISTRATOR FROM HIS OR HER EMPLOYMENT REGARDLESS OF WHETHER THE
25 SCHOOL ADMINISTRATOR IS RATED AS INEFFECTIVE ON 3 CONSECUTIVE
26 ANNUAL EVALUATIONS.

27 (H) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A

1 SCHOOL ADMINISTRATOR IS RATED AS HIGHLY EFFECTIVE ON 3 CONSECUTIVE
2 ANNUAL EVALUATIONS, THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL
3 DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY CHOOSE TO CONDUCT AN
4 EVALUATION BIENNIALLY INSTEAD OF ANNUALLY. HOWEVER, IF A SCHOOL
5 ADMINISTRATOR IS NOT RATED AS HIGHLY EFFECTIVE ON 1 OF THESE
6 BIENNIAL EVALUATIONS, THE SCHOOL ADMINISTRATOR SHALL AGAIN BE
7 PROVIDED WITH ANNUAL EVALUATIONS.

8 (2) SUBJECT TO SUBSECTIONS (3) TO (5), FOR THE PURPOSES OF
9 EVALUATING SCHOOL ADMINISTRATOR PERFORMANCE AS PROVIDED IN
10 SUBSECTION (1), A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
11 PUBLIC SCHOOL ACADEMY SHALL USE 1 OR MORE OF THE FOLLOWING
12 EVALUATION TOOLS:

13 (A) THE SCHOOL ADVANCE ADMINISTRATOR EVALUATION SYSTEM
14 DEVELOPED BY P. REEVES AND P. MCNEIL.

15 (B) THE D. REEVES LEADERSHIP PERFORMANCE RUBRIC.

16 (C) THE R. MARZANO SCHOOL AND DISTRICT LEADERSHIP EVALUATION.

17 (3) THE DEPARTMENT MAY DESIGNATE 1 OR MORE OTHER EVALUATION
18 TOOLS AS ACCEPTABLE FOR USE UNDER THIS SECTION IF THE EVALUATION
19 TOOL MEETS THE REQUIREMENTS FOR LOCALLY DEVELOPED EVALUATION TOOLS
20 AS PROVIDED IN SUBSECTION (5). IF THE DEPARTMENT DESIGNATES AN
21 EVALUATION TOOL AS ACCEPTABLE, A SCHOOL DISTRICT, INTERMEDIATE
22 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MAY USE THAT EVALUATION
23 TOOL FOR THE PURPOSES OF EVALUATING SCHOOL ADMINISTRATOR
24 PERFORMANCE AS PROVIDED IN SUBSECTION (1). IF AT ANY POINT THE
25 DEPARTMENT DETERMINES THAT 1 OF THE APPROVED EVALUATION TOOLS
26 IDENTIFIED IN THIS SUBSECTION FAILS TO MEET THE REQUIREMENTS FOR
27 LOCALLY DEVELOPED EVALUATION TOOLS AS PROVIDED IN SUBSECTION (5),

1 THE DEPARTMENT MAY REVOKE THE DESIGNATION OF THAT EVALUATION TOOL
2 AS ACCEPTABLE FOR USE UNDER THIS SECTION.

3 (4) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
4 SCHOOL ACADEMY MAY USE 1 OR MORE ADAPTATIONS OR MODIFICATIONS OF AN
5 EVALUATION TOOL THAT IS ACCEPTABLE FOR USE UNDER SUBSECTION (2) OR
6 (3) FOR THE PURPOSES OF EVALUATING SCHOOL ADMINISTRATOR PERFORMANCE
7 AS PROVIDED IN SUBSECTION (1) IF THE ADAPTATIONS OR MODIFICATIONS
8 MEET ALL OF THE FOLLOWING AND THE SCHOOL DISTRICT, INTERMEDIATE
9 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY PROVIDES ASSURANCE OF ALL
10 OF THE FOLLOWING ON ITS PUBLIC WEBSITE:

11 (A) THE ADAPTATIONS OR MODIFICATIONS DO NOT COMPROMISE THE
12 VALIDITY OF EITHER THE EVALUATION TOOL OR THE EVALUATION PROCESS.

13 (B) THE ADAPTATIONS OR MODIFICATIONS HAVE UNDERGONE REVIEW BY
14 A PERSON WITH EXPERTISE IN SCHOOL ADMINISTRATOR EVALUATIONS AND THE
15 POSTED ASSURANCES INCLUDE THE IDENTITY AND QUALIFICATIONS OF THE
16 PERSON WHO CONDUCTED THE REVIEW.

17 (C) THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
18 PUBLIC SCHOOL ACADEMY ENSURES THAT ALL EVALUATORS AND OBSERVERS
19 RECEIVE INITIAL AND FOLLOW-UP TRAINING FROM THE VENDOR OF THE
20 EVALUATION TOOL THAT IS BEING MODIFIED OR FROM A TRAINING PROVIDER
21 THAT HAS A CONTRACT WITH THE VENDOR TO PROVIDE TRAINING USING A
22 VENDOR-APPROVED TRAINING PROGRAM FOR THE EVALUATION TOOL THAT IS
23 BEING MODIFIED.

24 (5) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
25 SCHOOL ACADEMY MAY USE 1 OR MORE LOCALLY DEVELOPED EVALUATION TOOLS
26 FOR THE PURPOSES OF EVALUATING SCHOOL ADMINISTRATOR PERFORMANCE AS
27 PROVIDED IN SUBSECTION (1) IF THE SCHOOL DISTRICT, INTERMEDIATE

1 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY PROVIDES ALL OF THE
2 FOLLOWING INFORMATION ABOUT THE LOCALLY DEVELOPED EVALUATION TOOL
3 ON ITS PUBLIC WEBSITE:

4 (A) THE RESEARCH BASE FOR THE EVALUATION FRAMEWORK,
5 INSTRUMENT, AND PROCESS.

6 (B) THE IDENTITY AND QUALIFICATIONS OF THE AUTHOR OR AUTHORS.

7 (C) EITHER EVIDENCE OF RELIABILITY, VALIDITY, AND EFFICACY OR
8 A PLAN FOR DEVELOPING THAT EVIDENCE.

9 (D) THE EVALUATION FRAMEWORKS AND RUBRICS WITH DETAILED
10 DESCRIPTORS FOR EACH PERFORMANCE LEVEL ON KEY SUMMATIVE INDICATORS.

11 (E) A DESCRIPTION OF THE PROCESSES FOR COLLECTING EVIDENCE,
12 CONDUCTING EVALUATION CONFERENCES, DEVELOPING PERFORMANCE RATINGS,
13 AND DEVELOPING PERFORMANCE IMPROVEMENT PLANS.

14 (F) A DESCRIPTION OF THE PLAN FOR PROVIDING ALL EVALUATORS AND
15 OBSERVERS WITH INITIAL AND FOLLOW-UP TRAINING AND THE IDENTITY AND
16 QUALIFICATIONS OF THE PROVIDERS OF THAT TRAINING.

17 Enacting section 1. This amendatory act does not take effect
18 unless House Bill No. 5223 of the 97th Legislature is enacted into
19 law.