

E.O. 2020-65 Impact on Educator Evaluation - Frequently Asked Questions

On April 30, 2020, Governor Whitmer signed Executive Order 2020-65 ([E.O. 2020-65](#)) that provided clarifications on educator evaluation.

The Michigan Department of Education (MDE) provided guidance in [MEMO #COVID-19-054 Impact of COVID-19 School Closure on Educator Evaluation](#).

Below are common questions received by MDE's Office of Educator Excellence in response to the communications around educator evaluation for the 2019-2020 school year.

If you have questions related to the effects of this order on teacher tenure, please contact MDE-AdminLaw@Michigan.gov.

If you have questions related to the effects of this order on the REP collection, please contact CEPI@Michigan.gov.

If you have questions related to the effects of this order on certification, please contact MDE-EducatorHelp@Michigan.gov.

1. Which educators are required to have an annual year-end evaluation for the 2019-2020 school year?

All teachers on an individual development plan (IDP) as of March 13, 2020, including:

- Teachers on probationary status
- Teachers who had an ineffective or minimally effective rating in 2018-2019

Districts may complete an annual year-end performance evaluation for the 2019-2020 school year for any teacher without an IDP. School administrators are not required to have an annual year-end evaluation for the 2019-2020 school year.

2. What needs to be in the evaluation?

The teacher's annual year-end performance evaluation must be:

- based on the teacher's performance and data at least through March 13, 2020, and
- consistent with MCL [380.1249](#), with the exception that districts do not need to give consideration for information or data that are unavailable, and
- consistent with MCL [38.83a](#) and [38.93](#).

The evaluation may account for performance after March 13, 2020.

3. Can a mid-year evaluation count as the final evaluation?

A mid-year evaluation could count as the final evaluation if it includes all of the required elements.

4. What are the requirements for evaluation of administrators working on an IDP and on track to receive a minimally effective or ineffective for the 2019-2020 school year?

Districts are not required to complete an annual year-end performance evaluation of administrators for 2019-2020. Decisions whether to conduct an evaluation for the 2019-2020 school year and what is included in the evaluation are local decisions.

5. What requirements are there for deciding which teachers who are on continuing tenure should be evaluated?

Districts must complete an annual year-end performance evaluation for the 2019–2020 school year for any tenured teacher **with** an IDP.

Districts may complete an annual year-end performance evaluation for the 2019–2020 school year for any tenured teacher **without** an IDP. The decisions on which tenured teachers without an IDP should be evaluated are local decisions. All evaluations must include the criteria in question #2.

6. If we have student growth data that was completed prior to March 13, 2020 are we able or obligated to use it in the evaluation?

The district is required to use data if sufficient to fulfill requirements consistent with MCL 380.1249. Districts do not need to give consideration for information or data that are unavailable.

7. How will the highly effective evaluation exemption work? More specifically, if teachers are not evaluated this year, but were highly effective for the three years prior, would this year count as their highly effective evaluation exemption or would we still be able to use the highly effective evaluation exemption next year?

At this time, anyone who did not receive an annual year-end evaluation for the 2019-2020 school year must receive an annual year-end evaluation in the 2020-2021 school year.

8. If the teacher has only been with the school for two years, does he or she need to be evaluated this year?

Teachers on an IDP as of March 13, 2020 must be evaluated. These teachers include those on probationary status, as well as teachers who had an ineffective or minimally effective rating in 2018-19. If teachers are not on an IDP, or are not rated ineffective or minimally effective, an evaluation is not required. However, a district may choose to complete an annual year-end evaluation. The evaluation should be consistent with the criteria described in question #2.

9. Is it allowable to hire an outside entity to conduct teacher observations and evaluations?

MCL 380.1249(2)(e)(iv) requires that at least one observation annually must be conducted by the building administrator responsible for the teacher's year-end evaluation. Other observations may be conducted by individuals trained in the use of the district's adopted observation tool(s). This could include, but is not limited to, teacher leaders, master teachers, instructional specialists, and/or other district administrators. Compiled evaluations must be completed by the building administrator or supervising administrator.