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BILL ANALYSIS

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Senate Bills 1581 and 1582 (as introduced 11-9-10)
Sponsor: Senator Wayne Kuipers
Committee: Education

Date Completed: 11-9-10

CONTENT

Senate Bill 1581 would amend the teachers' tenure Act to do all of the following:

- **Allow a school board to require a tenured teacher to serve an additional four-year probationary period if he or she were rated as ineffective for two consecutive years.**
- **Provide that a teacher in the final year of a probationary period could not be considered to have successfully completed that period unless he or she were rated as effective, and that he or she could not be employed for the ensuing year unless he or she were rated as effective.**
- **Require teachers on continuing tenure to be given a performance evaluation at least annually, rather than at least once every three years.**

Senate Bill 1582 would amend the Revised School Code to do the following:

- **Require a school board's performance evaluation system to rate a teacher as "effective" or "ineffective" and ensure that at least 50% of an evaluation was based on student growth.**
- **Require the evaluations to be used for teacher tenure decisions.**
- **Require the evaluation system to provide for an appeal process for teachers.**

The bills are tie-barred.

Senate Bill 1581

Probation & Tenure

Under the teachers' tenure Act, a teacher is in a probationary period during his or her first four full school years of employment. A teacher is not required to serve more than one probationary period in any one school district or institution. Under the bill, these provisions would apply except as otherwise provided in Section 1a of Article III (described below), which the bill would add.

In addition, after the satisfactory completion of the probationary period, a teacher must be employed continuously by the controlling board under which the probationary period has been completed, and may not be dismissed or demoted except as specified in the Act. Under the bill, this provision would depend on the teacher's being rated as effective under Senate Bill 1582. A teacher who satisfactorily completed the probationary period and was rated effective would be considered to be on continuing tenure. A tenured teacher's continuing employment would be subject to Section 1a of Article III.

Under Section 1a of Article III, if a teacher who was on continuing tenure were rated as ineffective for two consecutive school years on the performance evaluation that would be required by Senate Bill 1582, then the controlling board could require the teacher to serve another four-year probationary period. A teacher placed in another probationary period would be a probationary teacher during that time for all purposes under the Act and would not be considered to be on continuing tenure during that probationary period for any purpose under the Act.

Written Statement of Satisfactory Work

At least 60 days before the close of each school year, the controlling board must provide a probationary teacher with a definite written statement as to whether his or her work has been satisfactory. Failure to submit a written statement is considered as conclusive evidence that the teacher's work is satisfactory. A probationary teacher or teacher not on continuing contract must be employed for the ensuing year unless notified in writing at least 60 days before the close of the school year that his or her services will be discontinued. Under the bill, these provisions would not apply to a teacher who was in the final year of his or her probationary period.

Under the bill, a teacher in the final year of his or her probationary period could not be considered to have successfully completed the probationary period unless he or she were rated as effective based on the performance evaluation under Senate Bill 1582. Failure of the controlling board to submit the written statement required under the teachers' tenure Act would not be considered as conclusive evidence that the teacher's work was satisfactory. Failure of the controlling board to provide the teacher with a performance evaluation, as Senate Bill 1582 would require, in a particular school year would not be considered to be conclusive evidence that the teacher's performance for that school year was satisfactory, and the teacher could not be considered to be rated as effective solely because of the failure to provide the performance evaluation. Regardless of whether the teacher was given at least 60 days' written notice before the end of the school year that his or her services would be discontinued, the teacher could not be employed for the ensuing year unless he or she were rated as effective, based on the performance evaluation that Senate Bill 1582 would require.

Performance Evaluation

Under the Act, the controlling board of the school district employing a teacher on continuing tenure must ensure that the teacher is provided with a performance evaluation at least once every three years. If the teacher has received a less than satisfactory performance evaluation, the school district must provide the teacher with an individualized development plan developed by appropriate administrative personnel in consultation with the teacher. Under the bill, the performance evaluation would have to be done at least annually.

Senate Bill 1582

Under the Revised School Code, the board of a school district, intermediate school district (ISD), or public school academy (PSA), with the involvement of teachers and school administrators, must adopt and implement a rigorous, transparent, and fair performance evaluation system for all teachers and school administrators.

Among other things, the evaluation system must evaluate a teacher's or school administrator's job performance using multiple rating categories that take into account data on student growth as a significant factor. The bill instead would require the evaluation system to evaluate a teacher's or school administrator's job performance and rate the teacher as either "effective" or "ineffective", using multiple rating categories in a way that ensured that at least 50% of the annual evaluation was based on student growth.

The Code requires student growth to be measured by national, State, or local assessments and other objective criteria. Under the bill, student growth would have to be measured by State assessments and also could be measured by local assessments and other objective criteria. If there were no State assessment for a grade or subject area that was part of the applicable data on student growth, student growth could be measured by local assessments only.

The evaluation system must use the evaluations to inform certain decisions, including whether to grant tenure or full certification, or both, to teachers and school administrators using rigorous standards and streamlined, transparent, and fair procedures. The bill specifies that the evaluations would have to be used for decisions regarding teacher tenure as provided in the teachers' tenure Act.

The bill also specifies that, for an evaluation of a teacher, the evaluation system would have to provide for an appeal process that allowed the evaluation to be appealed to the superintendent of the school district or ISD, or his or her designee, or the chief administrator of a PSA.

MCL 38.81 et al. (S.B. 1581)
380.1249 (S.B. 1582)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 1581

State: Due to the proposed changes in the Teacher Tenure Act, the State could see increased levels of teacher tenure appeals, which would increase State costs. However, an estimate of potential costs is not determinable and would depend upon the new level of teacher tenure appeal activity directly attributable to changes in this Act.

Local: School districts likely would see increased costs associated with the requirement to conduct an annual performance evaluation of tenured teachers, instead of the current practice of evaluating once every three years. The changes in teacher tenure rules potentially could affect school district costs, and any fiscal impact would depend upon how the changes proposed in the Act affected the numbers of existing tenured teachers or the process of tenuring teachers on probation, and how that in turn would affect the hiring or employment of affected teachers.

Senate Bill 1582

State: The bill would have no fiscal impact on State government.

Local: School districts could see slight changes in cost (either to the positive or negative) with the requirement to change their existing evaluation systems to ensure that at least 50% of the annual evaluation was based on student growth, but any cost adjustments should be temporary in nature until the evaluation systems were revised to meet this requirement. School districts also could see additional administrative costs from the requirement that the teacher evaluation system include an appeal process.

Fiscal Analyst: Kathryn Summers

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.