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Senate Bill 817 (as introduced 2-25-14)
Sponsor: Senator John Pappageorge
Committee: Education

Date Completed: 3-12-14

CONTENT

The bill would amend the Revised School Code to delay until the 2015-2016 school year the implementation of teacher and school administrator performance evaluation requirements, including conditions for the use of student growth and assessment data in conducting the evaluations.

The bill also would delete provisions regarding the Governor's Council on Educator Effectiveness. (The Council is described below, under **BACKGROUND**.)

The Code requires the board of a school district or intermediate school district (ISD) or the board of directors of a public school academy (PSA), with the involvement of teachers and school administrators, to adopt and implement for all teachers and administrators a rigorous, transparent, and fair performance evaluation system that does all of the following:

- Evaluates the teacher's or administrator's job performance at least annually while providing timely and constructive feedback.
- Establishes clear approaches to measuring student growth and provides teachers and administrators with relevant data on student growth.
- Evaluates a teacher's or administrator's job performance, using multiple rating categories that take into account data on student growth as a significant factor.
- Uses the evaluations to inform decisions regarding the effectiveness of teachers and administrators; promotion, retention, and development of teachers and administrators; whether to grant tenure and/or full certification; and removing ineffective tenured and untenured teachers and administrators.

Teacher Evaluations

Beginning with the 2013-2014 school year, the board of a school district, ISD, or PSA must ensure that the performance evaluation system for teachers meets the following conditions:

- The system must include an annual year-end evaluation for all teachers; a mid-year progress report for a teacher who is in the first year of a five-year probationary period for new teachers or who received a rating of minimally effective or ineffective on his or her most recent annual evaluation; and classroom observations to assist in the evaluations.
- For the purposes of conducting the annual year-end evaluations, the school district, ISD, or PSA must adopt and implement the State evaluation tool for teachers that is required under legislation enacted after review of the recommendations contained in the report of the Council on Educator Effectiveness, or a local tool that is consistent with the State evaluation tool.

- The system must assign to each teacher an effectiveness rating of highly effective, effective, minimally effective, or ineffective, based on his or her score on the annual evaluation.
- A school district, ISD, or PSA is encouraged to assign a mentor or coach to each teacher who is subject to a mid-year progress report.
- The system may allow for exemption of student growth data for a particular pupil for a school year upon the recommendation of the school administrator conducting the annual evaluation or his or her designee and approval of the school district or ISD superintendent or PSA chief administrator and his or her designee.
- The system must provide that, if a teacher is rated as ineffective on three consecutive annual evaluations, the school district, PSA, or ISD must dismiss the teacher from employment.
- The system must provide that, if a teacher is rated as highly effective on three consecutive evaluations, the school district, ISD, or PSA may choose to conduct a year-end evaluation biennially instead of annually.
- The system must provide that, if a teacher who is not in a probationary period is rated as ineffective on an annual evaluation, the teacher may request a review of the evaluation and the rating by the school district or ISD superintendent or PSA chief administrator, as applicable.

Under the bill, these requirements would apply beginning with the 2015-2016 school year.

Under current requirements, a certain percentage of a teacher's annual year-end evaluation must be based on student growth and assessment data as follows:

- For the 2013-2014 school year, at least 25%.
- For the 2014-2015 school year, at least 40%.
- Beginning with the 2015-16 school year, at least 50%.

The bill would delete the requirements applicable to the 2013-2014 and 2014-2015 school years.

Administrator Evaluations

Beginning with the 2013-2014 school year, the board of a school district or ISD or board of directors of a PSA must ensure that the performance evaluation system for building-level school administrators and for central office-level school administrators who are regularly involved in instructional matters includes at least an annual year-end evaluation for all school administrators by the school district or ISD superintendent or his or her designee, or chief administrator of the PSA, as applicable. (A superintendent or chief administrator must be evaluated by the board or board of directors).

In addition, the applicable board must ensure that the administrator evaluation system meets all of the following conditions:

- A percentage of the evaluation must be based on student growth and assessment data, as required for teacher evaluations.
- The school district, ISD, or PSA must adopt and implement the State evaluation tool for school administrators, or a local tool consistent with the State tool.
- The system must assign to each school administrator an effectiveness rating of highly effective, effective, minimally effective, or ineffective, based on his or her score on the evaluation tool.
- The system must ensure that if a school administrator is rated as minimally effective or ineffective, the person conducting the evaluation develops and requires the administrator to implement an improvement plan to correct the deficiencies.

- The system must provide that, if a school administrator is rated as ineffective on three consecutive annual evaluations, the school district, PSA, or ISD is required to dismiss the administrator from employment
- The system must provide that, if an administrator is rated as highly effective on three consecutive evaluations, the school district, ISD, or PSA may choose to conduct a year-end evaluation biennially instead of annually.

The portion of the evaluation that is not based on student growth and assessment data must be based on the administrator's training and proficiency in using the evaluation tool for teachers; 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, as applicable; pupil attendance in the school or school district, as applicable; and student, parent, and teacher feedback, and other information considered pertinent by the superintendent or other administrator conducting the performance evaluation or the school board, ISD board, or PSA board of directors.

Under the bill, these requirements would apply beginning with the 2015-2016 school year. The bill also would make the same changes to the percentages of the evaluation that must be based on student growth and assessment data as proposed for teacher evaluations.

MCL 380.1249

BACKGROUND

Public Act 102 of 2011 amended the Revised School Code to establish the requirements for teacher and administrator evaluations. The Act also created the Governor's Council on Educator Effectiveness as a temporary commission and prescribed its membership. Additionally, the Act required the Governor to appoint an advisory committee for the Council to provide input on its recommendations. The advisory committee had to consist of public school teachers, public school administrators, and parents of public school pupils. The Act required the Council, by April 30, 2012, to submit a report to the State Board of Education, the Governor, and the Legislature. The report had to identify and recommend all of the following, and include recommendations on evaluation processes and other relevant matters:

- A student growth and assessment tool.
- A State evaluation tool for teachers.
- A State evaluation tool for school administrators.
- Parameters for the effectiveness rating categories for teachers and administrators.
- A process for evaluating and approving local evaluation tools for teachers and administrators.

The Council's report also had to recommend changes to be made in the requirements for a professional education teaching certificate that will ensure that a teacher is not required to complete additional postsecondary credit hours beyond those required for a provisional teaching certificate.

Public Act 102 required the recommended State evaluation tool for teachers to include, in addition to the student growth and assessment tool, instructional leadership abilities, teacher and pupil attendance, professional contributions, training, progress report achievement, school improvement plan progress, peer input, and pupil and parent feedback. The Council had to ensure that the tool would allow all special education teachers to be rated. The Council also had to seek input from school districts, ISDs, and PSAs that already had developed and implemented successful, effective performance evaluation systems.

Public Act 102 required the recommended State evaluation tool for school administrators to include, in addition to the student growth and assessment tool, teacher and pupil attendance, graduation rates, professional contributions, training, progress report achievement, school improvement plan progress, peer input, and pupil and parent feedback.

Public Act 102 added the following statement: "It is the intent of the legislature to review the report submitted by the governor's council on educator effectiveness...and to enact appropriate legislation to put into place a statewide performance evaluation system taking into consideration the recommendations contained in the report."

The Council submitted its final report in July 2013.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The proposed delay of the performance evaluation system for teachers and administrators could result in some savings for the fiscal year 2014-15 budget; however, the extent of those savings is unknown, and any savings in FY 2014-15 would have to be paid in FY 2015-16. The Governor's proposed budget for FY 2014-15 included a total of \$49.4 million for the first year of phasing in educator evaluations and student assessments. While it is likely that a large portion of the funding in FY 2014-15 would still be used for training, teacher and administrator evaluation tools, electronic reporting, necessary information technology updates, and other items, it is possible that a small portion of those funding requirements could be delayed to FY 2015-16 if the implementation of the performance evaluation system were delayed as proposed under this bill.

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.