

# Legislative Analysis

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## TEACHER AND ADMINISTRATOR PERFORMANCE & PRACTICE EVALUATION REQUIREMENTS

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### House Bill 5223

Sponsor: Rep. Margaret E. O'Brien

### House Bill 5224

Sponsor: Rep. Adam F. Zemke

Committee: Education

Complete to 1-22-14

## A SUMMARY OF HOUSE BILLS 5223 & 5224 AS INTRODUCED 1-15-14

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 & 380.1531j) 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. The law specifies that for the 2014-2015 school year, that percentage increase to 40 percent, and then in 2015-2016 be raised to 50 percent.

House Bill 5223 specifies instead that the percentage 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 50 percent. The bill further specifies that the growth component be based on factors described in subsection (4) of the bill, and also that the portion of the year-end evaluation that is *not* based on the student growth component be based on a practice component as described in subsection (5).

#### ***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 would eliminate those provisions, and instead require that a teacher be observed at least two times each year, unless the teacher had received a rating of effective or highly effective on the two most recent evaluations.

### ***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 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 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 would eliminate all of these provisions, and replace them with the performance and practice criteria 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.

House Bill 5223 would, instead, provide for a Michigan Council on Educator Effectiveness located in the Michigan Department of Technology, Management, and Budget. (This would codify Executive Order 2012-3 which already renamed the council and transferred it to DTMB.) The bill would also provide that the department dissolve the council and its advisory committee after the performance evaluation system described in this bill has been fully implemented.

### ***Student Growth and Assessment Component of Evaluation***

House Bill 5223 requires that the student growth and assessment component of a teacher's evaluation consist of the state student growth and assessment measurement standards, and a local student growth assessment, and may also include school-level modeling. Under the bill, at least 40 percent of the teacher's student growth and assessment component would be based on state-provided growth data for teachers of the core content areas in the grades and the subjects for which growth data are available from

state-mandated assessments; for other teachers, either state-provided data or a local student growth assessment may be used.

Under the bill, the Michigan Department of Education would be required to develop state student growth and assessment measurement standards not later than March 1, 2014. The measurement standards would have to meet all of the following requirements:

- Be based on state-mandated assessments that are aligned to state-adopted content standards and (a) be pedagogically appropriate; (b) be developed or selected in consultation with teachers and school administrators; (c) assess career and college readiness, as appropriate for grade level; (d) provide a paper and pencil option and a computer option; (e) measure proficiency; (f) provide growth data on a common scale that remains the same from year to year in order to allow accurate year-to-year comparison; (g) provide an item-level response summary; (h) as appropriate for grade level, be aligned to college entrance examinations or be a college entrance examination; (i) provide a timely report to students, parents and guardians, school officials, and teachers that includes useful information for identifying intervention points to provide student success (not more than 30 days after the assessment is administered).
- Provide student growth data for educators on the state-mandated assessments;
- In addition to measuring student growth in the core subject areas of mathematics, science, English language arts, and social science, be able to measure student growth in other subject areas for which state-adopted content standards exist;
- Comply with all current state and federal law for students with a disability;
- Be able to provide interim assessments;
- Be able to be used for students of all achievement levels.

House Bill 5223 requires that the portion of a teacher's student growth and assessment component that is *not* based on state-provided data must be based on one or more local student growth assessments, either developed locally or created by a vendor. The bill requires that these assessments be used consistently among the schools operated by a school district or charter school, so that similarly situated teachers would be evaluated using the same assessment or assessments.

The bill specifies that school-level growth goals could be used for an individual teacher's evaluation if there was a reasonable connection of the core content to the teacher's actual teaching assignment. However, school-level growth goals could not constitute more than 10 percent of the individual teacher's student growth and assessment component.

The factors described above would constitute 100 percent of the student growth and assessment component. Before the 2014-2015 school year begins, the boards of school

districts and charter schools would be required, by resolution, to establish the percentages of that 100 percent that would be assigned to each of the factors noted above, for the annual year-end evaluations for teachers for 2014-2015. After 2014-2015, those percentages could not change, unless a board, by resolution, made the changes before the beginning of that school year.

### ***Practice Component of Evaluations & Teacher Observations***

House Bill 5223 also describes in detail the practice component of a teacher's annual year-end evaluation, at least 80 percent of which must be based on classroom observations. The bill describes in considerable detail the kinds of classroom evaluation observation tools—either vendor-developed or locally developed—that may be used to evaluate the practice component of a teacher's work. The bill specifies that the Michigan Department of Education include on its initial observation tool vendor list all of the observation tools recommended in the July 2013 final recommendations of the Michigan Council for Educator Effectiveness, including: Charlotte Danielson's Framework for Teaching; the Marzano Teacher Evaluation Model; the Thoughtful Classroom; and Five Dimensions of Teaching and Learning.

The bill specifies that 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 student engagement in the lesson. Although a classroom observation need not last an entire class period, there must be at least two observations each school year, and at least one of those must be unscheduled.

Classroom observers must be trained by the vendor in the observation protocol, and also in coaching, providing feedback, and rater reliability. Retraining must occur at least every three years.

The school administrator responsible for a teacher's performance evaluation must conduct at least one of the observations, while the others may be conducted by other trained observers, including teacher leaders.

The bill specifies that all school districts and charter schools provide copies of all teacher observation data collected with the observation tools to the Michigan Department of Education for research purposes to support continuous improvement of the educator evaluation system.

Teachers must be provided with feedback from the classroom observation within 30 days.

House Bill 5223 specifies that not more than 20 percent of the practice component be based on locally adopted factors that are indicative of a teacher's practice. These may include, but are not limited to instructional leadership abilities; teacher and pupil attendance; professional contributions, training; progress report achievement; school improvement plan progress; peer input, and pupil and parent feedback.

The bill, in Section 1248(6)(a) through (n), found on pages 24 through 27, describes in detail the criteria all observation tools must meet in order to be included and maintained on the Michigan Department of Education's list of acceptable observation tools.

If a school district or charter school uses a locally developed observation tool, or adapts a state-approved tool, then they must notify the department and provide a detailed description of the observation tool.

If a vendor applies to the Michigan Department of Education to have an observation tool included on the department's list, then department officials would be required to request that the vendor propose one or more adapted observation tools appropriate for special education teachers who instruct students with low-incidence disabilities who are taking an alternate assessment.

### ***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 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:

- The performance evaluation system 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]. Under the bill, the annual evaluation must meet all of the following:

- For the 2014-2015, 2015-2016, and 2016-2017 school years, at least 25 percent of the annual evaluation be based on a student growth and assessment component. Then, beginning with the 2017-2018 school year, at least 50 percent be based on the student growth component. (The bill specifies that the student growth and assessment data used for administrator evaluations are the aggregated student growth and assessment data that are used in teacher annual evaluations for each school in which the administrator works.)
- The remaining portion of the annual evaluation that is not based on student growth and assessment data be based on a practice component.
- The performance evaluation system assign an effectiveness rating to each school administrator as "highly effective," "effective," "minimally effective," or "ineffective."
- The performance evaluation system ensure that if an administrator is rated as "minimally effective" or "ineffective," then those conducting the evaluation 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 his or her next annual evaluation.)
- The performance evaluation system 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.)
- The performance evaluation system 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.
- The performance evaluation specify an evaluation at least every two years for all district and ISD superintendents, and the chief executives of charter schools, conducted by their respective boards.

***Practice Component of Evaluation***

House Bill 5224 describes in some detail, the practice component of the school administrator's evaluation.

The bill specifies that at least 80 percent of the practice component be based on the school administrator evaluation framework, and further specifies that a district or charter

school may use one of the following frameworks: The school advance administrator evaluation instrument developed by Reeves and McNeill for the Michigan Association of School Administrators; the Reeves Leadership Performance Rubric; or the Marzano School Leadership Evaluation. In addition, the Michigan Department of Education could specify other evaluation frameworks. Further, a locally developed evaluation framework could be used.

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

In addition, the bill requires that copies of all school administrator evaluation data that is collected using the evaluation framework be provided to the Michigan Department of Education for research purposes, to support continuous improvement of the educator evaluation system.

The bill specifies that not more than 20 percent of the practice component be based on locally adopted factors, to include the following: (1) the administrator's (or a designee's) training and proficiency in using evaluation systems and observation tools for teachers; (2) school improvement plan progress; (3) pupil attendance; and (4) student, parent, and teacher feedback.

House Bill 5224 would allow a school district, intermediate school district, or charter school to use a locally developed or adopted school administrator evaluation framework; however, that locally developed framework would be required to meet criteria that are specified, in detail, in the bill. To review those requirements, see Section 1249b (3) (a) through (m) of the bill, found on pages 7 through 10 of the bill as introduced.

Finally, House Bill 5224 would require the Michigan Department of Education to periodically review each of the school administrator frameworks to evaluate whether they continued to meet state requirements. If they did not, school districts and charter schools would be directed by the department not to use them.

## **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 provide the second, 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. If other 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, costs by moving from encouraging to requiring mentors/coaches for first year teachers and teachers rated ineffective or 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.

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■ 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.