HOUSE EDUCATION COMMITTEE

1

- **Senate Bill 103.**
- **How Did We Get Here?**
- **Where Are We Now?**
- **Where Are We Going?**

Clark Hill PLC
Barbara A. Ruga
616-608-1105

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ATTORNEYS AT LAW

ORIGINAL IDEA

Race To Top Competitive Grant (Arne Duncan):

- Building data systems that measure student growth and inform teachers and administrators how to improve instruction.
- Recruiting, developing and rewarding effective teachers, esp. where they are needed the most.
- Turning around lowest-performing schools.
- August 2010.

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PEDAGOGY BEHIND REFORMS

- THE WIDGET EFFECT (2009).
  - "Our schools are indifferent to instructional effectiveness except when it comes time to remove a teacher."
  - See TNTP.org website.

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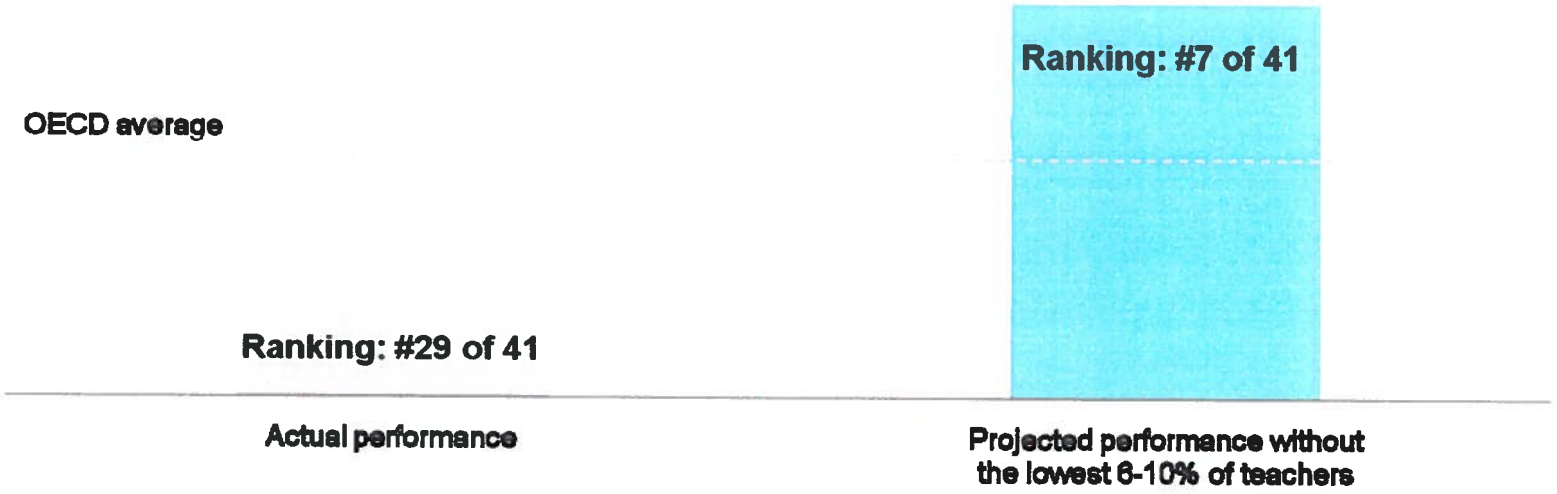
Simply removing the very lowest-performing teachers would put the average U.S. student near the top of the developed world.

U.S. Student Achievement in Math vs. OECD Average (2003 PISA)



This improvement in student achievement would add as **much as $30 billion per year to U.S. GDP.**

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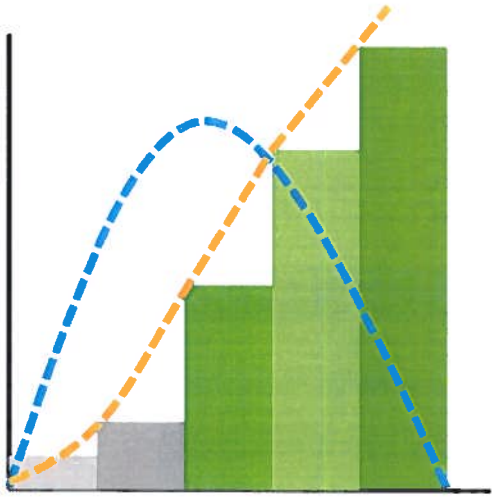
Source: Hanushek in *Creating a New Teaching Profession*, 2009

•This new evaluation framework will achieve significantly improved •outcomes over current systems.

•**Current systems**

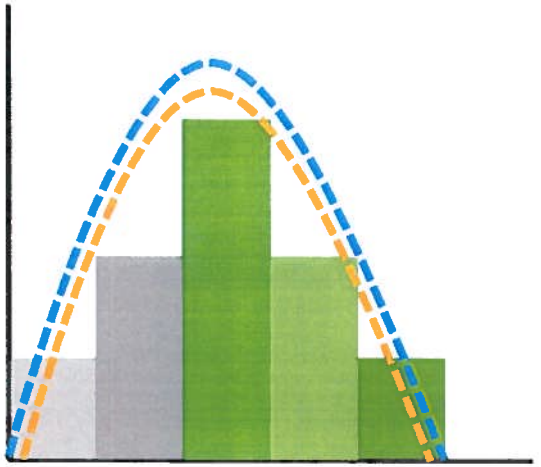


•*Nearly all teachers get the top ratings and ratings do not* ***correlate with student outcomes.***

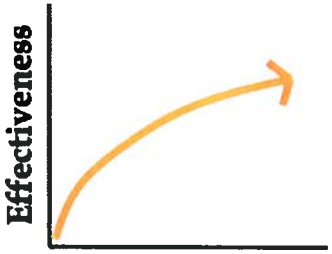
•*Ratings provide a single snapshot in* ***time and cannot be used*** *to drive decision making.*

Student outcomes

Teacher ratings



•*Ratings produce a bell curve that closely correlates with student outcomes*



•*Ratings provide a view of growth over time and are suited to driving critical decisions.*

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MICHIGAN'S CONTEXT: 2011 REFORMS

- **Tenure Act (Public Acts 100-101).**
  - No statutory presumption that satisfactory if fail to follow requisite procedures.
- **"Arbitrary or capricious" - not "just cause" as standard to exit teachers and administrators.**
- **Michigan Revised School Code (Public Act 102).**
  - Section 1248 layoff and recall criteria.
  - Expanded Section 1249 on evaluations.
  - Section 1249a – Parental Notice 2015-2016.
  - Section 1250 – Performance Based Compensation.
- **Public Employment Relations Act (Public Act 103).**
  - Seven new prohibited subjects of bargaining

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REFORM LEGISLATION

- **Seven Prohibited Subjects of Bargaining:**
  - Section 15(3)(j) – Teacher Placement.
  - Section 15(3)(k) – Teacher Layoff and Recall.
  - Section 15(3)(l) – Teacher Evaluation.
  - Section 15(3)(m) –Discipline or Discharge.
  - Section 15(3)(n) – Classroom Observations.
  - Section 15(3)(o) – Performance Based Compensation.
  - Section 15(3)(p) – 2015/2016 Notice to Parents.

- **Effective July 19, 2011.**

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STATUTORY PURPOSE OF EVALUATION

- **Ensure teachers and administrators given ample opportunities for improvement.**
- **Promote, retain and develop through relevant coaching, instruction support or PD.**
- **Whether to grant tenure (teachers only – none for school administrators).**
- **Removing ineffective teachers and administrators, using rigorous standards and streamlined, transparent and fair procedures.**

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WHERE ARE WE?

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MI EFFECTIVENESS RATINGS*

- **Ineffective Teachers & Administrators**
  - 2011-2012: 0.8% (0.7%)
  - 2012-2013: 0.6% (0.5%)
  - 2013-2014: 0.5% (0.3%)
- **Minimally Effective Teachers**
  - 2011-2012: 2.04% (1.76%)
  - 2012-2013: 2.41% (2.24%)
  - 2013-2014: 2.26% (2.37%)
- **Effective Teachers**
  - 2011-2012: 74.6% (74%)
  - 2012-2013: 64.4% (68%)
  - 2013-2014: 59.3% (66%)

* Source: MDE/CEPI Website Staffing Reports

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INCREASE IN HIGHLY EFFECTIVE EDUCATORS

- **Highly Effective Teachers**
  - 2011-2012: 23%
  - 2012-2013: 33%
  - 2013-2014: 38%

- **Highly Effective Administrators**
  - 2011-2012: 23%
  - 2012-2013: 29%
  - 2013-2014: 32%

97% of Teachers = Effective or Highly Effective
98% of Administrators = Effective or Highly Effective

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JUNE 2, 2015

- ***Summer v. Southfield Bd Education.***

- **Recognizes a cause of action against a school district that makes a personnel decision based on a noncompliant performance evaluation.**

- **Varied litigation results in 83 counties across the State.**

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STUDENT GROWTH

- **Senate Bill 103 fashions a fair and reasonable compromise on levels of student growth and allows wide latitude on choice of measures.**

- **Until multiple measures are available at elementary and secondary grades and levels, would not exceed 25%.**
  - Heightened issue at secondary level with M-STEP.

- **See University of Michigan Institute For Social Research, December 2013 Report, PP. 8-9.**
  - mcede.org

- **Applicable to teachers and administrators.**

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POSITIVE STEPS IN SB 103

- **Require consistent use of student growth measures for similarly situated teachers and administrators.**
- **Requires posting of tool and procedures so that everyone knows the standards, criteria and timelines.**
- **Clarifies number of observations minimally required, one of which is unscheduled.**
- **A required training plan.**

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WHY DISTRICTS USE LOCAL TOOLS

- **National tools are not aligned with State law**
  - e.g., Section 1248
- **Districts elect to "phase in" implementation**
- **Cost of external tools**
  - No additional funds
  - Some districts were using prior versions of the piloted tools
- **Too lengthy and cumbersome**
  - See TNTP.org
    - "FIXING CLASSROOM OBSERVATIONS"
  - See ISR Report, Dec 2013, p. 17 (5 to 6 items per observation protocol)
- **Insufficiently rigorous**
  - Formative in nature
  - See CEPI data

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STANDARDS

- **Section 1248 of the Michigan Revised School Code**
- **Individual performance**
  - Student growth a significant factor
  - Teacher's demonstrated pedagogical skills
    - knowledge of subject matter
    - ability to impart subject matter through
      - planning; delivering rigorous content; checking for and building higher–level understanding; differentiating; managing a classroom
    - consistent preparation to maximize instructional time
  - Management of classroom
    - manner and efficacy of disciplining students
    - rapport with parents and other students
  - Attendance and discipline.

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RELIABILITY, VALIDITY AND EFFICACY

- **A Lingering Concern...**

- **1249(4)**
  - the research base must be identified
  - assurance that adapted or modified tool did not compromise the validity of the research base
  - Identity and qualifications of author or district who has reviewed, adapted or modified the tool
  - evidence of reliability, validity and efficacy …or a plan for developing that evidence

- **What does this mean, in practice?**
- **Who will pay for it?**

- **Per *Summer v. Southfield Public Schools*, districts that make "high stakes" personnel decisions based on performance evaluation systems, will be sued in local circuit court if unable to meet this vague yet high bar.**

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CAUTION

- **Whatever is written into section 1249 is the new "JUST CAUSE" standard.**
  - Litigated before the Tenure Commission in dismissal cases.
    - MCL 38.93
  - Litigated in county circuit courts under Section 1248
- **Please make sure the vast majority of school districts across the State, regardless of size, staff and funds, can actually achieve its mandates in the timeframe allotted.**
- **THANK YOU.**

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TEACHERS' TENURE (EXCERPT)
Act 4 of 1937 (Ex. Sess.)

38.93 Teacher on continuing tenure; annual year-end performance evaluation; individualized development plan.

Sec. 3. The controlling board of the school district employing a teacher on continuing tenure shall ensure that the teacher is provided with an annual year-end performance evaluation in accordance with section 1249 of the revised school code, 1976 PA 451, MCL 380.1249. If the teacher has received a rating of ineffective or minimally effective on an annual year-end performance evaluation, the school district shall provide the teacher with an individualized development plan developed by appropriate administrative personnel in consultation with the individual teacher. The individualized development plan shall require the teacher to make progress toward individual development goals within a specified time period, not to exceed 180 days. The annual year-end performance evaluation shall be based on multiple classroom observations conducted during the period covered by the evaluation and shall include, in addition to the factors required under section 1249 of the revised school code, 1976 PA 451, MCL 380.1249, at least an assessment of the teacher's progress in meeting the goals of his or her individualized development plan. The controlling board shall determine the format and number of the classroom observations in consultation with teachers and school administrators.

History: Add. 1993, Act 59, Imd. Eff. June 11, 1993;—Am. 2011, Act 101, Imd. Eff. July 19, 2011.

Popular name: Teachers' Tenure Act

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