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BILL



ANALYSIS

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Senate Bill 817 (as enacted)  
Sponsor: Senator John Pappageorge  
Senate Committee: Education  
House Committee: Education

**PUBLIC ACT 257 of 2014**

Date Completed: 7-28-15

**CONTENT**

**The bill amended the Revised School Code to do the following:**

- **Delay until the 2015-2016 school year requirements that teacher and school administrator performance evaluation systems meet specified conditions, including annual year-end evaluations.**
- **Delete a requirement that student growth be measured by national, State, or local assessments and other objective criteria.**
- **Specify the way in which student growth had to be measured in 2014-2015.**

The bill also deleted provisions regarding the Governor's Council on Educator Effectiveness.

The bill took effect on June 30, 2014.

**Performance Evaluation System**

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 the removal of ineffective tenured and untenured teachers and administrators.

As discussed below, the bill revised requirements for the measurement of student growth and requires the evaluation systems to meet specified conditions beginning with the 2015-2016 school year, rather than beginning in 2013-2014.

**Teacher Evaluations**

The Code requires the board of a school district, ISD, or PSA to ensure that the performance evaluation system for teachers meets all of 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.

Previously, these requirements were scheduled to begin with the 2013-2014 school year. Under the bill, they will apply beginning with the 2015-2016 school year.

The Code requires a percentage of a teacher's annual year-end evaluation to be based on student growth and assessment data. Previously, the percentage was as follows:

- For the 2013-2014 school year, at least 25%.
- For the 2014-2015 school year, at least 40%.
- Beginning with the 2015-2016 school year, at least 50%.

The bill deleted the yearly percentages but retains the requirement that at least 50% of the annual year-end evaluation be based on student growth and assessment data.

#### Administrator Evaluations

The Code requires the board of a school district or ISD or the board of directors of a PSA to 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 the chief administrator of the PSA, as applicable. (A superintendent or chief administrator must be evaluated by the board or board of directors.)

The administrator evaluation system also must meet all of the following conditions:

- A percentage of the evaluation must be based on student growth and assessment data.
- 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 (under certain circumstances).
- 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.

Previously, these requirements were scheduled to begin with the 2013-2014 school year. Under the bill, they will apply beginning with the 2015-2016 school year.

The bill also requires at least 50% of the annual year-end evaluation to be based on student growth and assessment data, and deleted requirements of at least 25% for 2013-2014, at least 40% for 2014-2015, and at least 50% beginning in 2015-2016.

### Student Growth Measurement

Previously, for the purpose of evaluating a teacher's or administrator's job performance, the Code required student growth to be measured by national, State, or local assessments and other objective criteria. The bill deleted this requirement.

Under the bill, for 2014-2015, for grades and subjects in which State assessments were administered in compliance with a section of the No Child Left Behind Act (20 USC 6311), student growth had to be measured, at least in part, using the State assessments. For grades and subjects in which State assessments were not required and administered for purposes of that section of Federal law, student growth had to be measured, at least in part, using alternative assessments that were rigorous and comparable across schools within the school district, ISD, or PSA.

(The specified section of the No Child Left Behind Act, 20 USC 6311, establishes state requirements, including the adoption of academic standards and assessments, for financial assistance to local educational agencies with high percentages of students from low-income families.)

A school district, ISD, or PSA does not have to comply with the Code's requirements for teacher and administrator performance evaluation systems for a school that had implemented as of July 19, 2011 (the effective date of the amendments that added the requirements) and is using a performance evaluation system that meets specified criteria. These include a requirement that the system uses research-based measures to determine student growth.

For such a school, the Code permits student growth to be measured by standards-based, nationally normed assessments. Under the bill, student growth also may be measured by other objective criteria, which may include other national or local assessments. For 2014-15, the bill added the same requirements for measuring student growth as described above.

### Governor's Council on Educator Effectiveness

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. The Council was required, 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 bill deleted these provisions and other requirements pertaining to the Council's recommendations.

MCL 380.1249

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### **FISCAL IMPACT**

The delay of the performance evaluation system for teachers and administrators may have resulted in some savings for the fiscal year (FY) 2014-15 budget; however, the extent of those savings is unknown, and any amount saved in FY 2014-15 may have to be spent in FY 2015-16. The enacted budget for FY 2014-15 included a total of \$14.8 million for the first year of phasing in educator evaluations and student assessments. The \$14.8 million will not lapse to the General Fund at the close of the fiscal year, but will remain instead in the Educator Evaluation Reserve Fund, and may be spent when the State Budget Office approves the Department of Education's spending plan. It is likely that this funding may be used to implement evaluations in FY 2015-16.

The requirement for 2014-2015 that alternative assessments, used in grades not covered by State assessments, be rigorous and comparable across schools within a district, ISD, or PSA could have resulted in additional costs if the existing alternative assessments did not meet those criteria and the new alternative assessments for those grade levels were more expensive.

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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.