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BILL ANALYSIS

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Senate Bills 395 and 396 (as enacted)
Sponsor: Senator Dayna Polehanki (S.B. 395)
Senator Kristin McDonald-Rivet (S.B. 396)
Senate Committee: Education
House Committee: Education

PUBLIC ACTS 224 & 225 of 2023

Date Completed: 2-9-24

RATIONALE

In 2011, the Legislature enacted Public Acts 100 through 103, which amended the Revised School Code to establish the evaluation system still largely used today. These reforms sought to hold teachers and administrators accountable for their work in the classroom for the benefit of students; however, according to testimony before the Senate Committee on Education, the evaluation system instead harmed teachers and failed students. Reportedly, many teachers were stressed by the demands, implementation, and potential punitive action resulting from evaluations, which may not accurately measure capabilities. As a result, it was suggested that the teacher and administrator evaluation system be modified.

CONTENT

Senate Bill 395 amends the Revised School Code to do the following:

- **Require, beginning the 2024-2025 school year, 20% of a teacher year-end evaluation to be based on locally agreed-on student performance and assessment data or student learning objectives metrics determined through collective bargaining agreements.**
- **Require, beginning the 2024-2025, 20% of administrator year-end evaluations to be based on student performance and assessment data or student learning objectives metrics.**
- **Require, before July 1, 2024, the performance evaluation system implemented by a school district, intermediate school district (ISD), or public school academy (PSA) to include the ratings of highly effective, effective, minimally effective, and ineffective, and beginning July 1, 2024, the ratings of effective, developing, and needing support.**
- **Prescribe the conditions under which a teacher or school administrator may be deemed unevaluated.**
- **Prohibit evaluation results from being used to decide whether to grant tenure or full certification to teachers or administrators or whether to remove ineffective tenured and untenured teachers and school administrators.**
- **Require teachers and administrators to be evaluated at the end of each year by an evaluation tool and other objective criteria, deleting current requirements.**
- **Require school administrators to be subject to midyear evaluations under certain circumstances, similar to the current requirement for teachers.**
- **Modify requirements related to teacher midyear evaluations and classroom observations.**
- **Require a teacher or administrator to be dismissed from employment if the teacher or administrator receives the rating of "needing support" on three consecutive year-end evaluations, instead of the rating of "ineffective".**

- **Allow an administrator to be evaluated biennially or, for a teacher, triennially, if the administrator or teacher are rated as highly effective or effective on the three most recent consecutive-year-end evaluations.**
- **Allow a teacher or school administrator to request a review of an evaluation if the teacher or school administrator is rated as needing support.**
- **Allow a teacher or school administrator to request binding arbitration by filing a demand for arbitration with the American Arbitration Association if the administrator or teacher's contract or collective bargaining agreement does not contain a grievance procedure.**
- **Require an individual who conducted an evaluation to complete rater reliability training provided by the school district, ISD, PSA, or the entity that employs the individual and prescribe the standards of this training.**
- **Modify provisions related to Grade 3 reading assessments and programs.**
- **Repeal sections 1250, 1531j, and 1531k of the Revised School Code.**

Senate Bill 396 amends the teachers' tenure Act, which describes the probation, tenure, and discharge of certified teachers in public education institutions, to do the following:

- **Modify the definition of "demote".**
- **Update provisions related to teachers' probationary periods and evaluations in accordance with Senate Bill 395.**

The bills will take effect July 1, 2024.

Senate Bill 395

Annual Evaluations for Teachers and Administrators

The Revised School Code requires the board of a school district or ISD or board of directors of a PSA to adopt and implement for all teachers and school administrators a rigorous, transparent, and fair performance evaluation system. Under the bill, the system must be developed after collective bargaining with any collective bargaining representative of teachers and school administrators, if applicable. The bill specifies that the Code's provisions concerning annual evaluations do not impair the right or duty of a public school employer and a collective bargaining representative to engage in collective bargaining over the topic of performance evaluations under the public employment relations Act.

Under the bill, the evaluation system must fulfill the following requirements:

- Evaluate the teacher or school administrator's job performance while providing timely and constructive feedback.
- Establish clear approaches to measuring student growth and provide teachers and school administrators with relevant data on student growth.
- Evaluate a teacher or school administrator's job performance, using multiple rating categories that consider student growth and assessment data or student learning objectives metrics.¹

¹ The bill allows student learning objectives metrics to be used to measure teacher and administrator job performance, in addition to existing methods. Provisions concerning student growth and assessment data also apply to student learning objectives metrics.

The bill defines "student learning objectives" as measurable, long-term, academic goals, informed by available data, that a teacher or teacher team sets at the beginning of the year for all students.

The bill deletes a provision requiring student growth to be measured using multiple measures that may include student learning objectives, achievement of individualized education program goals, nationally normed or locally developed assessments that are aligned to State standards, research-based growth measures, or alternative assessments that are rigorous and comparable across schools within the school district, ISD, or PSA. Instead, it requires student growth, assessment data, and student learning objectives to be measured using metrics agreed upon through collective bargaining, if applicable.

Beginning in the 2024-2025 school year, year-end evaluations must include locally agreed-on student growth and assessment data or student learning objectives metrics determined through collective bargaining. These data and metrics must account for 20% of the evaluation.² For administrators, 20% of annual evaluations must be based on student growth and assessment data or student learning objectives.

Additionally, the bill retains the requirement that the evaluation system evaluate a teacher's or administrator's performance while providing timely and constructive feedback but removes the requirement that this be conducted *at least annually*.

Under the bill, the performance evaluation system implemented by a school district, ISD, or PSA must include the rating of teachers and school administrators as highly effective, effective, minimally effective, and ineffective before July 1, 2024. Beginning July 1, 2024, the performance evaluation system implemented by a school district, ISD, or PSA must instead include the rating of teachers and administrators as effective, developing, and needing support.

An evaluation and feedback concerning the evaluation must be provided, in writing, to the teacher or administrator being evaluated. If a written evaluation is not provided, the teacher will be deemed effective. A teacher or administrator will be designated as unevaluated for a school year if any of the following apply:

- The teacher or administrator works fewer than 60 days in that school year.
- The teacher or administrator's evaluation results are vacated through a grievance procedure or arbitration.
- There are extenuating circumstances and the teacher or administrator and the school district, ISD, or PSA decide to designate the teacher or administrator as unevaluated because of this.

If a teacher receives an unevaluated designation, the teacher's rating from the school year immediately before that designation must be used. If an administrator receives an unevaluated designation, the administrator's rating from the school year prior to that designation must be used if a rating is necessary and if the following circumstances are met:

- The school administrator continues to be employed in the same position the administrator was employed in before the administrator received the unevaluated designation.
- The school administrator continues to be employed by the same school district, ISD, or PSA that employed the administrator before the administrator received the unevaluated designation.

² Before the 2024-2025 school year, 40% of year end evaluations are based on student growth and assessment data.

Currently, evaluations are used to inform decisions regarding the following:

- The effectiveness of teachers and school administrators, ensuring that they are given ample opportunities for improvement.
- The promotion, retention, and development of teachers and school administrators, including providing relevant coaching, instruction support, or professional development.
- Whether to grant tenure or full certification, or both, to teachers and school administrators using rigorous standards and streamlined, transparent, and fair procedures.
- Removing ineffective tenured and untenured teachers and school administrators after they have ample opportunities to improve, ensuring that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures.

The bill deletes the latter two uses of evaluations: their use for granting tenure or full certification and their use for removing ineffective teachers. Also, under the bill, evaluations may not be used to inform decisions regarding the *promotion or retention* of teachers and school administrators.

Additionally, the bill deletes the following teacher-specific year-end evaluation requirements:

- For core content areas in grades and subjects in which State assessments are administered, 50% of student growth must be measured using the State assessments, and the portion of student growth not measured using State assessments must be measured using multiple research-based growth measures or alternative assessments that are rigorous and comparable across schools within the school district, ISD, or PSA.
- If there are student growth and assessment data available for a teacher for at least three school years, the annual year-end evaluation must be based on the student growth and assessment data for the most recent three-consecutive-school-year period.
- The performance evaluation 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 year-end evaluation and approval of the school district superintendent, intermediate superintendent, or chief administrator of a PSA, or their designees.

Currently, the student growth and assessment data to be used for the school administrator annual evaluation are the aggregate student growth and assessment data that are used in teacher annual year-end evaluations in each school in which the school administrator works as an administrator or, for a central-office-level school administrator, for the entire school district or ISD. The portion of an evaluation not based on student growth and assessment data has to be based on, for a school administrator who conducts teacher performance evaluations, the school administrator's proficiency in using their school's evaluation tool for teachers; for an administrator who designates this task to another person, the designee's performance, counted as if it is the school administrator personally conducting the teacher performance evaluations; 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; pupil attendance in the school or school district; student, parent, and teacher feedback, as available, and other information considered pertinent by the superintendent or other school administrator conducting the performance evaluation or the board or board of directors. The bill deletes these provisions.

The bill maintains a current requirement that a school district, ISD, or PSA must develop or adopt and implement an evaluation tool for teachers and school administrators, which measures performance. Any portion of an evaluation not based on this evaluation tool, or on

student growth and assessment data or student learning objectives, must be based on objective criteria.

For a building-level school administrator's evaluation, the individual conducting the evaluation must visit the school building where the building-level school administrator works, review the building-level school administrator's school improvement plan, and observe classrooms with the building-level school administrator to collect evidence of the school improvement plan strategies being implemented and the impact the school improvement plan has on learning.

Additionally, as part of the performance evaluation system, a school district, ISD, or PSA must assign a mentor or coach to each school administrator for the first three years in which the administrator is in a new administrative position. This provision does not apply to a school district superintendent, an intermediate superintendent, or a chief administrator.

Midyear Evaluations for Teachers and Administrators

Currently, the performance evaluation system must include a midyear progress report for a teacher who is in the first year of the probationary period under Chapter II (Probationary Period) of the teachers' tenure Act.³ A teacher who receives a rating of minimally effective or ineffective, or, under the bill, needing support or developing, during the previous year-end evaluation also must receive a midyear progress report. The bill deletes a requirement that the midyear progress report be based at least in part on student achievement.

Under the bill, the performance evaluation system also must include a midyear progress report for a school administrator each year that the school administrator is evaluated. The midyear progress report must be used as a supplemental tool to gauge a school administrator's improvement from the preceding evaluation and to assist a school administrator to improve. The midyear progress report must include specific performance goals for the remainder of the school year for building-level school administrators, or for the remainder of the calendar year for all other school administrators, that are developed by the individual conducting the year-end evaluation or the individual's designee and any recommended training identified by the individual or designee that assists the school administrator in meeting these goals.

At the midyear progress report, the individual conducting the year-end evaluation or the individual's designee must develop, in consultation with the school administrator, a written improvement plan that includes these goals and training and is designed to assist the school administrator to improve the school administrator's rating. The midyear progress report may not take the place of a year-end evaluation.

Teacher Classroom Observations

Currently, the performance evaluation system must include classroom observations to assist in the evaluations. A classroom observation must include a review of a teacher's lesson plan and the State curriculum standard being used in the lesson, as well as a review of pupil engagement in the lesson. The bill requires these reviews to be discussed during a post-observation meeting between the school administrator conducting the observation and the teacher, as well as provided to the teacher in written form at least 30 calendar days after the observation. Additionally, the bill requires a classroom observation to last at least 15 minutes.

³ MCL 38.81.

Currently, the Code requires at least two classroom observations to be conducted for each teacher, unless a teacher received a rating of effective or highly effective on his or her most recent annual year-end evaluation. The bill deletes this exemption, requiring all teachers, regardless of rating, to undergo two classroom observations each school year. The Code requires one of these two classroom observations to be unscheduled; the bill makes this optional.

Evaluation Outcomes

Currently, if a teacher or administrator is rated as ineffective on three consecutive year-end evaluations, the school district, ISD, or PSA must dismiss that teacher or administrator from employment. Under the bill, a teacher or administrator must be dismissed if the teacher or administrator receives a rating of needing support for three consecutive years.

Additionally, under the bill, the performance evaluation system must provide that, if a school administrator or teacher who is not in a probationary period under the teachers' tenure Act is rated as highly effective or effective on the three most recent consecutive annual year-end evaluations, the school district, ISD, or PSA may conduct a year-end evaluation biennially, for administrators, or biennially or triennially, for teachers. If a teacher who is not in a probationary period is *not* rated as effective on one of these biennial or triennial year-end evaluations, the teacher must again be provided with annual year end evaluations. The bill also requires a building-level school administrator's evaluations to occur annually again if the school administrator's supervisor or evaluator changes. For an individual employed as a school district superintendent, an intermediate superintendent, or a chief administrator, evaluations must occur annually if the individual obtains employment with a different school district, ISD, or PSA. Additionally, if a school administrator is rated as developing or needing support, the individual conducting the evaluation must develop and require the school administrator to implement an improvement plan to correct the deficiencies.

Currently, if a teacher is rated as ineffective, the teacher may request a review of the evaluation and the rating by the school district superintendent, intermediate superintendent, or chief administrator of the PSA as applicable within 20 days of evaluation. Under the bill, if a teacher is rated as needing support, the teacher may request a review of the evaluation and the rating by the school district superintendent or intermediate superintendent within 30 days. Additionally, the bill deletes a provision limiting a review of the evaluation to more than twice in a three-school-year period.

The bill requires a written response regarding the school district superintendent's or intermediate superintendent's findings in a review described above to be provided to the teacher who requests the review within 30 calendar days after receipt of the request for a review and before making any modifications. If the written response from the school district superintendent's or intermediate superintendent's review does not resolve the matter, the teacher or collective bargaining representative may request mediation. The request for mediation must be submitted in writing within 30 calendar days after the teacher received the written response. Within 15 days after the receipt of the request, the school district superintendent or intermediate superintendent must provide a written response to the teacher or collective bargaining representative stating that the mediation will be scheduled as appropriate.

If a teacher receives two consecutive ratings of needing support, the teacher may demand to use the grievance procedure or arbitration of an applicable collective bargaining agreement or an employment contract that concerns the teacher's second evaluation rating and the evaluation process. If a collective bargaining agreement or an employment contract does not

contain a grievance procedure that ends in binding arbitration, the teacher may request binding arbitration by filing a demand with the American Arbitration Association within 30 calendar days after the teacher receives the written response from the school district superintendent or intermediate superintendent. The arbitration must adhere to the following requirements:

- The arbitrator must be selected through procedures administered by the American Arbitration Association in accordance with its rules.
- The arbitrator must have the authority to issue any appropriate remedy.

After July 1, 2024, a contract governing the employment of a school district superintendent or intermediate superintendent of a PSA that is entered, extended, renewed, or modified must include an appeal process concerning the evaluation process and rating received.

Under the bill, if a school administrator is rated as needing support on an evaluation, the administrator also may request a review as described above. This provision does not apply to a school district superintendent, an intermediate superintendent, or an administrator employed by or assigned to work at a PSA.

The Code specifies that if the school administrator receives two consecutive ratings of needing support, the administrator may demand to use the grievance procedure of an applicable collective bargaining agreement or of a contract governing the administrator's employment that concerns the second evaluation rating and process. Under the bill, if a collective bargaining agreement or a contract governing the school administrator's employment does not contain a grievance procedure, the administrator may request binding arbitration that concerns the second evaluation rating and process, as described above.

Under the bill, a pupil may not be taught in the same subject area for two consecutive years by a teacher rated as "needing support" on the teacher's two most recent year-end evaluations. If a school district, ISD, or PSA is unable to fulfill this requirement and plans to assign a pupil to a teacher rated needing support for two consecutive years, the school district, ISD, or PSA must notify the student's parent or legal guardian by no later than July 15 immediately preceding the school year, in writing, and include an explanation for this decision. Under the bill, if the teacher requests a review of the teacher's evaluation rating, the board or board of directors cannot issue the notification to parents or legal guardians until the review process is completed.

Rater Reliability Training

Under the bill, by September 1, 2024, and every three years after, each individual who conducts an evaluation for a teacher or administrator must complete a rater reliability training provided by the school district, ISD, PSA, or the entity that employs the individual. The training must include at least all the following:

- A clear and consistent set of evaluation criteria that all evaluators may use when assessing teacher performance.
- Clear expectations for what evaluators should look for when assessing teacher performance, including identifying key behaviors and practices that are associated with effective teaching.
- Training on the evaluation process itself, including how to conduct classroom observations, collect data, and analyze results.
- Calibration exercises that helped evaluators practice using the evaluation criteria and establish consistency in the evaluator's evaluations.

- Ongoing support for evaluators, including feedback and coaching to help the evaluators improve their skills and ensure they are consistently applying the evaluation criteria.

Grade 3 Reading

Currently, to ensure that more pupils achieve a score of at least proficient in English language arts on the grade 3 State assessment, the board of a school district or board of directors of a PSA must, among other things, periodically assess a pupil's progress in reading skills at least three times per school year in grades K to 3. The bill requires the first of these assessments for a school year in kindergarten to be conducted within the first 90 school days of the school year. The first of these assessments for a school year in grades 1 to 3 must occur within the first 30 days.

The Code requires a school district or PSA to provide to a grade 3 pupil who has a reading deficiency based on the grade 3 State English language arts assessment a reading intervention program that is intended to correct the pupil's specific reading deficiency. Part of this program includes the use of a highly effective teacher of reading as determined by the teacher evaluation system. Under the bill, a teacher who has been rated as effective may serve a pupil with a reading deficiency as part of the program.

Repeal

The bill repeals Sections 1250, 1531j, and 1531k of the Revised School Code. Section 1250 requires a school district, ISD, or PSA to implement and maintain a method of compensation for its teachers and school administrators that include job performance and job accomplishments as a significant factor in determining compensation and additional compensation. Section 1531j requires current evaluation standards to be considered before the Superintendent of Public Instruction (SPI) may grant an initial professional teaching certificate, among other things. Section 1531k requires evaluation standards to be considered before the SPI may grant an initial or renewed advanced professional education certificate.

Senate Bill 396

Under the teachers' tenure Act, "demote" means to suspend without pay for 15 or more consecutive days or reduce compensation for a particular school year by more than an amount equivalent to 30 days' compensation or to transfer to a position carrying a lower salary. The term does not include discontinuation of salary under the Act or a reduction in personnel, including a reduction in workweeks or workdays. The bill deletes from this definition reference to the discontinuation or reduction of performance-based compensation under the Revised School Code.

Currently, the Act specifies that a probationary teacher who is rated as effective or highly effective on the probationary teacher's most recent annual performance evaluation under the Revised School Code is not be subject to displacement by a teacher on continuing tenure solely because the other teacher has continuing tenure. Under the bill, this provision only applies to a probationary teacher rated as effective.

Currently, a teacher is not considered to have successfully completed the probationary period unless the teacher has been rated as effective or highly effective on the teacher's three most recent annual performance evaluations and has completed at least five full school years of employment in a probationary period. Additionally, if a teacher has been rated as highly effective on three consecutive annual performance evaluations and had completed at least four full school years of employment in a probationary period, the teacher is considered to

have successfully completed the probationary period. Under the bill, these provisions only apply before July 1, 2024.

Beginning July 1, 2024, if a teacher is rated as effective on or after July 1, 2024, or highly effective before July 1, 2024, on three consecutive year-end performance evaluations and has completed at least four full school years of employment in a probationary period, the teacher is considered to have successfully completed the probationary period.

Currently, under the Act, if a teacher has received a rating of ineffective or minimally effective on an annual performance evaluation, the school district has to provide the teacher with an individualized development plan developed by appropriate administrative personnel in consultation with the individual teacher. Under the bill, this provision applies to a teacher ranked as "needing support".

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

Senate Bill 395 is similar to Senate Bills 56 and 57 and House Bill 5104 of the 2021-2022 Legislative Session. Senate Bill 396 is similar to Senate Bill 5105 of the 2021-2022 session.

MCL 380.1249 et al. (S.B. 395)
38.74 et al. (S.B. 396)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bills modify the evaluation system to make it fairer, which will ultimately boost teachers' morale and benefit students. According to testimony before the Senate Committee on Education, the current evaluation system focuses above all on punitive action. If a teacher is rated "ineffective" on three consecutive year end evaluations, the teacher's employer must dismiss the teacher from employment. Teachers rated poorly lack an ability to challenge their ratings. This, combined with a reported lack of targeted feedback, has disillusioned many teachers with the system.

Additionally, the current evaluation system's focus on standardized test scores also concerns many teachers. Currently, 40% of a teacher's annual evaluation must be based on student growth and assessment data, 20% of which is measured using student performance on the State assessment, the M-STEP. Evaluations are meant to gauge teacher effectiveness; however, according to testimony before the Senate Committee on Education, relying on student assessment data for evaluations is flawed. Firstly, standardized testing may not accurately measure student learning. Student performance on a test like the M-STEP may be informed by factors other than retained knowledge, such as hunger, anxiety, test taking skills, and family income.⁴ Therefore, teachers who work with students with disabilities, students for whom English is not their first language, or impoverished students may see lower test scores than other teachers, regardless of their effectiveness. Additionally, young students or unmotivated students may lack motivation to try their best on a standardized test, negatively affecting a teacher's evaluation. Reportedly, students who are aware that their teachers are evaluated based on standardized test scores may overwork themselves to perform well.⁵ Teachers who teach non-core subject areas are evaluated, in part, using schoolwide

⁴ Wexler, Natalie, "What To Do About Standardized Tests", *Forbes*, November 15, 2018.

⁵ Senate Committee on Education, 10-10-2023.

assessment data. In effect, they are evaluated based on the work of other teachers. The emphasis on standardized testing may encourage teachers to teach the test, narrowing class curriculums and sacrificing valuable instruction time. Lastly, teachers reportedly feel that standardized testing fails to quantify other types of work they do, such as helping their students gain confidence, empathy, and other soft skills. Instead, preparing students for standardized testing and relying on high test scores adds greater stress for teachers.

Reportedly, relying on standardized testing to measure student growth also is flawed. To measure growth, teachers are evaluated based on multiple years of test scores, during which time they educate several different groups of children. In other words, growth is measured with multiple groups of children, effectively evaluating a teacher on the work of other teachers.⁶ Additionally, the ceiling on test scores makes it difficult for high-scoring students to demonstrate growth from year to year. For low-scoring students, testimony before the Senate Committee on Education indicates that progress may only result in a slight score improvement, despite the hard work teachers and students put in. Overall, student growth is difficult to quantify and interpret, especially when based on assessment data.

The bills address many of these issues. They provide teachers and administrators a method to challenge poor ratings. They also require teachers to be provided with written, targeted feedback explaining their ratings and helping students to improve over subsequent years. Additionally, testimony submitted to the Senate Committee on Education indicates that requiring administrators to receive mid-year reviews and observations, as well as evaluations upon changes in evaluator or supervisor, will provide them with necessary feedback. The bills retain the ability for school districts to base some of their teacher evaluations on student assessment data but decrease that percentage and allow teachers to negotiate through collective bargaining the specific student assessment data to be used during evaluations, recognizing that teachers should have more of a say in deciding how to consider and interpret standardized test results. These changes will show that Michigan supports teachers and administrators by providing them with a fair evaluation process focused on improving teacher performance, instead of punishing them.

Supporting Argument

The bills modify the evaluation system to make it more reliable and efficient. Firstly, the bills reduce the number of rating categories from four to three. According to testimony before the Senate Committee on Education, the difference between the categories "effective" and "minimally effective" is subjective. Reportedly, school districts implement these categories differently, prioritizing one over the other, which renders the categories useless. Additionally, without clear distinctions between the two categories, evaluators may be influenced in their selection by bias, intended or otherwise. For example, data analyzed by Michigan State University researchers found that black teachers were more likely to be rated "ineffective" or "minimally effective" than their white peers in the same Michigan schools.⁷ These categories may have also increased competition between teachers, as schools may have limited the number of "effective" ratings they granted.⁸ The bills consolidate prior categories. This, along with required rater reliability training, will help to standardize the implementation of rating categories across the State.

The bills also will alleviate strain on teachers and school administrators. According to testimony before the Senate Committee on Education, the requirement that school

⁶ Pasciolla, Isabelle, "Gov. Whitmer signs bills to change the teacher evaluation system in Michigan", *Midland Daily News*, December 8, 2023.

⁷ French, Ron, "10 years of strict teacher evaluations haven't boosted learning in Michigan", *Bridge Michigan*, December 14, 2021.

⁸ Senate Committee on Education, 10-10-2023.

administrators evaluate all teachers annually requires administrators to spend the same amount of time with well-rated teachers and poorly rated teachers, reducing the support for teachers who need it and limiting time for other tasks. Under the bills, effective teachers must only be evaluated biennially or triennially. As a result, administrators will be able to allow effective teachers to do their jobs and spend more time helping poorly rated teachers improve, in addition to their other duties.

Response: Decreasing the rating categories from four to three could present difficulties in interpretation. According to testimony submitted to the Senate Committee on Education, the categories introduced by the bills will make it difficult to differentiate high-performing teachers (such as those who are rated "highly effective") from those meeting expectations (such as those rated "effective"). Teachers rated as "highly effective" and "effective" under the prior system likely would be rated "effective" under the new one, for example. Skilled teachers should be recognized and rewarded for their hard work. Highly effective teachers also should be identified and used as peer mentors for new and struggling teachers.

Additionally, certain provisions of the bill may further burden administrators. Testimony before the Senate Committee on Education indicates that the ability for a teacher to challenge *any* poor rating could take away valuable time from administrators. The Legislature should have gone further to alleviate the burdens associated with evaluations.

The bills allow effective teachers to be evaluated biennially or triennially; however, certain teachers may need more frequent evaluations. For example, testimony submitted the Senate Committee on Education indicates that new teachers need administrative support and feedback and so should be evaluated frequently, even if they are rated "effective". Similarly, teachers who change grade levels or subject areas or who move within or outside of a school district should be evaluated more often, as they also need increased support and feedback.

Opposing Argument

The bills will weaken teacher accountability at the time its needed most. To replace student assessment data as a measure of teacher effectiveness, administrators may turn to subjective classroom observations. The bill requires teachers to be observed for at least 15 minutes twice a year, which is not enough time to gauge a teacher's impact on student learning.⁹ The bills also allow teachers rated "effective" for three consecutive years to be evaluated triennially, further reducing teacher accountability. Michigan students deserve effective teachers. In 2022, Michigan ranked 43rd in the nation in fourth-grade reading, down from 32nd in 2019.¹⁰ Additionally, students are slowly recovering from the academic disruptions caused by the COVID-19 pandemic, with increases in average mathematic and reading scores for grade 3 to grade 8 students generally trailing pre-pandemic norms into the 2021-2022 school year.¹¹ A robust, evidence-based evaluation system holds teachers accountable for their work in the classroom and has had success in other states. For example, 50% of evaluations in Tennessee consider student growth and achievement data, whereas the other 50% consider classroom observation metrics.¹² As a result, Tennessee saw a five-point increase in its average fourth grade reading score by 2013 and a six-point increase in eighth grade reading.¹³ Michigan's evaluation system failed in its *implementation*. For example, in 2011, 98% of teachers were rated as effective, whereas, during the 2021-2022 school year, 99%

⁹ Macek, Molly, "Now is not the time to throw out teacher standards", *The Mackinac Center for Public Policy*, October 24, 2023.

¹⁰ Martin Ackley, "Michigan NAEP Results Reflect National Declines Due to the Pandemic", MDE MI Newswire, Oct. 24, 2022.

¹¹ Kilbride et al., "Michigan's Fall 2021 Benchmark Assessments", p. vi, April 2022; Kilbride et al., "Michigan's 2020-21 and 2021-22 Benchmark Assessments", p. iii, Oct. 2022.

¹² Macek, Molly, "Michigan drops the ball with teacher evaluation system", *The Mackinac Center for Public Policy*, May 5, 2023.

¹³ French, Ron, "10 years of strict teacher evaluations haven't boosted learning in Michigan", *Bridge Michigan*, December 14, 2021.

of Michigan teachers were rated "highly effective" or "effective".¹⁴ Due to Michigan's poor national education ranking and the academic fallout of the COVID-19 pandemic, expectations should be kept high so that teachers help their students succeed. Before replacing essential components of the evaluation system, the State should focus on better implementing them. At the very least, the evaluation system should have a minimum consideration of student growth and assessment data.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bills will have a minimal fiscal impact on the Michigan Department of Education and an indeterminate fiscal impact on local school districts, ISDs, and PSAs. The Department will experience a minor fiscal impact to update the list of teacher evaluation tools with tools that are developed and demonstrate evidence of efficacy. School districts, ISDs, and PSAs will experience an indeterminate fiscal impact. Schools may experience costs to update teacher and school administrator evaluations and to include collective bargaining agreements as part of that process. Allowing more teachers that show multiple years of effective ratings to be evaluated less often may reduce the annual cost of conducting evaluations. Similarly, allowing some exemption for teachers' evaluations also will result in savings. The difference in schools, teachers, and collective bargaining makes an overall fiscal impact indeterminate.

Fiscal Analyst: Cory Savino, PhD

¹⁴ Lohman, Isabel, and Jonathan Oosting, "Michigan Democrats loosen teacher evaluation metrics", *Bridge Michigan*, November 2, 2023.

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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.