

TEACHER & ADMINISTRATOR EVALUATION

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4796

Sponsor: Rep. Tim Melton

Committee: Education

Complete to 6-30-11

A SUMMARY OF HOUSE BILL 4796 AS INTRODUCED 6-21-11

House Bill 4796 would amend the Revised School Code (MCL 380.1249) to create a performance-based school administrator and teacher evaluation system, and also to establish a 25-member (or larger) Governor's Council on Educator Effectiveness before September 30, 2011, to be located in the Michigan Department of Education. The Governor's Council would be responsible, among other things, for creating two state voluntary default evaluation tools to measure the performance of teachers and administrators. The evaluation system for teachers and school administrators would be designed during the 2011-2012 academic year, piloted in 10 school districts during the 2012-2013 academic year, and then be implemented statewide beginning in September 2013.

The evaluation system for teachers and administrators currently required under the law that is set to begin September 1, 2011, would continue in place until the new system is fully implemented. A more detailed description of the bill follows.

Annual Teacher Performance Evaluation

House Bill 4796 requires that beginning with the 2013-2014 school year, the board of a school district, intermediate school district, or charter school ensure that the evaluation system for teachers meets all of the following:

- Include at least an annual year-end evaluation for all teachers, and also a mid-year progress report for all teachers who (1) are in the first year of the probationary period, (2) are on probation, or (3) received a "minimally effective" or "ineffective" rating in their most recent annual year-end evaluation.
- Under the bill, an annual year-end evaluation would have to meet all of the following criteria:
 - For the 2013-2014 school year, at least 25 percent of the year-end evaluation must be based on student growth and assessment data; for the 2014-2015 school year, that would increase to at least 40 percent, and beginning with the 2015-2016 school year rise to at least 50 percent. All student growth and assessment data would be measured using a student growth assessment tool developed or adopted by the school district, intermediate school district, or charter school, or by the

student growth assessment tool recommended by the Governor's Council on Educator Effectiveness.

- If there are student growth and assessment data available for a teacher for at least three school years, then the evaluation would be based on the data for the most recent three-consecutive-school-year period. If there were not data for three school years, then the evaluation would be based on all data that were available for the teacher.
- The evaluation would have to include specific performance goals that would assist in improving effectiveness for the next school years, and that were developed with input from the school principal conducting the evaluation, and from the teacher. Any recommended training identified would have to be agreed to by the principal and the teacher that would assist the teacher in meeting these goals. For a probationary teacher or a minimally effective or ineffective teacher (see above), the principal and the teacher would also have to agree to an individualized development plan that included the goals and training designed to assist the teacher approve his or her rating.
- Further, the evaluation system for probationary or minimally effective or ineffective teachers would also have to include an additional mid-year progress report, as a supplemental tool to gauge a teacher's improvement from the preceding school year, and to assist a teacher to improve. All of the following would apply to the mid-year progress report: (1) it would be conducted in January; (2) it would be based on the same evaluation tool for teachers as the annual year-end evaluation; (3) it would have to include specific performance goals for the remainder of the school year that were agreed to by the school principal conducting the evaluation and the teacher, and any recommend training identified and agreed to by them would have to assist the teacher in meeting these goals. At the midyear progress report, the principal and the teacher would also be required to agree to a written improvement plan that included these goals and training, and that was designed to assist the teacher to improve his or her rating; and (4) the mid-year progress report could not take the place of an annual year-end evaluation.
- The evaluation system would have to include classroom observations to assist in the performance evaluation, and all of the following would apply to those classroom observations: (1) the manner of the classroom observation would have to be prescribed in the evaluation tool; (2) it would have to include a review of the teacher's lesson plans and attendance; (3) it would not have to be for an entire class period; and (4) unless a teacher had received an effective or highly effective rating on his or her two most recent annual year-end evaluations, there must be multiple classroom observations of the teacher each school year.
- The evaluation system would have to ensure that each evaluation was conducted using an evaluation tool developed or adopted by the school district, intermediate

school district, or charter school that met the criteria under this subsection of the law, or be the state voluntary default evaluation tool for teachers recommend by the Governor's Council on Educator Effectiveness,

- The evaluation system would have to assign an effectiveness rating to each teacher of highly effective, effective, minimally effective, or ineffective, based on the evaluation tool score.
- As part of the evaluation system, a school district, intermediate school district, or charter school is encouraged, under the bill, to assign a mentor to each teacher who is probationary, or who is rated minimally effective or ineffective.
- The evaluation system would be required to exempt from a teacher's evaluation, any student growth data for students who were absent for 15 percent or more of the time from the teacher's class. The evaluation system also could allow for exemption of student growth data for a particular student for a school year, upon the recommendation of the principal conducting the evaluation, and the school superintendent or charter school's chief administrator.

Administrator Performance Evaluation

House Bill 4796 requires that beginning with the 2013-2014 school year, the board of a school district, intermediate school district, or charter school ensure that the evaluation system for principals and other building-level school administrators meet all of the following criteria:

- The evaluation system include at least an annual year-end evaluation for all principals and other building-level school administrators by the district superintendent, intermediate superintendent, or charter school chief administrator.
- For the annual year-end evaluation for the 2013-2014 school year, at least 22 percent of the evaluation be based on student growth and assessment data; for the 2014-2015 school year, at least 44 percent of the evaluation be based on such data; and for the 2015-2016 school year, at least 66 percent of the annual year-end evaluation be based on student growth and assessment data. The student growth and assessment data to be used for the administrator evaluation must be the same data that is used in teacher evaluations in each school in which the school administrator works.
- The portion of the performance evaluation that is not based on student growth and assessment data would have to be based on the following criteria, for each school in which the school administrator works: (1) if the school administrator conducts teacher evaluations, then the administrator's training and proficiency in using the teacher evaluation tool described above, including a random sampling of teacher evaluations to assess the quality of the school administrator's input in the teacher evaluation system. If the school administrator designates another person to conduct teacher evaluations, then the administrator's evaluation on this factor

must be based on the designee's training and proficiency in using the teacher evaluation tool, including a random sampling of the designee's teacher evaluations to assess the quality of the designee's input in the teacher evaluation system, with the designee's performance to be counted as if it were the school administrator personally conducting the evaluations; (2) the progress made by the school in meeting the goals set out in the schools school improvement plan; (3) student attendance in the school; (4) special recognition and awards; and (5) student, parent, and teacher feedback, and other information considered pertinent by the superintendent or chief administrator conducting the evaluation.

- The administrator evaluation system must also ensure that each evaluation is conducted using an evaluation tool developed or adopted by the school district, intermediate district, or charter school that meets the criteria under this subsection, or that meets the state voluntary default evaluation tool for principals and other building-level school administrators recommended by the Governor's Council on Educator Effectiveness.
- The administrator evaluation system would be required to assign an effectiveness rating to each principal or other building-level school administrator of "highly effective," "effective," "minimally effective," or "ineffective," based on the score on the evaluation tool.
- The administrator evaluation system would also have to ensure that if a principal or other building-level school administrator was rated as minimally effective or ineffective, then the superintendent or chief administrator would be required to develop an improvement plan to correct the deficiencies that the principal or other building-level school administrator would have to implement. The improvement plan would have to recommend professional development opportunities and other measures designed to improve the rating of the principal or other building-level administrator on his or her next evaluation.
- The administrator evaluation system would have to provide that a principal or other building-level school administrator who was rated as ineffective on two consecutive annual year-end evaluations would be dismissed from employment.

Governor's Council on Educator Effectiveness

House Bill 4796 would create a 25-member (or larger) Governor's Council on Educator Effectiveness as a temporary commission as described in Section 4 of Article V of the State Constitution of 1963. Under the bill, the Michigan Department of Education would provide staffing and support for the council. The State School superintendent, a designee of the Governor, a designee of the Senate Majority Leader, and a designee of the House Speaker would serve as ex officio members of the council. Not later than September 30, 2011, the Governor would be required to appoint, with the advice and consent of the Senate, the following members to the council:

--Two members who are currently employed as teachers in Michigan, selected with the advice of statewide associations that represent teachers or student advocacy organizations.

--Two members who are currently employed as public school administrators in Michigan, selected with the advice of statewide associations that represent public school administrators or student advocacy organizations.

--One member who is currently employed as a school district superintendent, selected with the advice of statewide associations that represent school district superintendents or student advocacy organizations.

--One member who is currently serving as a member of a local school board, selected with the advice of statewide associations that represent school boards or student advocacy organizations.

--If none of the members appointed above represented a charter school, then one member who is currently employed as a teacher or school administrator at a charter school, selected with the advice of charter school advocacy organizations.

--Two members who are parents of children currently enrolled in the public schools in Michigan.

--One member representing the general public, selected with the advice of parent advocacy organizations or student advocacy organizations.

--One member who represents a foundation or other philanthropic organization.

--Three members who are recognized experts in educational policy.

--Six members who are experts on the design and implementation of educator evaluations, including members who can provide a national perspective.

--One or more additional members who are technical experts on evaluation, at the discretion of the Governor.

The bill specifies that the State School Superintendent hold the first meeting of the council not later than October 31, 2011. Then not more than a year later (by September 30, 2012), the council would be required to submit to the State Board of Education, the Governor, and the Legislature, a report that identifies and recommends all of the following (and that may include recommendations on evaluation processes and other related matters): (1) a student growth assessment tool; (2) a state voluntary default evaluation tool for teachers; (3) a state voluntary default evaluation tool for school principals and other building-level administrators; and (4) a state voluntary default evaluation tool for central office-level administrators, nonacademic school administrators, and building-level administrators other than those described in (3).

Student Growth Assessment Tool

In particular, the bill requires the council to specifically attempt to identify and recommend a student growth assessment tool that meets all of the following: (1) in addition to measuring student growth in the core subject areas of mathematics, science, English language arts, and history, will measure student growth in other subject areas; (2) complies with all current state and federal laws for students with a disability; (3) has at least a pre- and post-test; and (4) is able to be used for students of all achievement levels.

State Voluntary Default Evaluation Tools for Teachers and Administrators

House Bill 4796 would require the creation of state voluntary default evaluation tools to measure the performance of teachers and administrators. Under the bill, the state voluntary default evaluation tool for teachers would have to include the following:

- In addition to student growth and assessment data, the recommended state voluntary default evaluation tool for teachers could include, but not be limited to, professional contributions, training, progress report achievement, school improvement plan progress, peer input, and student and parent feedback.
- Further, the council would be required to ensure that the recommended state voluntary default evaluation tool for teachers allow all special education teachers to be rated fairly if their students were not required to be assessed under state law, and recommend a replacement model for student growth and assessment data, if it cannot be measured for these students.
- Additionally, the bill requires the council to identify and recommend a process for the state to approve local evaluation tools for teachers for school districts, intermediate districts, and charter schools that use other than the state tool, and to recommend a minimum set of criteria and standards that must be used in any locally developed teacher evaluation tool.
- Finally, the council would be required, under the bill, to seek input from leading school districts in Michigan that are already using evaluations.

Also under the bill, the state voluntary default evaluation tool for school principals and other building-level chief administrators would have to include the following:

- In addition to student growth and assessment data, the recommended state voluntary default evaluation tool for principals and other building-level administrators could include, but need not be limited to, professional contributions, training, progress report achievement, school improvement plan progress, peer input, and student and parent feedback.
- Further, the council would be required to ensure that the recommended state voluntary default evaluation tool for school principals and other building-level administrators allow adaptations to be made if one or more special education teachers are under the supervision of a principal or other administrator, to ensure that the student growth and assessment data is used fairly in the evaluation.

- Additionally, the bill requires the council to identify and recommend a process for the state to approve local evaluation tools for school principals and other building-level administrators for school districts, intermediate districts, and charter schools that use other than the state tool, and to recommend a minimum set of criteria and standards that must be used in any locally developed principal and administrator evaluation tool.
- Finally, the council would be responsible for recommending a state voluntary default evaluation tool for central office-level school administrators, non-academic school administrators, and building-level administrators other than those described above. That evaluation tool would have to incorporate student growth and assessment data into evaluations of all administrators.

Pilot Program

House Bill 4796 requires that the State Board of Education and the Michigan Department of Education to locate 10 school districts that are willing to conduct pilot programs based on the recommendations of the Governor's Council on Educator Effectiveness during the 2012-2013 school year.

FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: J. Hunault
Fiscal Analyst: Mary Ann Cleary
Bethany Wicksall

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.