

Michigan House of Representatives

StudentsFirst Presentation of the Issues to Key Michigan Legislators & Waiting for Superman Screening with Ohio Governor Kasich

May 19, 2011

Briefing Materials

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May 19th Agenda

9:32am

Arrive at Lansing Airport on Delta 4234.

Bridget will be at the airport to pick you up. (She's in a white Toyota Rav4)

10:30-11:30am

Meet with variety of Representatives regarding their questions on LIFO / MC and Tenure. There will be a group of about 10-15 targeted Reps. They might come in and out as the session proceeds. (NOTE: the room is not tech friendly so we are going to do the ppt via paper handouts.)

Speakers Conference Room, H-161 Capitol Building

11:30-Noon

Meet with House Education Chair Paul Scott regarding strategy and next steps.

Capitol Building

Topic: Update on legislation in committee. (NOTE: Nancy has been working closely with his chief of staff to draft an oped at his request to run in the Flint newspaper. He is getting hammered pretty hard in the press for his reform efforts.)

Noon-1:00 (House session begins at noon)

Meet with additional House members individually during House session as needed.

Private Room and TBD

1:00-2:00pm

Meet with Senate Education Chair Phil Pavlov and Chief of Staff Brenda Resch 905 Farnum Building (across the street from the Capitol)

2:00-6:30pm

Drive to Cleveland!

@ 6:10 Governor Kasich will start the viewing of Waiting for Superman. Margaret Spelling will give a pre-taped special message at the beginning. Mafara will be on site.

(NOTE: WFS will be broadcast via webcam to six other town hall meetings through out the state. The locations were chosen based on districts where we need to sure up support for the Governor's budget. It's also being broadcast via webcam for house parties that were put together by the Partnership for Ohio's Future.)

6:50pm

Arrive at Cleveland State University

Basement Level Parking Garage (en route room 5)

Room 5

7:30pm

MR meet w/ Governor Kasich at Hold Room Room 3

7:45pm

MR and Governor Kasich briefed by Dave Luketic/Matt McAuliffe Room 3 $\,$

8:00pm

Voice Intro's Chancellor Michelle Rhee & Gov. John Kasich. Panel discussion begins. MR/JRK Enter Stage Left, Take Seat In Order

8:12pm

Q and A starts. Kasich will take Qs from the audience.

8:35-8:50pm

Program ends/webcam ends. MR and Kasich mix and mingle.

8:50-9:05pm

Press availability starts.

9:05pm

The day ends. The fun begins :-) Bridget will drive MR and MH to their hotels.

Yellow Page

StudentsFirst Facts

Mission

Our mission is to build a national movement to defend the interests of children in public education and pursue transformative reform, so that America has the best education system in the world.

Membership

This week we have 297,745 members nationwide.

Michigan Membership

This week we have 10,533 members from Michigan. That's a 6,000 member increase since your last visit.

Facts and Figures

Where is SF most active?

- Success Stories: Florida, Indiana
- 50-100% Chance of Success: Michigan, Ohio, Pennsylvania, Tennessee
- 30-50% Chance of Success: Nevada, Minnesota, California
- 1-30% Chance of Success: New York and New Jersey

13 States Require Seniority Based Layoffs

OR, CA, MN, WI, KY, OH, WV, PA, NY, NK, RI, AK, HI

Law is Silent on Seniority Based Layoffs

<mark>MICHIGAN</mark>, WA, NV, MT, WY, NE, TX, KS, NE, ND, SD, IA, MO, AR, LA, MS, TN, AL, GA, SC, NC, VA, MD, DE, CT, MA, NH, VT, ME

State Requires Teacher Performance to be a Major Factor

AZ, CO, OK, DC, FL, IN, UT, ID

State Law Is Weak

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Michigan Facts

STATE IMPACT DATA							
Population	9,938,444	Students	1,659,921	Teachers	94,754		
Tier 1 Media Markets Detroit, Grand		Detroit, Grand Rap	d Rapids-Kalmzoo-B.Crk, Flint-Saginaw-Bay City				
Tier 2/3 Media Markets		Lansing, Traverse City-Cadillac					

Michigan Education Governance Structure

- Education is governed by an eight member Michigan Sate Board of Education.
- Eight members are: John C. Austin (D), President; Nancy Danhof (R); Marianne Yared McGuire (D); Kathleen N. Straus (D); Casandra E. Ulbrich (D); Daniel Varner (D); Eileen Weiser (R); Richard Zeile (R); Governor Rick Snyder; Michael Flanagan, Chairman; Marilyn Schneider, State Board Executive
- The eight voting members of the Board are elected at-large on the partisan statewide ballot for eight-year terms. Two are elected every two years in the general election. In addition, there are two non-voting, ex officio members -- the Governor and the State Superintendent of Public Instruction, who is chairman of the Board. It also selects and appoints the State Superintendent of Public Instruction, who administers the Michigan Department of Education, and the State Board Executive who directs State Board operations.
- Superintendent of Public Instruction Michael P. Flanigan, appointed in 2005 and reappointed by Governor Snyder.



• MI public schools have seen a huge erosion in enrollment.

Michigan Evaluations

- In September 2011 school districts are required by law passed in 2010 to have an implementation plan for a new evaluation system. With a grant from the Federal Mediation and Conciliation Service, an alliance of education stakeholders was formed to develop "recommendations and guidelines to assist public school districts and the unions representing educators to develop effective educator performance evaluation systems."
- The framework, developed by the Alliance, was rolled out to educators in April. The framework was built on the
 premise that "student performance improves when all the educators work diligently towards that common purpose.
 Individual educators improve individual student achievement when they work in collaborative environments while being
 accountable for the students."

- The framework also recommends that districts establish common principles, goals, understandings, language and professional training/learning.
- Appendix A lays out the entire process.

Michigan Facts

STATE IMPACT DATA

Population9,938,444Students1,659,921Teachers94,754Tier 1 Media MarketsDetroit, Grand Rapids-Kalmzoo-B.Crk, Flint-Saginaw-Bay City

Tier 2/3 Media Markets Lansing, Traverse City-Cadillac

Education Facts

- Only about a third of Michigan's fourth graders score "proficient" (competence in a subject) on a reading test.
- Only one in three Michigan eighth-graders is proficient on a math version of the National Assessment for Educational Progress.
- Less than 10 percent of African American students score proficient on those two federally administered tests.
- And 78 high schools in the state were listed as dropout factories in a recent report.
- Only 16% of all students statewide are college-ready based on the ACT taken in spring 2010 as a part of the MME
- 238 Michigan high schools have zero college-ready students in all subjects based on the spring 2010 ACT test.

The Legislature

The Michigan legislature changed party control in the 2010 general election. Before the election, the Democrats had a majority in the House (64:42) and the Republicans had a slight majority in the Senate (22:16). Now, the Republicans have a clear lead in both chambers. The House Committee on Education has 19 members, 15 are new to the committee and 14 are freshman members. The Committee is chaired by Rep. Paul Scott, who is our main ally and extremely committed to passing our agenda in Michigan. The Senate Education Committee is chaired by Senator Phil Pavlov, who is committed to education reform and agrees with our agenda.

Lay of the Land

Legislative Timeline

The Rep. Scott and the House Republicans worked closely with StudentsFirst to develop four* bills.

- Week of May 16th Rep. Scott is committed to passing the bills out of his committee by May 19th.
- Week of May 23rd The full house is expected to vote on all four bills. It will be a close vote. StudentsFirst will start running TV/radio ads, patch-through calls and emails urging members to vote yes on Monday, May 23rd.
- June (exact dates are TBD) If the bills pass the House, they will go to the Senate and assigned to the Senate Education Committee. The committee will hold hearings on the bills and hopefully vote them out of committee by mid-June. The full senate will hopefully vote on the bills by the end of June. Governor will hopefully sign the legislation on or around July 1st.
- In June, StudentsFirst will continue the TV/radio ad campaign, send direct mail to targeted senate districts w/ cards that constituents can send to their legislators, do patch-through calls around the times of the vote

House Committee on Education

The committee has 19 members, 15 are new to the committee and 14 are freshman members. Our campaign is targeting three specific members of the Eduction Committee.

Members

Paul Scott (R), Committee Chair, 51st District (GRAND BLANC, MI)



Thomas B. Hooker (R), Majority Vice-Chair, 77th District (BYRON CENTER, MI) Hugh D. Crawford (R), 38th District (NOVI, MI)
Tom McMillin (R), 45th District (ROCHESTER HILLS)
Ray A. Franz (R), 101st District (ONEKAMA)

May 19th Briefing Materials

Kurt Heise (R), 20th District (PLYMOUTH)
Holly Hughes (R), 91st District (MONTAGUE)
Aric Nesbitt (R), 80th District (LAWTON)
Margaret E. O'Brien (R), 61st District (PORTAGE)
Amanda Price (R), 89th District (HOLLAND)
Deb Lynn Shaughnessy (R), 71st District (CHARLOTTE)
Ken Yonker (R), 72nd District (CALEDONIA)
Lisa Brown (D), Minority Vice-Chair, 39th District (WEST BLOOMFIELD)
George T. Darany (D), 15th District (DEARBORN)

Lisa Howze (D), 2nd District (**DETROIT**)

Rudy Hobbs (D), 35th District (LATHRUP VILLAGE)

David Rutledge (D), 54th District (YPSILANTI)

Thomas Stallworth III (D), 8th District (**DETROIT**)

Douglas A. Geiss (D), 22nd District (TAYLOR)

Committee Targets

Rep. Thomas Hooker (R)



District and Background

State Rep. Thomas Hooker was first elected to the Michigan House in November 2010. He represents the 77th District, which includes Byron Township and the City of Wyoming.

Rep. Hooker was a public school teacher for 37 years. He has been a real stickler on seniority not being a factor in the LIFO bill, but he is an important vote. As a result, we settled on the following language: "(C) Except as otherwise provided in this subdivision, Length of service shall not be a factor in a personnel decision described in subdivision (b). However, if that personnel decision involves 2 or more employees and all other factors distinguishing those employees from each other are equal, then length of service may be considered as a tie-breaker."

Rep. Holly Hughes (R)



District and Background

State Representative Holly Hughes was elected to her first term in 2010. Her district covers all of Muskegon County except for the cities of North Muskegon, Muskegon, and Muskegon Heights. It also includes Chester Township in Ottawa County. Reelection concerns - she's afraid of losing her seat over this package. She's worried about being blamed for this instead of embracing the reform in a positive way.

Rep. Deb Shaughnessy (R)



District and Background

State Rep. Deb Shaughnessy was first elected to the Michigan House in November 2010. She represents the 71st District, which includes Eaton County. Still nervous.

Senate Committee on Education

Overall, the committee is supportive. The Chair is the most supportive.

Members

Sen Phil Pavlov, Chair (LAPEER and ST. CLAIR)



Sen. Judy Emmons, Vice Chairwoman (CLINTON, IONIA, MONTCLAM and ISABELLA Counties)

Sen. Patrick Colbeck (Parts of WAYNE COUNTY)

Sen. Hoon-Yung Hopgood, Minority Vice Chair (Part of WAYNE COUNTY)

Sen. Coleman Young II (Part of WAYNE COUNTY)

Senate Targets

The thrust of our campaign is aimed at the Senate. This is the tougher of the two chambers. All of our paid media, earned media and direct mail are targeted directly to these districts.

Senate Majority Leader Randy Richardville



Background and District

Randy Richardville was elected to the Michigan Senate in November, 2006. Upon re-election in 2010, he was selected as Senate Majoity Leader by his fellow Republican caucus members. He's somewhat supportive. We just need to sure him up. Richardville represents the The 17th State Senate District includes all of Monroe county, the southern part of Washtenaw county and part of Jackson county.

Senator Roger Kahn



District and Background

Senator Kahn, a former Saginaw County commissioner, was elected in November 2004 as the state representative for the 94th District. In November 2006 he was elected as the state senator for the 32nd District, representing Saginaw and Gratiot counties.

Senator Arlan Meekhof



District and Background

State Sen. Arlan Meekhof was elected to serve the 30th Senate District in November 2010 and assumed office in January 2011. He was chosen by his Republican colleagues to serve as majority floor leader for the 2011-2014 term, where he represents the Republican majority on the Senate floor, expediting legislative proceedings through parliamentary procedures such as motions, communications and points of order.

Senator Tory Rocca



District and Background

Senator Rocca represents the 10th State Senate District which is located in Macomb county and includes: Clinton Township, Roseville, Sterling Heights, and Utica. He is very unreliable when it comes to labor. His family used to be Dems and now they're Reps.

Legislation

Four Bills

Working with Rep. Scott, StudentsFirst has been successful in getting four bills introduced that address LIFO, mutual consent, tenure and pave the way for upcoming legislation on evaluations and merit pay.

It's important to understand that all four bills work TOGETHER and they are a precursor to upcoming legislation that will completely change Michigan's current evaluation process and establish merit pay. All of the bills are tie-barred to each other so that none could go into effect unless the others were also enacted into law.

The four bills would revise Michigan's Teacher Tenure Law, the Revised School Code, and the Public Employment Relations Act to set new standards with the aim of ensuring more effective teaching.

The four bills are as follows:

- House Bill 4625 Sponsor: Rep. William Rogers
- House Bill 4626 Sponsor: Rep. Paul Scott
- House Bill 4627 Sponsor: Rep. Margaret O'Brien
- House Bill 4628 Sponsor: Rep Ken Yonker

Together, they do the following:

- Require each school district's performance evaluation system to rate teachers as "highly effective," "effective,"
 "minimally effective," or "ineffective."
- Modify the number and consequences of probationary periods.
- Revise tenure hearing procedures.
- Establish the permissible grounds for the discharge or demotion of teachers on continuing tenure.
- Limit the length of time a teacher's salary continues during a suspension.
- Make "effectiveness" (rather than seniority) the determining factor when a workforce reduction is necessary.
- Establish and require a mutual consent policy for teacher placement.
- Add six additional 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.

House Bill 4625 (Tenure)

Sponsored by Rep. William Rogers, HB 4625 would amend several sections of the Teacher Tenure Law to set standards for achieving and retaining teacher tenure; and to revise the tenure hearing procedures. This bill DOES NOT ELIMINATE TENURE.

Probation

- For new teachers: first 5 full school years of employment.
- For current teachers without tenure: first 4 full school years of employment.
- For current teachers with tenure: continues to have tenure even if s/he has not served 5 full school years of employment.

Teachers will not have to serve more than 1 probationary period in any one school district or institution.

Teachers cannot serve more that 2 probationary periods.

Probation is considered completed when:

- A teacher has a rating of effective or better for 3 most recent evaluations.
- For teachers who have tenure but are placed on additional probation period: probation completed hen 2 most recent performance evaluations are effective or better.

Dismissal from probationary period occurs:

- Teacher fails to achieve effective or better on 2 consecutive evaluations.
- Teacher's on additional probationary periods fail to achieve effective or better on 2 consecutive performance evaluations.
- Controlling board cannot place a teacher on probationary period more than 2 times.

Dismissal

Dismissal can occur:

- After 2 performance evaluations conducted during the same school year showing "ineffective" ratings.
- During probationary period, dismissal can occur by the controlling board anytime.

During probationary period, each teacher will receive an individualized development plan, based off classroom observations, as well an annual year-end performance evaluation.

Controlling board determines format and number of observations.

Transferring Tenure

- Tenure does not transfer from school district to school district.
- Tenure can transfer between school districts that operate in a consortium of school districts.
- Tenure cannot be held by a teacher simultaneously in two school districts participating in a consortium.
- Tenure continues for teachers n public school academies who held tenure even while on a leave of absence.
- Tenure cannot transfer for teachers who switch between adult education to primary/secondary and vice versa.

Continuing Tenure

- If rated ineffective on 2 performance evaluations, shall be required to serve an additional probationary period.
- If rated minimally effective, may be asked to serve an additional probationary period.
- Teachers will not be considered on continuing tenure during the probationary period.
- If a teacher employed by another controlling board while on continuing tenure because of an annexation, consolidation, or reorganization, then teacher can be placed on continuing tenure immediately by controlling board unless board decides by a 2/3 vote to place that teacher on a probationary period.

If tenured teacher received "ineffective" rating on annual performance evaluation, then tenured teacher receives an individualized development plan with goals to reach by at maximum 180 days.

Collective bargaining can negotiate evaluation process for these tenured teachers with ineffective ratings on an annual performance evaluation, only in regards to increasing the number of classroom observations and evaluations for that teacher.

House Bill 4626 (Arbitrary and Capricious)

Sponsored by Rep. Paul Scott, HB 4626 would amend several sections of the Teacher Tenure Act to revise the permissible grounds for the discharge or demotion of a teacher on continuing tenure, change the definition of "demote," and limit the length of time a teacher's salary continues during a suspension. HB 4626 also eliminates "reasonable and just cause" and insert, instead, discharge or demotion of a teacher on continuing tenure may be made only for a reason that is not **arbitrary and capricious**.

Demotions

HB 4626 defines demotion to be the following:

- Suspension without pay for at least 20 days.
- Reducing compensation by an amount of 40 days pay.
- Transfer employee to a position with a lower salary.

Ineffective Teacher

The bill defines an ineffective teacher to be one who has been rated ineffective for 2 consecutive performance evaluations. In addition, all changes to tenure must go through the appeals process with the school district's controlling board.

Pay Rules During the Appeal Process

- A teacher's pay will continue until 90 days after the appeal is filed or until a conclusion from the hearing process is reached.
- Only way a teacher's pay can be ceased immediately is if he/she is convicted felony or a misdemeanor; pay must be ceased upon conviction for an offense listed in the sex offenders registration act.
- Back pay can be instituted if the decision to discharge a teacher is reversed.

Teacher Suspension

A teacher can be suspended only if one of the following happens:

- Teacher fails to contest decision on charges against them in the given period of time
- Charge is decided upon by judge

• A final decision to revoke tenure is decided upon by the controlling board

House Bill 4627 (SAVES GREAT TEACHERS & Mutual Consent)

Sponsored by Rep. Margaret O'Brien, HB 4627 adds two new sections which would make "effectiveness" the determining factor when a reduction in the number of teachers is required, and also establish and require a mutual consent policy for teacher placement.

Mutual Consent

HB 4627 requires a school board to do the following:

- Ensure that a school principal has the authority to select teachers for a school who have demonstrated effectiveness and who have appropriate qualifications.
- Ensure that the placement of a teacher in a school is made only with the mutual consent of the teacher and the school principal.
- Provide, in its policy, that if a teacher is unable to obtain an assignment by mutual consent within the school district or charter school within 30 days, the teacher would be placed on unpaid leave. If the teacher obtained an assignment by mutual consent while placed on unpaid leave, the district or charter school would reinstate the teacher's salary and benefits at the level at which they would have been if the teacher had not been placed on the unpaid leave.

Four Tiers of Effectiveness

The bill specifies that if the performance evaluation system implemented by a school district or charter school does not already include the rating of teachers as "highly effective," "effective," "minimally effective," and "ineffective," then they would be required to revise their evaluation systems within 60 days after this legislation goes into effect.

If a collective bargaining agreement is in effect, and if it prevents compliance with this requirement, then the requirement to revise the performance evaluation system would not apply until after the expiration of that collective bargaining agreement.

Temporary Evaluation Rubric

The bill establishes a temporary evaluation process until the school district implements its own evaluation process. The rubric is as follows:

- The board of a school district or charter school would be prohibited from adopting, implementing, maintaining, or complying with a policy that provides that length of service (customarily called "seniority") is the primary or determining factor in personnel decisions when conducting a reduction in force or recall of workers.
- The board of a school district or charter school would be required to ensure that its policies for personnel decisions
 concerning a reduction in force or a recall of workers are based on effectiveness. The bill specifies that for teachers
 and administrators, effectiveness must be measured by the performance evaluation system under Section 1249 of the
 code, and be based on the following factors:
 - Individual performance shall be the majority factor in making the decision, and shall consist of the following:
 - Evidence of increased student achievement, which shall be the predominant factor in assessing an
 employee's individual performance; and (b) demonstrated pedagogical skills, including at least planning,
 delivering rigorous content, checking for and building higher-level understanding, differentiating, and
 managing a classroom; and consistent preparation to maximize instructional time.
 - Significant, relevant accomplishments and contributions. Under the bill, this factor must be based on whether the individual contributes to the overall performance of the school by making clear, significant, relevant contributions

- above the normal expectations for an individual in his or her peer group, and having demonstrated a record of exceptional performance.
- Relevant special training. Under the bill, this factor must be based on completion of relevant training other than the
 professional development or continuing education that is required by the employer or by state law, and integration
 of that training into instruction in a meaningful way.
- The board would be required to ensure that its policies for personnel decisions did not include length of service (seniority) as a factor.

House Bill 4628 (Collective Bargaining)

Sponsored by Rep. Yonkers, not at SF urging, but in accordance with some of the recommendations in our policy agenda, HB 4628 would amend the Public Employment Relations Act to specify additional prohibited subjects of bargaining for public school employees.

Additional Prohibited Subjects of CB

- The public school employer's policy for placement of teachers.
- The public school employer's policies regarding personnel decisions when conducting a reduction in force, or a recall or hiring of workers.
- The performance evaluation system, including decisions concerning the content of a performance evaluation of an employee, or the impact of those decisions on an individual employee or the bargaining unit.
- The policy regarding discharge or discipline of an employee, or the impact of such a decision on an individual employee or the bargaining unit.
- The format or number of classroom observations conducted for the purpose of performance evaluations, or the impact of those decisions on an individual employee or bargaining unit.
- The method of performance-based compensation, and decisions about how an employee performance evaluation is used to determine performance-based compensation.

Things You Need to Know

Timing of Evaluations

You will get a lot of questions from members who are being pressed by EdTrust and others to do an evaluation package BEFORE passing the four bills mentioned above. EdTrust and StudentsFirst disagree on timing. EdTrust urged legislators to hold these bills until their evaluation bill could be introduced and moved at the same time. Rep. Scott had the votes and wanted to move the four bills ASAP. He asked StudentsFirst for our guidance. I told them to push it through now and we'll work on eval and merit pay legislation in the next couple of weeks. EdTrust is working with Jason Mancini, our main house contact, on the eval legislation. Sarah Hubbard, our lobbyist, is friends with Amber and is staying on top of the eval drafting process. Jason expressed frustration with EdTrust. He thinks they are unnecessarily delaying the process. We have a summer intern working with Kate right now to help put together a gold standard eval process that we can hopefully share with EdTrust and Jason. You will of course be given all of the material to review before it's made public.

Collective Bargaining

StudentsFirst did not work directly with the House on the collective bargaining bill and we have not expressed public support for the bill. However, many of the things they included in the bill came from our policy agenda and pave the way for implementing a new eval process, mutual consent and performance based RIFs.

Special Thanks

The two tenure bills were very difficult to figure out. Without the help of Kate, Eric and Nithya (who did a great analysis) I would have not been able to piece it together. Craig and Dana also helped tremendously on the powerpoint presentation. As did Kate and Eric. It was a team effort.

Also, if given the chance, you should thank Jason Mancini who literally ran every amendment by me before deciding to allow it in committee. He also sent me multiple drafts of the bills during the drafting process.

And of course Rep. Scott. He really oversaw this entire process.

Appendix A

Presentation given to educators from the Education Alliance.

Develop district & school goals



Create standing union – management committee



Clarify
educator
evaluati
on
purpose,
goals,
values &
principle
s

Review educator evaluation & performan ce models



Define the parameter s of the model - what gets evaluated



Define who is evaluated and when, who evaluates, & use of evaluation

Negotiat
e the
educator
evaluatio
n system



Communicate all elements of the educator evaluation system



Develop procedur es & material s

Provide appropriate training to all educators in the district



Pilot the system



Identify and address issues as they arise during the pilot

Begin district wide implementati on



Educators
begin
process of
documenti
ng
practice &
student
growth



Educato rs reflect on their practice and their role in student growth

Educators

supervisor s review the evidence



Educators
and
supervisors
confer and
make
judgment on
educators'
performance



Evidence and outcome are kept for future performan ce discussion s

Standing union –
management
committee
monitors to
assure
compliance,
quality, and
accuracy



Standing union – management committee uses monitoring and other feedback information to seek and achieve continuous improvement in the educator evaluation process