

ADMINISTRATOR EVALUATIONS

Frequently Asked Questions



Under MCL 380.1249 and MCL 380.1249b, 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 that includes multiple legal requirements.

These FAQs provide guidance on the amended Section 1249 and 1249b, which include new requirements that are effective July 1, 2024.

DEFINITIONS:

- (1) “Administrator” means an individual who holds a valid Michigan administrator’s certificate (unless exempted by MCL 380.1536), is employed (or contracted) and assigned by a school district or charter school to administer instructional programs and is regularly involved in instructional matters. This definition includes superintendents (unless otherwise noted), building-level school administrators and possibly other central-office-level administrators.
- (2) “Midyear progress report” means a supplemental tool to gauge an administrator’s improvement from the preceding evaluation and to assist an administrator to improve.
- (3) “Student learning objectives” means measurable, long-term, academic goals, informed by available data, that a teacher or teacher team sets at the beginning of the year for all students.
- (4) “Superintendent” means a local school district superintendent or an intermediate school district superintendent.

WHAT THE LAW REQUIRES AFTER JULY 1, 2024:

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

- (1) Be adopted and implemented “with the involvement of teachers and school administrators and after collective bargaining, if applicable, with any collective bargaining representatives of teachers and school administrators.”
- (2) Consist of an administrator evaluation tool component.
- (3) Include student growth and assessment data or student learning objectives metrics, which must constitute 20 percent of the annual evaluation.

- (4) Include objective criteria for the portion of the evaluation that is not based on student growth and assessment data or student learning objectives.
- (5) Include an annual evaluation of all school administrators.
- (6) Provide timely and constructive feedback.
- (7) Provide an evaluation and feedback concerning the evaluation in writing to the administrator.
- (8) Establish “clear approaches” to measuring student growth.
- (9) Provide the administrator being evaluated with “relevant data on student growth.”
- (10) Require the evaluator of a building-level administrator to visit the school of the administrator, review the administrator’s school improvement plan, and observe classrooms with the administrator to collect evidence of the school improvement plan strategies being implemented and the impact the school improvement plan has on learning.
- (11) Rate administrators as effective, developing or needing support.
- (12) Designate an administrator as “unevaluated” for a year and not assign an evaluation rating if specific conditions apply to the administrator.
- (13) Use an administrator’s rating from the immediate previous year if an administrator is designated as “unevaluated” and is employed in the same position and in the same school district for both years.
- (14) Ensure that if an administrator receives a developing or needing support rating the evaluator develops an improvement plan, which must recommend professional development opportunities and other actions designed to correct deficiencies and improve the rating of the administrator.
- (15) Provide that if an administrator is rated as ineffective or needing support on three consecutive evaluations they will be dismissed.
- (16) Provide that if an administrator is rated as highly effective or effective on the three most recent consecutive evaluations, the district may choose to conduct an evaluation biennially instead of annually under specific conditions.
- (17) Include a midyear progress report for an administrator each year the administrator is evaluated.
- (18) Assign a mentor or coach to an administrator, who is not employed as a superintendent, for the first three years the administrator is serving in a new administrative position, whether in the same or different school district.
- (19) Provide administrators, who are not serving as superintendents, options to review “needing support” evaluation ratings that involve using specific procedures to resolve matters related to the rating by modification or other appropriate remedies.
- (20) Ensure superintendent contracts include an appeal process concerning the evaluation process and rating received.
- (21) Provide training to administrators on the evaluation tool or tools that will be used by the district to evaluate them.

- (22) Provide training to all evaluators and observers, including rater reliability training that must be completed no later than September 1, 2024, and every three years thereafter.
- (23) Post on its website information about the performance evaluation system.

IN GENERAL:

1. After July 1, 2024, administrators will be rated as effective, developing and needing support under their evaluations. Do the pre-July 1, 2024, ratings simply go away?

No. Evaluation ratings that occurred before July 1, 2024, will still be used when determining if an administrator’s evaluation satisfies a consecutive requirement under the amended MCL 380.1249b. For example, a “highly effective” rating that was received in 2023 will still be considered when determining if an administrator may be evaluated on a biennial basis (See Question # 26).

2. What qualifies as a “rigorous, transparent, and fair” performance evaluation system?

This phrase is undefined in the evaluation law. Until precedent is set that defines these terms beyond their commonly used meanings, MASB encourages districts to utilize existing 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. Examples of evaluation tools for superintendents that support a rigorous, transparent, and fair performance evaluation system include MASB’s superintendent evaluation instrument and the School ADvance evaluation tool.

3. How must a school district involve administrators in the adoption and implementation of a performance evaluation system?

Ultimately, which evaluations systems are adopted and how they may be modified is within the discretion of each district. However, if administrators have organized into a union and have a collective bargaining agreement, the topic of performance evaluations is subject to collective bargaining. If collective bargaining isn’t required, administrator input should still occur along the way. Input should be solicited anytime a change to how the system will be used or implemented is considered.

4. When, precisely, do the evaluations have to be completed?

Unlike the teacher portion of the evaluation law, the administrator portion stresses that the evaluations must take place “annually” instead of being a “ year-end” evaluation. Historically, superintendent evaluations often occur near the end of the calendar year while other administrator evaluations are conducted towards the end of the school year (March-May). In order to align with a superintendent’s midyear progress report (which requires performance goals covering the remainder of the “calendar year”), an evaluation cycle based a November or December annual evaluation is recommended.

5. What constitutes “timely and constructive feedback” under a fair performance evaluation system?

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.

6. Must evaluation feedback be provided in writing?

Yes, feedback concerning an administrator’s evaluation must be provided in writing.

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

School districts should strive to make sure that any student growth data that is used as part of its overall performance evaluation system is uniform throughout the district and is incorporated into the evaluation score in a straightforward manner. Districts are advised to rely upon systems that are already available.

8. Who carries out the evaluations?

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

9. Must the evaluation be provided in writing?

Yes, an evaluation must be provided in writing to the administrator being evaluated. If a written evaluation is not provided, the administrator is deemed “effective.”

10. Do the evaluation requirements apply to every administrator?

No. The evaluation requirements only apply to administrators who hold a valid Michigan administrator’s certificate (unless exempted by MCL 380.1536), are employed (or contracted) and assigned by a school district or charter school to administer instructional programs and are regularly involved in instructional matters. Examples of school administrators who are not subject to the evaluation requirements of MCL 380.1249b include, but are not limited to, Chief Financial Officers, Athletic Directors and Human Resource Directors.

11. What are the requirements for superintendents and other administrators to have a mentor or coach under the performance evaluation system?

For the first three years in which an administrator is in a new administrative position in the same or a different school district, the administrator, if covered by the district's evaluation system, must be assigned a mentor or coach. This requirement under the evaluation law specifically excludes superintendents. Even though it isn't a legal requirement, school boards should still consider having first time superintendents consult with a mentor or coach during their initial years of their superintendencies as a recommended best practice.

THE PERFORMANCE EVALUATION SYSTEM:

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

A proper performance evaluation system will combine:

- A percentage of student growth and assessment data, or student learning objectives.
- An administrator evaluation tool.

13. How are student growth and assessment data or student learning objectives determined?

Student growth and assessment data, or student learning objectives included in administrator evaluations must be measured using metrics agreed upon through collective bargaining, if applicable.

14. Must the performance evaluation system allocate a minimum percentage of how much an administrator's annual evaluation must be based on student growth and assessment data or student learning objectives?

Yes, beginning in the 2024-2025 school year, 20 percent of an administrator's annual evaluation must be based on student growth and assessment data or student learning objectives.

15. May an administrator's evaluation be based on other criteria?

Yes, but the portion of the evaluation that is not based on student growth and assessment data or student learning objectives must be based on objective criteria.

16. What are objective criteria?

The amended MCL 380.1249b does not define "objective criteria." The common understanding of the term is that it is a standard based on factual measurements, in the absence of a biased judgement or analysis. Objective criteria can be independently verified. Different people measuring the criteria will reach the same results because they are clearly defined or quantifiable in nature.

17. Are there any additional evaluation requirements for building-level administrators?

Yes. An individual conducting the evaluation of a building-level administrator must do all of the following:

- (1) Visit the school building where the building-level administrator works.
- (2) Review the building-level administrator's school improvement plan.
- (3) Observe classrooms with the building-level administrator to collect evidence of the school improvement plan strategies being implemented and the impact the school improvement plan has on learning.

18. 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 or possibly hear an appeal of an evaluation rating, and only if the individual who is the subject of the evaluation requests a closed meeting. 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.

ADMINISTRATOR EVALUATION TOOLS:

19. What is the Michigan Department of Education evaluation tool list?

The Department of Education must establish and maintain a list of school administrator evaluation tools that have demonstrated evidence of efficacy and that **may** be used to conduct evaluations under amended MCL 380.1249b.

20. Are school districts required to use one of the tools on the list?

No. In fact, the evaluation law requires the list to include a statement indicating that school districts are not limited to only using the evaluation tools that are included on the list.

21. What must a school district do if it uses an evaluation tool not included on the Education Department's list?

The following information about the measures the school district uses for its performance evaluation system for administrators must be posted on the school district's website:

- (a) The research base for the evaluation framework, instrument, and process.
- (b) The identity and qualifications of the author or authors of the evaluation tool.
- (c) Either evidence of reliability, validity, and efficacy or a plan for developing that evidence of the evaluation tool or the evaluation process.
- (d) The evaluation framework and rubrics, with detailed descriptors for each performance level of key summative indicators.
- (e) A description of the process for collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans.
- (f) A description of the plan for providing evaluators and observers with training.

22. Does the tool used 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.

EVALUATION OUTCOMES:

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

Administrators who are rated as developing or needing support 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 evaluation.

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

Administrators must be dismissed under the law if they receive a needing support rating (after July 1, 2024) on three consecutive evaluations, or a combination of an ineffective rating (before July 1, 2024) and needing support rating on three consecutive evaluations. 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.

25. Can a school district only fire administrators after three consecutive evaluations of ineffective or needing support?

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

26. 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, school districts may elect to evaluate administrators every other year (biennially) as compared to every year (annually) if they rate highly effective (before July 1, 2024) or effective (before or after July 1, 2024) on their three most recent consecutive evaluations. This means that any combination of effective or highly effective ratings on their three most recent consecutive evaluations also triggers the biennial evaluation option for administrators.

27. Who decides whether an administrator receives biennial evaluations?

The "school district" may choose to conduct an evaluation biennially. Thus, for example, even if a superintendent has been rated "effective" in 2022, 2023, and 2024, a school board may still continue the annual evaluation cycle by evaluating its superintendent in 2025 and opting not to utilize the biennial evaluation option. For administrators other than the superintendent, a school board may wish to address the decision of conducting biennial evaluations in policy.

28. If an administrator is receiving biennial evaluations, what would cause the administrator to revert to being evaluated annually?

If **any** of the following occur during biennial evaluations, a school administrator's evaluation will be conducted annually:

- (1) The school board votes to return to annually evaluating the superintendent.
- (2) The administrator is not rated as effective on a biennial evaluation.
- (3) The administrator obtains employment with a different school district.
- (4) The supervisor or evaluator for a building-level administrator is a different person.

29. When is an administrator not assigned an evaluation rating?

An administrator will not be assigned an evaluation rating and will be designated as "unevaluated" for a year if **any** of the following apply:

- (1) The administrator worked less than 60 days in that year.
- (2) The administrator's evaluation results were vacated through a grievance procedure or arbitration following an appeal of the evaluation and rating.
- (3) There are extenuating circumstances and the administrator and school district agree to designate the administrator as unevaluated due to the extenuating circumstances.

30. What are "extenuating circumstances"?

The law doesn't define the phrase and examples of what could constitute extenuating circumstances are not provided. Deference will likely be given to school districts in establishing what type of local situations constitute extenuating circumstances. However, because the law already includes a days worked threshold of 60 days for being evaluated, school boards and superintendents should avoid using criteria that takes into account number of days worked to define extenuating circumstances.

31. If an administrator is designated as "unevaluated" for a year, what rating is used for complying with consecutive evaluation requirements?

The administrator's rating from the year immediately before the unevaluated designation must be used for consecutive purposes if the administrator continues to be employed by the same school district and in the same position that the administrator served in the previous year before receiving the unevaluated designation. So, for example, if a superintendent remains in the same school district and is rated as "effective" in 2023 and 2024, but then is unevaluated in 2025 due to extenuating circumstances, the superintendent will receive an "effective" rating for 2025 and will have three consecutive "effective" ratings, which would allow transitioning to biennial evaluations if approved by the school board.

EVALUATION APPEALS:

32. Do administrators have the option of having an evaluation rating reviewed?

Yes. For administrators who **are** superintendents, the contract of the superintendent must include a process concerning the evaluation process and rating received. For administrators who **are not** superintendents, the performance evaluation system must include options that permit the administrator to have “needing support” evaluation ratings reviewed.

33. When must a superintendent’s contract be updated with the appeal language?

The appeal process must be included in contracts that are entered into, extended, renewed, or modified on or after July 1, 2024.

34. Are there any best practice suggestions on what type of appeal process should be included in superintendents’ contracts?

School boards should consult their retained legal counsel or the legal department of the Michigan Association of School Boards for guidance on crafting an appeal process provision. Generally, including language that permits evaluation appeals to proceed to binding arbitration is not advisable. In lieu of arbitration, school boards and superintendents should consider using an agreed upon neutral third party to hear and assist with the disposition of evaluation appeals. Further, language limiting appeals to evaluation ratings of “needing support” is recommended.

35. What are the appeal options for administrators who are not superintendents and are evaluated as “needing support”?

The administrator may request a review of the evaluation and the rating by the superintendent. The request for a review must be submitted in writing within 30 calendar days after the administrator is informed of the rating. Upon receiving the request, the superintendent shall review the evaluation and rating and may make any modifications as appropriate based on the review. A written response regarding the superintendent’s findings must be provided to the administrator who requested the review by not later than 30 calendar days after the receipt of the request for a review and before making any modifications.

If the written response from the superintendent review does not resolve the matter, the administrator or a collective bargaining representative (if applicable) may request mediation. The request for mediation must be submitted in writing within 30 calendar days after the administrator receives the written response from the superintendent. Within 15 days of receipt of the request, the superintendent must provide a written response to the administrator or collective bargaining representative (if applicable) stating that the mediation will be scheduled as appropriate.

36. What are the appeal options for administrators who are not superintendents and are evaluated as “needing support” on two consecutive evaluations?

If the administrator receives two consecutive ratings of needing support, the administrator may demand to use the grievance procedure of an applicable collective bargaining agreement or a contract governing the administrator’s employment that concerns the school administrator’s second evaluation rating and the evaluation process. If a collective bargaining agreement or a contract governing the administrator’s employment does not contain a grievance procedure that ends in binding arbitration, the administrator may request binding arbitration by filing a demand for arbitration with the American Arbitration Association (AAA) within 30 calendar days after the administrator receives the written response from the superintendent.

The arbitrator must be selected through procedures administered by the AAA in accordance with its rules and must have the authority to issue any appropriate remedy.

MIDYEAR PROGRESS REPORTS:

37. Are midyear progress reports required for superintendents and other administrators?

Yes. The amended MCL 380.1249b requires school districts’ performance evaluation systems to include a midyear progress report for a school administrator.

38. Is a midyear progress report required in “non-evaluation” years when an administrator is being evaluated biennially?

No. A midyear progress report must only be completed in the years when an administrator is evaluated.

39. May a midyear progress report take the place of an annual evaluation?

No. The midyear progress report is a supplemental tool to gauge an administrator’s improvement from the preceding evaluation and to assist an administrator to improve.

40. What does the midyear progress report cover?

A midyear progress report must include specific performance goals that are developed by the individuals conducting the evaluations (or designees) and any recommended training identified by the evaluated administrators in meeting the goals. The goals cover the remainder of the school year for building-level administrators and the remainder of the calendar year for all other administrators, including superintendents.

The individuals conducting the evaluation (or designees) must also develop a written improvement plan that includes the above goals and training and is designed to assist administrators in improving their evaluation ratings.

TRAINING:

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

Evaluator Training – The district is responsible for providing training to anyone who will be conducting any portion of the evaluation process. For those who conduct administrator evaluations, including school board members as it relates to superintendent evaluations, this means having a full understanding of the performance evaluation system’s metrics (student growth and assessment data or student learning objectives) and the evaluation tool component.

Evaluatee Training – Those being evaluated must also be trained as it relates to the overall performance evaluation system. 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 performance evaluation system be developed “with the involvement of teachers and school administrators”), but also as part of this training process.

Rater Reliability Training – By not later than September 1, 2024, and every 3 years thereafter, each individual who conducts an evaluation of an administrator shall complete a rater reliability training provided by the school district.

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

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

43. Who conducts the training?

An individual with expertise in the evaluation tool or tools being used must actually perform the evaluator training and should conduct the rater reliability training as well. 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.

44. What must the rater reliability training include?

For school board members, the training must include at least **all** of the following:

- (1) A clear and consistent set of evaluation criteria that all evaluators can use when assessing performance.
- (2) Clear expectations for what evaluators should look for when assessing performance, including identifying key behaviors and practices that are associated with the effective performance of a superintendent.

- (3) Training on the evaluation process itself, including how to collect data and analyze results.
- (4) Calibration exercises that help evaluators practice using the evaluation criteria and establish consistency in the evaluator's evaluations.
- (5) Ongoing support for evaluators, including feedback and coaching to help the evaluators improve their skills and ensure they are consistently applying the evaluation criteria.

USING THE EVALUATIONS:

45. What decisions are these evaluations supposed to help school districts 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.

INFORMING YOUR STAFF, INFORMING THE PUBLIC:

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

Yes. A school district must post on their website all of the following information about the measures it uses for its evaluation system for school administrators:

- 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 school district uses a modified tool from the Michigan Department of Education evaluation tool list, it 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.