








Michigan

Law Analyzed	HB 4625, 4626, 4627, 4628, Revised Code 1249 -1250
Date Passed	July 2011
Overall Rating	8




In 2011 the Republican-controlled Michigan legislature passed, and Governor Rick Snyder (R) signed, a series of bills that limited the scope of collective bargaining for public employees (including teachers), required annual teacher evaluations linked to student growth, created a state commission to develop a value-added growth model, and overhauled teacher tenure and link it to evaluation.

These bills resulted in a relatively strong set of teacher effectiveness policies in Michigan. These include: a requirement for annual teacher evaluations that include four levels of effectiveness and incorporate student achievement and growth as a significant factor in evaluation (phasing into 50 percent of the evaluation in 2015-16); a reform of tenure policies to require five years of classroom teaching and three years of “effective” ratings before a teacher earns tenure; dismissal of teachers rated ineffective for three consecutive years; abolition of “last-in, first out” layoffs; and a requirement that both layoffs and other personnel decisions that result from staffing or program cuts be based on performance. The law requires parent notification when a child is taught by a teacher who has been rated ineffective for two consecutive years, but does not require aggregated public reporting or prevent children from being assigned two consecutive ineffective teachers. It also does not hold teacher preparation programs accountable for their graduates’ performance or ensure mutual consent hiring—two areas for potential improvement in future legislation.

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Criteria	Explanation	Score
Are teachers evaluated at least annually?	Generally, yes. The law requires annual evaluation for all teachers and administrators, but if a teacher has been rated highly effective on three consecutive evaluations, the district may choose to evaluate the teacher biennially.	
Are principals, as well as teachers, evaluated?	Yes.	
Is evidence of student learning a factor in teacher evaluations?	Yes. Evaluation must use multiple categories and take into account data on student growth as a significant factor. Student growth must account for at least 25 percent of the annual year-end evaluation in 2013-14, 40 percent in 2014-15, and 50 percent in 2015-16.	
Do evaluations differentiate between multiple levels of educator performance?	Yes. Four-level rating system: highly-effective, effective, minimally-effective, and ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	The law requires parent notification if child is assigned a teacher who has been rated as ineffective in his or her two most recent annual year-end evaluations, but does not require aggregate public reporting.	
Are educator preparation programs accountable for graduates' effectiveness?	The law does not address.	
Is tenure linked to effectiveness?	Yes. Teachers must teach for five years before earning tenure and must have been rated effective or highly-effective in the three most recent year-end evaluations in order to earn tenure. Teachers who have been rated highly-effective for three consecutive years can earn tenure after four years.	

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Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Yes. HB 4627 requires school district, charter school or intermediate school district to dismiss any teacher rated ineffective for 3 consecutive annual year-end reviews, but do not explicitly state the authority by which districts may do so (i.e., by defining ineffectiveness as grounds for dismissal). HB 4626 allows a teacher on continuing contract to contest a dismissal decision by filing an appeal to the tenure commission, which refers the case to an administrative law judge for hearing within 75 days after the claim is filed. No later than 60 days after the submission of the case for decision, the administrative law judge shall submit a preliminary decision granting, denying, or modifying the discharge or demotion. Either party may submit an exception to the administrative law judge's findings within 20 days. The tenure commission may adopt, modify, or reverse the preliminary decision within 60 days after exceptions are filed. The administrative law judge or commission may dismiss an appeal at an time for a party's lack of progress or failure to comply with procedures and rules. A party aggrieved by the tenure commission's decision may appeal to the court of appeals. Dismissal decisions may not be arbitrary or capricious.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. Law requires personnel decisions when conducting a staffing or program reduction to consider individual performance as the majority factor. Additional factors include significant, relevant accomplishments and contributions and relevant special training. Length of service or tenure status may be considered only as a tie-breaker when two teachers are equal in these other respects.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The factors listed above apply in all personnel decisions when conducting a staffing or program reduction or any personnel decision resulting in the elimination of a position, when conducting recall from a staffing or program reduction, or in hiring after a staffing or program reduction. Law also precludes future collective bargaining agreements from addressing the basis of excessing decisions. However, law does not provide a process for discharge from employment of teachers who are excessed and cannot find a position through mutual consent.	

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Do principals have authority to decide who teaches in their schools?	The law does not require mutual consent hiring. Changes in law related to collective bargaining mean that teacher assignment and placement are no longer bargainable issues, and districts have discretion over teacher placements.	<input type="radio"/>
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	<input type="radio"/>
Are effective teachers rewarded with increased compensation?	Yes. Section 1250 of the Michigan School Code requires districts, charter schools, and independent school districts to establish and maintain a method of compensation for teachers that includes job performance—as measured by a rigorous, transparent, and fair evaluation system based at least in part on student growth—as a significant factor in determining compensation and additional compensation. If a district or charter school has a collective bargaining agreement preventing compliance with this section, the requirement does not apply until after expiration of that agreement.	<input checked="" type="radio"/>