

TEACHER AND ADMINISTRATOR PERFORMANCE & PRACTICE EVALUATION REQUIREMENTS

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

House Bill 5223 (Proposed Substitute H-4)
Sponsor: Rep. Margaret E. O'Brien

House Bill 5224 (Proposed Substitute H-4)
Sponsor: Rep. Adam F. Zemke
Committee: Education

Complete to 4-29-14

A SUMMARY OF HOUSE BILLS 5223 (H-4) & 5224 (H-4)

The bills would amend the Revised School Code to describe the performance and practice evaluation requirements for administrators and public school teachers. The bills are tie-barred so that neither could go into effect unless the other is also enacted into law. A more detailed description of the bills follows.

House Bill 5223 (Teacher Evaluation)

House Bill 5223 (MCL 380.1249, 380.1249a, & 380.1531j) would revise current evaluation requirements for teachers, and require that school districts meet new requirements for school administrator evaluations, as described in detail in House Bill 5224. The revisions follow.

Student Growth Component

Currently, the School Code specifies that beginning in the 2013-2014 academic year, at least 25 percent of an annual year-end teacher evaluation be based on student growth and assessment. Then, beginning in the 2014-2015 school year, that percentage would increase to 40 percent, and in 2015-2016 be raised to 50 percent.

House Bill 5223 (H-4) specifies instead that the percentage would remain at 25 percent during the next three academic years: 2014-2015; 2015-2016; and 2016-2017. Then, beginning in the 2017-2018 school year, the student growth component would be raised to 40 percent.

Core Content Areas: Student Growth Assessment Tool

House Bill 5223 (H-4) also specifies that beginning in the 2015-2016 school year, one-half of the student growth and assessment data for teachers in core content areas (in grades and subjects for which student growth data are available) must be measured using the state student growth assessment tool.

Other Subject Areas: State-Provided Growth Data

For teachers in other subject areas, and for a special education teacher with a caseload that consists of at least 50 percent of students with a disability who are taking an alternate assessment (or are likely to take an alternate assessment), a school district, intermediate school district, or public school academy could use state-provided growth data for up to one-half of the teacher's student growth and assessment data, or school officials could use (one or more) locally determined student measures and assessments with valid growth measurements for all of the teacher's student growth and assessment data.

Portion of Assessment not Based on State Data

Further, under House Bill 5223 (H-4), the portion of a teacher's student growth and assessment data that was not based on state-provided data, would have to be based on one or more locally determined student measures and assessments having valid growth measurements, which could include student learning objectives or individualized education program goals. These locally determined student measures and assessments could either be locally developed, or created by a vendor. The locally determined student measures and assessment would have to be used consistently among the schools operated by a school district or public school academy so that all similarly situated teachers were evaluated using the same measures and assessments.

Use of School-Level Growth Goals

House Bill 5223 (H-4) also specifies that if there were a reasonable connection between the core content and the teacher's actual teaching assignment, school-level growth goals could be used for an individual teacher's evaluation. However, school level growth goals could not constitute more than 5 percent of the individual teacher's overall evaluation.

Classroom Observations

Currently the law requires that a teacher's performance evaluation include classroom observations, and it describes how and when those observations must be conducted.

House Bill 5223 (H-4) would retain those provisions, and also require that a teacher be observed "multiple" times each year, with at least one observation being unscheduled.

Under the bill, the school administrator responsible for a teacher's performance evaluation would be required to conduct at least one of the classroom observations, while the remaining observations could be conducted by another trained observer, including a teacher-leader. Within 30 days, school officials would have to provide feedback from the observation to the teacher.

Observer Training

House Bill 5223 (H-4) requires that a school district, intermediate school district, or charter school ensure that an individual acting as an observer receive training from the vendor (or from a training provider that had a contact with the vendor). School officials would also have to ensure that an observer receives training—at least once every three years—in 'coaching,' 'providing feedback,' and 'rater reliability.' Further, school officials would be required to provide information to teachers about their evaluation tools and how they would be used.

District Evaluation Tool

House Bill 5223 (H-4) specifies that the portion of a teacher's annual year-end evaluation that is *not* based on student growth and assessment data must be based primarily on a teacher's performance, as measured by the evaluation tool adopted by the district.

2015-2016 Implementation

Under the bill, and by the beginning of the 2015-2016 school year, a school district or charter school must adopt and implement one or more of the state approved evaluation tools, but can use locally developed evaluation tools (subject to the requirements of subsection 6). In either event, the evaluation tools must be used consistently among the schools operated by the school district or charter school, so that all similarly situated teachers are evaluated using the same evaluation tool.

Locally Developed Evaluation Tools

Subsection (6) of House Bill 5223 (H-4) allows a school district or charter school to use one or more locally developed evaluation tools for the purpose of evaluating teacher performance as described above if the school district or charter school provides all of the following information about the locally developed evaluation tool on its public website:

- the research base for the evaluation framework, instrument, and process;
- the identity and qualifications of the author or authors;
- either evidence of reliability, validity, and efficacy or a plan for developing that evidence;
- the evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators;
- a description of the processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans; and
- a description of the plan for providing all evaluators and observers with initial and follow-up training, as well as the identity and qualifications of the trainers.

Student and Parent Participation in Teacher Evaluation

House Bill 5223 (H-4) also species that the portion of a teacher's evaluation that remains after the growth and district-adopted portions of the evaluation are completed must incorporate at least student and parent feedback, as well as other criteria found in the code at Section 1248(1)(b)(i) to (iii).

Mentors or Coaches

Now under the law, school districts and charter schools "are encouraged" to assign mentors or coaches to first-year teachers, or those whose evaluator judges them to be minimally effective.

In contrast, House Bill 5223 (H-4) would require mentors or coaches for these teachers.

Ineffective Teacher Dismissals

Currently, school districts and charter schools must dismiss teachers rated as ineffective on three consecutive year-end evaluations.

House Bill 5223 (H-4) would retain this provision, but specify that it would apply only if the evaluations were conducted using the same evaluation framework and under the same performance evaluation system.

Administrator Evaluations

Currently the law specifies in considerable detail that beginning in the 2013-2014 school year, school districts and charter schools ensure that the performance evaluation system for their building level school administrators, and also their central office level school administrators who are regularly involved in instructional matters, meet certain criteria concerning the evaluations' content and frequency.

House Bill 5223 (H-4) would eliminate all of these provisions, and replace them with the performance and practice criteria as specified in House Bill 5224 and described in detail later in the summary.

Effectiveness Council

The law now requires the creation of a Governor's Council on Educator Effectiveness, and describes the composition of the council's membership (including an advisory committee), and also the council's duties—chiefly, a research-based report to recommend teacher and administrator performance evaluation systems. (This portion of the law was changed when the governor issued Executive Order 2012-3, which moved the Michigan Council on Educator Effectiveness to the Michigan Department of Technology, Management, and Budget.)

House Bill 5223 (H-4) would dissolve the Educator Effectiveness Council and remove from the Code all of the provisions that describe it.

Teacher Performance Evaluation Tools

House Bill 5223 (H-4) requires that a school district or charter school use one or more of the following evaluation tools:

- the Charlotte Danielson Framework for Teaching;
- the R. Marzano Teacher Evaluation Model;
- the Thoughtful Classroom; and
- Five Dimension of Teaching and Learning.

In addition, the bill specifies that the Michigan Department of Education may designate one or more other evaluation tools as acceptable for use. However, if at any point the department determines that one of the approved tools fails to meet the requirements for locally developed evaluation tools, the department could revoke the its 'acceptable' designation.

Criteria to Modify Evaluation Tools

House Bill 5223 (H-4) allows a school district or charter school to adapt or modify an evaluation tool, if the adaptations or modifications meet all of the following criteria and that assurance is posted on the school's public website:

- the adaptations or modifications do not compromise the validity of either the evaluation tool or the evaluation process;
- the adaptations or modifications have undergone review by a person with expertise in teacher evaluations and the posted assurances include the identity and qualifications of the person who conducted the review; and
- the school district or charter school ensures that all evaluators and observers receive initial and follow-up training from the vendor of the modified evaluation tool.

Notifying Parents about Ineffective Teachers

Now under the law, beginning in the 2015-2016 school year, parental notification—in writing—is required if a student is to be taught by a teacher who had been rated as ineffective on the two most recent annual year-end evaluations.

House Bill 5223 (H-4) would retain this provision, but modify it. Under the bill, beginning in the 2016-2017 school year, a school district or charter school would be prohibited from assigning a student to be taught in the same subject area for two consecutive years by a teacher who has been rated as ineffective on the two most recent annual year-end evaluations.

Further, beginning in 2016-2017, if a school district or charter school was unable to comply with the prohibition noted above, and planned to assign a student to be taught in the same subject area for *two consecutive years* by a teacher who had been rated as ineffective on the two most recent evaluations, then the school board would be required to notify a student's parent or legal guardian before July 17, in writing, that the board was unable to comply, and explain why.

Teaching Certificates

Finally, House Bill 5223 specifies that, beginning July 1, 2015, the state school superintendent would be prohibited from issuing an initial professional teaching certificate to an individual unless that individual met one of the following:

- The individual was rated as either effective or highly effective on the annual year-end performance evaluation under Section 1249 for the three *consecutive* school years immediately preceding application for the professional teaching certificate; or
- The individual was rated as either effective or highly effective on the annual year-end performance evaluation under Section 1249 for at least three *non-consecutive* school years before the application for the professional teaching certificate, and submitted a recommendation from the chief school administrator of the school at which he or she was currently employed.

House Bill 5224 (School Administrator Evaluations)

House Bill 5224 (H-4) would add a new section to the Revised School Code (MCL 380.1249b) to specify new performance evaluation requirements for school administrators.

Beginning in the 2014-2015 school year, school districts and charters school must ensure that their performance evaluation system for building-level administrators, and those central-office level administrators regularly involved in instructional matters, *meets all of the following requirements*.

Annual Evaluation

The performance evaluation system must include at least an annual evaluation for all school administrators by the school superintendent (or a designee), intermediate superintendent (or designee), or charter school chief administrator, [except that a superintendent or charter school chief administrator must be evaluated by their respective boards].

Student Growth Data

For the 2014-2015, 2015-2016, and 2016-2017 school years, 25 percent of the annual evaluation must based on a student growth and assessment data. Then, beginning with the 2017-2018 school year, 40 percent would have to be based on the student growth data.

State Growth Assessment Tool

Beginning in 2015-2016, one-half of the student growth and assessment data shall be measured using the state student growth assessment tool. Further, for a student with an individualized education program, a school district or charter school may use state-provided growth data for up to one-half of the score, or may use one or more locally determined student measures and assessments with valid growth measurements.

Portion of Assessment not Based on State Data

The portion of a school administrator's student growth and assessment data that is *not* based on state-provided data (as described above) would be based on one or more locally determined student measures and assessments having valid growth measurements, and those could include student learning objectives or individualized education program goals. These locally determined student measures and assessments could either be locally developed or created by a vendor. However, the locally determined student measures and assessments would have to be used consistently among the schools operated by a school district or charter school, so that all similarly situated school administrators are evaluated using the same measures and assessments.

If there are student growth and assessment data for a school administrator for at least three school years, then the annual evaluation would be based on that data for the most recent three-consecutive-school-year period. If there are *not* data available for at least three school years, then the annual evaluation would be based on all student growth and assessment data that are available for the school administrator.

Portion of Assessment not Based on Student Growth Data

The portion of the annual evaluation that *is not* based on student growth and assessment data (described above) or the school administrator evaluation tool would be based on at least the following for each school in which the school administrator works:

- The administrator's training and proficiency in using the evaluation tool for teachers, including a random sample of teacher performance evaluations to assess the input quality of the teacher performance evaluation system. (If the school administrator designates another person to conduct teacher performance evaluations, then the evaluation of the administrator on this factor would be based on the designee's training and proficiency in using the evaluation tool for teachers again, with the designee's performance to be counted as if it were that of the school administrator);
- The progress made by the school or school district in meeting the goals in the school improvement plan, the school district's school improvement plans, or a combination of these;
- Student attendance in the school or school district, as applicable;
- Student, parent, and teacher feedback, and other information considered pertinent by the superintendent or other person conducting the performance evaluation; and
- Demonstration of effective management and development of instructional staff, unless this criterion is already required in the evaluation tool or tools adopted for school administrators.

Evaluation Tool for Administrators

The portion of a school administrator's annual evaluation that is *not* based on student growth and assessment data would be based primarily on the school administrator's performance as measured by the evaluation tool adopted by the school district or charter school.

2015-2016 Implementation

House Bill 5224 (H-4) requires that by the beginning of the 2015-2016 school year, the school district or charter school adopt and implement one or more of the approved evaluation tools for school administrators, as provided in the bill. The evaluation tools would have to be used consistently among the schools operated by a school district or charter school, so that all similarly situated school administrators were evaluated using the same evaluation tool.

Evaluator Training by Vendors

The bill requires that evaluators be trained by the evaluation vendors, including training in coaching, providing feedback, and rater reliability. Retraining must be undertaken every three years. Further, school districts and charter schools are required to provide information to school administrators about the evaluation protocol, and how it is used.

Effectiveness Ratings for Administrators

The performance evaluation system would assign an effectiveness rating to each school administrator as "highly effective," "effective," "minimally effective," or "ineffective," based on scores on the evaluation tool.

The performance evaluation system would ensure that if an administrator is rated as "minimally effective" or "ineffective," then those conducting the evaluation must develop, and require the administrator to implement, an improvement plan to correct deficiencies. (That improvement plan must recommend professional development opportunities to improve the administrator's rating on the next annual evaluation.)

Dismissal of "Ineffective" Administrators

The performance evaluation system must provide for dismissal of all administrators judged "ineffective" on three consecutive annual evaluations. This would apply only if the evaluations were conducted using the same evaluation framework and the same performance evaluation system. (The bill specifies, however, that this provision would not affect the ability of a school district or a charter's school to dismiss an "ineffective" school administrator regardless of whether the administrator was rated "ineffective" on three evaluations.)

Biennial Evaluations of Highly Effective Administrators

The performance evaluation system must provide that if a school administrator was rated "highly effective" on three consecutive annual evaluations, then the school district or charter school could choose to conduct an evaluation biennially instead of annually. (However, if a school administrator was not treated as highly effective on one of these biennial evaluations, then the administrator would again be evaluated annually.)

Required Evaluation Tools

House Bill 5224 (H-4) requires that a school district or charter school use one or more of the following evaluation tools for the purposes of evaluating school administrator performance:

- The school advance administrator evaluation system developed by P. Reeves and P. McNeill for the Michigan Association of School Administrators;
- The D. Reeves Leadership Performance Rubric; or
- The Marzano School and District Leadership Evaluation.

In addition, the Michigan Department of Education could specify other evaluation tools if they met state standards. The department could also revoke an evaluation tool's acceptable designation if at any time it failed to meet state requirements.

Criteria to Modify Evaluation Tools

House Bill 5224 (H-4) allows a school district or charter school to adapt or modify an evaluation tool if the adaptations or modifications meet all of the following criteria and that assurance is posted on the school's public website:

- the adaptations or modifications do not compromise the validity of either the evaluation tool or the evaluation process;
- the adaptations or modifications have undergone review by a person with expertise in administrator evaluations and the posted assurances include the identity and qualifications of the person who conducted the review; and
- the school district or charter school ensures that all evaluators and observers receive initial and follow-up training from the vendor of the modified evaluation tool.

Locally Developed Evaluation Tools

Subsection (5) of House Bill 5224 (H-4) allows a school district or charter school to use one or more locally developed evaluation tools for the purpose of evaluating

administrator performance, if the school district or charter school provides all of the following information about the locally developed evaluation tool on its public website:

- the research base for the evaluation framework, instrument, and process;
- the identity and qualifications of the author or authors;
- either evidence of reliability, validity, and efficacy or a plan for developing that evidence;
- the evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators;
- a description of the processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans; and
- a description of the plan for providing all evaluators and observers with initial and follow-up training, as well as the identity and qualifications of the trainers.

FISCAL IMPACT:

House Bills 5223 and 5224 would amend the requirements for educator evaluations which were adopted under PA 102 of 2011 (PA 102). The bill would replace the single state evaluation tool with 4 teacher evaluation tool options that were recommended by the Michigan Council on Educator Effectiveness (MCEE) as well as 3 administrator evaluation tool options, of which two were recommended by the MCEE. The bills would allow the MDE to add vendors to that list, and districts and ISDs also would maintain the option of developing a local evaluation framework. However, the framework requirements for a local option that are laid out in the bill are much more comprehensive than under PA 102 and may make creating an independent option cost prohibitive.

Major costs would include the purchase of the protocol tool as well as the cost of training classroom observers, who must be trained by the chosen vendor on the observation protocol, as well as in coaching, providing feedback, and rater reliability. In total, statewide costs to districts and ISDs could total between \$16.0 million and \$42.0 million depending on a number of factors described below.

Initial teacher evaluation protocol tool costs could vary from \$3.0 million to \$8.0 million statewide depending on the vendor, but annual subscriptions after the initial purchase would likely decrease slightly. These costs would include the tool, data management, and technical assistance.

For teacher evaluations, depending on the vendor chosen and whether the training is provided online, through regional trainings, or in person, estimated training costs could vary between \$8.0 and \$25.0 million statewide in the first year, assuming training approximately 2 staff per building. These would decrease after the first year as training would be required only for new hires or for retraining on coaching and rater reliability required every 3 years.

If the school principal does one of the required observations and other teachers ("teacher-leaders") provide the remaining observations, there would be additional costs for replacing those teachers in their own classrooms both during their training and while they

do observations and evaluations, which could cost approximately \$4.0 million in the first year but would decrease as the training time decreases after the first year. HB 5223 (H-4) requires multiple observations throughout the school year. If classroom teachers are not used to carry out observations, this cost would be avoided.

Similar training and protocol tool costs would be experienced for school administrator evaluations which would require training all superintendents and school board members, and would total approximately \$5.0 million in the first year.

The bill would also create additional, but indeterminate, staff costs by moving from "encouraging" to "requiring" mentors/coaches for first year teachers and teachers rated minimally effective.

Additionally, the MDE could experience increased costs related to the initial evaluation and periodic review of evaluation protocols as well as the data collection, reporting, and analysis related both to the required student growth assessments and evaluation protocols.

Legislative Analyst: J. Hunault
Fiscal Analysts: Bethany Wicksall
Karen Shapiro

■ 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.