

# MICHIGAN EDUCATOR EVALUATIONS AT-A-GLANCE



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## About This Document

The purpose of this document is to provide general guidance to educators in the field about both the content of the legislation and how the law interfaces with the efforts of the Michigan Department of Education (MDE) to improve educator evaluations statewide as a key component of our stated goal of becoming a top ten performing state in ten years.

In November 2015, Public Act 173 was signed into law. This legislation governs educator evaluations for teachers (MCL 380.1249) and administrators (MCL 380.1249b) in the State of Michigan. Public Act 170 of 2016 amended MCL 380.1249 to define teacher for the purposes of determining the applicability of 380.1249 for differing instructional staff assignments. Public Acts 006 and 007 of 2019 amended legislation for teachers and administrators to base 25% of the annual year-end evaluation on student growth and assessment data for the 2018-2019 school year, and beginning with the 2019-2020 school year, 40% of the annual year-end evaluation must be based on student growth and assessment. The legislation described within 380.1249 and 380.1249b provide important clarity to the ongoing policy discussions about the direction of educator evaluations in Michigan.

The document is divided into three main sections. The first section highlights some of the main purposes for our focus on improving educator evaluations. The second section provides a high-level overview of the public act, including some of the local, state, and federal factors that played a role in the content of the legislation. The third section provides more detail about the content of MCL 380.1249. This includes descriptions of the requirements for teacher and administrator evaluations, the time in which different facets of the law become mandatory, and the responsibilities of the MDE and Local Education Agencies (LEAs) in relation to educator evaluations.

Those with additional questions may find the companion [Frequently Asked Questions document](#) to be a useful resource.

## Purposes of Educator Evaluation

Implementing Michigan’s educator evaluation law with fidelity is a key strategy in our efforts to see Michigan become a top ten education state within the next ten years. Educator evaluations are implicitly linked to the MDE’s Strategic Goal #3, to “develop, support, and sustain a high-quality, prepared, and collaborative education workforce.”

Excellent educators are essential to improving student outcomes. High quality educator evaluations support both student learning as well as educator well-being. High quality evaluations provide teachers with critical feedback on how they can improve their own practice to impact the lives of students.

In addition to facilitating educators’ personal pursuits of excellence, systematic improvements to educator evaluations in schools and districts play an essential role in providing targeted professional development responsive to the needs of educators. When valid, reliable evaluation systems are adopted and implemented with fidelity, districts can use evaluations to identify trends, develop data-driven strategies, and coordinate professional development aligned to the local needs of educators.

Implementing the law with fidelity can also help foster a positive, productive, and fair environment for educators. Rigorous, transparent, and fair evaluations provide objective, actionable feedback and document ways to improve educational practice. Quality evaluations also provide platforms to recognize excellent educators for their best practices, which has been shown to improve retention rates for effective teachers.

In districts with high quality educator evaluation systems implemented with fidelity, staffing decisions can be informed by quality observational and student data. Under the new legislation, evaluations also impact teacher certification. Consistently high-quality evaluations provide fairness for teachers and protections for districts.

In short, educator evaluations can serve as the mechanism to establish coherence connecting student achievement, school improvement, professional development, and staffing decisions.

# A Brief Overview

## Public Act 173 of 2015

This section provides context for educator evaluation legislation in Michigan and a high-level overview of components of the law. Each component highlighted here is explained in further depth in the next section.

## Background

Many factors played a role in the development of Public Act 173, which is the legislation that governs educator evaluations in Michigan. Notably, it expands and clarifies the legislative work initiated in Public Act 102 of 2011, which first laid the groundwork for educator evaluation requirements in Michigan. Michigan is one of many states that have turned their attention to improving the quality and consistency of educator evaluations.

In this context and connected to PA 102, the Michigan Council for Educator Effectiveness (MCEE) was established to develop Michigan-specific recommendations for educator evaluations that were research-based, reached high standards of reliability and validity, and matched the contextual needs in the state.

Public Act 173 has components specifically informed by the MCEE final recommendations – specifically the recommendations of state-approved observation tools for teachers and state-approved observation tools for administrators.

## Summary of Legislative Requirements

The legislation requires that the board of a school district, Intermediate School District (ISD), or the board of directors of a Public School Academy (PSA) adopt a rigorous, transparent and fair evaluation system for teachers and administrators.

The legislation requires that evaluations be conducted annually, and that they incorporate student growth as a significant component, beginning at 25% in the 2015-2016 school year and growing to 40% in 2019-2020. Beginning with the 2019-2020 school year, for core content areas in grades and subjects in which state assessments are administered, 50% of student growth must be measured using the state assessments. The MDE has provided [student growth percentiles \(SGPs\)](#) as a measure of state assessment student growth starting with the 2015-16 state assessments, and [EVAAS value added model](#) reports since the fall of 2018. The MDE has provided extensive supports for [implementing Student Learning Objectives](#) to measure student growth with non-state assessments since October of 2016. The MDE recommends that districts interpret 380.1249(2)(a)(ii) as requiring state assessments to be used within educator evaluations for teachers of record in subjects ELA or/and math in grades 4 through 8.

Teachers and administrators with three consecutive highly effective ratings may receive biennial reviews in place of annual reviews. The law also includes certain additional requirements in circumstances where teachers or administrators receive minimally effective or ineffective ratings.

The legislation tasks the MDE with maintaining a list of state-approved observation/ evaluation tools which initially included the models recommended by the MCEE. For teachers, the current list of observation tools consists of:

- the Charlotte Danielson’s Framework for Teaching,
- the Marzano Teacher Evaluation Model,
- the Marzano Focused Teacher Evaluation Model,
- the Thoughtful Classroom, and
- the 5 Dimensions of Teaching and Learning.

For administrators, these evaluation tools are:

- the MASA’s School Advance Administrator Evaluation Instrument, and
- the Multidimensional Leadership Performance System.

Districts that wish to use tools modified from the approved observation tools or tools not included on the state-approved list are permitted to do so, provided the tools meet requirements outlined in legislation and the district meets transparency and public reporting guidelines specified in the law.

The legislation stipulates that the Professional Education Certificate and Advanced Professional Education Certificate be tied to effectiveness data collected at the state level.

# Legislative Analysis

This section includes a more detailed analysis of the content of Michigan’s educator evaluation law. This analysis is meant to summarize, but not supersede the content of the legislation. Educators and other administrators can access the full text of MCL 380.1249 here [http://www.legislature.mi.gov/\(S\(kn0wad0ufhhiq2qvaucov1gz\)\)/mileg.aspx?page=GetObject&objectname=mcl-380-1249](http://www.legislature.mi.gov/(S(kn0wad0ufhhiq2qvaucov1gz))/mileg.aspx?page=GetObject&objectname=mcl-380-1249).

## Description of MCL 380.1249

- MCL 380.1249 requires the board of a school district or ISD or the board of directors of a PSA, with the involvement of teachers and school administrators, to adopt and implement for all teachers and administrators a rigorous, transparent, and fair performance evaluation system that does all of the following:
  - Evaluates the teacher’s or administrator’s job performance at least annually while providing timely and constructive feedback.
  - Establishes clear approaches to measuring student growth and provides teachers and administrators with relevant data on student growth.
  - Evaluates a teacher’s or administrator’s job performance, using multiple rating categories that take into account data on student growth.
  - Uses the evaluations to inform decisions regarding the effectiveness of teachers and administrators; promotion, retention, and development of teachers and administrators; whether to grant tenure or full certification; and the removal of ineffective tenured and untenured teachers and administrators.

## Requirements for Teacher Evaluations

- The performance evaluation system shall include at least an annual year-end evaluation for all teachers.
- For the 2018-2019 school year, 25% of the annual year-end evaluation shall be based on student growth and assessment data.
- Beginning with the 2019-2020 school year, 40% of the annual year-end evaluation shall be based on student growth and assessment data.
- Beginning with the 2019-2020 school year, for core content areas in grades and subjects in which state assessments are administered, 50% of student growth must be measured using state assessments. The MDE recommends that educational entities interpret this requirement to apply to teachers of record in grades 4-8 teaching subjects ELA and/or math. This guidance encourages the use of locally controlled decisions for using group attributable state assessment student growth for teachers who do not provide instruction for ELA and/or math in grades 4-8. This guidance also encourages considerations for continuous improvement of all subject areas and the use of student growth data that represents the teacher’s impact of instruction.

- Student assessment and growth data not based on the state measure must be measured using multiple research-based growth measures or alternative assessments that are rigorous and comparable across schools within the school district, ISD, or PSA. They may include student learning objectives (SLOs) or nationally normed or locally adopted assessments that are aligned to state standards or based on achievement of individualized education program goals.
- The portion of a teacher's annual year-end evaluation that is not based on student growth and assessment data shall be based primarily on a teacher's performance as measured by the observation tool developed or adopted by the school district, ISD, or PSA.
- The system must assign to each teacher an effectiveness rating of highly effective, effective, minimally effective, or ineffective.
- Midyear progress reports are required for teachers who are (a) in the first year of the probationary period or (b) received a rating of minimally effective or ineffective on the most recent annual evaluation.
- Teachers who are rated as highly effective on three consecutive annual evaluations may be evaluated biennially instead of annually.
- Unless a teacher has received a rating of effective or highly effective on his/her two most recent annual year-end evaluations, there must be at least two classroom observations of the teacher each school year. At least one observation must be unscheduled. The school administrator responsible for the teacher's performance evaluation shall conduct at least one of the observations. Within 30 days after each observation, the teacher must be provided with feedback from the observation.
- Teachers who are rated ineffective on three consecutive annual year-end evaluations must be dismissed from employment by the district.

### Requirements for Administrator Evaluations

- The performance evaluation system shall include at least an annual year-end evaluation for all administrators regularly involved in instructional matters.
- For the 2018-2019 school year, 25% of the annual year-end evaluation shall be based on student growth and assessment data.
- Beginning with the 2019-2020 school year, 40% of the annual year-end evaluation shall be based on student growth and assessment data.
- The student growth component of the evaluation must be an aggregate of all of the student growth and assessment data used in teacher evaluations in the school or district.



- The portion of the evaluation that is not based on student growth data and the district's adopted evaluation tool must be based on the administrator's proficiency in using the observation tool for teachers; the progress made by the school or district in meeting the goals set forth in the school or district improvement plan as applicable; student attendance in the school or school district; and student, parent, and teacher feedback.
- The system must assign to each school administrator an effectiveness rating of highly effective, effective, minimally effective, or ineffective.
- An improvement plan is required for a school administrator who is rated as minimally effective or ineffective.
- Administrators who are rated as highly effective on three consecutive annual year-end evaluations may be evaluated biennially instead of annually.
- Administrators who are rated as ineffective on three consecutive annual year-end evaluations must be dismissed from employment by the district.

### Responsibilities of Teachers

- As part of the annual, year-end evaluation, teachers consult with the building principal or evaluator to develop performance goals and recommend training/professional development for the next school year.
- For a teacher in the first year of probationary status, or who received an ineffective or minimally effective rating on his/her most recent evaluation, consult with the building principal or evaluator to develop an individualized development plan.
- Teachers should advocate for aspects of their teaching that represent excellent instruction and proactively engage in feedback discussions with administrators for the purpose of improving practice.

### Responsibilities of Lead Building Administrators

- Conduct, or designate another person to conduct, at least annual evaluations of all teachers.
- Provide meaningful feedback to teachers within 30 days after each observation.
- Use observation and student growth data to align professional learning to teacher need to collaboratively develop specific performance goals in the annual year-end evaluation during feedback sessions with the teacher.
- Develop an individualized development plan for any teacher in the first year of the probationary period (first full year of employment) or who received a rating of minimally effective or ineffective on his/her most recent annual year-end evaluation.

### Responsibilities of School District Superintendents or Chief Administrators

- Conduct, or designate another person to conduct, at least annual evaluations of all building administrators and district administrators who are regularly involved in instructional matters.

### Responsibilities of the Boards of School Districts, ISDs, or PSAs

- Conduct at least annual evaluations of the district superintendent or chief administrator.
- Adopt and implement one or more observation tools for teachers and evaluation tools for administrators.

### Responsibilities of School Districts, ISDs, or PSAs

- Provide training to teachers on the observation tool or tools used in the performance evaluation system and how each observation tool is used. Training shall also be provided to all evaluators and observers. The training shall be provided by an individual who has expertise in the evaluation tool or tools, which may include either a consultant on that evaluation tool or an individual who has been trained to train others in the use of the evaluation tool. The school district, intermediate school district, or public school academy has the authority to determine who has expertise in the evaluation tool or tools. That being said, it is in the district's best interest to ensure training is being implemented by an individual with a significant level of experience and knowledge in order to meet the legislative expectation for "expertise" in the evaluation tool. Districts should consult their evaluation tool vendor(s) and/or their legal counsel as to any stipulations in the evaluation tool terms of use that may address the use of vendor-provided materials for training purposes, as some of these materials are copyrighted.
- Post the following on the district website for each adopted observation or evaluation tool:
  - The research base for the evaluation framework, instrument, and process.
  - The identity and qualifications of the author or authors.
  - Evidence of reliability, validity, and efficacy or a plan for developing that evidence.
  - The evaluation framework 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.
  - A description of the plan for providing evaluators and observers with training.
- Beginning with the 2018-2019 school year, ensure that a student is not assigned to be taught the same subject area for two consecutive years by teachers who have been rated ineffective on their two most recent annual year-end evaluations. If the district is unable to meet this requirement, it must notify affected students' parent(s) or legal guardian(s) and explain the district's inability to comply with this requirement.

## Responsibilities of the Michigan Department of Education

- The MDE shall establish and maintain a list of approved teacher and administrator observation tools. The list shall include at least the evaluation models included in the final recommendations released by the Michigan Council on Educator Effectiveness (MCEE) in July 2013. School Districts, ISDs and PSAs are not required to use a tool on the state-approved list.
- The State Superintendent of Public Instruction shall not issue an Professional Education Certificate to an individual unless s/he meets the following criteria:
  - The individual has successfully completed at least three full years of classroom teaching.
  - The individual meets either of the following:
    - Was rated effective or highly effective on his/her annual year-end performance evaluations for three consecutive years preceding the application for the Professional Education Certification OR,
    - Was rated effective or highly effective for at least three nonconsecutive years preceding the application for Professional Education Certification and submits a recommendation from the chief school administrator of the school at which s/he is currently employed.
- Beginning November 5, 2015, the State Superintendent of Public Instruction shall not issue or renew an Advanced Professional Education Certificate to an individual, unless the individual:
  - Has been rated as highly effective on his/her annual year-end evaluation for three out of five most recent school years.
  - Has not been rated ineffective on his/her annual year-end evaluation within the five most recent school years.
  - Meets additional criteria established by the MDE.
- The MDE has provided student growth percentiles (SGPs) as the state measure of student growth since the 2015-16 state assessments. More information about SGPs can be found here [www.michigan.gov/mde-edevals](http://www.michigan.gov/mde-edevals).
- The MDE has contracted SAS to provide value added model (EVAAS) report data to provide state assessment student growth data for use within educator evaluations. EVAAS reports are not intended to replace reporting tools provided by the state such as MI School Data and Secure Site Dynamic Score Reports, but rather supplement these reports to provide a clear picture of academic growth and achievement.
- The MDE developed extensive guidance and support resources for the measurement of student growth within educator evaluations, which may be found here:  
[https://www.michigan.gov/mde/0,4615,7-140-5683\\_75438\\_78528---,00.html](https://www.michigan.gov/mde/0,4615,7-140-5683_75438_78528---,00.html).  
The MDE has also provided extensive and diverse training opportunities to aide school districts, public school academies, and intermediate school districts to assist districts with using student growth within educator evaluations. These training opportunities include [Student Growth Collaborative Workshops](#), [Professional Learning Webinars](#), [Michigan Virtual Online On-Demand Self-Paced Modules](#), and On-Site Presentation and Technical Assistance.

## IMPLEMENTATION TIMELINE FOR KEY REQUIREMENTS

Activity	Reference	Requirement Date
PA 173 Effective Date	PA 173	November 5, 2015
The Superintendent of Public Instruction shall not issue an initial Professional Teaching Certificate to an individual unless the individual meets statutory requirements.	1531j	July 1, 2018
District, ISD or PSA shall not assign a student to be taught in the same subject area for two consecutive years by teachers rated as ineffective for two consecutive years and must notify affected students' parent(s) or legal guardian(s) if the district is unable to comply with this requirement.	1249a(1) 1249a(2)	2018-2019
For teachers of subjects and grades assessed by state assessments, 50% of the student growth portion of the annual year-end evaluation must be measured using state assessments.	1249(2)(a)(ii)	2018-2019
40 % of the annual year-end evaluation for teachers and administrators must be based on student growth and assessment data	1249(2)(a)(i) 1249b(1)(b)	2019-2020

Office of Educator Excellence  
 Website: [www.michigan.gov/mde-evals](http://www.michigan.gov/mde-evals)  
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