

GOING IN REVERSE

Michigan School Officials Should Resist Backtracking on Obama-Era Reforms

By Molly Macek



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Going in Reverse: Michigan school officials should resist backtracking on Obama-era reforms

By Molly Macek

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Introduction

Beginning in 2009, the Michigan Legislature adopted several reforms aimed at improving the quality of public education for students across the state. These reforms represented the culmination of a reform movement launched in 1983 with the publication of “A Nation at Risk” — a federal report on the poor performance of public schools. This was followed by multiple iterations of the federal Elementary and Secondary Education Act, the No Child Left Behind Act signed by President George W. Bush and President Barack Obama’s Race to the Top program. These waves of education reforms sought to address the nation’s declining achievement trend by improving educational standards and accountability measures.

The Michigan Legislature responded to the Obama-era national education reform movement by enacting policies that would hold the state’s public schools accountable to more rigorous performance standards. These reforms required districts to adopt more robust accountability systems. Teacher evaluations were restructured to include a greater emphasis on student academic growth. Personnel decisions impacting the quality of the teaching staff were required to be tied to performance evaluations.

Attempts by teachers unions to block the implementation of these reforms led the Legislature to amend state labor laws. These labor reforms prohibited unions from bargaining over subjects pertaining to teacher retention, placement, evaluation, merit pay, discipline and dismissal. School administrators were given more discretion to make decisions that influenced the quality of teachers in their classrooms.

In 2023, however, Michigan lawmakers reversed many of the education reforms adopted during the Obama administration. The new laws diluted the teacher evaluation metrics, allowing unions to determine the components of the evaluation system. Previously prohibited subjects of bargaining were reopened, requiring school officials to compromise over decisions about which teachers to hire, promote or layoff. Their ability to navigate this new bargaining relationship and negotiate sound policies will significantly impact the quality of education their students receive.

This report explains the background and historical rationale for these reforms. This knowledge is important for current school board officials, who have been thrust into a new bargaining relationship with their respective teachers union. School officials should ensure that student achievement remains the focus of contract negotiations.

History

In 2011, the Legislature enacted several reforms meant to boost student achievement by improving the quality of teachers employed by school districts. Among the reforms were amendments to the state's 1947 public sector employment and union bargaining law.¹ This law allowed government unions to influence decisions pertaining to teacher placement, evaluation, layoffs, discipline and compensation in public schools.

The contracts negotiated between union representatives and school district officials produced policies that prioritized seniority over a teacher's job performance. Veteran teachers were prioritized at the expense of younger teachers, regardless of their performance in the classroom and impact on student achievement. The 2011 reforms sought to change this by giving school officials the discretion to make certain personnel decisions. These policies could no longer be bargained over with government unions, and schools could prioritize advancing student achievement when making personnel decisions.

The impetus for increased emphasis on teacher quality and the Obama-era reforms can be traced back to an education reform movement that began more than 40 years ago and included several waves of reform.

A Nation at Risk

In 1981, the U.S. Secretary of Education created the National Commission on Excellence in Education and tasked its members with drafting a report on the quality of America's schools. The commission published "A Nation at Risk: The Imperative for Educational Reform" in 1983.² It found an urgent need for improving American public schools and called for educators, public officials and citizens to implement reforms.

The report focused on four key areas for improvement: content, standards and expectations, time spent learning and teaching. It found there to be a lack of quality teachers staffing public school classrooms. This finding was based in part on the inadequate subject-area expertise among teachers, especially in the core subject areas of science and math.

To improve teacher quality, the report recommended tying personnel decisions, such as promotion, tenure, retention, dismissal and salary, to an effective teacher evaluation system and incentivizing the recruitment of professionals with expertise in high-demand subject areas. The report proved to be highly influential and launched an education reform movement focused on standards and accountability that carried on for the next four decades.³

No Child Left Behind

Congress passed the No Child Left Behind Act in 2002 to address ongoing concerns about achievement gaps among different groups of students and declining global competitiveness of America's education system overall. It was an update to the foundational federal education law, which was passed in the civil rights era. This law solidified the role of the federal government in public schools with its 10 statutory sections, or titles, that govern a wide range of education policy.⁴

The law's original intent was to ensure the availability of federal aid for the education of students from low-income families. Its first statutory section, Title I, reflected this intent by providing for the allocation of funds to help states educate their most disadvantaged students.⁵

The No Child Left Behind reform significantly increased the federal government's role in holding states accountable for their students' achievement. It also placed greater emphasis on improving the performance of certain subgroups of historically disadvantaged students, including English-language learners, those in special education, and those from lower-income families and minority backgrounds. It required states to adopt certain policies in order to qualify for federal funding.

The law required states to annually assess students' math and reading proficiency in grades three through eight. It sought to make all students in each state proficient on these state tests by the 2013-2014 school year. States that failed to make "adequate yearly progress" toward this goal would need to implement interventions to help their students achieve proficiency. These states would allocate a portion of their federal money to cover the cost of tutoring or enrolling students in different schools with better test scores.⁶

The NCLB law also required states to ensure that all their teachers were qualified according to state standards. States were expected to recruit and retain teachers with expertise in their subject area, typically demonstrated by a bachelor's degree in their area of focus and a teaching certification. It viewed educator quality as an important mechanism for ensuring students nationwide achieve reading and math proficiency.⁷

Race to the Top

The Race to the Top competitive grant program was established as part of the American Recovery and Reinvestment Act of 2009. It sought to incentivize states to develop reforms and other innovative education policies that would improve school performance, teacher effectiveness, use of data and students' college-readiness.

States were encouraged to compete for federal financial awards by adopting policies that aligned with the program's stated priorities. Forty states applied for the grants and implemented reforms intended to improve school performance. Overall, 18 states and the District of Columbia received grants, ranging from \$17 million to \$700 million, based on the policies they adopted to improve their public schools.⁸ States continued to pass similar reforms in the years after the program ended.⁹

States that received an award were even more likely to adopt Race to the Top policies in the years following the competition, compared to those that didn't win or didn't apply. Among these policies targeting school improvement and accountability were adopting high-quality standards and assessments, conducting annual teacher evaluations that take into account student achievement growth, making decisions about compensation, tenure, placement and dismissal based on these evaluations, using data to inform professional development decisions, and intervening immediately in the lowest-performing schools. Many states, especially those that won awards, also adopted more rigorous academic standards to improve student achievement in the years following the Race to the Top competition.

Race to the Top reforms in Michigan

The design of the Race to the Top program — with states competing to pass reforms to improve school accountability and academic achievement — meant that changes were enacted even in states that did not win the grant contest. Michigan was one such state. In January 2010, Governor Jennifer Granholm approved education reform legislation that tried to prioritize student achievement and make student academic growth a key factor in evaluating teacher and school performance.

These reforms sought to improve the quality of public schools by strengthening accountability measures. They required annual teacher evaluations that used student growth data, created a means to intervene when a school was failing, required all administrators to be certified, permitted the expansion of high-quality charter schools and the closure of low-quality ones, established an alternative pathway for teacher certification and increased the high school dropout age from 16 to 18. The reforms also required personnel decisions regarding teacher compensation, promotion and retention to be tied to the adopted evaluation system.¹⁰

In addition, the state adopted common K-12 academic standards in collaboration with a consortium of 48 states, and it developed common assessments that aligned with math and English language arts standards. State databases were created to track student performance data over time and would be used to inform academic and policy decisions.¹¹

These reforms made Michigan eligible for a Race to the Top award, and the state applied for the first round of the competition. Michigan did not win an award due to various factors. Among the obstacles was lack of support from stakeholders, most notably the state's teachers unions. While 89% of school districts supported the reform agenda, only 8% of union leaders demonstrated their support.¹² In two of the winning states, Tennessee and Delaware, every district official and union representative supported their respective reforms.

Even though Michigan did not receive a Race to the Top grant, it attempted to implement its new reform agenda, which represented a commitment to improving educational quality and accountability for school performance. But successful implementation would require the cooperation of stakeholders whose interests did not always align with the reforms' objectives, such as teachers unions.

Obama-era reforms

Michigan's Race to the Top reforms represented a potential turning point for public education. The Legislature recognized the need to improve the state's education system by strengthening accountability measures and the quality of teachers in public schools. Yet the effective implementation of the new legislation was hindered by Michigan's public sector labor laws that permitted unions to block these reforms by refusing to negotiate these changes into union contracts for teachers.

The law held that any change to school district personnel policies, such as teacher placement, evaluations, compensation, layoffs or discipline, would be subject to collective bargaining between district officials and union representatives. Nearly all collective bargaining agreements for teachers required these decisions to be made based strictly on seniority. That is, districts agreed to a "last in, first out" policy, where veteran teachers were prioritized over newer ones. How much teachers helped students learn could not be considered. Schools, in turn, were staffed mostly with employees who were rewarded for their experience instead of those who had the greatest impact on student learning.¹³

In response to teachers unions' threats to prevent the successful implementation of these reforms, legislators introduced additional changes to ensure districts could implement these new accountability measures. In 2011, the Legislature amended the state's labor law and prohibited unions from intervening in the use of these new evidence-based policies meant to improve the educational quality in Michigan. Teachers unions were prohibited from bargaining over the following subjects:

- Teacher placement.
- Teacher layoff and recall procedures.
- Performance evaluations.
- Teacher disciplinary procedures.
- Classroom observations.¹⁴

With these subjects removed from the bargaining table, district officials had the opportunity to pursue policies that rewarded effective teachers and held them accountable for their students' learning. They could no longer be blocked by union representatives seeking to negotiate policies that prioritized seniority over a teacher's effectiveness.

But the passage of new legislation in 2023 reversed these 2011 reforms, returning the previously prohibited subjects to the bargaining table. District officials will have to bargain again over topics they have not had to for a decade or more. They must now be prepared to maintain personnel policies that will have a positive impact on the quality of educators staffed in their schools. A better understanding of the 2011 reforms and why they were important will give school officials the knowledge and tools to more confidently do so.

Research supporting the need for reform

Research consistently supports that teachers play a critical role in student achievement. There are many factors that can influence a child's learning, and only some of them are within a school's control. Many researchers have explored the effects of school-related factors (e.g., teacher qualifications, class size or school schedule) on student achievement. When comparing the different school-related factors that can affect learning, studies consistently point to teachers as having the greatest influence on student achievement. Research also suggests that a teacher's years of experience and degrees earned do not predict their effectiveness at helping students learn. That is, contrary to what many believe, teachers with more years in the classroom or college degrees do not necessarily produce better student outcomes.¹⁵

The best indicator of a teacher's effectiveness is their impact on student learning. Compared to less effective teachers, those who are more effective produce greater student achievement gains. A teacher's ability to improve student achievement is known as "value-added" and is measured by the teacher's impact on student test scores over time.

Teachers with high levels of value-added produce greater achievement gains, even when outside variables that influence students' test performance, such as their socioeconomic status, are considered. A large study that randomly assigned teachers to students and tracked outcomes over time found that evaluation systems using achievement data could accurately predict which teachers would have positive impacts on student learning. That is, the value-added evaluation system produced reliable results — teachers identified as more effective by these measures are actually helping students learn more.¹⁶

Students who learn from highly effective teachers are also more likely to experience positive long-term outcomes, such as attending college and earning a higher salary. One study found that simply replacing low value-added teachers with average ones increased a student's average lifetime earnings by \$50,000, or by more than \$1.4 million for a class of 28 students with a high value-added teacher.¹⁷ The researchers also found that assigning students to a higher rated teacher increased their likelihood of attending college by age 20 at a statistically significant rate. It also improved the quality of colleges attended by these students.

Research supporting the relationship between a teacher's value-added and student achievement has strong policy implications for school boards. According to Eric Hanushek, renowned education economist at Stanford, "If the objective is to improve student performance, student performance should be the focal point of policy."¹⁸ The most effective teachers are those who help their students learn more over time. Therefore, a district's personnel policies should be tied to measures of teacher effectiveness — to include student achievement data — if the quality of the public education system is to improve.

Teacher evaluations and classroom observations

Pre-reform

Prior to the 2011 reforms, teacher evaluation criteria and classroom observations were determined by collective bargaining negotiations at the district level. There was substantial variation in how districts chose to observe and evaluate teachers, but some practices were common. Most districts agreed to provide teachers with a notice of when classroom observations would occur, to limit how long an observation could last and to exempt certain teachers from being observed. School boards also commonly provided means for teachers to challenge the findings of their evaluation.

Student achievement data was either explicitly prohibited or simply excluded from a teacher's evaluation. Gov. Jennifer Granholm and the state Legislature attempted to change this in 2009 by requiring districts to perform annual evaluations that considered a teacher's impact on student learning.¹⁹ But many districts failed to develop evaluation tools that used student data. In 2012, only 18% of the 28 districts and charter schools surveyed in a study used students' standardized test results in teachers' evaluations. None of the schools used student growth or value-added measures to assess the teacher's impact on student achievement.²⁰

The Education Trust-Midwest study also found that many districts used observation tools that neglected to provide space for feedback to support a teacher's professional growth. And many districts failed to perform annual observations of tenured teachers and those with more seniority. These findings suggest that many districts used evaluation systems that were neither reliable nor an accurate measure of teacher performance.

Reform era

Among the 2011 reforms were laws that made it easier for districts to identify and retain the most effective teachers and administrators. The state required student growth to be the "predominant" factor in evaluating teacher performance. It prohibited districts from negotiating with teachers unions over evaluations and classroom observations.²¹ These reforms empowered school officials to develop better evaluation tools for both teachers and administrators.

The 2011 reforms also created standardized procedures and guidelines for conducting teacher and administrator performance evaluations. These requirements underwent multiple iterations over the next few years. The state required districts to evaluate teachers and administrators annually and provide timely and constructive feedback. It required the evaluation system to include measures of student achievement growth. Districts had to use the results to inform employee decisions about tenure, promotion, retention, professional development, certification and dismissal.²² The law was further revised in 2015 to require the evaluation rating to incorporate student assessment data.²³

Lawmakers also established the Michigan Council for Educator Effectiveness. The council, consisting of appointed education experts, conducted research and used its findings to inform recommendations for a model evaluation tool and student growth and assessment metrics. It also made recommendations for improving the reliability of classroom observations as a measure of teacher performance. Many of the council's proposals were later incorporated into statute to provide greater clarity and specificity on the state's recommended evaluation system.²⁴

Policymakers also sought to weigh out the impact of different elements of teachers' evaluations. The weight given to student growth and assessment data changed multiple times. Originally, 50% of the evaluation was to be based on student growth and assessment data. In 2015, the Legislature cut this in half to 25% for the next three school years. It then established a 40% weight beginning in the 2018-19 school year. For teachers of the core subject areas, 50% of the student growth would be measured using results from state assessments. The remainder of the evaluation was based on other teacher performance metrics, such as classroom observations. Finally, the evaluation tool would assign ratings of highly effective, effective, minimally effective or ineffective based on the teacher's level of performance.²⁵

The state's model evaluation system was designed to provide a more accurate, reliable and consistent means of measuring teacher effectiveness. Incorporating student growth and assessment data ensured a standardized and objective measure of teacher performance and improved the tool's reliability and accuracy in predicting a teacher's impact on student achievement. The state's model evaluation system would have made it easier for school officials to accurately identify and retain quality teachers — and remove underperforming ones.

But districts largely failed to implement the state's model system or otherwise meet these new standards. Ongoing debate over the appropriate weight to place on the student growth metrics led to multiple iterations of legislation further tweaking teacher evaluation rules. Teachers unions resisted all changes in favor of maintaining the status quo, and many districts refused to meaningfully modify their evaluation systems.

Post-reform

School districts failed to use their new evaluation tools to accurately identify high-performing teachers. They did this by giving nearly every teacher a satisfactory rating. In each year between 2013 and 2023, the percentage of teachers districts rated as effective or highly effective was either 97%, 98% or 99%.²⁶ With nearly all teachers receiving similar ratings, districts could continue making placement, promotion and layoff decisions as they had done for decades — based primarily on seniority, as teachers unions demanded.

Although districts never genuinely implemented the 2011 evaluation reforms, the Legislature undid most of these reforms in 2023. New laws reduced the number of evaluation rating categories from four to three — making it even more likely that most teachers would receive identical ratings. The categories now are effective, developing, and needing support. This new requirement will make it more difficult for evaluators to distinguish between educators who are exceeding expectations and those who are merely meeting them.

In addition, the Legislature once again amended the evaluation system so that only 20%, instead of 40%, must be based on “locally agreed-on student growth and assessment data or student learning objectives metrics.” School districts are no longer required to include standardized state assessment data in the evaluation, and the student metrics must be determined via collective bargaining.²⁷ Policymakers also removed teacher evaluations and classroom observation procedures from the list of prohibited subjects of collective bargaining for school districts.²⁸

This change means that 80% of a teacher’s evaluation will be based primarily on their performance during classroom observations. These are more subjective measures than student achievement data, which means teacher’s ratings will be less reliable at distinguishing high performers from those who need help. The Michigan Department of Education provides a list of state-approved evaluation tools that districts can use, but they are not limited to this list.²⁹

Unless districts go above and beyond the requirements of the new law — which seems unlikely given their track record with previous reforms — teachers may not receive thorough evaluations that could help them improve. For instance, the new state law requires each teacher to be observed for only 15 minutes, twice per year. Research suggests, however, that more reliable evaluation scores are produced when a teacher is observed for the entire lesson, at least twice per year, by different evaluators.³⁰

These recent changes impose limitations on school officials’ ability to use teacher evaluation systems effectively. But a reliable evaluation rating could still be produced if districts properly weighed out these performance metrics. The ideal way to divide them would be to place a weight of 50% on teacher performance metrics, such as witnessed during classroom observations, another 20% on the required student growth and assessment data and the final 30% on another form of objective data decided at the local level. Student data from standardized assessments will provide the most objective and accurate measure of a teacher’s impact on student learning over time. A balanced evaluation tool that incorporates both student-level and teacher-level data avoids placing too much emphasis on any one performance metric and is the most accurate measure of a teacher’s performance.

Teacher placement, layoff and discipline procedures

Pre-reform

Prior to the 2011 reforms, union contracts dictated how personnel decisions like teacher placement, layoffs and discipline procedures would be made. Teachers could also earn tenure after four years on the job, according to state law. This made it difficult and costly for districts to demote or fire them. Teachers union contracts protected the employment of the most senior teachers, regardless of their classroom abilities, above all others.

Instead of prioritizing a teacher's impact on student learning, unions demanded so-called last in, first out policies. This meant that only a teacher's years on the job mattered when decisions about placement, demotion and layoffs had to be made. This antiquated practice — which treats teachers as if they are interchangeable widgets — leads to districts favoring underperforming veteran teachers over newer ones with promising skillsets. When layoffs were needed, quality teachers new to the profession were removed before poor-performing ones with more seniority.

For administrators, these pre-reform policies made the task of disciplining and removing ineffective veteran teachers very difficult. Any decisions pertaining to teacher layoffs or disciplinary action were subject to a challenge based on the technicalities of the union contract.

The state's teacher tenure law stipulated that terminating or demoting a tenured teacher required districts to meet a high legal standard, known as reasonable and just cause. The burden of proof was on the district to show that the demotion or firing was thoroughly justified. Disciplined teachers had a good chance of winning an appeal as a result, and school officials often faced a lengthy and costly legal process if trying to remove a tenured teacher. The arduous process discouraged many administrators from holding teachers accountable for their poor performance, which meant these teachers maintained their positions.

Reform era

Laws passed in 2011 reformed state policies that made it harder to discipline and remove underperforming teachers. District officials were required now to make personnel decisions based on teacher performance, as measured by the new teacher evaluation system. A drastic change from the last-in, first-out policy, the reforms prohibited district officials from using seniority as the primary factor in making layoff and tenure decisions. The reforms established a more rigorous tenure process by extending the pre-probationary tenure period from four to five years and tying teacher evaluations to tenure decisions.³¹

The reforms also made it easier to take disciplinary action against tenured teachers, if needed, by changing the legal standard from "reasonable and just cause" to "not arbitrary and capricious." This protects teachers from baseless charges against them but does not unnecessarily restrict school officials from removing consistently poor-performing teachers. Teachers could still appeal these decisions, but with the onus now on teachers to prove that disciplinary decisions were arbitrary and capricious. As a result, administrators faced fewer roadblocks to removing and demoting ineffective teachers — at least the few they were willing to identify.

Furthermore, the reforms made it easier for administrators to retain quality teachers by removing the subjects of teacher placement, layoff decisions and discipline procedures from the bargaining table. Since teachers unions could no longer negotiate terms pertaining to these personnel decisions, school officials could use their discretion to retain the most effective teachers and dismiss underperforming ones, regardless of their seniority status.

Taken together, these reforms established a system that prioritized teacher quality over seniority, thus incentivizing teachers to improve their performance. They prevented poorly performing teachers from being protected simply because they had more years in the classroom. In turn, they gave district officials the opportunity to optimize their students' learning by removing ineffective teachers and replacing them with better ones.

Post-reform

In 2023, the Legislature undid most of these reforms, permitting unions to bargain again over teacher placement, layoff decisions and discipline procedures. Teacher performance no longer must be the primary determinant of personnel decisions, meaning districts can make seniority the determining factor once again. While these changes still require teacher effectiveness to be a factor in personnel decisions, it's likely that unions will push districts to revert to the old contract language used before the 2011 reforms. This means seniority will be the dominant factor in personnel decisions for teachers.

The 2023 legislation did not, however, amend the tenure standard of “not arbitrary and capricious” for demoting or firing a tenured teacher. While districts may use a weaker standard again for certain disciplinary decisions, they can still terminate tenured teachers for reasons that are “not arbitrary and capricious.”

But disciplining teachers, as opposed to discharging or demoting them, may become more challenging if teachers unions negotiate policies that re-establish the “reasonable and just cause” standard for discipline. Such districts will find it hard to justify disciplining veteran teachers, even when their professional conduct or performance is harmful to student learning.

Districts under pressure to lay off employees due to budgetary constraints should consider the implications of reverting to seniority-based policies. Eric Hanushek, an expert in the economics of education, performed a simulation to compare personnel policies based on seniority and teacher effectiveness. He summarized the results:

Since seniority-based layoffs generally mean that those with lower salaries are more likely to lose their jobs, more layoffs are required to achieve a given budget reduction. In this simulation, a system based on value-added results in about 25 percent fewer layoffs than one based on seniority. In addition, the typical teacher laid off using a value-added system is less effective than the typical seniority-based layoff, by 26 percent of a standard deviation.³²

Hanushek further asserts that personnel policies that allow for dismissal and replacement decisions to be based on a teacher's effectiveness “would likely result in substantial gains in student achievement.”³³

District officials should exercise caution at the bargaining table to avoid reverting to personnel policies that prioritize seniority over teaching performance and student achievement. Maintaining the reform-era policy is possible — the new laws do not require school boards to adopt or use seniority-based systems for personnel decisions. Personnel policies that prioritize job performance over seniority will go much further in staffing schools with teachers who provide the best possible learning environment for students.

Teacher compensation and merit pay

Pre-reform

Teacher compensation in Michigan is negotiated at the school district level. Nearly all districts agree to pay teachers according to a single salary schedule, which determines pay based only on years of service and education degrees attained. As with teacher placement and layoff decisions, teachers unions negotiated salary contracts that prioritized seniority over teaching ability. Any type of merit-based pay was rare. Compensating teachers based just on their years in the classroom and education attainment made it more difficult for school officials to recruit and retain high-performing teachers. This was especially true in subject areas that were already hard to staff, such as advanced math and science. The single salary schedule also provides no incentive for teachers to improve their performance or their students' achievement.

Reform era

The Obama-era reforms required districts to tie compensation to teaching performance. New legislation in 2010, signed by Gov. Jennifer Granholm, required schools to make job performance, informed by evaluations, a “significant factor” in determining compensation.³⁴ A later reform in 2011 prohibited districts from bargaining over performance-based compensation, theoretically granting them full discretion to attract and reward high-performing teachers.

Districts that implemented the new law would provide incentives for teachers to improve their instruction and their students' learning outcomes over time. Unfortunately, most districts either ignored the law or implemented it in a manner that failed to sufficiently incentivize teachers for their performance.³⁵ There were no ramifications for districts that refused to factor job performance into pay decisions, so nearly all districts continued along the path of least resistance, paying teachers based strictly on years of experience and educational attainment.

Post-reform

In 2023, the Legislature undid the 2011 reforms, removing the prohibition against bargaining over performance-based compensation and eliminating the requirement that job performance be a significant factor in determining teacher pay. With the enactment of these new laws, teachers unions will likely reinstitute salary contracts that give little to no consideration to a teacher's performance when determining compensation rates.

This is despite the large body of research that suggests that more years on the job or academic degrees do little to improve teacher quality.³⁶ District officials should exercise caution at the bargaining table to avoid adopting policies that inevitably dilute the quality of the students' learning environment. Policies that reward effective teachers and tie compensation to robust evaluation systems incentivize teachers to grow professionally and improve their students' performance.

Recommendations for school boards

School boards may be in for some difficult contract negotiations with their respective teachers unions. They will likely be asked to consider issues that they have not had to discuss with their union for a decade or more. Unions will likely push for school boards to simply readopt all the old policies that were designed to reward teachers based strictly on seniority status and remove the school administrator's discretion in making personnel decisions. School boards should tread carefully, as they will handcuff their ability to maintain a corps of high-quality teachers if they give in to all the union demands.

Listed below are several recommendations for district officials involved in these contract negotiations:

- Avoid reverting to personnel policies that weaken accountability measures and make it harder to retain and reward the most effective teachers.
- Maintain standardized student assessment and growth data as a substantial portion (the maximum allowed by law, 20%) of the teacher evaluation system.
- Adopt policies that tie teachers' evaluated performance to personnel decisions, such as placement, layoff and recall decisions, and discipline procedures.
- Avoid policies that prioritize seniority over teacher effectiveness.
- Ensure student achievement remains at the center of decisions made at the bargaining table.

Conclusion

The Michigan Legislature reversed several reforms in 2023 that were inspired by President Obama's Race to the Top program and aimed at helping districts improve student achievement. The new laws water down the teacher evaluation process, making it difficult to differentiate between effective and ineffective teachers. The changes also alter the landscape of collective bargaining, as previously prohibited topics will now be negotiated with teachers unions. School boards must now bargain over terms that have been off limits for over a decade.

School boards faced with greater union pressure may be tempted to agree to policies that undermine administrators' ability to hold teachers accountable for their performance and conduct. But they do not need to. They can and should adhere to reform-era policies that maintain rigorous evaluation standards and allow administrators to make personnel decisions based on the employee's job performance, not just seniority. By adopting policies that hold their districts to high performance standards and reward the most effective teachers, school boards will set the stage for improving student achievement.

Endnotes

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