**Overview of National and Michigan School Reform 1994-2011**

 Proposal A centralized funding to the state level, tying all education funding to enrollment and directly to the students the system would serve. Its central selling point to voters was a reduction in property taxes. The measure was approved after the legislature repealed many property taxes earlier in its 1993-1994 session. Proposal A replaced property taxes as the chief funding source and increased sales and sin (tobacco, alcohol, lottery) taxes. Therefore, all monies for property taxes were sent to the state capital, Lansing, and then sent back to local districts. Districts whose residents paid higher property taxes were rewarded by higher funding levels, but a minimum level of funding was assured for districts. Rather than levying, collecting, and keeping taxes, districts were required to send monies to the state, greatly increasing state control of local districts, but were promised more equality in funding, guaranteeing a base foundation allowance. Proposal A also included protections against districts requesting millages for operating expenses. In addition, Proposal A’s educational reform initiative focused on school choice. Public charters, as well as inter-district school choice, became the law of the state.

 Much rhetoric, from the governor of that era, John Engler, centered on the equality of funding, the reduction of property taxes, the introduction of school choice, and the elimination of local district authority to levy taxes to cover operating expenses. Under Proposal A, the state controlled all operational funding, while allowing students and parents to “take their funding with them” to charter schools and other districts via schools-of-choice. With the state in control of funding, dictating other portions of the state’s system seemed within reach of Lansing.

 Initially, test scores from the Michigan Educational Assessment Program (MEAP) became more important points of pride for school districts. To encourage all high schools, both public and private, to participate in the MEAP, the state developed the Michigan Merit Award, which was given to graduating seniors between 2000 and 2009. This program granted up to $3,000 to students who performed exceptionally well on the Michigan Educational Assessment Program tests. It was discontinued in 2009 due to declines in available state revenues; it also established the state as opportunity providers for students. Over time, the state transformed initial public recognition or shaming transformed into state intervention if standardized test scores were low enough for a school or a district.

 The Improving America’s Schools Act of 1994, an amendment to the Elementary and Secondary School Act (ESEA), passed around the same time as Proposal A. It required states to develop and implement challenging standards, Goals 2000. Title I schools were required to make Adequate Yearly Process (AYP) with the students receiving Title I services. Those Title I schools without adequate progress would be forced to develop action plans (Wright, Wright, and Heath, 2004).

 Another major move by the state was introducing state standards, as dictated by Goals 2000, a national initiative advanced by President Bill Clinton. The first set of Michigan standards were introduced in 1997. The standards, both nationally and in Michigan, were positioned as methods to help teachers and administrators improve student standardized test scores. Though not directly tied to funding in Michigan, one might anticipate that schools and districts with higher test scores would attract more students, while schools with lower test scores would see their students leave, which could provide a financial incentive to align curriculum and instruction to the new standards. Educators scrambled to meet the new standards in their efforts to improve schools and districts (Koch, 1999).

 States set standards and then allowed local districts and educational units to figure out how to meet them. Tests, set by most states, would measure the progress of schools and districts toward the goals and standards set. This happened in Michigan, centralizing control of what was taught in schools and holding schools accountable through standardized tests, insofar as district employees understood and implemented the standards.

 In 2001, Congress amended the Elementary and Secondary Education Act (ESEA) with No Child Left Behind (NCLB). The foundation of the law was that every American student would be proficient in reading and math by 2013-2014. Schools that did not make adequate yearly progress would face sanctions. The law stipulated that subgroups of students, including students of different ethnicities, disabilities, English language learning skills, and low-income status, must improve. NCLB also featured new measures to improve accountability, choice, and proposed flexibility for states, districts, and schools (Wright, Wright, and Heath, 2004).

 On April 20, 2006, Governor Jennifer M. Granholm signed into law a rigorous new set of statewide graduation requirements called the Michigan Merit Curriculum. This greatly “raised the bar” from former state standards, which only included government and health courses. The new curriculum included four years of English and math, including an Algebra II requirement. Three years of science were also mandated, including either chemistry or physics. The merit curriculum also included two years of a world language, starting with the class of 2016. In addition, the Michigan Merit Exam (MME) was launched, largely comprised of the ACT, a college admissions test. Schools had to adjust their own graduation requirements to meet the state’s new requirements (Ackley, 2010). Through these requirements, the state set the classes by which districts would be required to deliver the standards.

 President Obama’s first formal education policy announcement came in July of 2009 with the Race to the Top funding initiative. States could compete for portions of $4.35 billion, called in the press release “a historic investment” (Gibbs, 2009) for adopting reforms in the following areas: designing and implementing rigorous standards and high-quality assessments, attracting and keeping great teachers and leaders in America’s classrooms, supporting data systems that inform decisions and improve instruction, using innovation and effective approaches to turn-around struggling schools, and demonstrating and sustaining education reform (Gibbs 2009).

 In response to RTTT Michigan’s Department of Education (MDE) and Governor Granholm, Michigan’s legislature passed five educational reform bills in December of 2009 (Lane, 2010). The bills, House Bills 4787-4788 and House Bill 5596, and Senate Bills 926 and 981, included the following measures:

* A process for the state to identify the lowest-achieving 5 percent of public schools and place them under supervision of a state school reform officer. Schools that are identified would submit redesign plans. The school reform officer, who is to be hired by the state, could also appoint a CEO to take control of multiple public schools if it is advantageous to achieving better educational results.
* An alternative process for teacher certification, in which a person could receive an interim teaching certificate if they are participating in a state superintendent-approved alternative teaching program, hold degrees that meet required grade points, and pass examinations for the pertinent subject area.
* Allowing additional charter schools and two K-12 “cyber schools” that would provide full-time online instruction.
* Raising the dropout age from 16 to 18, effective for the high school class of 2016.
* Requiring an annual evaluation of teachers and administrators, in part using data on student growth (Lane, 2010).

**Michigan Teacher Evaluation Law PA 101, 102, and 103 of 2011**

At a time of desperately tight state budgets and declining sales, income and property tax collections, Michigan’s lawmakers recognized that they needed to pass laws in order to have a chance to receive RTT funding. Legislators, under Governor Granholm, passed the following laws:

**Table 1: Michigan Laws Passed in Response to Race to the Top**

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| Date | Public Act # | Description |
| 1/4/2010 | PA 201 (of 2009) | Forces bids from union on outsourced services |
| 1/4/2010 | PA 202 (of 2009) | Allows alternative certification routes |
| 1/4/2010 | PA 203 (of 2009) | Provides funding for "schools of excellence" as public school academies, creates a teacher identifier system for collection of data, establishes a system to ensure basic instructional supplies, clarifies pupil instruction hours for certain schools, and appropriates certain federal funds |
| 1/4/2010 | PA 204 (of 2009) | Legislates take-over of low-performing schools, raises mandatory age for dropouts to 18 (for the class of 2016), and expands personal curriculum for high school students. |
| 5/19/2010 | PA 75 | Sets retirement incentive; mandates employees who stay have to pay 3% toward retirement; sets a hybrid system for new employees |

 Michigan’s focus for the second round of funding then was on collaboration and legislative action. Those applications were due on June 1, 2010 and included PA’s 201 through 204, listed above. The only major change, according to Boyd (2010,) in the formula and requirements for round 2 of Race to the Top (RTTT) funding, was a tightening of budgetary suggestions into requirements (based on the size of the state). At the same time as Round 2 applications were organized and filed, Governor Granholm, a Democrat, was term-limited out, so little was done, legislatively, leading up to the election. The state’s department of education, however, still made an effort to meet the requirements of the second round and gain the funding.

Most of those efforts focused on collaboration. According to a press release from the MDE (May 2010), announcing the Round 2 application, more collaboration was achieved by procuring Memoranda of Understanding from many groups. The groups included 87% of local school districts, with 737 traditional districts and public school academies, to participate and be eligible for funding, if the state was chosen. Furthermore, letters of support were attached from over 80 organizations, including the Michigan Association of School Boards; Michigan Association of School Administrators; Michigan Education Association; American Federation of Teachers-Michigan; Michigan Association of Public School Academies; Michigan Association of Secondary School Principals; Detroit Regional Chamber of Commerce; Ford Motor Company; Michigan Parent-Teacher Student Association; post-secondary universities and community colleges; and Early Childhood Investment Corporation (MDE Memo 2010). Mike Flanagan, in a summary of the application, titled “Accelerate Michigan”, said this: “We all have real opportunity here and now, to show the nation that Michigan is leading the way in having innovative schools that develop the highest quality graduates in the world. “

Despite the rhetoric, collaboration, and legislation, Michigan’s effort to “win” funds fell short. In fact, according to the U. S. Department of Education’s press release from August 24, 2010, Michigan fell from 21st place to 23rd place. An independent, non-partisan analysis (from New America’s Jennifer Cohen Kabaker) of the Phase 2 results indicates that the major area of improvement and failure of all states was in the area of “Great Teachers and Leaders.” Other improvements apparently were not enough, and Michigan leaders learned they would not be eligible for Phase 3 of Race to the Top, as only finalists from Phase 2 would be eligible. Winners of Phase 2 included Massachusetts, New York, Hawaii, Florida, Rhode Island, Maryland, Georgia, North Carolina, and Ohio. Those eligible for Phase 3 were Arizona, Colorado, Illinois, Kentucky, Louisiana, New Jersey, and Pennsylvania.

A short while later, in November of 2010, Rick Snyder, a Republican, was elected governor of Michigan. Under Governor Granholm, Michigan failed to reach the upper echelon of school reform, partially because of a lack of clarity and legislative action, evaluating great teachers and principals, but also because of inadequate data systems. Governor Snyder was inaugurated in January 2011. He espoused the goal to improve two of those areas: evaluating great teachers and inadequate data systems. Snyder also knew the Michigan economy was very limited. So, he proposed and mandated changes that improved some of the areas identified by the U. S. Department of Education as lacking in Michigan’s educational system. While doing this, he ensured that districts had “financial freedom” to enact changes, and he reduced overall employee compensation to allow districts more freedom.

Below is a chart of Snyder’s legislative efforts in the area of teacher evaluation listed beside possible problems the laws were meant to address.

**Table 2: Changes to Michigan’s Teacher Evaluation Law with Possible Problems It Meant To Address**

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| **Public Act Number** | **Portion of Legislation** | **What possible problem could it mean to address?** |
| PA 100 | Allows unpaid suspension of 20-40 days; removes "reasonable and just cause" as the standard for discharge; holds that two evaluations of "ineffective" is proof of ineffective teaching; stops pay for tenure teachers 90 days after an appeal is filed. | Tenure overprotects teachers from the job action based on ineffectiveness |
| PA 101 | Ties completion of probation to evaluations that emphasize student achievement; prohibits bargaining over evaluation. | Completion of probationary job term is too easy. Teachers are not required to show they are effective and improve student achievement.  |
| PA 101 | Allows taking away tenure and a new probation tied to student achievement | Tenured teachers are too protected and not allowed to be placed on probation if they do not improve student achievement |
| PA 101 | Adds six more subjects that would be prohibited from collective bargaining, including (1) placement of teachers; (2) personnel decisions when conducting a reduction in force, a recall, or when hiring; (3) performance evaluation systems; (4) the discharge or discipline of employees; (5) the format or number of classroom observations conducted during performance evaluations; and (6) the method of performance-based compensation. | Teacher’s job security is too negotiable through collective bargaining |
| PA 102 | Amends the school code; prohibits bargaining over evaluation and lay-off standards. | Teacher’s job security is too negotiable through collective bargaining |
| PA 102 | Amends school code to mandate the following factors in teacher evaluation: significant, relevant accomplishments and contributions, student growth, and relevant special training | Teachers are not increasing student growth, obtaining training outside the school day/year, and not making significant contributions to achieve seniority and increases in pay |

**Table 2 (cont’d): Changes to Michigan’s Teacher Evaluation Law with Possible Problems It Meant To Address**

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| **Public Act Number** | **Portion of Legislation** | **What possible problem could it mean to address?** |
| PA 102 | Prohibits seniority as a factor in assignments and makes "effectiveness" (rather than seniority) the determining factor when a workforce reduction is necessary. | Teacher’s job placement is too tied to seniority and not performance |
| PA 102 | Requires each school district's performance evaluation system to rate teachers as "highly effective," "effective," "minimally effective," or "ineffective." | District’s ratings systems vary too much |
| PA 102 | Revises tenure hearing procedures. | Teacher tenure is too strong and protects ineffective teachers |
| PA 102 | Establishes the permissible grounds for the discharge or demotion of teachers on continuing tenure. | Teacher tenure is too strong and protects ineffective teachers |
| PA 102 | Limits the length of time a teacher's salary continues during a suspension. | Teachers get paid when they are suspended for performing poorly and are suspended |
| PA 102 | Establishes and requires a mutual consent policy for teacher placement. | Teachers have too much power in their job placement |
| PA 103 | Amends PERA to make the following prohibited subjects: policies and standards for RIF; decisions, content and standards for performance evaluation; decisions, standards and procedures regarding discipline or discharge of any employees; decisions and standard on how merit pay is awarded; decisions about classroom observations; placement in innovative programs under Sec. 1247 of the school code. | Teacher evaluation is too limited by collective bargaining |

 The changes to evaluation law have not been challenged directly by employees or the MEA. One possible explanation is that districts, while threatening to “use” the rankings and annual evaluations against teachers, are not doing so. In a recent Ed Trust paper, Sarah Lenoff (2012) surveyed ten large districts in Michigan, finding that 99.4% of the teachers were judged to be “effective” or “highly effective” in 2010-2011. Whether districts’ teacher evaluations included a higher proportion of less favorable ratings in subsequent years is thus far unknown. Legal opinions on Michigan’s teacher evaluation law are limited. That does not necessarily mean that the law will not be challenged in the future. Clearly new legal rulings regarding the laws could modify district evaluation procedures, but such litigation has not yet surfaced.

Michigan has been moving toward centralized control of its public schools over the last twenty years. Therefore, the state’s teacher evaluation law is not unexpected. The law, however, definitely complicated districts’ teacher evaluation procedures.

 Initially, the state provided very little information on how districts should implement the new law. With no tool or process and a lack of useful state-wide data (MEAP and ACT scores are not well-designed to measure teacher growth), the implementation becomes even more important. Even if the tools and process had been defined, an evaluation system should motivate teachers clearly to do what is best for students. To understand how evaluations can do this, one must understand employee and teacher motivation.