
TEACHER TENURE REFORMS & TEACHER EVALUATIONS

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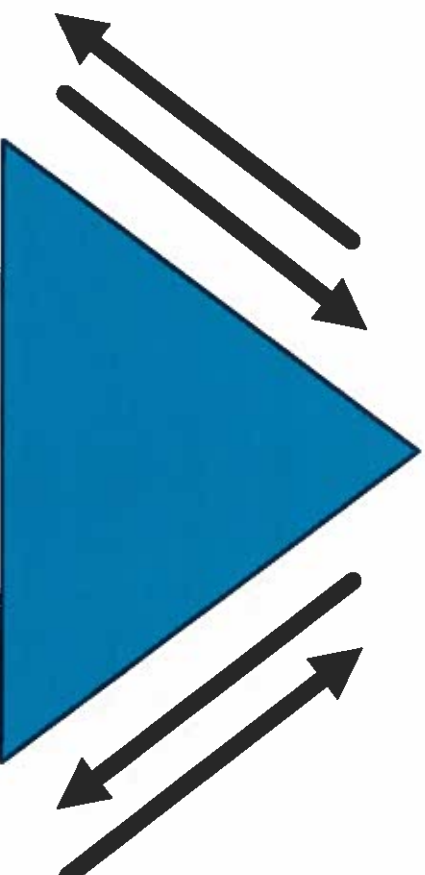
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2011 TEACHER TENURE REFORMS

- In 2011, the Legislature made significant reforms to the following statutes:
 - Teachers' Tenure Act
 - Revised School Code
 - Layoff & Recall (Section 1248)
 - Teacher Evaluations (Section 1249)
- These slides will review some of the more impactful changes.

INTEGRATION OF LAWS

**Teacher Evaluations under Section 1249
of the Revised School Code**



**Discharge and Suspension under Layoff and Recall under Section 1248
the Teachers' Tenure Act of the Revised School Code**

TEACHERS' TENURE ACT

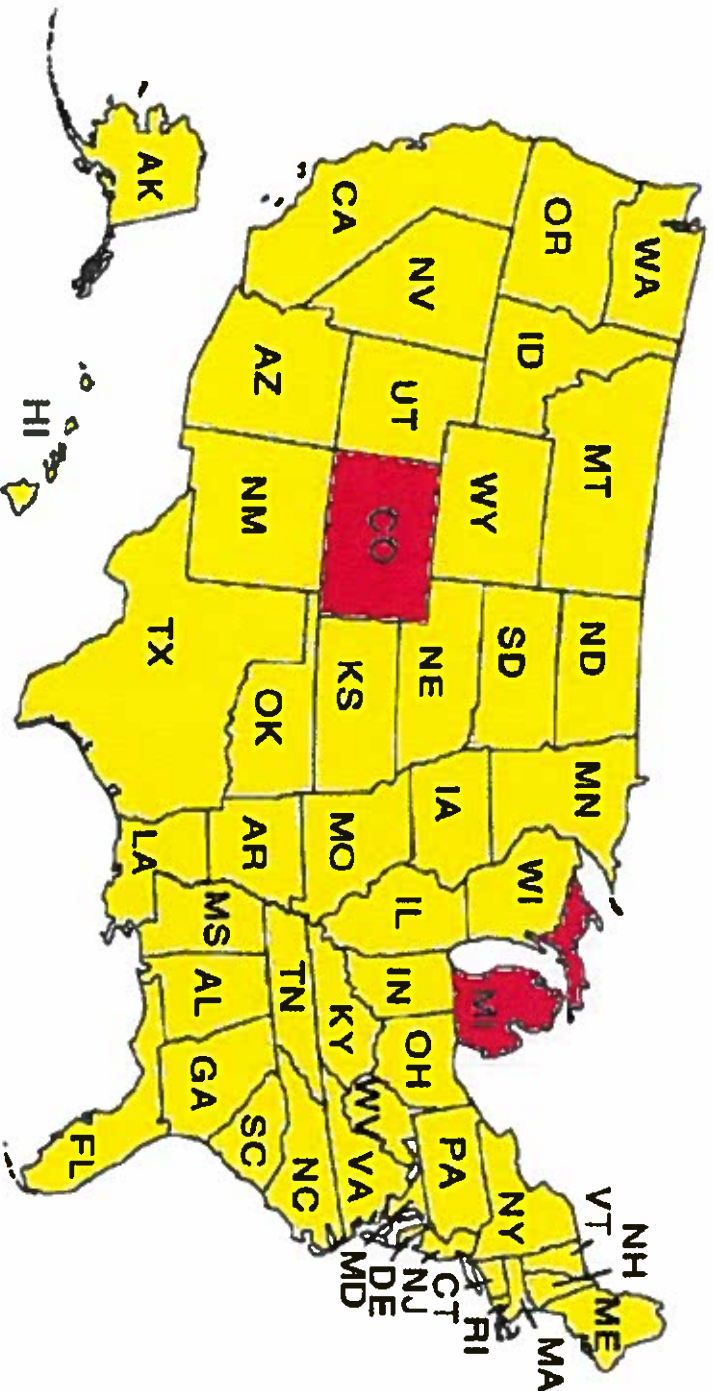
❖ Definition of demote.

Former Law	New Law
To reduce compensation for a school year by more than an amount equivalent to 3 school days.	To suspend without pay for 15 or more consecutive days, or to reduce compensation by more than an amount equal to 30 days.

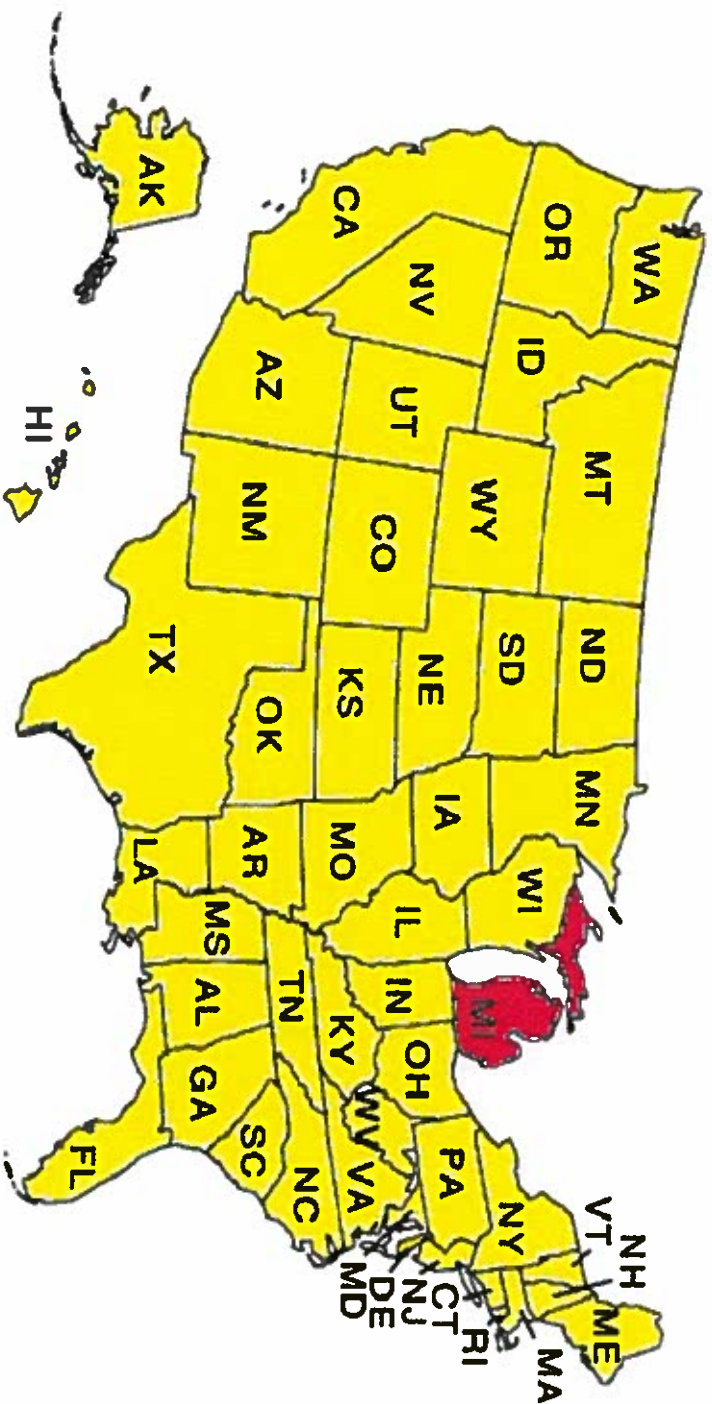
❖ Standard of discipline.

Former Law	New Law
Tenured teachers may be discharged or demoted for "reasonable and just cause."	Tenured teachers may be discharged or demoted for a reason that is "not arbitrary or capricious."

STATES THAT USE "ARBITRARY OR CAPRICIOUS" STANDARD FOR DISCHARGE



MICHIGAN IS THE ONLY STATE WHERE “ARBITRARY OR CAPRICIOUS” IS A STATUTORY STANDARD



TENURE CASES THAT LED TO “ARBITRARY OR CAPRICIOUS” STANDARD IN MICHIGAN

- **Davis v Jackson Public Schools, TTC 03-9:**
 - The ALJ and Commission reduced the teacher's discharge to a one-year suspension after the teacher permitted a minor student to spend the night at his home, made no attempt to contact the student's parents after she ran away, hugged and kissed the student on several occasions at school, and had discussions with the student about her sex life.
- **Flowers v Detroit Public Schools, TTC 91-20:**
 - The ALJ reduced the teacher's discharge to a 15-day suspension after she pawned a district-owned computer to fix a flat tire.
- **Giffels v Millington Public Schools, TTC 07-30:**
 - Teacher's discharge was reduced to long term suspension for submitting falsified receipts for meals during a school conference.

REVISED SCHOOL CODE – LAYOFF & RECALL

❖ Layoff and recall process.

Former Law	New Law
Policy of “last in, first out.” Probationary teachers were laid off before tenured teachers.	Layoff and recall decisions must be based on effectiveness as measured by performance evaluations.

❖ Use of seniority.

Former Law	New Law
Probationary teachers could never be retained over tenured teachers for purposes of layoff and recall.	Length of service or tenure status cannot be primary or determining factor in layoff and recall decisions.

REVISED SCHOOL CODE – TEACHER EVALUATIONS

❖ Annual evaluations for tenured teachers.





Former Law	New Law*
Performance evaluations at least once every 3 years based on at least 2 classroom observations.	Annual year-end performance evaluations based on multiple classroom observations.

❖ Evaluation ratings.

Former Law	New Law
Teachers were rated satisfactory and unsatisfactory.	Teachers must be rated highly effective; effective; minimally effective; or ineffective.

*Annual year-end performance evaluations have created issues for many school districts. Administrator staffing may increase if evaluations continue yearly.

IMPACT OF MINIMALLY EFFECTIVE OR INEFFECTIVE RATING ON VOLUNTARY RESIGNATION

Lapeer Community Schools	Saline Area Schools	Grand Blanc Community Schools	Plymouth-Canton Community Schools
In 2012-2013 school year, 9 teachers were rated minimally effective or ineffective.	In 2012-2013 school year, 6 teachers were rated minimally effective.	In 2012-2013 school year, 6 teachers and 2 administrators were rated minimally effective or ineffective.	In 2011-2012 school year, 12 teachers were rated minimally effective or ineffective.
			
4 teachers resigned.	3 teachers resigned.	3 voluntarily resigned and 1 was discharged (sustained by Tenure Commission).	3 teachers were reassigned and 1 was discharged (sustained by Tenure Commission).

*Presented to the House Committee on Education on February 14, 2014.

2015 TEACHER EVALUATION AMENDMENTS

- The Legislature made additional changes to teacher evaluations in 2015.
- Generally, all teachers must receive at least an annual year-end evaluation.
- Evaluations must be comprised of three components:
 1. Student growth and assessment data.
 2. Teacher performance as measured by the evaluation tool.
 3. Criteria enumerated in Section 1248 of the Revised School Code (on layoff and recall).

CHANGES TAKING EFFECT IN 2018-2019

- Two major changes to student growth component in 2018-2019 school year:
 1. Increase in % of evaluation based on student growth and assessment data.
 2. More specific requirements for how student growth is measured.
- Though not a change from prior years, it should be noted that school districts are required to derive student growth and assessment data from the most recent 3 consecutive years, if available.

STUDENT GROWTH %

- From the 2015-2016 school year through the 2017-2018 school year, 25% of the annual year-end evaluation was based on student growth and assessment data.
- Beginning with the 2018-2019 school year, 40% of the annual year-end evaluation must be based on student growth and assessment data.
- The remaining portion of the annual year-end evaluation must be based primarily on teacher performance as measured by the evaluation tool and must also incorporate the criteria set forth in Section 1248 of the Revised School Code, which governs layoff and recall.

STUDENT GROWTH MEASURES

- Beginning with the 2018-2019 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.
- Portion not measured using state assessments must be measured using multiple:
 - Research-based growth measures;
 - Alternative assessments that are rigorous and comparable across schools within the district;
 - Student learning objectives;
 - Nationally normed or locally adopted assessments that are aligned to state standards; or
 - Achievement of IEP goals.

ROLLING BACK STUDENT GROWTH %

- On September 6, 2018, I testified before the House Committee on Education in support of House Bill 5707, which would have returned to 25% student growth in teacher evaluations.
- Since evaluation ratings are extremely important for teachers (e.g. they impact layoff and recall, attainment of tenure), the overemphasis on student growth may result in teachers favoring certain assignments over others:
 - Teachers may be discouraged from teaching remedial courses or working with more challenging students for fear that this subset of students will be less likely to show significant student growth and, thus, negatively impact the teachers' evaluations.
 - High student growth scores in advanced placement or honors courses could mask teachers' deficiencies in other important areas, such as classroom management, rapport with parents and other teachers, and attendance.
- The Teacher Tenure Commission has suggested that student growth may be considered in determining effectiveness, but it should not be the determinative factor. See *Gantz v Detroit Public Schools*, TTC 96-17.



QUESTIONS?

