



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4625 (Substitute S-1 as reported)
House Bill 4626 (Substitute S-1 as reported)
House Bill 4627 (Substitute S-1 as reported)
House Bill 4628 (Substitute S-1 as reported)
Sponsor: Representative Bill Rogers (H.B. 4625)
Representative Paul Scott (H.B. 4626)
Representative Margaret O'Brien (H.B. 4627)
Representative Ken Yonker (H.B. 4628)
House Committee: Education
Senate Committee: Education

Date Completed: 6-27-11

CONTENT

House Bill 4625 (S-1) would amend the teachers' tenure law to do the following:

- Increase the probationary period from four full school years to five, except for a teacher who was rated as highly effective on three consecutive year-end evaluations.
- Require a probationary teacher to be notified at least 15 days, rather than 60, before the end of a school year that his or her services would be discontinued.
- Allow a probationary teacher to be dismissed at any time.
- Require a controlling board to determine the number and format of classroom observations for probationary teachers and teachers on continuing tenure.
- Require a tenure hearing to be concluded within 60, rather than 90, days after a claim of appeal was filed.

House Bill 4626 (S-1) would amend the teachers' tenure law to:

- Allow a teacher on continuing tenure to be dismissed or demoted for a reason that was not arbitrary and capricious, rather than for reasonable and just cause.

- Revise the definition of "demote".
- Limit the time a suspended teacher's salary would be continued after charges were filed under the tenure law.
- Require a teacher to verify his or her ability to perform essential job functions after being placed on unrequested leave for physical or mental disability.

House Bill 4627 (S-1) would amend the Revised School Code to require the board of a school district or intermediate school district (ISD) to adopt a policy for placement of teachers based on the mutual consent of the teacher and the school principal. Regarding this policy, the bill would:

- Require the policy to authorize the principal to select teachers who had demonstrated effectiveness and qualifications.
- Require the policy to provide for unpaid leave if a teacher could not be assigned within 30 days.

The bill also includes provisions that would apply to personnel decisions concerning teachers when a district conducted a reduction in force or a recall from a reduction, or in hiring

after a reduction in force. Under these provisions:

- A school board could not adopt a policy providing that length of service was the primary or determining factor when eliminating a position.
- A board would have to ensure that a district based decisions on retaining effective teachers, measured by the evaluation system required under the Code.
- Individual performance would have to be the major factor in decision-making.
- Length of service could not be a factor unless all of the factors concerning two or more employees were equal.

In addition, the bill would do the following:

- Establish requirements for the teacher evaluation system, including an annual year-end evaluation and a mid-year progress report, beginning with the 2013-2014 school year.
- Specify classroom observation requirements.
- Establish requirements for the evaluation of school administrators.
- Require an administrator to be dismissed if he or she were rated as ineffective on three consecutive year-end evaluations.
- Require teachers' and administrators' year-end evaluations to be based at least 25% on student growth and assessment data in 2013-2014, 40% in 2014-2015, and 49% beginning in 2015-2016.
- Create the Governor's Council on Educator Effectiveness and require it to recommend a student growth assessment tool and State evaluation tools for teachers and administrators.
- Require notification to parents if pupils were assigned to teachers whose last two year-end ratings were ineffective, beginning in 2015-2016.

House Bill 4628 (S-1) would amend the public employment relations Act to prohibit the following subjects from being included in collective bargaining

between a public school employer and a representative of its employees:

- Policies governing teacher placement or personnel decisions.
- An employer's performance evaluation system.
- Decisions about a policy for discharging or disciplining employees subject to the tenure law, and the discharge or discipline of an individual employee.
- Classroom observation decisions.
- A performance-based method of compensation.
- Decisions about parental notification of ineffective teachers.

All of the bills are tie-barred to each other.

House Bill 4625 (S-1)

Probationary Teachers

Probationary Period; Dismissal. Under the teachers' tenure law, a teacher typically is in a probationary period during his or her first four full school years of employment.

The bill would increase the probationary period to five full school years. A teacher under contract but not on continuing tenure as of the bill's effective date would be in a probationary period during his or her first four, rather than two, full school years of employment.

Currently, at least 60 days before the end of each school year, the controlling board must give a probationary teacher a definite written statement as to whether his or her work has been satisfactory. Failure to do so must be considered conclusive evidence that the teacher's work is satisfactory. A probationary teacher or a teacher not on continuing contract must be employed for the next year unless notified in writing at least 60 days before the end of the school year that his or her services will be discontinued.

The bill, instead, would require a controlling board to give a probationary teacher a statement as to whether his or her work had been effective, before the end of the school year. Subject to the following provision, a probationary teacher or a teacher not on a continuing contract would have to be employed for the next year unless given

written notice at least 15 days before the end of the school year that his or her services would be discontinued.

A teacher who was in a probationary period could be dismissed from his or her employment by the controlling board at any time.

(The tenure law defines "controlling board" as all boards having management or control over public school districts and public educational institutions other than public school academies.)

Performance Evaluations. Currently, if a probationary teacher is employed by a school district for at least one full school year, the controlling board of the teacher's employing school district must ensure that the teacher is provided with an individualized development plan, and that the teacher is provided with at least an annual year-end performance evaluation during his or her probationary period. The bill would delete the requirement that the teacher be employed for at least one full school year in order for these actions to be taken.

Currently, the year-end evaluation must be based on at least two classroom observations held at least 60 days apart, unless the teacher and the administration agree to a shorter interval. The bill would require that the year-end evaluation be based on classroom observations. The controlling board would have to determine the format and number of the classroom observations in consultation with teachers and school administrators. A performance evaluation would have to be conducted according to Section 1249 of the Revised School Code.

(Section 1249 requires the board of a school district, ISD, or public school academy to adopt and implement for all teachers and administrators a performance evaluation system. House Bill 4627 (S-1) would amend this section, as described below.)

Rating. Under the bill, a teacher could not be considered to have successfully completed the probationary period unless he or she had been rated as effective or highly effective on his or her three most recent annual year-end performance evaluations under Section 1249, and had completed five

full school years of employment in a probationary period.

If a teacher had been rated as highly effective on three consecutive year-end evaluations and had completed at least four full school years of employment in a probationary period, however, he or she would have to be considered to have successfully completed the probationary period.

Continuing Tenure

Employment. The teachers' tenure law provides that, after the satisfactory completion of the probationary period, a teacher must be employed continuously by the controlling board under which the probation was completed and may not be dismissed or demoted except as specified in the law. Under the bill, the teacher would be considered to be on continuing tenure, and continuing tenure would be held only as provided in the tenure law.

Evaluations. The tenure law requires the controlling board of a school district employing a teacher on continuing tenure to ensure that he or she is provided with a performance evaluation at least once every three years, and requires the evaluation to be based on at least two classroom observations. Under the bill, the teacher would have to be provided with an annual year-end performance evaluation in accordance with Section 1249 of the Revised School Code, based on multiple classroom evaluations.

Currently, if a teacher has received a less-than-satisfactory evaluation, the district must provide him or her with an individualized development plan (IDP). The bill would require this if the teacher received a rating of ineffective or minimally effective. The plan would have to require the teacher to make progress toward individual development goals within a specified time period, not to exceed 180 days.

The controlling board would have to determine the format and number of the classroom observations in consultation with teachers and school administrators.

Appeal to Tenure Commission

The tenure law prescribes procedure for filing charges against a teacher on continuing tenure. The teacher may protest the decision of a controlling board to proceed upon the charges, by filing a claim of appeal with the Tenure Commission. An administrative hearing then must be held, and must be concluded within 90 days after the claim of appeal was filed.

The bill would require the hearing to be concluded within 60 days after the claim of appeal was filed.

House Bill 4626 (S-1)

Arbitrary & Capricious Standard; "Demote"

Currently, except as otherwise provided, a teacher on continuing tenure may be discharged or demoted only for reasonable and just cause. Under the bill, instead, a teacher on continuing tenure could be discharged or demoted only for a reason that was not arbitrary and capricious.

The tenure law defines "demote" as to reduce compensation for a particular school year by more than an amount equivalent to three days' compensation or to transfer to a position with a lower salary. The bill would define "demote" as to suspend without pay for 20 or more consecutive days or reduce compensation for a particular school year by more than an amount equivalent to 40 days' compensation, or to transfer to a position with a lower salary.

Currently, the term does not include discontinuance of salary under provisions allowing the suspension of a teacher against whom charges have been filed. Under the bill, the term also would not include a necessary reduction in personnel, including a reduction in workweeks or workdays, or the discontinuance or reduction of performance-based compensation paid pursuant to Section 1250 of the Revised School Code.

(Section 1250 requires school districts and intermediate school districts to implement a method of compensation for teachers and administrators that includes job performance and accomplishments as a significant factor in determining compensation.)

Suspension

When charges are filed against a teacher, the tenure law allows the controlling board to suspend the teacher from active performance of duty. The teacher's salary must continue during the suspension, unless the teacher is convicted of a felony or of a misdemeanor that is a listed offense (as defined in the Sex Offender Registration Act).

Under the bill, the teacher's salary would have to continue until the expiration of 60 days after the teacher's claim of appeal was filed with the Tenure Commission or until the conclusion of a hearing, whichever was earlier.

Leave of Absence

The tenure law authorizes a controlling board to place a teacher on a leave of absence upon the teacher's request. A board also may place a teacher on an unrequested leave of absence because of physical or mental disability.

Under the bill, in the case of a teacher who was on an unrequested leave of absence, as a condition of reinstating the teacher when the leave of absence expired, the controlling board could require the teacher to furnish verification acceptable to the board of the teacher's ability to perform his or her essential job functions.

House Bill 4627 (S-1)

Teacher Placement Policy

The bill would add Section 1247 to the Revised School Code. Under this section, the board of a school district or ISD that operates the same grade level at more than one school building would have to ensure that the district or ISD adopted, implemented, maintained, and complied with a policy for placement of teachers based on the mutual consent of the teacher and the school principal.

The policy would have to ensure both of the following:

- That a school principal, in consultation with the superintendent or intermediate superintendent, as applicable, had the authority to select teachers for his or her

school who had demonstrated effectiveness and had appropriate qualifications.

- That the placement of a teacher in a school was made only with the mutual consent of the teacher and the principal.

The policy would have to provide that if a teacher were unable to obtain an assignment by mutual consent within the district within 30 days, the teacher would be placed on unpaid leave until he or she was able to obtain an assignment by mutual consent within the district. If the teacher were able to do so, the district would have to reinstate his or her salary and benefits at the level where they would have been if the teacher had not been placed on unpaid leave.

If a collective bargaining agreement were in effect for employees of a school district or ISD on the bill's effective date and prevented compliance with these requirements, the requirements would not apply to that district until the agreement expired.

Personnel Decisions

The bill would add Section 1248 to the Code, as described below.

For teachers, as defined in the teachers' tenure law, all of the following provisions would apply to policies regarding personnel decisions when a school district or ISD conducted a reduction in force or a recall from a reduction in force or in hiring after a reduction in force. (The teachers' tenure law defines "teacher" as a certificated individual employed for a full school year by any board of education or controlling board.)

The board of a school district or ISD could not adopt, implement, maintain, or comply with a policy that provided that length of service was the primary or determining factor in personnel decisions when conducting a reduction in force or any other personnel determination resulting in the elimination of a position, or a recall from a reduction in force or any other personnel determination resulting in the elimination of a position, or in hiring after a reduction in force or any other personnel determination resulting in the elimination of a position.

The board of a school district or ISD would have to ensure that the district adopted, implemented, maintained, and complied with a policy providing that all such personnel decisions were based on retaining effective teachers. The policy would have to ensure that a teacher who had been rated as ineffective under the performance evaluation system was not given any preference that would result in the teacher's being retained over a teacher who was evaluated as minimally effective, effective, or highly effective. Effectiveness would have to be measured by the performance evaluation system under Section 1249. The personnel decisions would have to be based on the factors described below.

Individual performance would have to be the majority factor in making the decision, and would have to consist of at least the following:

- Evidence of increased student achievement, which would have to be the predominant factor in assessing an employee's individual performance.
- The teacher's demonstrated pedagogical skills.
- The teacher's management of the classroom, manner and efficacy of disciplining pupils, rapport with parents and other teachers, and ability to withstand the strain of teaching.
- Significant, relevant accomplishments and contributions.
- Relevant special training.

Length of service could not be a factor in the personnel decisions described above. If a personnel decision involved two or more employees and all other factors distinguishing them from each other were equal, however, then length of service could be considered as a tie-breaker.

If a collective bargaining agreement were in effect for employees of a district on the bill's effective date and prevented compliance with these requirements, the requirements would not apply to that district until the agreement expired.

If a teacher brought an action against a school district or ISD based on these provisions, his or her sole and exclusive remedy would be an order of reinstatement beginning 30 days after a court decision. The remedy could not include lost wages,

lost benefits, or any other economic damages.

Performance Evaluation System

The bill would amend Section 1249 of the Code, as described below.

Teacher Effectiveness Rating. The performance evaluation system required by Section 1249 must evaluate the person's job performance at least annually, using multiple rating categories that take into account data on student growth as a significant factor. The system must use the evaluations to inform decisions regarding effectiveness; promotion, retention, and development; whether to grant tenure or full certification; and removing ineffective tenured and untenured teachers and administrators.

Under the bill, if the performance evaluation system implemented by a school district, ISD, or public school academy (PSA) did not already include the rating of teachers as highly effective, effective, minimally effective, and ineffective, then the district or PSA would have to revise the system within 60 days after the bill's effective date, to ensure that it rated teachers in that manner.

Teacher Evaluation & Progress Report. Under the bill, beginning with the 2012-2013 school year, the board of a school district, ISD, or PSA would have to ensure that the evaluation system for teachers met all of the following requirements.

The system would have to include at least an annual year-end evaluation for all teachers, as well as a mid-year progress report for a teacher who met either of the following:

- Was in the first year of the probationary period.
- Received a rating of minimally effective or ineffective in his or her most recent annual year-end evaluation.

Student growth and assessment data would have to be the basis of at least 25% of the annual year-end evaluation for the 2013-2014 school year, at least 40% for the 2014-2015 school year, and at least 49% beginning with the 2015-2016 school year. All student growth and assessment data would have to be measured using the

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

If student growth and assessment data were available for a teacher for at least three school years, the evaluation would have to be based on those data for the most recent three-consecutive-school-year period. Otherwise, the evaluation would have to be based on all student growth and assessment data available for the teacher.

The evaluation would have to include specific performance goals that would assist in improving effectiveness for the next school year. The goals would have to be developed by the school administrator or his or her designee conducting the evaluation, in consultation with the teacher. The evaluation also would have to include any recommended training identified by the school administrator or designee, in consultation with the teacher, that would assist him or her in meeting the goals. For a teacher who was in the first year of probation or who received a rating of minimally effective or ineffective, the school administrator or designee and the teacher would have to agree to an IDP that included these goals and training and was designed to assist the teacher to improve his or her rating.

Also, the evaluation system would have to include an additional mid-year progress report for a teacher who was in the first year of probation or who received a rating of minimally effective or ineffective as a supplemental tool to gauge his or her improvement from the preceding school year and to assist the teacher to improve. The mid-year progress report would have to be based at least in part on student achievement and be aligned with the teacher's IDP, and could not take the place of an annual year-end evaluation. The progress report also would have to include specific performance goals for the remainder of the school year that were developed by the school administrator conducting the evaluation or his or her designee. The administrator or designee and the teacher would have 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.

In addition, the evaluation system would have to include classroom observations to assist in the performance evaluation. A classroom observation would have to include a review of the teacher's lesson plan and the State curriculum standard being used in the lesson, and a review of pupil engagement in the lesson. An observation would not have to be for an entire class period. Unless a teacher had received a rating of effective or highly effective on his or her two most recent annual year-end evaluations, there would have to be multiple classroom observations of the teacher each school year.

For the purpose of conducting evaluations, a school district, ISD, or PSA would have to adopt and implement the State evaluation tool for teachers recommended by the Governor's Council on Educator Effectiveness. If a district or PSA had a local evaluation tool for teachers that was consistent with the State tool, however, the district or PSA could use the local tool.

The evaluation system would have to assign an effectiveness rating to each teacher of highly effective, effective, minimally effective, or ineffective, based on his or her score on the evaluation tool.

A school district, ISD, or PSA would be encouraged to assign a mentor to each teacher who was in the first year of probation or who received a rating of minimally effective or ineffective.

The evaluation system would have to exempt from a teacher's evaluation student growth data for pupils who were absent for the entire school day for 15% or more of the school year. The system also could allow the exemption of student growth data for a particular pupil for a school year upon the recommendation of the school administrator conducting the evaluation or his or her designee, and approval of the district or ISD superintendent or the chief administrator of the PSA.

Evaluation of Administrators. The bill would require the board of a school district, ISD, or PSA, beginning with the 2013-2014 school year, to ensure that the evaluation system for building-level school administrators and for central office-level school administrators who were regularly involved in instructional

matters, met all of the requirements described below.

The evaluation system would have to include at least an annual year-end evaluation by the district or ISD superintendent or his or her designee, or the chief administrator of the PSA. A superintendent or chief administrator would have to be evaluated by the board of the district or board of directors of the PSA.

Student growth and assessment data would have to be the basis of at least 25% of the annual year-end evaluation for the 2013-2014 school year, at least 40% for the 2014-2015 school year, and at least 49% beginning with the 2015-2016 school year. The data to be used for the administrator evaluation would be the aggregate student growth and assessment data used in teacher evaluations in each school in which the administrator worked as an administrator or, for a central office-level administrator, for the entire school district or ISD.

The portion of the evaluation that was not based on student growth and assessment data would have to be based on the following for each school in which the administrator worked as an administrator or, for a central office-level administrator, for the entire district or ISD:

- The administrator's, or his or her designee's (if the designee conducted teacher evaluations), training and proficiency in using the teacher evaluation tool, including a random sampling of his or her teacher evaluations.
- The progress made by the school or school district in meeting the goals set forth in its school improvement plan or plans.
- Pupil attendance in the school or school district.
- Student, parent, and teacher feedback, and other information considered pertinent by the superintendent or other school administrator conducting the evaluation or the board or board of directors.

The district, ISD, or PSA would have to adopt and implement the State evaluation tool for school administrators recommended by the Governor's Council on Educator Effectiveness. A district, ISD, or PSA could

use a local evaluation tool for school administrators, however, if it were consistent with the State tool.

The evaluation system would have to assign an effectiveness rating to each school administrator of highly effective, effective, minimally effective, or ineffective, based on his or her score on the evaluation tool.

The evaluation system would have to ensure that if a school administrator were rated as minimally effective or ineffective, the person conducting the evaluation would develop and require the administrator to implement an improvement plan to correct the deficiencies. The plan would have to recommend professional development opportunities and other measures designed to improve the administrator's rating on his or her next evaluation.

The evaluation system would have to provide that, if an administrator were rated as ineffective on three consecutive annual year-end evaluations, the district, ISD, or PSA would dismiss the administrator from employment.

Governor's Council. The bill would create the Governor's Council on Educator Effectiveness as a temporary commission. The Department of Education would have to provide staffing and support for the Council. The Council would consist of the Superintendent of Public Instruction, two designees of the Governor, a designee of the Senate Majority Leader, and a designee of the Speaker of the House.

By October 31, 2011, the Council would have to contract with experts on the design and implementation of educator evaluations and other technical experts on evaluation to provide technical expertise for the Council, as it considered necessary.

The Superintendent of Public Instruction would have to convene the first meeting of the Council by August 1, 2011. By October 12, 2012, the Council would have to submit a report to the State Board of Education, the Governor, and the Legislature. The report would have to identify and recommend all of the following, and include recommendations on evaluation processes and other matters related to the purposes of Section 1249:

- A student growth assessment tool.

- A State evaluation tool for teachers.
- A State evaluation tool for school administrators.

The student growth assessment tool would have to meet all of the following:

- Measure student growth in in the core subject areas of math, science, English language arts, social sciences, and other subject areas.
- Comply with all current State and Federal law for students with a disability.
- Have at least a pre- and post-test.
- Be able to be used for pupils of all achievement levels.

All of the following would apply to the State evaluation tool for teachers:

- In addition to student growth and assessment data, the tool could include teacher and pupil attendance, professional contributions, training, progress report achievement, school improvement plan progress, peer input, and pupil and parent feedback.
- The tool would have to allow all special education teachers to be rated regardless of whether their pupils were not required to be assessed under State law, and the Council would have to recommend a replacement model for student growth and assessment data if growth and assessment could not be measured for these pupils.
- The Council would have to seek input from leading school districts in the State that already were using evaluations.

Regarding the State evaluation tool for school administrators, in addition to student growth and assessment data, the recommended tool could include teacher and pupil attendance, graduation rates, professional contributions, training, progress report achievement, school improvement plan progress, peer input, and pupil and parent feedback. The Council would have to ensure that the recommended tool would allow adaptations to be made if any special education teachers were under the supervision of a school administrator.

Notice of Ineffective Teacher

The bill would add Section 1249a to provide that, beginning in 2015-2016, if a pupil were assigned to be taught by a teacher who had

been rated as ineffective on his or her two most recent annual year-end evaluations under Section 1249, the board of the school district, ISD, or PSA where the pupil was enrolled would have to give his or her parent or legal guardian written notification that the pupil had been assigned to that teacher. The notification would have to be delivered by July 15 immediately before the beginning of the school year, and identify the teacher.

House Bill 4628 (S-1)

The public employment relations Act prohibits collective bargaining between a public school employer and a bargaining representative of its employees from including any of the subjects identified in the Act. Under the bill, prohibited subjects of bargaining also would include decisions about the subjects described below, as well as the impact of those decisions on an individual employee or the bargaining unit.

The prohibited subjects would include decisions about the development, content, standards, procedures, adoption, and implementation of the following:

- The employer's policy for placement of teachers required under Section 1247 of the Revised School Code, and any decision made by the employer pursuant to that policy.
- The employer's policies regarding personnel decisions when conducting a reduction in force or a recall from a reduction in force or in hiring after a reduction in force or any other personnel determination resulting in the elimination of a position as provided in Section 1248 of the Code, and any decision made by the employer pursuant to those policies.
- A performance evaluation system, including the employer's system adopted under Section 1249 of the Code, and decisions concerning the content of a performance evaluation of an employee.

For public employees whose employment is regulated by the teachers' tenure law, prohibited subjects of bargaining would include decisions about the development, content, standards, procedures, adoption, and implementation of a policy regarding employee discharge or discipline, and decisions about the discharge or discipline of an individual employee. Also, for those

employees, a public school employer could not adopt, implement, or maintain a policy for employee discharge or discipline that included a standard that was different from the arbitrary and capricious standard under the tenure law (under House Bill 4626 (S-1)).

Prohibited subjects of bargaining also would include decisions about the format, timing, or number of classroom observations conducted under the tenure law, and decisions concerning the classroom observation of an individual employee.

In addition, prohibited subjects of bargaining would include decisions about the development, content, standards, procedures, adoption, and implementation of the method of compensation required under Section 1250 of the Revised School Code, decisions about how an employee performance evaluation was used to determine performance-based compensation under that section, and decisions concerning the performance-based compensation of an individual employee.

Further, prohibited subjects of bargaining would include decisions about the development, format, content, and procedures of the notification to parents and legal guardians of pupils taught by a teacher who had been rated as ineffective as required under Section 1249a of the Code.

MCL 38.81-38.83a (H.B. 4625)
38.74 et al. (H.B. 4626)
380.1249 et al. (H.B. 4627)
423.215 (H.B. 4628)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

State: The fiscal impact on the State is indeterminate, and would depend upon whether this package of bills resulted in more or fewer hearings brought before the Teacher Tenure Commission. In addition, the State would see increased costs due to reformatting the Michigan Online Educator Certification System to incorporate certification changes that would occur because of changes in probationary status.

The State Department of Education would see increased staff and resource costs from the requirement to staff the proposed Governor's Council on Educator Effectiveness. In addition, the requirement for the Council to contract with experts on the design and implementation of educator evaluations would result in increased State costs. The Department has indicated these costs would total \$325,000 for one FTE and contract expenses for one year.

Local: The fiscal impact on school districts and intermediate districts under this package of bills is indeterminate.

The requirements to adopt and implement policies for annual teacher evaluations and additional probationary teacher evaluations, effectiveness ratings, and reducing or replenishing workforce based on effectiveness and not length of service, likely would result in some additional costs to ensure that local policies complied with the requirements in the bills. In addition, the requirements to ensure that, by 2013-2014, the evaluation systems for teachers and administrators included all of the specified items in the legislation, along with the requirement that school boards adopt and implement the State evaluation tools recommended by the proposed Governor's Council on Educator Effectiveness, or similar evaluation tools, likely would result in some additional compliance costs.

The overall shift in requiring districts and intermediate districts to fill (or reduce) positions based on effectiveness ratings and not seniority could result in some hiring and cost changes, if the effectiveness ratings were found to be significantly different than the seniority levels. However, if effectiveness ratings were found to be fairly similar to seniority levels (i.e., if senior teachers who are likely at the higher end of the pay scale are rated effective), then there would not be any significant fiscal impact from this requirement since senior teachers who are effective probably would retain jobs in a workforce reduction or fill positions when rehiring was done, as often found in current practice.

The bills also would provide for a longer period during which a demoted teacher's salary can be suspended, under certain conditions, which could provide for some

potential savings if implemented at the local level. It is unknown how many teachers on continuing tenure would face discharge or demotion due to the change from "reasonable and just cause" to "a reason that is not arbitrary and capricious".

The shortened tenure appeal process, and allowing for probationary teachers to be dismissed at any time, could provide some procedural cost relief for districts and intermediate districts. Also, the requirement that a teacher be placed on unpaid leave until obtaining a mutually agreeable assignment could produce local savings if or when this situation was encountered.

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.