



# SCHOOL EQUITY CAUCUS

*Making a difference for the public school children of Michigan*

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October 31, 2023

Dear Colleagues:

There are a few very important items for you as we come down the stretch for this year's legislative session. Most observers are predicting legislative activity will wrap up by November 9. Here's a look at the latest:

## 1. Evaluation Bills Poised for Final Passage

Michigan's educator evaluation system, with its numerous changes over the last decade or more, has been a source of much contention. This has particularly been the case as schools struggled to implement mandates regarding the inclusion student growth percentages into evaluations. Therefore, when it became clear that the legislature intended to revisit and revise the process, there was broad-based support.

However, the current proposed legislation, **SB's 395 and 396** (sponsored by Sens. Polehanki and McDonald Rivet, respectively), is sweeping in its scope and does much more than adjust student growth. It currently contains a number of other elements that would be extremely detrimental to school districts as they seek to properly evaluate and develop staff, and as districts try to make sure that the best staff possible is working with their children.

The bills were approved today by the House Education Committee and received quick attention on the full House floor. Among the major elements of the bills as currently composed are the following:

- An emphasis that all provisions of the legislation are subject to the collective bargaining process.
- Evaluative categories would be reduced from the four current categories to three ("Effective", "Developing", and "Needing Support"). Language related to the removal of ineffective teachers is removed.
- The student growth component in evaluations would be reduced to 20% (from the current 40%) and would be based on locally-agreed student growth and assessment data and learning objective metrics.
- The remainder of the evaluation must be based on objective criteria. It is unclear what is meant by this term.
- Requirements for a mid-year review and end-of-year goal-setting are maintained.
- Classroom observations must be at least 15 minutes in length, thereby eliminating the ability for administrators to include "walk-throughs" in an evaluation.
- Post-observation meetings are required and must include a review of the lesson plan, the state curriculum standard being included in the lesson, and student

engagement. Written feedback must be provided within 30 days of the observation.

- Teachers may be designated as “unevaluated” as a result of a number of conditions. In that case the most recent previous evaluation would be utilized for purposes of other provisions related to consecutive years.
- Provides that teachers rated “effective” (or “highly effective”) on their three most recent evaluations may be evaluated only once every three years. Subsequent ratings of less than “effective” require annual follow-up evaluation.
- Tenured teachers may request a review of a “needing support” evaluation by the superintendent, and if desired, mediation.
- If teachers receive two consecutive ratings of “needing support” that may grieve the evaluation, following a process up to and including arbitration.
- Stringent requirements are included for inter-rater reliability for those individuals conducting evaluations. Failure to meet these requirements would provide teachers with another opportunity to contest an evaluation.
- Similar provisions to those above are also included with regard to building principals.

The sum total of these changes is a system that contains many, many points at which a teacher or principal’s evaluation could be contested and thrown out. If enacted as expected, districts will need to be extremely vigilant to meet all of the new requirements. Even if all procedural requirements are met, negative evaluations will still be able to be taken to mediation, or grieved and arbitrated. The net effect will be a system that makes it difficult to remove a teacher or principal whose performance is less than desired.

The bills have already passed the full Senate, but were referred by the House Education Committee to the full House with substitute language. Final approval in the House is expected as early as Wednesday, following which the bills will return to the Senate for concurrence before they are sent on to Governor Whitmer. The bills would not be effective until July 1, 2024 (the 2024-25 school year).

## **2. Other Legislation to Watch**

There are a few other bills that are still in play through the waning moments of the legislative calendar. These include the following:

- **SB 169** (sponsored by Sen. Cherry) has been referred to the House floor from the House Labor Committee. It has previously passed the Senate. This bill would require that districts provide the applicable union bargaining unit with personal information of any new employee including their personal email, address, phone, wages and other information.
- **HB 5021** (sponsored by Rep. Koleszar) has been referred to the Senate floor from the Senate Education Committee, and has previously passed the House. This bill would change the default retirement selection for new participants in MPSERS to the pension plan rather than the defined contribution 401(k)/457 plan.
- **SB 518** (sponsored by Sen. Camilleri) has passed the Senate and is currently in the House Education Committee. This bill would extend the current provisions for interim teaching certificates in special education until July 21, 2027. They are currently scheduled to sunset on July 21, 2024.

### 3. Approved Legislation

In a welcome move, **HB 4752** (sponsored by Rep. Koleszar) was enacted with immediate effect a few weeks ago. The law permits retirees to return to work (except as a superintendent) as long as they do not earn more than \$15,100 per calendar year in the first six months following their retirement. Once they are retired for at least six months, all retirees may return to work in any position with no limit on their earnings. Hopefully these changes will provide a broader pool of individuals to assist with the many vacancies facing districts.

**HB 4341** (sponsored by Rep. Puri) was signed into law as P.A. 154 by Governor Whitmer earlier this month. This legislation requires school districts to adopt a drinking water management plan documenting the location of every water outlet, whether used for drinking or not. Additional requirements are also included for the testing of water, filtering of drinking fountains, and posting of signage by outlets where water is not intended for human consumption.

**SB 280** (sponsored by Sen. Singh) requires dental screenings prior to a student entering school for the first time (similar to the current law requiring vision screenings). The bill has passed both chambers and is expected to head to the governor soon.

### 4. Oxford Report Released

In November 2021, Oxford High School was thrust into the national spotlight under the most tragic of circumstances. In the wake of those events, the Oxford school board contracted with an independent firm to investigate and report on the school's response in the immediate period leading up to the shooting. That report, running well over 500 pages, was publicly released earlier this week.

The prominence of this report means it will garner much attention with potentially far-reaching implications. District leaders are strongly encouraged to review their procedures regarding threat assessment and ensure that staff are well-informed about district expectations.

The report may be accessed by [clicking on this link](#).

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I hope your school year continues to go well. As always, please be in touch with questions or concerns.



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