

THRUN'S EVALUATION TRACKER: STUDENT GROWTH AND ASSESSMENT DATA

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Section 1249 of the Revised School Code was recently amended to include statutory language assigning the weight given to student growth and assessment data in a teacher's year-end evaluation. Student growth and assessment data is referenced throughout Section 1249, and this article will highlight both the new and old language.

Section 1249 outlines the requirements of a performance evaluation system, which include evaluating a teacher's job performance using student growth and assessment data as a factor. The statute requires that a school consider student growth using "multiple measures." Section 1249 cites several examples of these measures, including: (1) student learning objectives; (2) achievement of individualized education program goals; (3) nationally normed or locally developed assessments that are aligned to state standards; (4) research-based growth measures; and (5) alternative assessments that are rigorous and comparable across schools within the district. Regardless of which "multiple measures" a school uses to consider student growth, the evaluator should document in the evaluation tool the measures considered and the teacher should have notice of which measures related to student growth and assessment data will be used in his or her evaluation.

In a memorandum dated June 11, 2015, the Michigan Department of Education identified a number of student growth assessment tools that may be used:

- Vendor-purchased assessments that are applied to all students and that address content that otherwise would be assessed through the state-provided assessments, specifically in language arts and mathematics.

- Common end-of-course assessments applied to all students for subject areas normally assessed by state assessments.
- Use of Student Learning Objectives, or other collectively developed learning objectives that allow for growth determinations based on the assessment of identified student work that is aligned to the learning objective.
- Pre/post assessments that address content standards identified for the subject areas in which students would normally be assessed through use of state-administered assessments.

The MDE also advised:

It is strongly recommended that districts utilize recommendations of the vendor if using purchased assessments which may preclude the use of screening assessments, such as DIBELs or AIMSWeb, to determine student growth. These assessments are not intended for educator evaluation, and should not be used in this manner.

While this is MDE's interpretation of Section 1249, the law does not expressly prohibit the use of DIBELs, AIMSWeb, or any other vendor-purchased assessment to determine student growth. Nonetheless, school officials should review the vendor's recommendations to determine whether the assessment is appropriate for teacher evaluation purposes.

Recent amendments to Section 1249 provide that for the next three school years (2015-16, 2016-17, and 2017-18), 25% of the annual year-end evaluation must be based on student growth and assessment data. Section 1249 does not permit a school to weigh student growth and assessment data more or less than 25%. This change is effective immediately; all evaluations for the current school year must reflect the 25% student growth weight rather than the 50% designated under the previous law.

Section 1249 continues to provide that administrators review student growth and assessment data for a teacher on a three-year cycle by looking at the data from the most recent three consecutive school year period. If data is not available for at least three school years, the year-end evaluation must be based on all data available for that teacher. Also, the law continues to permit school administrators to exempt a particular student's student growth data for a school year. The school administrator or designee conducting the evaluation must recommend the exemption, and the superintendent or designee must approve it.

The new legislation also postponed until the 2018-19 school year consideration of state assessments for core content areas in grades and subjects in which these assessments are administered. In 2018-19, one-half of the student growth and assessment data component must be measured using state assessments. The other half of the student growth component must consider multiple growth measures similar to those listed in (1) – (5) above.

Section 1249 does not permit the discharge of a tenured teacher solely due to poor student growth and assessment data. In *Sharkey v Oak Park*, STC 74-41, the State Tenure Commission recognized that:

Proof of a teacher's unfitness does not rise and fall upon the competitive test scores of his or her students. Rather, the essential con-sideration is the teacher's ability to create a positive educational environment — one that is conducive to learning and that fosters the students' interest in the subject matter.

While student growth and assessment data may be a factor in determining a teacher's ability to impart knowledge, such data cannot by itself prove that a teacher is incompetent. *Matujec v Detroit*, STC 81-70.

If school officials anticipate discharging a teacher for incompetency, the basis for that decision should not rest solely on the teacher's student growth and assessment data. Rather, school officials should focus on the following five

factors: (1) the teacher's knowledge of the subject; (2) the ability to impart it; (3) the manner and efficacy of the teacher's discipline over students; (4) the teacher's rapport with parents, students, and other faculty; and (5) the teacher's physical and mental ability to withstand the strains of teaching. Evidence supporting one or all of these factors may provide cause for the teacher's discharge, but school officials may not base a discharge decision solely on student growth and assessment data.