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Senate Bill 395 (Substitute S-3 as reported)  
Senate Bill 396 (as reported without amendment)  
Sponsor: Senator Dayna Polehanki (S.B. 395)  
          Senator Kristin McDonald Rivet (S.B. 396)  
Committee: Education

## **CONTENT**

Senate Bill 395 (S-3) would amend the Revised School Code to do the following:

- Delete provisions basing teacher and school administrator evaluations on student performance and assessment data.
- Require, before July 1, 2024, the performance evaluation system implemented by a school district, intermediate school district (ISD), or public school academy (PSA) to include the ratings of highly effective, effective, minimally effective, and ineffective, and beginning July 1, 2024, the ratings of effective, developing, and needing support.
- Prescribe the conditions under which a teacher or school administrator could be deemed unevaluated.
- Prohibit evaluation results from being used to decide whether to grant tenure or full certification to teachers or administrators or whether to remove ineffective tenured and untenured teachers and school administrators.
- Require teachers and administrators to be evaluated at the end of each year by an evaluation tool and other objective criteria, deleting current requirements.
- Require school administrators to be subject to midyear evaluations under certain circumstances, similar to the current requirement for teachers.
- Modify requirements related to teacher midyear evaluations and classroom observations.
- Require a teacher or administrator to be dismissed from employment if the teacher or administrator received the rating of "needing support" on three consecutive year-end evaluations, instead of the rating of "ineffective".
- Allow an administrator to be evaluated biennially or, for a teacher, triennially, if administrator or teacher were rated as highly effective or effective on the three most recent consecutive-year-end evaluations.
- Allow a teacher and school administrator to request a review of an evaluation if the teacher or school administrator were rated as needing support.
- Require an individual who conducted an evaluation to complete rater reliability training provided by the school district, ISD, PSA, or the entity that employed the individual and prescribe the standards of this training.
- Modify provisions related to Grade 3 reading assessments and programs.
- Modify provisions related to unprofessional conduct disclosure procedures.
- Repeal sections 1250, 1531j, and 1531k of the Revised School Code.

Senate Bill 396 would amend the teachers' tenure Act, which describes the probation, tenure, and discharge of certified teachers in public education institutions, to do the following:

- Modify the definition of "demote".
- Update provisions related to teachers' probationary periods and evaluations in accordance with Senate Bill 395 (S-3).

MCL 380.1230b et al. (S.B. 395); 38.74 et al. (S.B. 396)

## **BRIEF RATIONALE**

In 2011, the Legislature enacted Public Acts 100 through 103, which amended the Code to establish the evaluation system still largely used today. These reforms sought to hold teachers and administrators accountable for their work in the classroom in the hopes of benefitting students; however, according to testimony before the Senate Committee on Education, the current evaluation system instead harms teachers and fails students. Reportedly, many teachers are stressed by the rigorous demands of, poor implementation of, and the possibility of punitive action due to evaluations, which may not accurately measure capabilities. Additionally, student standardized test scores across the State declined between the 2014-2015 and 2018-2019 school years, despite stricter evaluation requirements.<sup>1</sup> As such, it has been suggested that the teacher and administrator evaluation system be modified.

## **PREVIOUS LEGISLATION**

*(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)*

Senate Bill 395 is similar to Senate Bills 56 and 57 and House Bill 5104 of the 2021-2022 Legislative Session. Senate Bill 396 is similar to Senate Bill 5105 of the 2021-2022 session.

Legislative Analyst: Abby Schneider

## **FISCAL IMPACT**

The bills would have a minimal fiscal impact on the Michigan Department of Education and an indeterminate fiscal impact on local school districts, ISDs, and PSAs. The Department would experience a minor fiscal impact to update the list of teacher evaluation tools with tools that were developed and that demonstrated evidence of efficacy.

School districts, ISDs, and PSAs would experience an indeterminate fiscal impact. Schools could experience costs to update teacher and school administrator evaluations and to include collective bargaining agreements as part of that process. Schools could experience savings by not having to include student growth and assessment data as part of the evaluation process. Additionally, allowing more teachers that show multiple years of effective ratings to be evaluated less often could reduce the annual cost of conducting evaluations. Similarly, allowing some exemption for teachers' evaluations also would result in savings. Due to the difference in various schools, teachers, and collective bargaining agreements, any overall fiscal impact is indeterminate.

Date Completed: 10-18-23

Fiscal Analyst: Cory Savino, PhD

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<sup>1</sup> French, Ron, "10 years of strict teacher evaluations haven't boosted learning in Michigan", Bridge Michigan, December 14, 2021.