



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING


GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: October 19, 2023

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Michael F. Rice, Ph.D., State Superintendent 

SUBJECT: Senate Bills 395 and 396

Educator evaluations are extremely important, perhaps the most important education subject to be addressed by the legislature apart from the budget this legislative session. It is critical that we improve educator evaluation law, which in its current form has required an inordinate amount of time of teachers and administrators, not to the benefit of but rather at the unintended expense of time taken from students.

On Tuesday, October 10, 2023, Dr. Sheryl Kennedy, legislative liaison for the Michigan Department of Education (MDE), testified on behalf of MDE before the Senate Education Committee regarding Senate Bills [395](#) and [396](#). As written, we are currently opposed to these bills.

As our [testimony](#) indicated, MDE supports many aspects of these bills:

- The reduction of the number of ratings from 4 to 3;
- The elimination of the so-called highly effective rating;
- The opportunity for effective teachers to be formally evaluated every three years, not annually or biennially, but permitting more frequent evaluation if it becomes necessary;
- The opportunity for effective school administrators to be evaluated biennially, but permitting more frequent evaluation if it becomes necessary;
- A more significant focus on the needs of inexperienced and otherwise struggling staff who require more assistance to become effective teachers of children;
- The requirement of rater reliability training every three years for any administrator who is responsible for teacher evaluations;
- Providing more time for teachers to focus on their teaching of children and school-based administrators on their leadership of their schools;
- The elimination of state summative assessments as part of evaluations; and

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- The acknowledgement that teachers should have due process protection, particularly in situations in which their livelihood is potentially adversely affected.

While we appreciate many aspects of the bills, there are two areas that require attention.

First, as we noted in our testimony last week, we must consider student learning/growth in the final evaluation. At its core, school is about student learning. We believe strongly that 20% of educator evaluations should be associated with a student growth or student learning objective measure, locally determined between teacher and administrator, based on the teachers' subjects, grade levels, and individual goals. This is important not simply for student growth but for the professional growth of educators as well.

Second, we must have a due process procedure, particularly when a teacher's employment could be adversely affected by a negative evaluation, and such due process needs to be timely, both for the district and for the teacher. We would welcome additional local due process at the point of potential separation of employment. From our perspective, this due process—again, in situations in which a teacher's position is at stake—would include appeal to the local superintendent and the local school board.

There has been an enormous amount of work from multiple stakeholders to get to where we are currently in this proposed legislation. MDE will continue to work with the bill sponsors, Sens. Polehanki and McDonald-Rivet, to make sure that we strengthen our educator evaluation laws. That said, we will continue to oppose the bills as introduced, in the absence of a reasonable, locally determined growth component. We know from experience that to do otherwise is to risk the next generation of students and staff being subjected to educator evaluation law and practice that takes time from children and doesn't improve teacher practice. We can do better. It is in that spirit that we are supportive of certain aspects of the current bills and are pushing for strengthening of these last two aspects.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Departments