



Administrator Evaluations FREQUENTLY ASKED QUESTIONS

Pursuant to MCL 380.1249, all public school boards in Michigan, including intermediate districts and public school academies, must adopt and implement a “rigorous, transparent and fair” performance evaluation system for all teachers and school administrators.

WHAT THE LAW REQUIRES:

When evaluating an administrator*, your district’s performance evaluation system must:

- (1) Be adopted and implemented “with the involvement of teachers and school administrators.” (See [IN GENERAL](#), below.)
- (2) Consist of a student growth and assessment component that utilizes “multiple measures.” (See [STUDENT GROWTH AND ASSESSMENT DATA](#), below.)
- (3) Consist of an administrator evaluation tool component. (See [ADMINISTRATOR EVALUATION TOOLS](#), below.)
- (4) Consist of “at least” four specific *additional factors**. (See [THE PERFORMANCE EVALUATION SYSTEM](#), below.)
- (5) Be conducted at least annually. (See [IN GENERAL](#), below.)
- (6) Provide timely and constructive feedback. (See [IN GENERAL](#), below.)
- (7) Establish “clear approaches” to measuring student growth. (See [IN GENERAL](#), below.)
- (8) Provide the administrator being evaluated with “relevant data on student growth.” (See [IN GENERAL](#), below.)
- (9) Rate administrators as highly effective, effective, minimally effective or ineffective.*
- (10) Provide that if an administrator is rated as ineffective on three consecutive annual year-end evaluations they will be dismissed.* (See [EVALUATION OUTCOMES](#), below.)
- (11) Provide that if an administrator is rated as highly effective on three consecutive annual year-end evaluations the district may opt to conduct biannual evaluations for that administrator moving forward.* (See [EVALUATION OUTCOMES](#), below.)
- (12) For the student growth and assessment data component, the PES must aggregate the data that was relied upon for all teacher annual year-end evaluations in each school in which the administrator works (for central-office staff this would be the entire district), as 25%^T part of the administrator’s overall score.* (See [STUDENT GROWTH AND ASSESSMENT DATA](#), below.)

- (13) Base the remaining 75%[†] of the administrator's score *primarily* upon the evaluation tool's assessment of the administrator's performance.* (See [THE PERFORMANCE EVALUATION SYSTEM](#), below.)
- (14) Ensure that if an administrator receives a minimally effective or ineffective rating the evaluator develops an improvement plan to address the deficiencies* in addition to receiving providing ample opportunities for improvement. (See [EVALUATION OUTCOMES](#), below.)
- (15) Beginning in 2016-2017, provide training to administrators on the evaluation tool or tools that will be used by the district to evaluate them. (See [TRAINING](#), below.)
- (16) Beginning in 2016-2017, provide training to all evaluators and observers (See [TRAINING](#), below.)
- (17) Beginning in 2016-2017, post on its website information about the performance evaluation system. (See [INFORMING YOUR STAFF, INFORMING THE PUBLIC](#), below.)

*This applies only to administrators who are "regularly involved in instructional matters." (See FAQ #7, below.)

[†] Through the 2017-2018 school year the student growth and assessment data component will account for 25% of the administrator's PES with the remaining 75% made up of the evaluation tool component as well as some "additional factors." Beginning with the 2018-2019 school year, these percentages will shift to 40% and 60%, respectively.

IN GENERAL:

1. *What qualifies as "rigorous, transparent, and fair?"*

At present, we do not have any precedent that defines these terms beyond their commonly used meanings. Over time, as various evaluations systems are challenged for allegedly being deficient as it relates to any (or all) of these requirements, we will gain a better understanding of what does (and does not) constitute "rigorous, transparent, and fair." In the meantime, we encourage districts to utilize evaluation systems that have an established track record of holding up under scrutiny and that any necessary modifications be minimal, measured and uphold the generally understood notions of rigor, transparency and fairness.

2. *How must we involve administrators in the adoption and implementation of our performance evaluation system?*

Ultimately, which evaluations systems are adopted and how they may be modified is within the discretion of each district. However, administrator input should occur along the way. Input should be solicited anytime a change to how the system will be used or implemented is considered. The statute does not demand that administrator input be given any specific deference but, obviously, your administrators will have valid and legitimate opinions that must be taken into account. Feedback regarding experience with the evaluation tool should be considered invaluable.

3. *When, precisely, do we have to have the evaluations completed?*

Unlike the teacher portion of the evaluation law, the administrator portion stresses that the evaluations must take place “annually” instead of “annually year-end” (although the term “year-end” does appear in one portion of the administrator specific section of the law). Historically, superintendent evaluations often occur near the end of the fiscal year (December) while other administrator evaluations are conducted towards the end of the school year (March-May). At this time there is no reason to believe that these evaluations must occur at a certain time of the year, so long as they occur annually (or biannually if an administrator qualifies for such).

4. *What constitutes “timely and constructive feedback?”*

Timely feedback will generally occur within a few weeks of the final evaluation score being compiled. Maintaining a somewhat tight schedule as it relates to compiling the various evaluation components, arriving at the final evaluation score, and meeting with the administrator will normally minimize any argument that feedback wasn’t provided in a “timely” manner.

In addition, feedback should be professional and constructive; *i.e.*, it should cover the positives and the negatives with respect to an individual’s performance and score while providing specific paths toward improving upon the deficiencies. The statute commands that evaluators recommend professional development opportunities that may help the administrator to improve before their next evaluation.

5. *What does the statute mean by establishing “clear approaches” to student growth?*

This is another part of the law which may become clearer over time. As it stands now, however, districts should simply strive to make sure that any student growth data that is used as part of its overall PES is uniform throughout the district and is incorporated into the evaluation score in a straightforward manner. Again, districts are advised to rely upon systems that are already available, and those districts which have developed their own evaluation systems should have them professionally reviewed to ensure that the student growth component reflects this “clear approach.”

6. *Who carries out these evaluations?*

In some cases, the evaluator will be another administrator, such as the superintendent and, of course, when it comes to the superintendent’s evaluation, the evaluator is the school board.

7. *Does every factor outlined by the statute apply to every administrator?*

Not exactly. Every administrator who is under contract with the school is governed by this Act, however, administrators who are not “regularly involved in instructional matters” are evaluated a bit differently than those who are. This applies to most business officers, transportation directors, grounds supervisors and even many ISD superintendents. These individuals are still evaluated per the statute but there are some differences between what we might call

“noninstructional” administrators and those who are “regularly involved in instructional matters.”

Noninstructional administrators need not be rated under the highly-effective, effective, minimally effective, ineffective system, but they still must be rated under a system that uses multiple rating categories. As such, it is recommended that these individuals simply be rated under the same “highly effective → minimally effective” rating system that is used for all other administrators, for consistency and clarity sake if nothing else.

It follows then, that the provision that allows biennial evaluations for administrators who are rated as highly effective for three consecutive evaluations also does not apply to noninstructional administrators. Likewise, the provision mandating that termination occur after three consecutive ineffective ratings does not apply to these individuals, nor does the requirement that improvement plans be provided to any administrator rated below effective. Under the statute, non-instructional administrators need only be provided with “ample opportunities for improvement.” This mandate does not appear to be triggered by any particular performance rating.

Additionally, while noninstructional administrator evaluations must include student growth and assessment data as part of the overall PES, the mandate that this comprise a specific percentage of the overall score does not apply. The evaluation system must use “multiple rating categories” that take student growth into account, but how much this data factors into the overall evaluation score is left to the discretion of the district/evaluator. Keep in mind that these factors, and how much of the overall score they account for should still be consistent among all non-instructional administrators.

Finally, the *additional factors* that must be taken into account under the PES (See FAQ #9, below) do not apply to noninstructional administrators.

THE PERFORMANCE EVALUATION SYSTEM:

8. *What are the major components of an acceptable performance evaluation system?*

A proper PES will combine:

- Aggregate student growth and assessment data;
(See [STUDENT GROWTH AND ASSESSMENT DATA](#), below.)
- An administrator evaluation tool; and
(See [ADMINISTRATOR EVALUATION TOOLS](#), below.)
- At least four *additional factors*, which the statute enumerates.

9. *What are the additional factors that have to be taken into account?*

In addition to the student growth aspect and the evaluation tool aspect, the PES must also account for the following *additional factors*:

1. The administrator’s proficiency in using the evaluation tool prescribed for teachers (if the administrator at issue conducts teacher evaluations). If the administrator at issue delegates the task of conducting teacher evaluations to someone else, the administrator will be evaluated based upon how proficient *that* person (their “designee”) is at using the teacher evaluation tool. The administrator will be judged on their designee’s proficiency as though the designee were the administrator
2. The progress made by the school or district with respect to reaching any school or district improvement plan goals
3. Pupil attendance (school- or district-wide)
4. Feedback from students, parents and teachers, as available

In addition to these elements, any other information considered “pertinent” by the evaluator can be taken into consideration. The district is apparently free to evaluate these factors and assign their relative values, as they see fit, but there should be uniformity across the district as to how each factor is assessed and how much weight is given to each.

The statute does not make it clear as to whether or not these additional factors remain part of the PES for the 2016-2017 school year (when some changes to the evaluation tool requirements take effect), however, it is recommended that they continue to be specific considerations within the overall PES for this year, next year and beyond.

10. How do all of these things work together to produce a performance evaluation system?

The PES is the overall framework your district will use to evaluate its administrators. Don’t get the PES confused with the administrator evaluation tool, which is a *component* of the PES. From now through the 2017-2018 school year, 25% of an administrator’s performance evaluation system score must be based upon aggregate student growth and assessment data taken from the teachers’ evaluations. In 2018-2019, aggregate student growth and assessment data was supposed to increase to comprise 40% of the PES score. A law was passed to bring that back to the original 25%. This means that for the 2018-2019 school year, the remaining 75% of an administrator’s PES score must be *primarily* based upon the administrator evaluation tool as well as the *additional factors* noted above. In 2018-2019, this will not change.

11. What rights does an administrator have if they disagree with an evaluation?

Unlike teachers, administrators are not granted an appeal process or other remedy in the event that they disagree with their evaluation. The district remains bound to assist the administrator in improving their performance when minimally effective or ineffective ratings occur. A district is free to create its own appeal process for this type of situation, but be advised that dismissing an administrator after three consecutive “ineffective” evaluations is mandatory. (See [EVALUATION OUTCOMES](#), below.)

12. Can a school board go into closed session to discuss the Performance Evaluation System?

There are eight “exceptions” to the general rule that all school board matters must be heard or conducted during an open meeting. Only one of those eight exceptions relates to evaluations (MCL 15.268(a)) as follows:

Sec. 8.

A public body may meet in a closed session only for the following purposes:

to consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or **to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing.** A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open session.

In short, when it comes to evaluations, a school board can only go into closed session to actually conduct the evaluation itself, and only if the individual being evaluated requests such. Hence:

- A board cannot call for a closed session in order to set, or otherwise discuss, the criteria upon which an administrator will be evaluated. This includes an outline or discussion regarding the goals and objectives that may ultimately become part of the evaluation.
- A board cannot call for a closed session simply to confer with one another, in private, regarding a pending administrator evaluation.
- A board cannot conduct the evaluation of an administrator via closed session if that individual did not request such.
- If an administrator initially requests that their evaluation be conducted via closed session, but later rescinds the request before the evaluation takes place, the evaluation must take place in an open session.

STUDENT GROWTH AND ASSESSMENT DATA:

13. We have to provide the administrator being evaluated with “relevant data” on student growth. What does that mean?

Again, this may become clearer over time however, at present, “relevant” student growth data would be data that has the most direct link between student achievement and teacher effectiveness. Once this data has been identified and is being used to effectively evaluate teachers it must then be aggregated and incorporated into administrator evaluations. Building principals will be evaluated based upon the aggregate data that was compiled and used to evaluate each teacher within the building they oversee. Central Office administrators will have this portion of their evaluation based upon district wide aggregate data; but the “relevant data” remains the data that was deemed relevant for teacher evaluations. Any administrator that is

under contract with the district, including financial officers and the like, must be evaluated in accordance with this law, which includes incorporating a student growth component. Data measurements which track the progress of students from the beginning of the year to the end of the year in core subjects, as well as tracking a student's overall progress in other areas, will be part of this component, but keep in mind that student *growth* is not akin to student *achievement*. Growth measures progress between two points in time, while achievement measures only a single point in time. Once more, districts are encouraged to examine the tools and evaluation systems that are currently available in order to compare how they incorporate student data and to gain an understanding of what is generally considered "relevant" data.

14. *Where do we get the relevant student growth and assessment data?*

Until the 2018-2019 school year, it appears as though school districts will have significant discretion as it relates to the types of student growth and assessment data that are used when developing a proper PES. However, in 2018-2019 the law mandates that 50% of the student growth component must be based upon state assessments, with the remaining 50% based upon a variety of research-based growth measures or alternative assessments. These alternative assessments must be "rigorous" and comparable from building to building, throughout the district. Student growth can also be measured by student learning objectives, or nationally normed or local adopted assessments that are aligned to state standards or based on achievement of individualized education program goals. All of this must be established as it relates to teacher evaluations and then aggregated for administrator evaluations.

Keep in mind that the "relevancy" of the student growth data is assessed as it relates to teacher evaluations only. This same data is then aggregated for the administrator evaluations. There is no reevaluation of student growth data to assess its relevancy to administrators.

Obviously, since the student growth portion of an administrator's evaluation is simply an aggregate of the student growth portion of several teacher evaluations it is vital that the student growth and assessment data that is utilized at the teacher evaluation level be proper in order to avoid a "cascading effect" whereby both teacher evaluations and administrator evaluations are called into question.

15. *How much data do we use? How "far back" do we go?*

If at least three years of student growth data has been collected with respect to a given teacher who is being evaluated, the evaluator must base the student growth/data portion of the PES on at least the three most recent years of data available. If less than three years of data is available, the evaluator must base this portion of the evaluation on as much data as exists. All of this data is then aggregated (building wide or district wide) for the particular administrator evaluation to be conducted. If any student data was eliminated from being considered with respect to a particular teacher's evaluation, it is also not considered with respect to the administrator's evaluation.

16. *Which "multiple measures" should we be using with respect to student growth?*

Multiple research-based growth measures may include state assessments, alternative assessments, student learning objectives, nationally normed or locally adopted assessments that are aligned to state standards or based on individualized program goals. **(expound on each of these?)**

ADMINISTRATOR EVALUATION TOOLS:

17. What should an administrator evaluation tool look like for the 2015-2016 school year?

According to the statute, the majority of an administrator's PES score must be *primarily* based upon an evaluation tool; but the requirement that MDE maintain a list of possible tools for districts to choose from does not go into effect until 2016-2017. Nonetheless, an evaluation tool for the 2015-2016 school year is still required. Hence, any administrator evaluation tool utilized for the current school year must still meet the basic requirements of the statute with respect to rigor, transparency, fairness, training, and so forth.

18. For the 2016-2017 school year are districts required to use one of the tools on the MDE list or one of the tools recommended by the MCEE?

For the 2016-2017 school year, the evaluation tool can be one of the tools on the MDE list, one of the tools recommended in 2013 by the MCEE, or some other tool (including one wholly developed by the district). Districts can even adopt a widely available tool and modify it to suit their needs. If the tool adopted by the district for the 2015-2016 school year meets all of the statutory requirements, a district can simply continue to use that.

19. Wait, what's the difference between the evaluation tool that needs to be in place for the 2015-2016 school year and the tool that needs to be in place for the 2016-2017 school year (and beyond)?

Not much. Under one section of the law (1249b(1)(d)) an evaluation tool is required to be in place now and, presumably, that tool must meet all of the current requirements of the statute. In the next section of the law ((1249b(1)(e)) it is mandated that an evaluation tool be adopted for the 2016-2017 school year, but the only requirements with respect to this tool that differ from the requirements of subsection (d) is that MDE have a list of evaluation tools that have "demonstrated evidence of efficacy" that *may* be used by districts. As noted above, it will not be mandatory that districts use any of the tools on the MDE list, therefore if a district believes that the evaluation tool being used for the 2015-2016 school year complies with the statute, the district is free to continue to use that tool.

20. Which administrator evaluation tools have already been identified as being appropriate for use by a district?

The MDE list that the statute requires for the 2016-2017 school year has yet to be released. However, any evaluation models that were recommended by the MCEE in 2013, when the legislature first began taking up this issue, have also been "approved" as to its effectiveness. At

present this constitutes the *School ADvance Administrator Evaluation System* and the *Reeves Evaluation Model*.

21. *Is it safer for our district to simply pick one of the tools on the MDE list for 2016-2017?*

Possibly. Tools on the MDE list have been vetted by the department and therefore have at least some level of MDE “approval.” However, the statute does not contain any language that presumes that tools on the MDE list are in full compliance with every requirement this new law contains; therefore legal challenges from an employee can, and probably will, still occur regarding the legality of a given tool even though that tool appears on the MDE list. Having had the MDE essentially “approve” the tool your district is using may certainly lend some additional measure of credibility in the event of a legal challenge, but it does not guarantee anything or otherwise create any type of rebuttable presumption that the tool fully complies with the law.

22. *Does the tool we use to evaluate administrators need to mirror the one used for teachers?*

No. Districts are not required to use the same tools for administrator evaluations that are used for teacher evaluations. The tools need not come from the same company and need not share authors. Independently, each tool must simply meet all of the requirements of the statute.

23. *If we develop our own tool, how do we know if it complies with the statute?*

Locally developed tools can be based upon any number of evaluation mechanisms that are available or be developed completely independent of any tool that currently exists. However, to avoid legal challenges (or prevail in a legal challenge) the tool must substantially comply with the requirements of the law. Naturally, the safest path is to rely upon mechanisms that have already been tested.

Section 1249 does not create a review process for districts that have developed their own evaluation tools or have modified an existing tool. The efficacy of any given evaluation tool will have to be evaluated by a professional, hired by the district. In addition, evaluation tools, performance evaluation systems, and the statute as a whole will become more defined through decisions handed down by the Michigan Employment Relations Commission or the court system in response to legal challenges.

Under the law, MDE is charged with creating a process for districts to submit their own evaluation tools for review in order to be placed on their list, but this is not quite the same as having a locally developed tool professionally reviewed in order to ensure that it complies with the statute and meets all of the district’s needs.

Obviously, districts must take great care when developing their own tools or modifying an existing tool in order to make sure that the end result is something that complies with the complexities of the new Section 1249. MASB has developed an evaluation tool specifically designed to meet this challenge.

EVALUATION OUTCOMES:

24. What happens when an administrator is rated as less than effective?

Administrators who are rated as minimally effective or ineffective must be provided with an improvement plan that is designed to correct their deficiencies. It is the evaluator's responsibility to develop this plan, presumably with input from the administrator, and the administrator is required to implement it. The law also requires that professional development opportunities be recommended as part of the improvement plan along with "other actions" which are specifically designed to improve the administrator's rating by their next annual evaluation.

25. At what point is an administrator terminated over their evaluation ratings?

The law requires that an administrator who receives an ineffective rating on their three most recent annual evaluations must be dismissed.

This provision underscores the importance of developing an improvement plan after an administrator's first negative evaluation and continuing to monitor that individual's progress. Unlike the teacher evaluation provision of the statute, there are no mandated mid-year progress reports for administrators, however an effective improvement plan will most likely incorporate one or more progress meetings.

26. Can we only fire administrators after three consecutive evaluations of ineffective?

No. The fact that an administrator **must** be fired after three consecutive ineffective ratings does not affect a district's ability to terminate an administrator earlier or for some other reason at any time.

27. What are the benefits to administrators that consistently score well on their evaluations?

In addition to any other rewards a district might implement for employees with good evaluations, districts may elect to review administrators who rate highly effective on three consecutive annual year end evaluations every other year as opposed to every year; so long as they continue to receive highly effective ratings. However, as it relates to superintendent evaluations, it is recommended that these always occur annually.

TRAINING:

28. What kind of training is the district responsible for?

Evaluator Training—Naturally, the district is responsible for providing training to anyone who will be conducting any portion of the evaluation process. For those conduct administrator evaluations, including school board members as it relates to superintendent evaluations, this means having a full understanding of the aggregate student data component as well as the evaluation tool component. In addition, while the law doesn't mandate training with respect to evaluators implementing improvement plans, there most likely is a presumption that they will have a solid understanding of what an effective professional development plan consists of.

Evaluatee Training—In addition, those being evaluated must also be trained as it relates to the overall PES and how each individual measure is used. For administrators who are also evaluators, any training on how to conduct evaluations will most likely suffice as training on how they, themselves, will be evaluated. Furthermore, in most circumstances, administrators collaborate with their superiors with respect to how they will be evaluated. This should continue, not only to comply with the law (which demands that the PES be developed “with the involvement of teachers and school administrators”), but also as part of this training process.

29. Does each district have to provide this training individually?

No. Two or more districts (including PSAs) can create a consortium to provide the necessary training. ISDs, RESAs and other entities can also organize this kind of training.

30. Who actually trains these individuals?

With respect evaluator training, an individual with expertise in the evaluation tool or tools being used must actually perform the training. This can be a consultant or some other individual who has been trained to train others as it relates to the evaluation tool(s) at issue. Best practices would suggest that these same individuals also provide the evaluatee training, for continuity reasons, but anyone trained to perform such evaluations is probably capable of providing this particular training.

USING THE EVALUATIONS:

31. What decisions are these evaluations supposed to help us with?

More than just informing district leaders of a particular administrator’s job performance, these evaluations are meant to identify where an administrator may be deficient and develop an improvement plan to address those deficiencies. Ultimately, the district is supposed to rely upon the ratings this system produces in order to inform decisions concerning promotion, retention and ongoing development. Removal of persistently ineffective administrators is a specific mandate of this legislation, but only after at least two improvement plans have been implemented.

INFORMING YOUR STAFF, INFORMING THE PUBLIC:

32. Are there any requirements concerning open access to information about our evaluation process?

Yes. Beginning with the 2016-2017 school year, districts must post on their websites all of the following information:

- The research base for the evaluation system
- The identity and qualifications of the author or authors
- Either evidence of reliability, validity and efficacy or a plan for developing that evidence

- The evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators
- A description of the process for collecting evidence, conducting evaluation conferences, developing performance ratings and developing performance improvement plans
- A description of the plan for providing evaluators with training

If a modified tool is used, districts must also post the following

- Assurance that the modifications do not compromise the validity of that research base
- Identity and qualifications of a person with expertise in teacher evaluations who has reviewed the adapted or modified evaluation
- Assurance that the adaptations or modifications do not compromise the reliability, validity or efficacy of the evaluation tool or the evaluation process.